



**VILLAGE OF WHITEFISH BAY  
PLAN COMMISSION AGENDA**

**August 23, 2016 – 7:00pm**  
**Whitefish Bay Village Hall**  
**5300 N. Marlborough Dr., Whitefish Bay, WI 53217**

1. Call to Order.
2. Approval of the Minutes of the Regular Meeting of June 21, 2016.
3. **PUBLIC HEARINGS**
  - a. On Conditional Use Grant Application for *Henderson Law Office* – 601 E. Henry Clay St.
  - b. On Conditional Use Grant Application for *Yellow Wood* (requesting approval for outside display of items) – 401 E. Silver Spring Dr.
4. **NEW BUSINESS**
  - a. Review and action on Conditional Use Grant Application for *Henderson Law Office* – 601 E. Henry Clay St.
  - b. Review and action on Conditional Use Grant Application for *Yellow Wood* (requesting approval for outside display of items) – 401 E. Silver Spring Dr.
5. Adjournment

**Note: It is possible that members and/or possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; action will not be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in the notice.**

Dated: August 17, 2016, Paul Boening – Assistant Village Manager

**VILLAGE OF WHITEFISH BAY  
PLAN COMMISSION MINUTES**

**June 21, 2016 – 7:00pm**  
**Whitefish Bay Village Hall**  
**5300 N. Marlborough Dr., Whitefish Bay, WI 53217**

1. Call to Order.

President Siegel called the meeting to order at 7:02pm. Present: Commissioners Helfer, Serebin, Moore, Sauer and Siegel. Also Present: Assistant Manager Paul Boening.

2. Approval of the Minutes of the Regular Meeting of May 17, 2016.

Commissioner Moore moved, seconded by Commissioner Helfer to approve the minutes of the regular meeting of May 17, 2016. Motion Carried, 5-0.

3. **PUBLIC HEARINGS**

- a. On Conditional Use Grant Application for *The Blohm Group* (Insurance & Financial Services Office) – 5167 N. Elkhart Ave.

Applicant Gabrielle Blohm introduced herself and summarized her brokerage business. She also noted that a lot of her business transactions take place via phone or online. There were no public comments. President Siegel closed the public hearing at 7:08pm.

**\* Item 3b was addressed after item 4a \***

- b. On Conditional Use Grant Application for *Painting with a Twist* (Art Studio) – 601 E. Silver Spring Dr. (Second Floor).

Mick McDermott was present on behalf of applicant Brendan Makarewicz. Mr. McDermott summarized the proposal and noted that approximately 30 patrons would attend each class offering. Discussion followed regarding ADA access to the second floor space. Assistant Manager Paul Boening clarified that the State of Wisconsin would conduct the required ADA review, and he reminded the Commission that any Village approval would be subject to the approval of all outside agencies. Therefore, the business would not be permitted to operate without complying with ADA and other requirements. Discussion also took place regarding the proposed sale of alcohol. There were no public comments. President Siegel closed the public hearing at 7:25pm.

4. **NEW BUSINESS**

- a. Review and action on Conditional Use Grant Application for *The Blohm Group* (Insurance & Financial Services Office) – 5167 N. Elkhart Ave.

Commissioner Moore moved, seconded by Commissioner Serebin to approve the Conditional Use Application as submitted with the maximum hours of operation as permitted by Code. Motion Carried, 5-0.

- b. Review and action on Conditional Use Grant Application for *Painting with a Twist* (Art Studio) – 601 E. Silver Spring Dr. (Second Floor).

Commissioner Moore moved, seconded by Commissioner Serebin to approve the Conditional Use Application as submitted with the maximum hours of operation as permitted by Code. Motion Carried, 5-0.

5. Adjournment

Commissioner Serebin moved, seconded by Commissioner Moore to adjourn the meeting at 7:26pm. Motion Carried, 5-0.

Respectfully Submitted,  
Paul Boening – Assistant Village Manager

DRAFT



Village of Whitefish Bay  
5300 N. Marlborough Drive  
Whitefish Bay, Wisconsin 53217  
Phone: 414-962-6690  
Fax: 414-962-5651

## Memorandum

To: Plan Commission  
From: Paul Boening – Assistant Village Manager  
Date: August 19, 2016  
Re: Henderson Law Office Conditional Use Permit Application

---

### Executive Summary

Attorney Kevin Henderson submitted a Conditional Use Application to operate a law office at 601 E. Henry Clay Street (southeast corner of Henry Clay Street & Hollywood Avenue).

The property in question is zoned District 5 (Apartment District). Street level offices in District 5 require Conditional Use approval (Sections 16.08(1)(d) and 16.09(1)(f) of the Zoning Code.

### Requirements

Under the Village Code of Ordinances, the applicant must meet the subsequent legal requirements to operate the proposed business within the Village.

- The applicant must comply with the zoning district laws that fall under Section 16.09 of the Whitefish Bay Municipal Code. This includes all subsequent laws including the uses of retail and services in the Business District, as well as all matters of the Plan Commission's review of the business at the hearing.
- Signage for the proposed business must meet the standards of Section 16.18(D)(3) which lays out the requirements for signs in District 5.
- The applicant is requesting to operate the business from 8:00am – 3:00pm, Monday - Friday. The proposed hours comply with Section 8.01 (8) of the Village Code, which dictates that no business can be operational between the hours of 10pm and 6am.
- "Off-street on-site" parking is required in District 6 as dictated by the parking utility in Section 6.065. The Plan Commission must rule on whether or not this is acceptable to bypass this requirement of the code considering the size of the operation and other parking options provided in the area. Based on the square footage of the office use (800 sq. ft.) and the proposed number of employees (3), there would be a requirement of (4) total stalls needed based on the designations of Section 6.065. The applicant has indicated that both staff and customers would utilize street parking. It will be up to the discretion of the Plan Commission

to decide whether or not to omit the parking requirements for the business based on the application and the operation of the business.

**Recommendation**

Staff recommends approval of the Conditional Use Permit for Henderson Law Office at 601 E. Henry Clay Street subject to compliance with all conditions and guarantees that are described in Section 16.091 of the Zoning Code.



Village of Whitefish Bay  
5300 N. Marlborough Dr. ❖ Whitefish Bay, WI 53217  
Phone: (414) 962-6690 ❖ Fax: (414) 962-5651

## CONDITIONAL USE APPLICATION

VILLAGE ORDINANCE SECTION 16  
www.wfbvillage.org

**APPLICATION FEE: \$100**

*Application fee should be made payable to Village of Whitefish Bay upon submittal of completed application.*

Please complete the application by typing or printing in ink. Use additional paper if necessary.

**1. Property Owner Information:**

Company name: Haase Enterprises, L.L.C.  
Last name: Haase First name: David  
Address: 5168 N. Hollywood City/State/Zip: Whitefish Bay, WI 53217  
Phone number: 414-964-4080 Email address: \_\_\_\_\_

**2. Applicant Information: (if different from above)**

Company name: Henderson Law Office  
Last name: Henderson First name: Brian & Kevin  
Address: 230 W. Wells St., Suite 300 City/State/Zip: Milwaukee, WI 53203  
Phone number: 414-276-2020 Email address: kuhenderson@yahoo.com

**3. Address(es) of Property Involved: (if different from above)**

601 E. Henry Clay, Whitefish Bay, WI 53217

**4. Zoning Designation: District 5**

**5. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.**

Operation of a law office

6. General Information:

- Name of Proposed Business: Henderson Law Office
- Type of Business: Law Office
- What other licenses, permits, etc. are required for operation, and have they been obtained?  
State Bar law licenses — obtained
- Anticipated Number of Employees: 3
- Total Square Feet of Sales Area: N/A
- Proposed Parking Area for Customers: Street
- Proposed Parking Area for Employees: Street
- Control of Property (Signed Lease, Owner Occupied, etc.): Signed lease
- Frequency and Location of Deliveries: Varies — mostly USPS mail with some UPS & FedEx deliveries

7. Additional Required Information: - Attached.

- a. **Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.
- b. **Plan of Operation:** Including hours of operation, products to be sold and any other pertinent information regarding the proposed business.
- c. **Exterior/Interior Changes:** A description of any proposed changes to the exterior and/or interior of the subject property. If the application involves an entire building or if any exterior changes are planned, a plat of survey prepared by a registered land surveyor showing all of the information required for a building permit, including landscaping shall be included.
- d. **General Layout:** A plan indicating the location of buildings, rooms, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting. Drawings must be to scale and have the dimensions of all rooms/workspaces.

8. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: David B. House

Date: 7/19/16

Applicant: Kim Hulse

Date: 7/19/16

Fee Paid: \$100      Date: 7/19/16      Receipt # 84429

Applications for conditional use approval must be received at least 21 days prior to the meeting date; applications received after this date cannot be heard at the Planning Commission meeting the following month.

**Legal Description:** J. KATZ'S SUBDIVISION LOT 1 BLK. 1

**PIN:** 202.0230.000

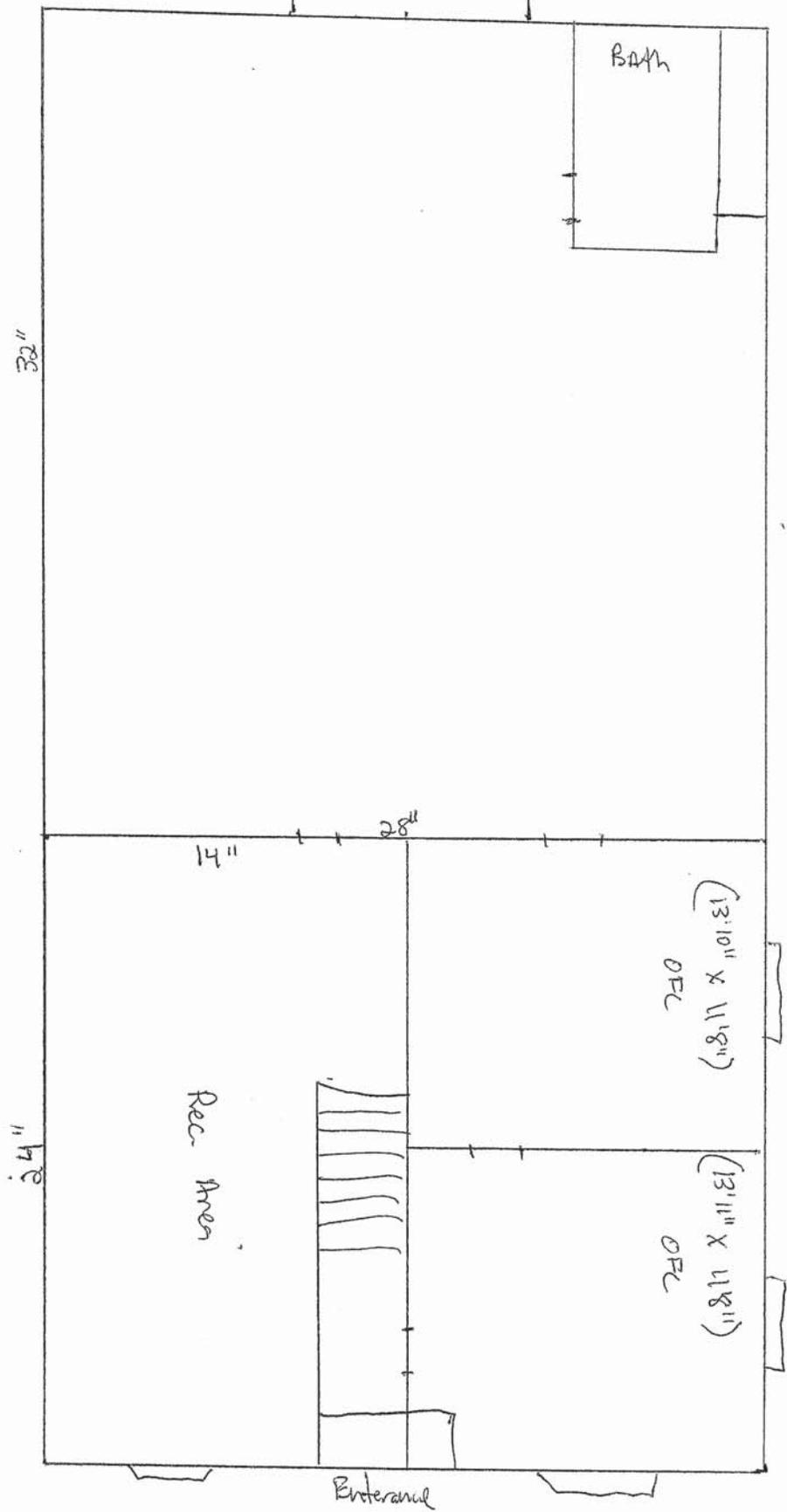
**Plan of Operation:** General operation of a two attorney (with one paralegal) law office. Hours of operation approx. 8:30 a.m – 5:30 p.m.

**Exterior/Interior Changes:** Possible interior paint refresh. Exterior signage from existing sign pole.

**General Layout:** Diagram attached.

601 E. Henry Clay  
Main Level

Break Room  
(2'8" x 8'10")





Village of Whitefish Bay  
5300 N. Marlborough Drive  
Whitefish Bay, Wisconsin 53217  
Phone: 414-962-6690  
Fax: 414-962-5651

## Memorandum

To: Whitefish Bay Plan Commission  
cc: Steven Sheiffer – Village Manager  
From: Paul Boening – Assistant Village Manager  
Date: August 19, 2016  
Re: Yellow Wood – Conditional Use Amendment Request (Outdoor Display of Items)

---

### Executive Summary

In May of 2015, the Plan Commission approved a Conditional Use Permit for Yellow Wood, a high end sporting goods retail store located at 401 E. Silver Spring Drive. The business has been utilizing the exterior setback area on the west side of the retail space to display items such as tents, hammocks and other outdoor goods (see attached site plan and photos).

The original approved Conditional Use Application did not include a request to display items outdoors. Such outdoor activity constitutes an expansion of the approved use and therefore falls under the authority of the Plan Commission.

### Considerations

The Commission has approved outdoor seating areas in the Silver Spring District, but staff was not able to find any record of outdoor display requests.

If the Commission is comfortable with the request, it can choose to apply conditions to an approval. Conditions could include (among other options):

- Specifying allowable display times (months, days, hours, etc.)
- Limiting the number and/or size of items that may be displayed at a time
- Designating an allowable display area (specific number of feet from building/sidewalk, etc.)
- Approving the request on a trial basis (i.e. requiring the applicant to return for review in 12 months or so to review the situation)

### Requested Action

If the Commission chooses to approve the request, conditions of approval will likely set a precedent for future requests of a similar nature. Therefore, it will be important to specify the parameters in an approval motion.



Village of Whitefish Bay  
5300 N. Marlborough Dr. ❖ Whitefish Bay, WI 53217  
Phone: (414) 962-6690 ❖ Fax: (414) 962-5651

## CONDITIONAL USE APPLICATION

VILLAGE ORDINANCE SECTION 16  
www.wfbvillage.org

**APPLICATION FEE: \$100**

*Application fee should be made payable to Village of Whitefish Bay upon submittal of completed application.*

Please complete the application by typing or printing in ink. Use additional paper if necessary.

### 1. Property Owner Information:

Company name: TOV LANU LLP  
Last name: KATZ First name: MARTIN  
Address: 5590 N. BERKELEY BLVD. City/State/Zip: WHITEFISH BAY, WI  
Phone number: 414.223.3443 Email address: mashecatidproperties.com

### 2. Applicant Information: (if different from above)

Company name: YELLOW WOOD  
Last name: KATZ First name: MARTIN  
Address: SAME AS ABOVE City/State/Zip: "  
Phone number: " Email address: "

### 3. Address(es) of Property Involved: (if different from above)

401 E. SILVER SPRING DR / 5590 BERKELEY BLVD.

### 4. Zoning Designation: G-BUSINESS

### 5. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.

PREVIOUS CONDITIONAL USE APPLICATION WAS ACCEPTED BY WFB LAST YEAR FOR OPERATION OF THIS BUSINESS. THIS APPLICATION IS FOR THE APPROVAL OF EXTERIOR DISPLAY OF SPORT ITEMS. SEE ATTACHED INFO.

6. General Information:

- Name of Proposed Business: YELLOW WOOD
- Type of Business: HIGH END SPORTING GOODS
- What other licenses, permits, etc. are required for operation, and have they been obtained? WIS. SELLERS PERMIT, HEALTH DEPT PERMIT FOR PACKAGED FOODS
- Anticipated Number of Employees: 10
- Total Square Feet of Sales Area: 2121 ~~sq~~ FIRST FLOOR
- Proposed Parking Area for Customers: EXIST STREET PARKING & MUNICIPAL LOT
- Proposed Parking Area for Employees: MUNICIPAL LOT / OFF-STREET PARKING
- Control of Property (Signed Lease, Owner Occupied, etc.): SIGNED LEASE
- Frequency and Location of Deliveries: DAILY OR WEEKLY - DELIVERIES ON BERKELEY & ADJ. TO BUILDING.

7. Additional Required Information:

- a. **Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.
- b. **Plan of Operation:** Including hours of operation, products to be sold and any other pertinent information regarding the proposed business.
- c. **Exterior/Interior Changes:** A description of any proposed changes to the exterior and/or interior of the subject property. If the application involves an entire building or if any exterior changes are planned, a plat of survey prepared by a registered land surveyor showing all of the information required for a building permit, including landscaping shall be included.
- d. **General Layout:** A plan indicating the location of buildings, rooms, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting. Drawings must be to scale and have the dimensions of all rooms/workspaces.

8. **Signature(s):** By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

X Property Owner: [Signature] Date: 7/25/16

X Applicant: [Signature] Date: 7/25/16

Fee Paid: \$100 Date: [Signature] 7/25/16 Receipt # 84608

**Applications for conditional use approval must be received at least 21 days prior to the meeting date; applications received after this date cannot be heard at the Planning Commission meeting the following month.**



**Village of Whitefish Bay  
Conditional Use Application for Exterior Display  
7.25.16**

4503 West Pioneer Road  
Mequon, Wisconsin 53097

**Yellow Wood Retail Store  
Exterior display space proposed for existing retail space  
401 E. Silver Spring Dr.  
Whitefish Bay, Wi**

**T  
262.228.7014**

**C  
414.963.9635**

Yellow Wood, which opened last year as a new business in Whitefish Bay, is applying for a Conditional Use to display sporting goods in the exterior setback on the west side of the store.

**Legal Description and PIN:**

Lake Crest Lots 4, 5, 6 Block 3 Village of Whitefish Bay,  
Milwaukee County, State of Wisconsin

PIN: 1980259

**Plan of Operation:**

***The information below was accepted from previous Conditional Use application:***

*The retail space shall be open Monday – Friday 10:00 am to 7:00 pm, Saturday 10:00 am to 5:00 pm and Sunday 12:00 noon to 5:00 pm. It is anticipated that there shall be 10 employees. Yellow Wood shall share space with Atid Properties, a property management company also owned by Martin Katz. Atid employees shall provide management support, bookkeeping services and shall share conference space with Yellow Wood. Deliveries for Yellow Wood shall occur on the Berkeley Blvd street side of the building. Initially deliveries may occur daily and in time, the deliveries may occur weekly. The Yellow Wood retail store will sell high end outdoor clothing, footwear, outdoor gear, and packaged foods.*

**Exterior Use:**

Yellow Wood is proposing to demonstrate and display items such as tents, hammocks, and other outdoor sporting goods in the exterior setback area on the west side of the retail space (see site plan and photos attached). This area is presently a grass landscaped area. Due to the limited space inside the store, Yellow Wood has a need to be able to demonstrate these items outdoors. The displays would be placed in that exterior area during Yellow Wood hours of operation weather permitting. This area is visible from the interior of the retail store and will be supervised.

**General Layout:**

See attached drawings for first floor, lower level, and exterior elevations to scale which were submitted with previous Conditional Use Application as well as a current site plan and photos showing the area of the exterior displays.

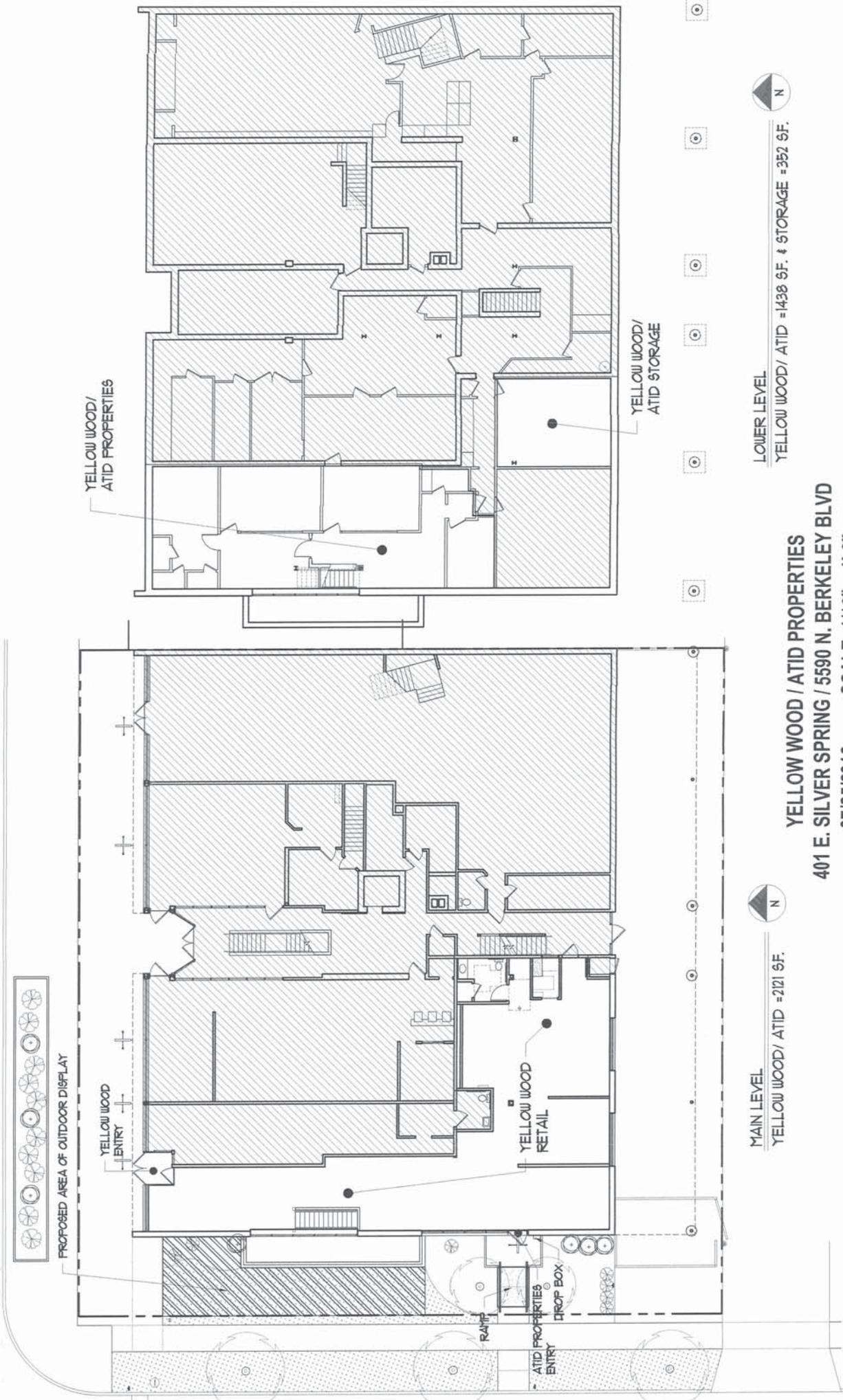


YELLOW WOOD EXTERIOR DISPLAYS FROM NORTH



YELLOW WOOD EXTERIOR DISPLAYS FROM SOUTH

YELLOW WOOD / ATID PROPERTIES  
401 E. SILVER SPRING / 5590 N. BERKELEY BLVD  
07/25/2016  
OWNER: TOV LANU LLP



MAIN LEVEL  
 YELLOW WOOD/ ATID =2121 SF.

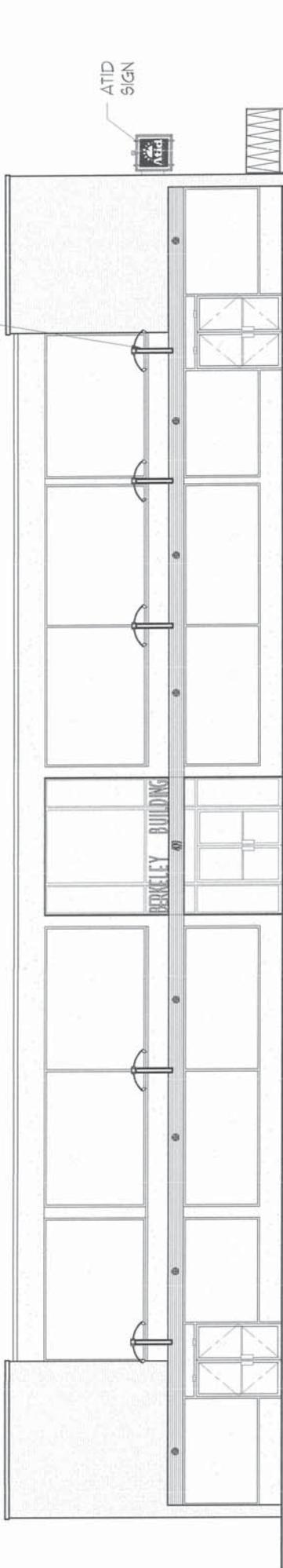
LOWER LEVEL  
 YELLOW WOOD/ ATID =1438 SF. + STORAGE =352 SF.

YELLOW WOOD / ATID PROPERTIES  
 401 E. SILVER SPRING / 5590 N. BERKELEY BLVD  
 07/25/2016 SCALE: 1/16" = 1'-0"  
 OWNER: TOV LANU LLP

YELLOW WOOD  
SIGN, 401 E.  
SILVER SPRING

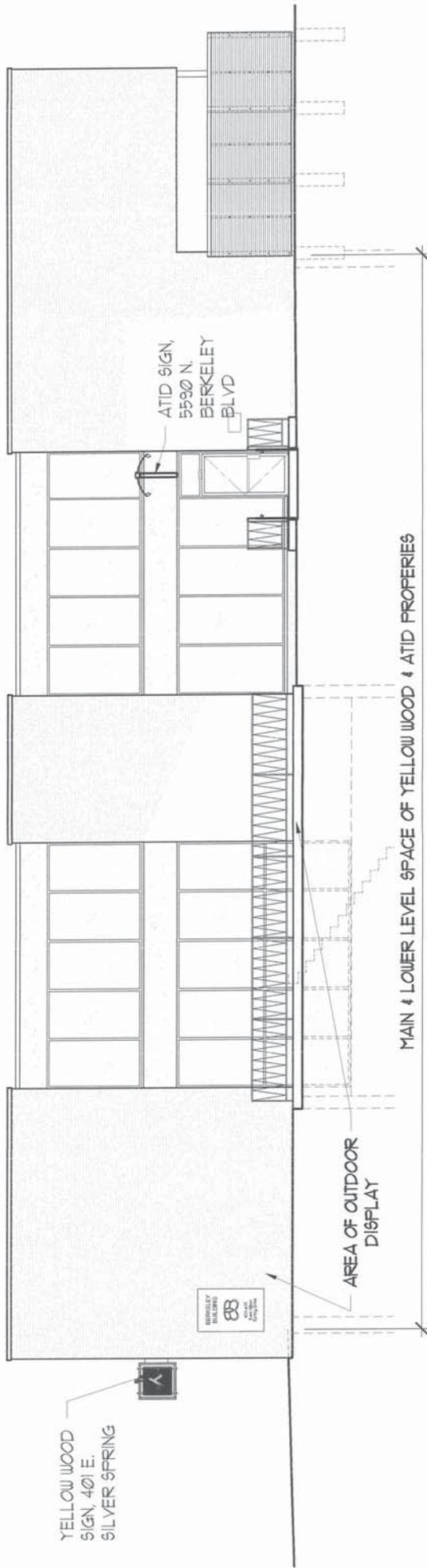
ATID  
SIGN

MAIN & LOWER LEVEL  
SPACE OF  
YELLOW WOOD &  
ATID PROPERTIES



YELLOW WOOD / ATID PROPERTIES  
401 E. SILVER SPRING / 5590 N. BERKELEY BLVD  
07/25/2016 SCALE: 1/8" = 1'-0"  
OWNER: TOV LANU LLP

NORTH ELEVATION



YELLOW WOOD  
SIGN, 401 E.  
SILVER SPRING

ATID  
SIGN

ATID SIGN,  
5590 N.  
BERKELEY  
BLVD

AREA OF OUTDOOR  
DISPLAY

MAIN & LOWER LEVEL SPACE OF YELLOW WOOD & ATID PROPERTIES

WEST ELEVATION