

**PLAN COMMISSION
MEETING MINUTES
Monday, October 4th, 2021**

Meeting was called to order at 6:00 p.m. by President Palmer

1. Roll Call.

Present: President Palmer, Mr. Michalski, Mr. Cashin, Mr. Kujawa, Mr. Reineke, Ms. Schneider

Absent: None

Also: Thomas Harrigan - Zoning and Planning Administrator/Assistant to the Village Manager, David De Angelis – Village Manager and Hector de la Mora – Village Attorney and applicants

2. Review and act on meeting minutes dated 9/9/21.

Mr. Kujawa motioned to approve the minutes as submitted. Mr. Michalski seconded. Motion carried 6-0.

3. Review and act on a request by Church Unlimited, 14625 Watertown Plank Road, for approval of a Certified Survey Map pursuant to §305-7, a rezoning of the proposed Lot 1 to a single-family zoning designation, and for an amendment to the Village Comprehensive Plan pursuant to §335-75.

President Palmer recognized Attorney Steven Schmuki, counsel for Church Unlimited.

Attorney Schmuki presented the changes that have been made to the CSM based on the comments provided at the September 9th, 2021 Commission meeting. The following changes have been made:

1. The linear expanse of property frontage along Watertown Plank road now meets the Rs-1 zoning code.
2. The location of the southern lot line have been repositioned to match up to the existing rear lot line of the property to the west.
2. Setbacks – The Eastern side yard setback will not meet the RS-1 minimum side yard setback requirements, but all other setbacks are complaint.
4. The total square footage of the lot is in keeping with the Rs-2 zoning classification. It was discussed that the commission would entertain that as an exception as there are other existing RS-1 homes in the immediate neighborhood which do not meet the minimum 25,000 square footage requirement of Rs-1 zoning (proposed lot to be 20,060 square feet).

President Palmer commented that it would be preferable to see the proposed footprint of the driveway servicing the single-family lot on the CSM.

Attorney Schmuki stated the existing western most driveway would be saw cut to make it code complaint.

Mr. De Angelis clarified that the recommendation from the Commission to the Board of Trustees is for the re-zoning of the proposed Lot 1 on the CSM to RS-1 single-family zoning and the Comprehensive Plan Amendment (future land use map).

President Palmer agreed that these actions can all be made in one motion, however it is recommend Lot 1 be rezoned to Rs-2 single-family zoning.

Mr. Cashin inquired if there will be any issues with spot zoning.

Attorney de la Mora noted this topic was discussed at a previous Commission meeting. There are a number of Rs-1 zoned properties immediately adjacent to the proposed Lot 1 that do not meet the square footage requirements of Rs-1.

President Palmer stated the intention should be to not continue creating non-conforming properties. Since this lot is being created as new, the commission has the opportunity to make code complaint as Rs-2.

Mr. Cashin agreed Rs-2 is very much in character with the neighborhood.

Mr. Kujawa motioned to recommend approval of the Certified Survey Map pursuant to §305-7, a rezoning of the proposed Lot 1 to a Rs-2 single-family zoning designation, and for an amendment to the Village Comprehensive Plan pursuant to §335-75, Mr. Cashin seconded. Motion carried 6-0.

4. Review and act on a request by Curt Waddell, 13906 Watertown Plank Road, for a road reservation vacation request pursuant to Wis. Stat. §66.1003(4).

Mr. Waddell was present before the Commission.

Mr. Waddell explained that it was recently discovered that he does not technically own the 12' strip of land immediately adjacent to his home, which services the private driveway to Watertown Plank Road.

At this time, Mr. Waddell is requesting the Village vacate this land to make it part of the lot that we always assumed we own, 13906 Watertown Plank Road.

Mr. De Angelis noted the two lots Mr. Waddell owns are technically flag lots.

Mr. Michalski motioned to recommend approval of the vacation to the Public Works Committee and the Board of Trustees, Mr. Kujawa seconded. Motion carried 6-0.

5. Review and act on a request by Michael Klein, 13320 Watertown Plank Road, for approval of a Plan of Operation pursuant to §335-85 and a request for an adjustment to required parking pursuant to §335-32L.

Mike Klein was present before the Commission.

President Palmer asked Mr. Klein if anything has changed in the application materials.

Mr. Klein stated that nothing has changed. Mr. Klein explained the property was purchased last year. Previously the building has operated as restaurant and bakery for the past 30 years. The proposed plan is to create a two story cafe.

Mr. Klein summarized the new floor configuration. There will be a mezzanine level on the second floor and the existing deck on the rear of the building would be refinished. The retail space would be occupied by a best in class nationally recognized coffee shop and the hours of operation are proposed to be 7:00 a.m. to 4:00 p.m.

Mr. Kujawa asked if food will be offered.

Mr. Klein stated that breakfast sandwiches, salads and light fare would be offered.

President Palmer noted the building currently has 6 parking stalls in the rear of the property, and it opens up to an alley. The site plan demonstrates that three additional spaces would be added in this location.

President Palmer asked the Commission if they would like to make a condition that the employees have to park in the rear of the building.

Mr. Klein stated that he is comfortable with that being a condition of approval, also there may need to be ADA parking in the back as well.

Attorney de la Mora asked if Mr. Klein has spoken with adjacent property owners in the downtown about a potential shared parking arrangement.

Mr. Klein stated the closest location that would even entertain the concept would be Town Bank.

President Palmer stated that the reality is, a business operated here in the past with even less parking. The goal is to get some activity in the downtown and we have a parking code that is not terribly flexible.

Attorney Mike Deanzer, representing Julie Karasek of Patched Works, was present before the Commission. Mr. Deanzer stated his client is very worried about the proposed parking arrangement. The concern is that the access easement which is shared between Ms. Karasek's property and Mr. Klein's will result in patrons of the coffee shop parking on Ms. Karasek's property, which will negatively affect her business.

Mr. Kujawa asked if there has been any negative effect on parking for the Patched Works in the past?

Ms. Karasek stated the interior patron space of the previous cafe was significantly smaller.

President Palmer ask Ms. Karasek when Patched Works is operating, have there been times when your customers not been able to find parking.

Ms. Karasek stated that within the past 18 months, there have been problems at times.

President Palmer asked what Ms. Karasek has done to address that issues when it is occurring. President Palmer asked if there is "no parking" sign posted on site.

Ms. Karasek stated there is an existing sign, and she will be getting another sign.

President Palmer noted the police may need to be contacted when there are parking conflicts onsite.

President Palmer asked if Ms. Karasek is opposing the application.

Mr. Deanzer, stated his client is opposed to the proposed Plan of Operation.

Mr. De Angelis stated there would be 9 parking spaces total which is half of what the parking requirement would be.

President Palmer asked the Commission if they feel it is acceptable to approve the Plan of Operation with the parking not being met. In past visits to the business when it had been operating, the majority of patrons were not parking in the back. Historically, these issues have been resolved with a cross parking easement.

Mr. De Angelis asked Mr. Klein how many stalls the property he owns next door at 13300 Watertown Plank Road has available. The intention here is to find a way for off street parking to be co-located.

Mr. Klein inquired if this would be considered a sharing of the parking spaces, not dedicating them.

Mr. De Angelis suggested this option may be something that could be very accommodating for yourself and might alleviate Ms. Karasek concerns.

President Palmer noted the overall proposal and Plan of Operation is very beneficial for downtown.

Mr. Klein stated he will begin drafting a cross access parking easement for his two properties.

Attorney de la Mora suggested the applicant should put up signs that demonstrate the shared parking is for both the Fairgrounds Coffee and the Plank Road Shops. Also, Attorney de la Mora requested the ability to review the proposed cross access parking easement once it has been drafted.

Mr. Kujawa motioned to approve the Plan of Operation pursuant to §335-85 and the request for an adjustment to required parking pursuant to §335-32 K and L. Mr. Michalski seconded. Motion carried 6-0.

6. Review and act on a request for a plan of operation for Live Better Massage LLC pursuant to §335-85 and §335-23C(41) for a unspecified use which is found to be similar in character to those principal uses found within the B-2 Office Business District.

Lorrie Dunlop, owner operator of Live better Massage was present before the Commission.

Mr. Dunlop stated her business is a Thai massage therapy center.

Attorney de la Mora noted this particular use is not specifically identified in the B-2 Office business district as a Permitted Use, which necessitated the Conditional Use Permit.

Mr. Kujawa motioned to approve the plan of operation for Live Better Massage LLC pursuant to §335-85 and §335-23C(41) for an unspecified use which is found to be similar in character to those principal uses found within the B-2 Office Business District. Mr. Cashin seconded. Motion carried 6-0.

7. Other Business

None.

6. Adjournment

Mr. Michalski motioned to adjourn, seconded by Mr. Cashin, Motion carried 6-0.
Meeting adjourned at 7:11 P.M.

Respectfully Submitted,

Thomas Harrigan
Zoning and Planning Administrator/Assistant to the Village Manager