

DISCLAIMER – THE FOLLOWING ARE DRAFT MINUTES FROM THE PLAN COMMISSION AND ARE SUBJECT TO CHANGE UPON APPROVAL FROM THE PLAN COMMISSION

**PLAN COMMISSION
MEETING MINUTES
Monday, December 3rd, 2018**

Meeting was called to order by President Palmer at 7:00p.m.

1. Roll Call.

Present: President Palmer, Mr. Reineke, Mr. Jodie, Mr. Michalski, Mr. Cashin, Mr. Long

Absent: Mr. Kujawa

Also Present: Thomas Harrigan, Zoning and Planning Administrator, David De Angelis, Village Manager, Hector de la Mora, Village Attorney, and applicants.

2. Review and act on meeting minutes dated 10/1/18.

Mr. Michalski motioned and Mr. Cashin seconded to approve the meeting minutes dated 10/1/18. Motion carried 6-0.

3. Review and act on a request for a plan of operation for Phlow massage therapy pursuant to §335-85 and §335-24C(9) for a unspecified use which is found to be similar in character to those principal uses found within the B-3 Mid-rise office and professional business district.

Teressa Schaepe, owner of Phlow, LLC, was present before the Commission.

Ms. Schaepe provided the Commission with a summary of her Plan of Operation and explained that Phlow Massage will specialize in several varieties of massage therapy.

Mr. Long asked Ms. Schaepe if she will be the sole operator of the business, and if there will be any additional employees.

Ms. Schaepe confirmed she will be the sole operator of the business.

President Palmer asked Ms. Schaepe if anything in her Plan of Operation and Conditional Use Permit application has changed since the application package was submitted to the Village.

Ms. Schaepe stated that nothing has changed.

Mr. Michalski and Mr. Jodie seconded to recommend approval of the Conditional Use Permit to the Board of Trustees. Motion carried 6-0.

Mr. Harrigan informed Ms. Schaepe the Village Board of Trustees will take up the Plan Commission recommendation at the December 17th, 2018 Board meeting.

4. Review and act on a request for a demolition permit for a single family residential home located at 1250 Fairhaven Boulevard pursuant to §106-11 to §106-14.

Property owners, Mr. and Mrs. Vrakas, were present before the Commission.

Mr. Vrakas indicated to the Commission that he has experienced complications in securing a demolition contractor of reliable quality in such short notice. As the existing residence experienced a catastrophic fire on October 6th, 2018, he is working with the insurance company to bring closure to the situation and have the existing structure demolished. In effort to keep the process moving, not all of the required items within the demolition permit application are available for review at this time.

Mr. Harrigan stated that due to this extraordinary circumstance, Village Staff is comfortable bringing the incomplete demolition application before the Commission at this time. Any approval would be contingent on a complete engineering review of the application and all outstanding items being submitted prior to issuance of a demolition permit.

Mr. Reineke asked if the well is potable and if it will be abandoned as part of the demolition.

Mr. Vrakas stated the potable well will be abandoned.

Mr. Michalski motioned and Mr. Long seconded to approve the demolition permit contingent on an acceptable engineering report and all outstanding demolition items being submitted. Motion carried 6-0.

5. Review and act on a request for a demolition permit for a single family residential home located at 1655 Shady Lane pursuant to §106-11 to §106-14.

Property owner, Mr. Bonfilio, was present before the Commission.

President Palmer asked Mr. Bonfilio if anything has changed with the demolition permit application since it was submitted to the Village.

Mr. Bonfilio indicated that nothing has changed.

Mr. Harrigan informed the Commission that wetland indicator soils have been identified as existing on the property. Due to this, a wetland determination will need to be completed during the growing season in order to verify wetlands do, or do not exist on the property. Mr. Harrigan stated the Village is willing to issue the demolition permit if additional measures are taken to protect the areas of the property that have been identified as containing the indicator soils. There is to be no land disturbance in these specific areas until the wetland determination can be completed.

Mr. Bonfilio stated the intention will be to remove the existing structure and return the site to grade until the growing season returns and the wetland determination is completed.

Mr. Cashin motioned and Mr. Reineke seconded to approve the demolition permit on condition that all the outstanding items within the demolition permit checklist are submitted to the Village. Motion carried 6-0.

6. Review of existing and potential conditional use zoning provisions with discussion and possible referral to a governmental body.

President Palmer asked Mr. Harrigan to provide a brief background summary on the new legislations which regulates Conditional Use Permits in the State of Wisconsin.

Mr. Harrigan explained that the Wisconsin State Legislature passed Act 67 in 2017. This new law has made substantial changes to the authority of communities and their abilities to regulate private property through the issuance of conditional use permits. Before Act 67 became law, communities had the ability to allow certain land uses that were not included as permitted uses in specific districts. This was able to be done if the community determined through some ad hoc, or generalized qualifying criteria was able to be met. Act 67 has transitioned the issuance of Conditional Use permits into a more controlled process.

Attorney de la Mora explained the Act now requires that a conditional use permit be granted if the applicant meets, or agrees to meet, all of the requirements and conditions specified by ordinance. The Act states that these requirements and conditions must be reasonable and, to the extent practicable, based on substantial evidence. Substantial evidence is defined as:

“Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.”

President Palmer suggested it may be appropriate to review the existing Conditional Uses within each zoning district and determine if they can be defined in a very clear and specific manner so the remains no ambiguity.

Attorney de la Mora suggested it may be helpful to review those zoning districts which are most used within the Village and to begin the review of those Conditional Uses.

The Commission was in agreeance that this item should be referred to the Legislative Committee for review and Village Staff shall determine which zoning districts are first reviewed under the new law, Wisconsin Act 67.

7. Other Business

None

8. Adjournment

Mr. Long motioned and Mr. Cashin seconded to adjourn the meeting. Motion carried 6-0.

Meeting adjourned at 6:49 p.m.
Respectfully Submitted,

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