



**VILLAGE OF WHITEFISH BAY  
PLAN COMMISSION AGENDA**

**February 24, 2020 – 5:45pm**

**Meeting Location: Whitefish Bay Village Hall – Board Room  
5300 N. Marlborough Dr., Whitefish Bay, WI 53217**

1. Call to Order.
2. Approval of the Minutes of the Regular Meeting of December 18, 2019.
3. PUBLIC HEARING
  - a. On proposed Ordinance No. 1862 to amend Section 16-8 pertaining to garage size requirements.
4. NEW BUSINESS
  - a. Review and recommendation to Village Board on proposed Ordinance No. 1862 to amend Section 16-8 pertaining to garage size requirements.
  - b. Review and recommendation to Village Board on request from Wisconsin DOT to acquire .01 acres of public right-of-way at the western border of Craig Counsell Park adjacent to Port Washington Road.
5. Adjournment

**Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. Contact Village Hall at (414) 962-6690. It is possible that members of and possibly a quorum of members of other Boards, Commissions, or Committees of the Village including in particular the Village Board may be in attendance in the above stated meeting to gather information; no action will be taken by any other Boards, Commissions, or Committees of the Village except by the Board, Commission, or Committee noticed above. Agendas and minutes are available on the Village website ([www.wfbvillage.org](http://www.wfbvillage.org))**

Dated: February 19, 2020 – Paul Boening – Village Manager

**VILLAGE OF WHITEFISH BAY  
PLAN COMMISSION MINUTES**

**December 18, 2019 – 6:00pm  
Whitefish Bay Village Hall  
5300 N. Marlborough Dr., Whitefish Bay, WI 53217**

**1. Call to Order.**

President Siegel called the meeting to order at 6:00 pm.

Present: President Siegel, Trustee Serebin, Commissioners Sauer, Huber, and Koltun (arrived 6:02).

Also Present: Village Manager Paul Boening, Assistant Village Manager Tim Blakeslee and Village Attorney Chris Jaekels.

**2. Approval of the Minutes of the Regular Meeting of November 19, 2019.**

*Commissioner Huber moved, seconded by Commissioner Sauer to approve the minutes of the regular meeting of November 19, 2019. Motion Carried, 4-0.*

**3. PUBLIC HEARINGS**

**a. On Conditional Use Grant Application for Town Bank – 105-115 W Silver Spring Drive, Whitefish Bay, WI, 53217**

Village Attorney Jaekels provided a summary of uses in District 11, the limitations of Wisconsin Act 67, and Village 16-16 standards. Commissioner Huber asked if the Commission has the authority to choose between allowable uses. Attorney Jaekels said that the Commission does not and must have substantive evidence to deny a conditional use permit.

Steve Rolfe with Midland Development and Peter Nagel with Redmond Architects provided a brief summary of their project.

Jamie Mantyn (5578 N BAY RIDGE AVE) asked about the location of the drive-through and what sets Town Bank apart. Discussion followed about drive-through location. John Hazod, Executive V.P. and Chief Financial Officer of Town Bank stated that Town Bank has a Wisconsin Bank and has 26 branches. They are proactive in the community.

Kevin Buckley (5517 N KENT AVE) asked if the general welfare/economic health of Silver Spring Drive could be used to deny the bank because of the number of banks already on Silver Spring Drive. Village Attorney Jaekels replied that there would need substantive evidence to prove that case and if Town Bank is willing to abide by conditions set by the Commission it must be approved. He also clarified the 16-16 standards.

Leslie Gannon (5537 N DIVERSEY BLVD) discussed intersection safety and wondered if a

traffic study was warranted. Stated that the Village already has too many banks.

Tom Gleason (5524 N BERKELEY BLVD) Noted that offices on site are already busy and may generate more traffic than the bank and that the property owner would like to sell the property. Mr. Gleason stated that he would prefer to have a bank than an empty storefront. The bank is making a large investment in the Village. He asked the developer if any other businesses have been interested in this property other than the bank. Steve Rolfe of Midland Development said no there were not.

The public hearing was closed at 6:21 pm.

#### **4. NEW BUSINESS**

##### **a. Action on Conditional Use Grant Application for Town Bank – 105 W Silver Spring Drive, Whitefish Bay, WI, 53217**

Assistant Village Manager Blakeslee provided a summary of the staff memo. Trustee Serebin asked about traffic flow and demo schedule. There was a discussion about traffic, fence screening, hours of operation, and the demo schedule. Commissioner Huber asked about the line of sight for the drive-through exit. Peter Nagel said that they would abide by the Village's vision triable requirements. It was noted that the drive-through will be a teller land and would not include an ATM, and it will only be used during bank hours. Commissioner Sauer asked if any complaints have been received from PNC neighbors about lighting. Village Manager Boening said there have not, but explained that there was a previous issue involving PNC's drive-thru ATM which had to be remedied. President Siegel noted that she talked to the apartment owner next door and they are supportive of the project. President Siegel believes this should be approved. The property has been for sale for one or two years and other owners could have purchased the property if they wanted something else.

*Commissioner Sauer moved, seconded by Commissioner Huber to approve the Conditional Use Application from Midland Commercial Development Corporation to operate Town Bank at 105 W. Silver Spring Drive with approval of the Plan Commission on all aforementioned conditions (restricted drive-through hours are remote teller only, not walk up ATM), including the waiver of the parking space requirements, provisions of Section § 16-16 of the Municipal Code, and subject to the following additional condition:*

- *Given the close proximity to residential development, deliveries to the building shall be prohibited between the hours of 10:00 pm and 6:00 am*

*Motion Carried, 5-0.*

##### **b. Review and recommendation to Village Board on Certified Survey Map to combine the existing lots at 105 W Silver Spring Drive, Whitefish Bay, WI, 53217 and 115 W Silver Spring Drive, Whitefish Bay, WI, 53217**

Assistant Village Manager Blakeslee provided a summary of the staff memo.

*Commissioner Huber moved, seconded by Sauer to recommend that the Village Board approve the Certified Survey Map to combine the existing lots at 105 W Silver Spring Drive, Whitefish Bay, WI, 53217 and 115 W Silver Spring Drive, Whitefish Bay, WI, 53217. Motion Carried, 5-0.*

**5. Adjournment**

*Trustee Serebin moved, seconded by Commissioner Sauer to adjourn the meeting at 6:37 pm. Motion Carried, 5-0.*

Respectfully Submitted,  
Tim Blakeslee – Assistant Village Manager

DRAFT



## PLAN COMMISSION MEETING STAFF REPORT

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**REPORT TO:** President Julie Siegel & Plan Commissioners

**REPORT FROM:** Paul Boening – Village Manager

**DATE:** February 19, 2020

**AGENDA ITEM:** Review and recommendation to Village Board on proposed Ordinance No. 1862 to amend Section 16-8 pertaining to garage size requirements.

**ACTION REQUESTED:**  Ordinance  Resolution  Motion  Recommendation to VB

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### **BACKGROUND**

At the December 16, 2019 Village Board meeting, Ms. Maureen Stalle spoke during “Petitions and Communications” and suggested that the Village review its garage requirements, specifically the provision(s) that mandate 2-car garages.

Subsequent to that meeting, multiple Village Board members requested that the topic be placed on a future meeting agenda. The Village Board then discussed the topic at the February 3, 2020 meeting. At the conclusion of the discussion, the Board directed staff to draft an Ordinance to eliminate the Zoning Code language pertaining to minimum garage size requirements and took action to forward the ordinance to the Plan Commission for review and recommendation.

Building Services Director Joel Oestreich drafted the attached memo, which summarizes Whitefish Bay’s current garage code requirements. Joel will be in attendance at the February 24<sup>th</sup> Plan Commission meeting to explain the requirements in greater detail and to answer questions from the Commission. A spreadsheet containing garage requirements from five comparable communities is also attached.

### **RECOMMENDED ACTION**

To review and discuss the attached DRAFT ordinance and to forward a recommendation to the Village Board.

Attachments (3)



Village of Whitefish Bay  
5300 N. Marlborough Drive  
Whitefish Bay, Wisconsin 53217

Phone: 414-962-6690  
Fax: 414-962-5651

## Memorandum

To: Paul Boening, Village Manager  
From: Joel Oestreich, Director of Building Services  
Date: January 29, 2020  
Re: Summary of current garage code

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As of January 2020, the requirement for Single and Two-Family Districts require a garage with the minimum dimensions of 20' wide and 22' deep or 10' wide by 40' deep in the case of a tandem garage, when one of the following conditions occur:

1. The completion of each new dwelling...(construction of new dwelling)
2. The completion of the conversion of existing garage facilities to other than garage use
3. After the razing or removal of existing garage facilities

WFB code also allows for up to 220 square feet of improved space on the ground floor of any garage, provided that at least 440 square feet of garage space in the garage is maintained for vehicle parking.

WFB code does not have a code that mandates every single or two family property have a garage.

WFB does not require that every new garage be a two car 20' wide by 22' deep or 10' wide by 40' deep. An example of this would be if a dwelling never had a garage. The owner of that property could build any size garage as long as they didn't exceed the lot coverage requirements. Another example would be if someone was adding on to an existing garage.

WFB code limits the footprint to 10% of the lot.

WFB code states that a garage cannot be designed for more than one motor vehicle for every 2400 square feet of lot area.

In the past 5 years we have had 9 cases go before the BOA requesting Special Exceptions for garages not meeting the minimum size requirements. The results were that 6 passed and 3 tabled.

	<b>Shorewood</b>	<b>Glendale</b>	<b>Elm Grove</b>	<b>Wauwatosa</b>	<b>Cedarburg</b>	<b>Whitefish Bay</b>
<b>Detached garages allowed</b>	Yes	Yes	No	Yes	Yes	Yes
<b>Minimum size for garage</b>	None - car must be able to fit	None	440 sq. ft.	None	None	20' W x 22' D 10'W x 40'D
<b>Minimum garage dimensions</b>	None	None	None	None	None	20' W x 22' D 10'W x 40'D
<b>Maximum size of garage</b>	10% of lot area	50% of rear yard lot area	lot coverage requirements	12% and 37% combined for interior/ 42% for corner	720 sq ft and/or lot coverage requirements	10% of area of lot

ORDINANCE NO: 1862

An Ordinance to Create Section 16-8 of the Municipal Code  
With Regard to Garage Size Requirements

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The Village Board of the Village of Whitefish Bay, Milwaukee County, Wisconsin does ordain as follows:

Section One: Section 16-8(A)(4) is hereby recreated as follows:

(4) Garage.

~~(a) A two-car garage (of minimum dimensions of 20 feet wide by 22 feet deep, or 10 feet wide by 40 feet deep in the case of a tandem garage, with a garage door opening not to exceed nine feet in height), whether attached or detached, shall be erected and completed no later than:~~

~~[1] The completion of each new dwelling erected subsequent to May 1, 1964;~~

~~[2] The completion of the conversion of existing garage facilities to other than garage use, subsequent to January 20, 1971; or~~

~~[3] Six months after the razing or removal of existing garage facilities, subsequent to January 20, 1971.~~

~~(b) The Board of Appeals may grant special exceptions from the requirements of this subsection pursuant to § 16-51C.~~

Section Two: All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby and to such extent repealed.

Section Three: This ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Whitefish Bay this \_\_\_\_ day of \_\_\_\_\_, 2020.

VILLAGE OF WHITEFISH BAY

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Julie Siegel, Village President

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Jennifer Amerell, Village Clerk



## PLAN COMMISSION MEETING STAFF REPORT

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**REPORT TO:** President Julie Siegel & Plan Commissioners

**REPORT FROM:** Paul Boening – Village Manager

**DATE:** February 19, 2020

**AGENDA ITEM:** Review and recommendation to Village Board on request from Wisconsin DOT to acquire .01 acres of public right-of-way at the western border of Craig Counsell Park adjacent to Port Washington Road.

**ACTION REQUESTED:**  Ordinance  Resolution  Motion  Recommendation to VB

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### **BACKGROUND**

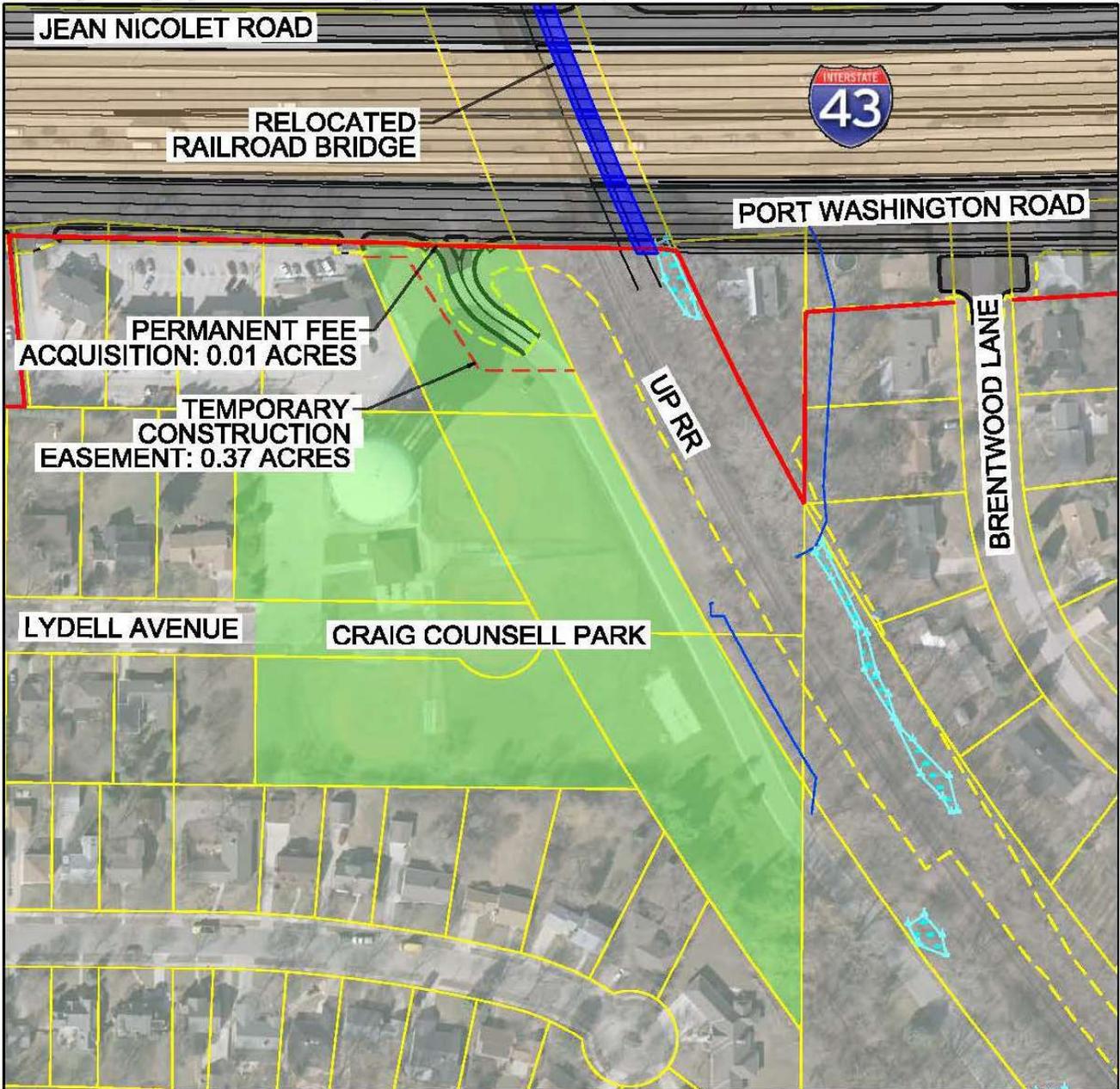
As part of the planned I-43 expansion project, the Wisconsin DOT is seeking to acquire .01 acres of public right-of-way at the western border of Craig Counsell Park adjacent to Port Washington Road (exhibit attached). The acquisition is needed due to the reconstruction and expansion of Port Washington Road that will occur in conjunction with the I-43 project. Village staff has reviewed the request and has determined that the acquisition will not adversely affect the use of the park.

### **RECOMMENDED ACTION**

To recommend that the Village Board approve the requested acquisition of .01 acres of public right-of-way by the Wisconsin DOT.

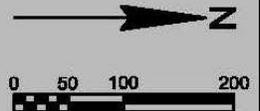
Attachment (1)

Updated Impacts at Craig Counsell Park



LEGEND

- |                                   |  |   |
|-----------------------------------|--|---|
| W-100 WETLANDS / ADID WETLANDS    | WATER CHANNEL                                  | TEMPORARY EASEMENT                                  |
| PUBLIC RECREATION                 | PARCEL LINE                                    | PROPOSED RIGHT-OF-WAY                               |
| PROPOSED BRIDGE / EXISTING BRIDGE | ENVIRONMENTAL CORRIDOR / ISOLATED NATURAL AREA | POTENTIAL RELOCATION                                |
| HISTORIC BOUNDARY                 | SLOPE INTERCEPTS                               | POTENTIAL RELOCATION IF 4-LANE PORT WASHINGTON ROAD |
| 100-YEAR FLOOD PLAIN              |  |   |



**DRAFT**  
01.07.20