

**VILLAGE OF ELM GROVE
BOARD OF TRUSTEES
April 22, 2019**

Present: President Palmer, Trustees Haas, Domaszek, Michalski, Kressin, and Irwin. Trustee Cornell excused.

Also Present: Village Manager David De Angelis, Village Clerk Mary S Stredni, Zoning/Planning Administrator Thomas Harrigan, and Assistant Village Attorney Chris Koehnke.

President Palmer brought the meeting to order at 7:30 p.m. Mary S Stredni took the roll.

President Palmer led the Pledge of Allegiance.

1. Public Hearing

Chapter 335-86 Short Term Rentals

Scott Shulick, 1155 Church St - Questioned why the RM-2 district is not included in the Short term rentals.

There were no other comments on this item.

President Palmer moved to amend the agenda and the following Plan Commission item be voted on after the Public Hearing. Trustee Michalski seconded.

Conditional Use Permit for professional home office/child care facility at 12400 Laurel Ln.

Cherrie Bratchett, applicant – stated that she is looking to transfer her home day care to the Village of Elm Grove. Hours will be 6:00 a.m. to 4:00 p.m. with a maximum of 8 children.

Tom Curtis, 1505 Longwood Ave. – Questioned how many home day care facilities are in the Village now. Concerned with how this will affect the residential neighborhood.

Mike Danielson, 2005 N. 124th St. – Concerned that in home day care will have a negative effect on the residential neighborhood with increased traffic and a fence. Opined that a daycare belongs in the commercial area.

Brian Fink, 12405 Laurel Ln. – A 22 year resident; this property has always been a rental. Concerned with increased traffic; it is already horrendous. Believes will become a safety issue; there is no walkway to the front entry of the home. Opined this would change the fabric of the Village.

Justin Peters, 12420 Laurel Ln. – Moved to Elm Grove for a reason and doesn't want a business 10 feet from his bedroom.

Paul Mueller, 12450 Wrayburn Rd. – This in home day care will require a fence, and they aren't normally allowed in the Village. Does not understand why this is being considered. Questioned if his taxes will go down because his value will. Does not want more strangers in the Village.

As there were no further comments, President Palmer closed the Public Hearing.

Plan Commission – Review and act on Conditional Use Permit for professional home office/child care facility 12400 Laurel Ln.

President Palmer moved to deny the request for a Conditional Use Permit for a Professional Home Office as the in-home day care would not comply with the definition of a Professional Home Office as defined in the

Code of Ordinances; the Ordinance was written to accommodate a property owner, not intended for a tenant. Other Professional Home Office and Home Occupation Conditional Use Permit applications have been denied because operating the business out of the home would create an increased volume of additional traffic in the residential area. Trustee Haas seconded the motion.

Trustee Domaszek stated that the request for a home day care does not adhere to the Professional Home Office ordinance. Zoning and Planning Administrator, Tom Harrigan stated that the total square footage of the home is approximately 1700 square feet, 25% of which is 425 square feet. The definition of Professional Home Office states, "The Professional Home Office shall not exceed 25% of the area of one floor of the residence and there are no nonresident employees." The applicant would have to determine which rooms to be used would comply with this special requirement. Mr. Harrigan noted that applicant does in fact intend to live in the home. Trustee Haas opined that it still does not fit the definition of a Professional Home Office. In support, he noted that the ordinance for the B-2 office business district lists a Professional Office and a Day Care Center as separate permitted uses.

Attorney Koehnke informed the Board of the requirements contained in Wis. Stat. § 66.1017 which states that "no municipality may prevent a family child care home from being located in a zoned district in which a single-family residence is a permitted use." Attorney Koehnke went on to state that Wis. Stat. § 66.1017 does not prevent the Village from regulating a home child day care, but that the statutes require the Village to apply the same "zoning regulations applicable to other dwellings in the zoning district." Attorney Koehnke informed the Board that any regulations or standards that it wished to apply to a Conditional Use Permit for a home day care must be the same standards the Village would apply to other applicants seeking a conditional use permit for a home occupation or professional home office.

President Palmer stated that §335-94 was approved to allow a homeowner to have a business without adding traffic and people coming and going. Opined that this is how it has been previously applied. Motion carried 6-0 to deny.

2. Public Comment

Rick Fronberry, 1025 Lower Ridgeway - Made comments regarding the Downtown Master Plan and stated that he is for redevelopment in the downtown. Against the size and scope of the current proposal. Opined that residents have always wanted to keep Elm Grove quaint, walkable, and small. Most of the current downtown businesses are small family businesses and should be kept that way; the new plan does not consider enough parking, downtown apartments are not needed and are unrealistic. Requested that there be additional meetings regarding the downtown master plan.

Also opined that the Village has not kept residents in the loop regarding the daylighting of the creek.

Tom Blanchard, 905 Kurtis Dr. – missed the last meeting regarding the Downtown Master Plan and wondered how long people have to make comments. President Palmer stated that the Board of Trustees will take comments until the Plan is voted on.

3. Agenda

Trustees Michalski and Kressin moved and seconded to approve the amended agenda. Motion carried.

4. Minutes

Trustees Kressin and Domaszek moved and seconded to approve the March 25, 2019; minutes. Motion carried.

5. Report of the Village President

President Palmer and Trustee Kressin moved and seconded to approve the appointments to Committees, Commissions, and Boards for 2019 – 2020. Motion carried.

President Palmer noted that he is waiting for acceptance from one person, who will be replacing Gus Moulas on Public Safety.

6. Fire Department – monthly report in binder
7. Police Department– monthly report in binder

Chief Gage provided information on a Suburban Critical Incident Team (SCIT) Rescue Vehicle which the group would like to purchase. The approximate cost is \$300,000 and would be divided by the nine communities. Consensus of the Board to approve the conceptual idea and requested that Chief Gage bring back to the Village Board the exact costs, funding options, ownership of vehicle, maintenance and insurance costs, and where vehicle would be housed.

8. EMS Department– first quarter report in binder
9. No report of the Village Clerk
10. Report of the Village Manager
 - A. Amendment to Chapter 275-4 Parking, stopping, and standing
Trustees Haas and Domaszek moved and seconded to approve. Motion carried.
 - B. Special Event Permit – Cruisin The Grove 2019 Classic Car & Motorcycle Show
Trustees Michalski and Irwin moved and seconded to approve the event, which is the same as last year. Motion carried.
 - C. Update and review of Downtown Master Plan Open House
The Board of Trustees determined that a Committee of the Whole will be held to discuss the comments from the open house and determine what the next step will be.
 - D. Review and act on part-time intern
Trustees Kressin and Domaszek moved and seconded to approve the hiring of a part-time intern for the Village Manager and Zoning Administrator. Motion carried.
 - E. De Angelis noted that he is hopeful that Watertown Plank pathway construction will begin June 1st. Board requested that staff work on amendment to ordinance regarding placement of woodpiles as at this time it only states that a woodpile must be orderly. Request to include where a woodpile can be placed: front yard, side yard, etc. and refer to the Legislative Committee.
11. Report of the Village Attorney – No report

12. Standing Committees

- A. Plan Commission
Trustee Michalski noted that the Plan Commission approved a plan of operation for Kettle Range Meat Company at 13416 Watertown Plank Rd Suite 103. An amended plan of operation for Zister's Restaurant which will allow a 180" projection screen located on the southern portion of the outside patio area was approved.
- B. Library Board - No report
- C. Public Works/Utilities - No report
- D. Public Safety – No report

- E. Legislative Committee
Review and act on Ordinance creating §335-86(I)
Trustee Domaszek stated that on line 31 'but excluding an RM-2 district ' should be changed to include the RM-2 district.
The vote was postponed as the incorrect chapter was listed in the public notice. Item will be re-noticed and on the May agenda for approval.
- F. Park and Recreation Committee - No report
- G. Administrative and Personnel – No report
- H. Finance and Licensing
 - 1. Trustees Haas and Kressin moved and seconded to approve a new operator license for Sarah Marino. Motion carried.
 - 2. Trustees Haas and Kressin moved and seconded to approve the vouchers in the total amount of \$793,885.06. Motion carried.

13. No Other business

14. Adjourn

Trustees Michalski and Domaszek moved and seconded to adjourn at 9:28 p.m. Motion carried.

Respectfully submitted,

Mary S Stredni, Village Clerk