

VILLAGE OF WALWORTH
PLAN COMMISSION MEETING

Monday, September 20th, 2021, 6:00 p.m.
Village Hall, 227 North Main Street, Walworth, WI 53184

Minutes

1. Call to order: This meeting was called to order by Louise Czaja, at 6:00 p.m.
2. Roll Call

BOARD MEMBERS PRESENT: Louise Czaja, Bradley Cousins, Tom Connelly, Annie Zambito, Dan Mizialko and Ed Snyder (via zoom)
ABSENT: None
ALSO PRESENT: Ryan Milligan, Bob Ball, Kristi Reiersen, Shaun Mularkey (via zoom), Ken Hnilo, Geoffery Tikk, David Johnson, Brittany Johnson, Jay Askin, and Corinne Hagen (via Zoom)
3. Pledge of Allegiance
4. Approval of Minutes:
 - A. Plan Commission Meeting Minutes 5/17/2021
 - i. Not available for review; to be reviewed at next meeting
 - B. Plan Commission Meeting Minutes 8/16/2021 (attached)
 - i. Tom Connelly motioned to approve minutes; motion seconded by Dan Mizialko. All in favor, motion carried.
5. Comments from Citizen(s) Present: *Any item presented to the Village Plan Commission by a citizen will be heard may be placed on the next regular meeting's agenda.*
6. **Discussion, Consideration and Action on the following:**
 - A. NEW BUSINESS:
 - i. Title 15, Chapter 3 Historic Preservation
 1. Louise Czaja speaks to the fact that our Village Historic Preservation Ordinances can be applied to the restoration of the old bank building on the Village Square.
 - a. Tom Connelly clarifies the bank building is not currently on the Historic Registry, but it does qualify. An application must first be submitted. He states the benefit in having it registered as a historic building include better financing options (like 0% down loans). However, if the building is registered as a historic landmark, he says it would also be bound by terms of the declaration, restricting certain renovations. He concludes, it may be best to keep the façade intact, do the internal improvements, and then apply to be registered as historic.
 - i. Louise Czaja requests further investigation
 - b. To be reviewed at next meeting
 - B. OLD BUSINESS:
 - i. Public Hearing and Site Visit Review for Site & Operational Plan Proposal for Automobile Repair Business at 229-239 Kenosha St – Geoffrey G. Tikk & Ken Hnilo

1. Louise Czaja comments all nearby property owners were mailed notice of this hearing on September 9th, and the public notice was placed in the newspaper on September 2nd.
 - a. Corinne Hagen of 306 & 308 Kenosha St, present via zoom, states: “Auto repair businesses are a needed service, however, putting one in a residential area is not necessary. I believe the excessive noise will disrupt the people living in the neighborhood and having extra cars sitting around waiting to be repaired or ready to pick up will be a huge detriment to the neighborhood. Overall, I believe this type of business will devalue the homes in the nearby vicinity. I am sure the village of Walworth has more appropriate places for this business.”
 - b. Brittany Johnson, of 309 Kenosha St, present in the room, states: “We’re familiar with Geoff’s business, and think it would be great addition to the community. We wouldn’t be affected by noise or traffic or anything. We don’t think it would be a problem at all.”
 - c. David Johnson, also of 309 Kenosha St, present in the room, states: “My backyard, my garage is looking right at where Geoff would be working. I see no issues with any noise complaints as well. I mean, what is an auto mechanic running? An air compressor and an occasional impact wrench? Turning on my Harleys are louder than that. Geoff does awesome work. Yes, we do have other automotive places in town, but I don’t see why Geoff shouldn’t get great support from everyone around here. When it was a bus company, there were a bunch of buses sitting around for years. I don’t see how a couple of cars are going to affect this negatively.”
 - d. Jay Askin formerly of 227 Bonito St, present in room: “Geoff opens at 8 am closes at 5 pm. He’s not building race cars, so it’s the occasional impact wrench, it won’t be running all day; he won’t be filling the neighborhood with sound. I think there has been pretty good planning as to what’s going to be allowed on the lot. So the fear about having a bunch of wrecked cars in the lot has pretty much been tied up. I know Geoff, he is pretty efficient, and knows that cars in a lot don’t make any money. I am a client of his, I needed some major work done on my pickup truck, I heard of Geoff, and he saved me a lot of money. I’ve been a loyal customer since. I know Geoff’s clientele is mostly elderly, and he generally works at a discount, but gives valuable service.”
 - e. Corrine Hagen speaks again, “8 to 5 is fine but I have someone in one of my rentals that works nights and he has to sleep during those hours. And to have impact wrenches going off would probably be a detriment.
 - f. Louise Czaja reads email comment from Christine Migala:

If I may,

I would like to submit my comments regarding the application from Geoff's Auto for a conditional use permit for the property at the corner of Kenosha St. and Wood St. within the village of Walworth.

Although other auto repair shops are next to residential areas, this particular property is surrounded by homes. I believe the extra traffic and noise created by the tools of this trade would be detrimental to the neighborhood. I believe the proposed shop would reduce property values of the nearby homes. It is my hope that the Village of Walworth Plan Commission does not grant permission for the proposed auto repair shop.

from Christine Migala
228 Kenosha St.
Walworth

- g. David Johnson speaks again: "Living right on Kenosha Street, with the semis, the firetrucks, the police cars, we hear lots of noise all day long. The semis that go by every 2 minutes in the middle of the night that rattle your house are way louder than an impact wrench or an air compressor. To the 3rd shift people, I've done that, I get your concern, but I don't see an issue with this here."
 - h. Geoff Tikk, future automotive business owner: "I've been at my last business 15 years. Most cars I've had in my lot were 4, and 2 of them were mine. I am able to get cars in and out. The noise quits at 5 pm, I can shut door and windows so it all stays inside the building if it is loud while I'm working. The air compressors are in the tucked away in the corner, and the impact drill I don't use all that much. I will keep the place nice and clean looking, because I get that it's in a residential area and I like to contribute to the community."
2. Louise Czaja closes the open hearing and asks for the Village Planning Consultant to go over his report.
 3. Shaun Mularkey, Village Planner, reviews this report with the Plan Commission. He states his big concerns are landscaping surrounding the parking lot, and a maximum number of vehicles allowed outside at any one time.
 4. Ken Hnilo, petitioner present in room, provides Plan Commission an informational packet of information about how Geoff's Auto plans to address potential issues. Pages 1 and 2 are aerial views of parcel in question. Page 3 has photos of the current building. Page 4 compares the old Kerner Bus Service to proposed Geoff's Auto Body. Page 5 shows noise issues are to be avoided with set Hours of Operation. Page 6 shows any visual issues can be tackled by planting arborvitae and/or planters.
 5. Tom Connelly comments how the Future Land Use Map has been changed to preserve residential areas. He reads off page 74 Future Land Use Plan, "Specifically, single family residential uses are planned for several parcels along Kenosha street that are presently zoned commercial. Over the planning period, these properties should be re-zoned R-1 to preserve the street's residential character and to avoid continuous strip of commercial development between the downtown square and the east side commercial district." He concludes that unless the Plan Commission wants to edit the Comprehensive Plan, he does not

believe it is in their best interest to grant another commercial conditional use permit.

- a. Shaun Mularkey comments the property is already zoned commercial, and that courts have found that conditional uses do not have to comply with the Comprehensive Plan; property owners of commercial parcels have certain rights. Village cannot deny just because it doesn't comply with the Comprehensive Plan.
 - b. Ken Hnilo comments he purchased property because it was a commercial parcel.
6. Tom Connelly asks if there is a way to limit the traffic by dictating the ingress/egress to the shop.
 - a. Shaun Mularkey requests the missing items from his report to be added to the map and attached to the application.
 - i. Ken Hnilo agrees to this condition.
 7. Shaun Mularkey asks for Plan Commission comments on landscaping and planters
 - a. Ken Hnilo mentions his concern that planters will only attract more attention to the property, versus detract attention from.
 - i. Ed Snyder suggests using shrubs instead of flowers.
 8. Tom Connelly comments the biggest concern is the amount of cars
 - a. Shaun Mularkey agrees he needs a concrete number of cars that will be outdoors at any one time.
 - i. Geoff Tikk attests there will be no more than 6 cars outside at any one time.
 9. Louise Czaja instructs the conditional use permit should be submitted with a copy of the public hearing meeting minutes with the additional items added to the report of:
 - a. 6 car limit
 - b. additional landscaping
 - c. an operational map with ingress and egress marked
 10. Annie Zambito motions to approve the Conditional Use Permit, as presented with conditions above. Louise Czaja seconds motion.
 - a. The public hearing included
 - i. 2 comments of concerned citizens (no)
 - ii. 3 citizens in support of (yes)
 - b. Dan Mizialko abstains from voting due to conflict of interest.
 - c. All in favor; motion approved with the following conditions:

1. The Conditional Use and Site Plan/Plan of Operation approval is limited to Kenneth Hnilo and Geoffrey Tikk (dba Geoff's Auto Repair) on the existing parcels known as VWP 00275 & VCA 00019. The conditional approval does not limit the lawful use of the remainder of the property regulated by zoning. The approval shall reflect the following Plan of Operation:

a. Uses and activities: Automotive repair limited to the area designated on the plans including the garage building and paved area directly east, but excluding the paved area to the north of the garage (with access from Kenosha St) and the paved area to the south (zoned R-1).

b. Hours of operation: Monday to Friday 8:00 AM to 5:00 PM; Saturday 9:00 AM to 12:00 noon; closed Sunday.

c. Maximum number of employees: One (1)

d. Maximum number of vehicles for repair/pickup on site at any time: 6 car limit.

e. additional landscaping

f. operational map with ingress and egress.

2. This Conditional Use approval is subject to Kenneth Hnilo and Geoffrey Tikk (Geoff's Auto Repair) complying at all times with the plans and documents presented to the Village of Walworth Plan Commission on September 20, 2021, except as further restricted or modified herein.

3. The conditional use shall only remain in effect as both properties are under common ownership by Kenneth Hnilo.

4. The Petitioners shall submit a complete sign application per Sec. 13-1-102 of the Village of Walworth Code of Ordinances for review and approval prior to construction of any signage.

5. The Petitioners shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.

6. The Petitioners shall allow Village of Walworth representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.

7. The Petitioners shall obtain the appropriate permits from the Village of Walworth.

8. The Petitioners shall, on demand, reimburse the Village of Walworth for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Village of Walworth by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Village of Walworth must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Village of Walworth, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village of Walworth, including possible cause for termination of the conditional approval.

9. Other Conditions.

a. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Walworth, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.

b. This Conditional Use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village of Walworth Plan Commission as being in compliance with all pertinent ordinances.

c. Should the permitted Conditional Use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the Conditional Use may be terminated by action of the Village of Walworth Plan Commission, pursuant to the enforcement provisions of this Conditional Use Order.

d. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.

e. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this Conditional Use Order may be amended upon the prior approval of the Village of Walworth Plan Commission if the Village of Walworth Plan Commission finds the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Village of Walworth Plan Commission feels, in its sole discretion, to be substantial, shall require a new permit, and all procedures in place at the time must be followed.

f. Should any paragraph or phrase of this Conditional Use Permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the Conditional Use and the remainder shall continue in full force and effect.

g. If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this Conditional Use is in conflict with any other aspect of the Conditional Use or any aspect of any plan of the Conditional Use, the more restrictive provision shall be controlling as determined by the Village of Walworth Plan Commission.

- ii. TIF Funds – 10 years left and plan commission should take initiative
 - 1. To be reviewed next meeting
 - 2. Louise Czaja requests plan commission members to contribute ideas as to how to designate funds.
 - 3. Tom Connelly reads from agenda document ‘Project Plan for the Creation of Tax Incremental District No. 1.’ Based on this, he thinks the TIF grant could be used for a façade grant to encourage development of downtown area. **“CASH GRANTS (DEVELOPMENT INCENTIVES).** The Village may enter into agreements with property owners, lessees, or developers of land located within the District for the purpose of sharing costs to encourage the desired kind of improvements and assure tax base is generated sufficient to recover project costs. No cash grants will be provided until the Village executes a developer agreement with the recipient of the cash grant. Any payments of cash grants made by the Village are eligible Project Costs”
- iii. Hamlin Street Report Update – Ryan Milligan
 - 1. Site Visit
 - a. Site Visit Rescheduled to October 18th at 6 pm.
 - b. Ryan Milligan comments that he and his neighbor/the other impacted property owner are scheduling a new survey to be taken, and have secured legal counsel, required to move forward.
 - i. To be revisited next meeting.

7. ORDINANCES:

- A. Notice to Petitioner – Updated Draft Attached.
 - i. Louise Czaja motions to postpone this item to next meeting; seconded by Tom Connelly. All in favor, motion carried.
- B. Recodification Process Update
 - i. Louise Czaja comments this has been referred to finance.

8. Building/zoning Inspector's Report

- A. Not present to provide report.

9. Items for Next Month’s Agenda

- A. AT&T wireless

10. Adjournment.

- A. Louise Czaja motions to adjourn the meeting; Tom Connelly seconds the motion. All in favor, motion carried. Meeting is adjourned at 7:12 PM.

cc: Village Board, Walworth Times, Lake Geneva Regional News