



**VILLAGE OF WHITEFISH BAY
PLAN COMMISSION AGENDA**

March 20, 2018 – 7:00pm

**Meeting Location: Whitefish Bay Public Library – Second Floor Conference Room
5420 N. Marlborough Dr., Whitefish Bay, WI 53217**

1. Call to Order.
2. Approval of the Minutes of the Regular Meeting of November 20, 2017.
3. **PUBLIC HEARINGS**
 - a. On Conditional Use Grant Application for *Salon Rex* (Hair Salon) – 5585 N. Diversey Blvd.
4. **NEW BUSINESS**
 - a. Review and action on Conditional Use Grant Application for *Salon Rex* (Hair Salon) – 5585 N. Diversey Blvd.
 - b. Review and recommendation to Village Board on a request from WeEnergies to obtain a 6' easement at Cahill Park.
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 Community Development Authority 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)

Dated: March 20, 2018, Paul Boening – Village Manager

VILLAGE OF WHITEFISH BAY
PLAN COMMISSION MINUTES
November 20, 2017 – 6:30pm
Whitefish Bay Public Library – Program Room
5420 N. Marlborough Dr., Whitefish Bay, WI 53217

1. Call to Order.

President Siegel called the meeting to order at 6:30pm. Present: Commissioners Moore, Sauer, Helfer, Huber, Serebin, Roth and Siegel. Also Present: Village Manager Paul Boening and Assistant Manager Tim Blakeslee.

2. Approval of the Minutes of the Regular Meeting of August 24, 2017.

Commissioner Moore moved, seconded by Commissioner Serebin to approve the minutes of the regular meeting of August 24, 2017. Motion Carried, 7-0.

3. **PUBLIC HEARINGS**

- a. On Conditional Use Grant Application for *HCA Asset Management* (Appraisal Firm) – 601 E. Henry Clay Street.

There were no public comments. President Siegel closed the public hearing at 6:32pm.

4. **NEW BUSINESS**

- a. Review and action on Conditional Use Grant Application for *HCA Asset Management* (Appraisal Firm) – 601 E. Henry Clay Street.

Business owner Mark Hessel and property owner Dave Haase were in attendance. Discussion followed regarding customer traffic. Mr. Hessel explained that such traffic would be minimal. Commissioner Moore moved, seconded by Commissioner Serebin to approve the Conditional Use Application as submitted. Motion Carried, 7-0.

5. Adjournment

Commissioner Serebin moved, seconded by Commissioner Helfer to adjourn the meeting at 6:35pm. Motion Carried, 7-0.

Respectfully Submitted,
Paul Boening – Village Manager



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: Paul Boening, Village Manager
From: Tim Blakeslee, Assistant Village Manager
Date: March 14, 2018
Re: Salon Rex – Conditional Use Application

Executive Summary

The applicant has applied for a Conditional Use Permit for a salon to be located at 5585 N. Diversey Boulevard. The proposed business would occupy an existing constructed leasable commercial space that falls within the Silver Spring Business District. The prior occupant of the property was also a salon (Harpo) and the applicant does not plan to make structural changes to the property. In addition, it will be subject to the applicable laws as dictated by the Zoning Code. The following section will detail some of the requirements needed of the applicant for this business to be compliant with Village Code.

Code Provisions

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 not violate any of the prohibitions of the zoning code under Section 16.11 or 16.099(3) A. Based on the application that was submitted, nothing in the description of the business or its operations will violate these sections of the Code.
- The applicant is requesting to operate the business between the hours of 8:00 am and 7:00 pm from Tuesday through Friday and on Saturday between the hours of 8:00 am and 4:00 pm. This does not conflict with the ordinance that dictates no business can be operational between the hours of 10:00 pm and 6:00 am that is laid out in Section 8.01 (8) of the zoning code. Any restrictions on the hours of operation are to be decided by the Plan Commission.
- Section 16.099 (6A) dictates that “off-street on-site” parking is required in District 11. The Plan Commission must rule on whether or not it is acceptable to bypass this requirement of the code considering the size of the operation and other parking options provided in the area. Subsection V, (b) of 16.099 (6A) requires

evidence to be shown that actual parking demand won't exceed code requirements. The business can be classified under parking requirements for "on-site parking" with 10 spaces needed (based on five stylists working at a time).

As Commissioners are aware, there are a total of 132 public parking spaces in the two garages behind the Fox Bay Building, as well numerous street spots available within walking distance of the proposed business. It is at the discretion of the Plan Commission to bypass the parking requirements based on the availability in the area.

- Signage for the proposed business must meet the standards of Section 16.18(8) which lays out the requirements for signs in District 11. Once signs are submitted for the business, they will have to be reviewed and approved by the Building Inspector or Architectural Review Commission before being able to be placed on location.
- Applicant must contact the Fire Marshal at the North Shore Fire Department to ensure that all applicable fire and health code requirements are met through inspection.

Recommendation

Staff recommends approval of the Conditional Use Permit for Salon Rex at 5585 N. Diversey Boulevard with approval of the Plan Commission on all conditions and guarantees that are described in Section 16.099(4)(G).



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: A.M.P. Wealth Management
Last name: Mahalick First name: Greg
Address: 421 E. Silver Spring, Suite 3 City/State/Zip: Whitefish Bay, WI, 53217
Phone number: (414) 332-1011 Email address: greg.mahalick@ampinvestment.com

2. Applicant Information: (if different from above)

Company name: Salon Rex
Last name: Wenesch First name: Paul & Nichole
Address: 4728 N. Berkeley Blvd. City/State/Zip: Whitefish Bay, WI, 53211
Phone number: (414) 356-5816 Email address: salonrex@icloud.com

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

5585 N. Diversey Blvd. Whitefish Bay, WI, 53211

4. Zoning Designation: District 11

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

The property is currently a salon, it will remain a salon. We are only making cosmetic improvements. We are not making any structural changes. The use of the property is staying the same.

6. General Information:

- Name of Proposed Business: Salon Rex
- Type of Business: Hair Salon
- What other licenses, permits, etc. are required for operation, and have they been obtained? manager / cosmetology license. Yes
- Anticipated Number of Employees: 5
- Total Square Feet of Sales Area: 870 sq ft. Salon
- Proposed Parking Area for Customers: metered parking
- Proposed Parking Area for Employees: permit parking
- Control of Property (Signed Lease, Owner Occupied, etc.): signed lease
- Frequency and Location of Deliveries: Once a week. UPS. Alley, Backdoor.

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. Tues - Friday Sun 7pm Sat Sun - 4pm Drawings attached
 - 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: PCW Hair / (owner) 161 Mahalek 218/18 Date: Feb 8th 2017

Applicant: Paul C. Weese Date: Feb 8th 2017

Fee Paid: \$100 Date: _____ Receipt # _____

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

Receipt: 111956

02/12/18

5300 NORTH MARLBOROUGH DRIVE
WHITEFISH BAY, WI
53217-5399

Cashier: Counter1

Received Of: AMP WEALTH MANAGEMENT

The sum of: 100.00

DMPST4 Permits - Conditional Use

100.00

Total

100.00

CHECK

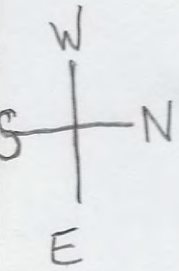
1837

100.00

Signed: _____

SALON
REX

5585
N. DIVERSEY



43'
salon stations

stock
washer
dryer

sink

cabinet
H.L. 7'11.5"

processing area

storage
H.L. 7'8"

storage

Stairway

Back hall

EXIT

door

Bathroom

sink

65"

Shampoo
Racks



makeup station
salon station



salon station



DESK

door



table

sofa
17'11"





We Energies
5400 N. Green Bay Ave.
Milwaukee, WI 53209
www.we-energies.com

Memo

To: Village of Whitefish Bay Planning Commission
From: We Energies, Todd Miller – Right of Way Agent (414) 540-5331
Date: March 7, 2018
Re: Easement request – Cahill Park

We Energies is seeking to replace existing electric facilities that service Cahill Park. As part of the proposed work, a new easement is being sought. There is an existing underground cable and transformer near the northeast side of the park. We Energies plans to replace that existing cable and transformer. The current easement over the transformer and cable is only 6' wide. To allow for proper spacing from the facilities already in the ground and to minimize outages, We Energies is seeking a second easement that will essentially widen the easement area to 12' (a new 6 foot wide strip next to the existing 6' wide strip). The purpose of the new easement is to allow for the proper working clearances and to minimize outages for the existing service while we replace the old cable and transformer.

Village Engineering Staff has reviewed the request and does not object to the the issuance of the easement.

Suggested Motion: To recommend that the Village Board authorize issuance of the easement as requested by WeEnergies.

**DISTRIBUTION EASEMENT
UNDERGROUND**

Document Number

WR NO. **4154694** IO NO. **CR0679**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **VILLAGE OF WHITEFISH BAY, a municipal corporation**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as a strip of land Six (6) feet in width, being a part of premises in **Lot 1, Block 15, Assessor's Plat No. 246**, being a part of the **Southwest 1/4 of Section 33, Township 8 North, Range 22 East**, Village of Whitefish Bay, Milwaukee County, Wisconsin.

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

RETURN TO:
We Energies
PROPERTY RIGHTS & INFORMATION GROUP
231 W. MICHIGAN STREET, ROOM A252
PO BOX 2046
MILWAUKEE, WI 53201-2046

202-0431-000
(Parcel Identification Number)

- 1. Purpose:** The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted switch-fuse units, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
- 2. Access:** Grantee or its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands of Grantor for the purpose of exercising its rights in the easement area.
- 3. Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin electric codes or any amendments thereto.
- 4. Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
- 5. Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
- 6. Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until sometime in the future, and that none of the rights herein granted shall be lost by non-use.
- 7. Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
- 8. Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document or voluntarily waives the five day review period.

Grantor:

VILLAGE OF WHITEFISH BAY, a municipal corporation

By _____

(Print name and title): _____

By _____

(Print name and title): _____

Personally came before me in _____ County, Wisconsin on _____, 2018,
the above named _____, the _____
and _____, the _____
of the VILLAGE OF WHITEFISH BAY, a municipal corporation, for the municipal corporation, by its authority, and pursuant
to Resolution File
No. _____ adopted by its _____ on _____, _____.

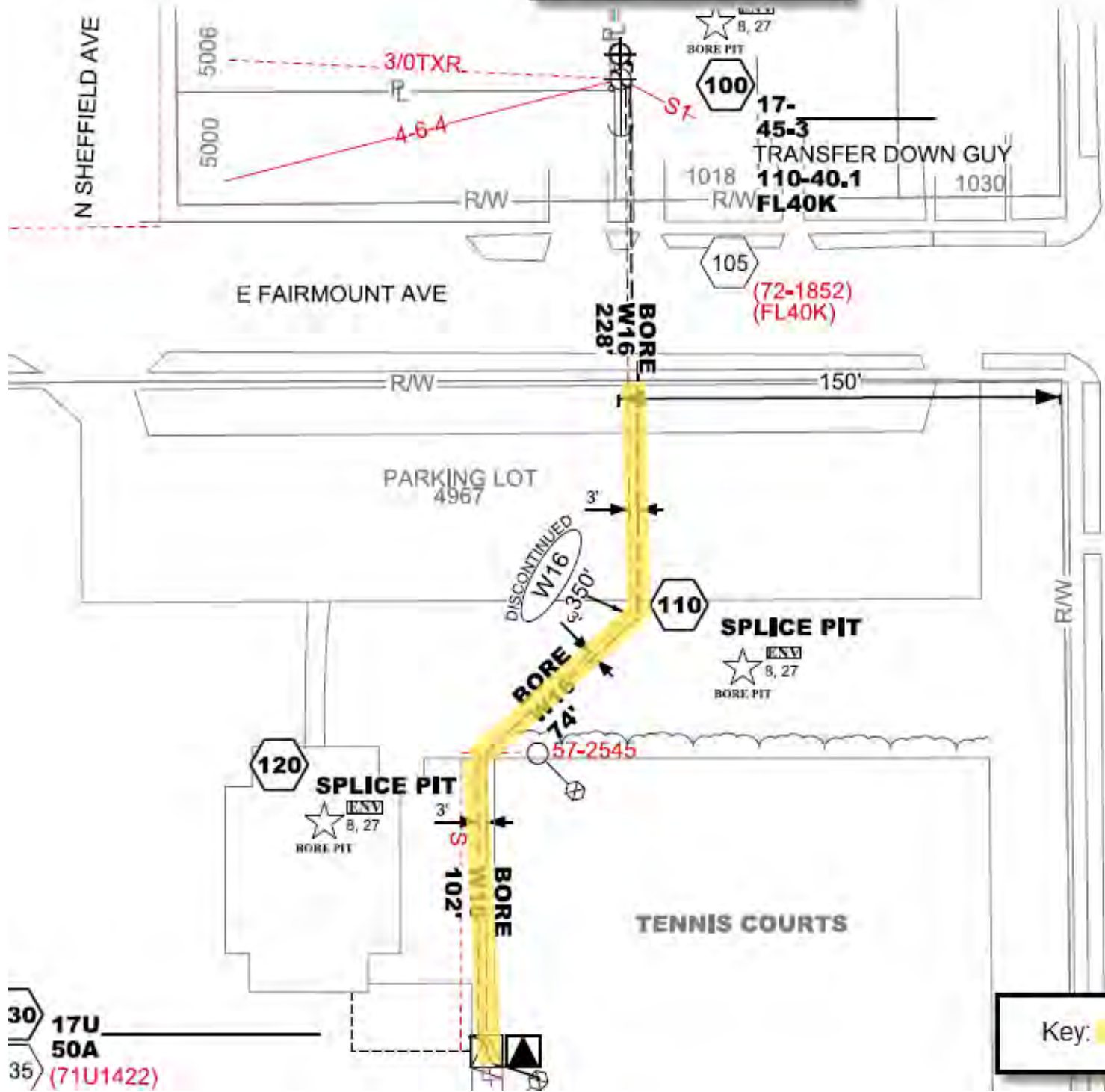
Notary Public Signature, State of Wisconsin

Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

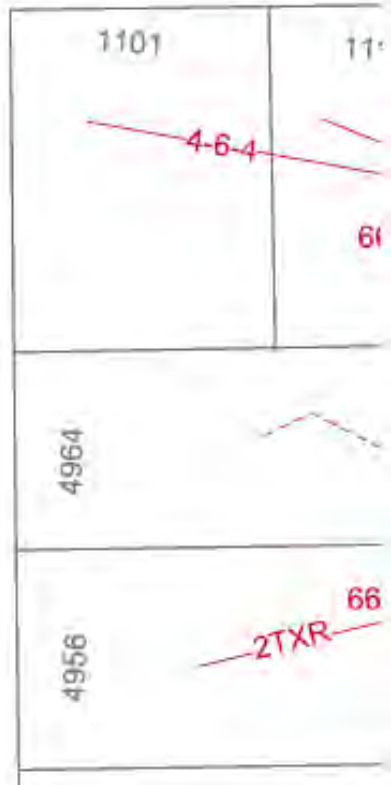
My commission expires _____

Temporary Exhibit "A"



N KIMBARK PL

N MARLBOROUGH DR



Key: = 6' wide Easement area