



**VILLAGE OF WHITEFISH BAY
PLAN COMMISSION AGENDA**

June 22, 2020 – 6:00pm

**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 February 24, 2020.
3. PUBLIC HEARING:
 - [a] On Ordinance 1864 – pertaining to Conditional Uses in the Business District.
 - [b] On Ordinance 1865 – pertaining to Conditional Use Procedure.
 - [c] On Ordinance 1868 – to repeal and recreate Section 16-31 of the Municipal Code with regard to maintaining or eliminating nonconforming or substandard lots.
 - [d] On Conditional Use Application for Edward Jones (Financial Advisors) at 829 E. Henry Clay St.
 - [e] On Conditional Use Application for Red Element, LLC (DBA Mathnasium Whitefish Bay) at 423 E. Silver Spring Dr.
4. NEW BUSINESS:
 - [a] Review and recommendation to Village Board on proposed Ordinance 1864 to the Plan Commission (pertaining to Conditional Uses in the Business District).
 - [b] Review and recommendation to Village Board on proposed Ordinance 1865 to the Plan Commission (pertaining to Conditional Use Procedure).
 - [c] Review and recommendation to Village Board on proposed Ordinance 1868 – to repeal and recreate Section 16-31 of the Municipal Code with regard to maintaining or eliminating nonconforming or substandard lots.
 - [d] Review and action on Conditional Use Application for Edward Jones (Financial Advisors) at 829 E. Henry Clay St.
 - [e] Review and action on Conditional Use Application for Red Element, LLC (DBA Mathnasium Whitefish Bay) at 423 E. Silver Spring Dr.
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)

Dated: June 18, 2020 – Tim Blakeslee – Assistant Village Manager

**VILLAGE OF WHITEFISH BAY
PLAN COMMISSION MINUTES**

**February 24, 2020 – 5:45 pm
Whitefish Bay Village Hall
5300 N. Marlborough Dr., Whitefish Bay, WI 53217**

1. Call to Order.

President Siegel called the meeting to order at 5:45 pm.

Present: President Siegel, Commissioners Roth, Huber, Moore, and Koltun.

Also Present: Village Manager Paul Boening, Assistant Village Manager Tim Blakeslee, Building Services Director Joel Oestreich, and Village Attorney Chris Jaekels.

2. Approval of the Minutes of the Regular Meeting of December 18, 2019.

Commissioner Huber moved, seconded by Commissioner Moore to approve the minutes of the regular meeting of December 18, 2019. Motion Carried, 5-0.

3. PUBLIC HEARINGS

a. On proposed Ordinance No. 1862 to amend Section 16-8 pertaining to garage size requirements.

President Siegel opened by the public hearing at 5:45 pm. No comments. The public hearing was closed at 5:46 pm.

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.

Village Manager Boening provided a summary of the proposed ordinance. Building Services Director Joel Oestreich provided additional detail regarding lot coverage requirements, current requirements, who this ordinance effects, and the review process of this ordinance.

Commissioner Moore moved, seconded by Commissioner Roth to recommend that the Village Board approve proposed Ordinance No. 1862 to amend Section 16-8 pertaining to garage size requirements. Motion Carried 5-0.

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.

Village Manager Boening provided a summary of the proposed project and noted that this won't impact the use of the park. Village Attorney Chris Jaekels noted that this is a recommendation to the Village Board.

Commissioner Roth moved, seconded by Commissioner Moore to recommend that the Village Board approve a 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. Motion Carried 5-0.

5. Adjournment

Commissioner Moore moved, seconded by Commissioner Roth to adjourn the meeting at 5:57 pm. Motion Carried, 5-0.

Respectfully Submitted,
Tim Blakeslee – Assistant Village Manager

DRAFT



VILLAGE OF WHITEFISH BAY PLAN COMMISSION PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Plan Commission of the Village of Whitefish Bay has scheduled a Public Hearing for **Monday, June 22, 2020** at **6:00 P.M.**, to be held at the Whitefish Bay Village Hall Board Room, 5300 North Marlborough Drive, Whitefish Bay, WI 53217.

1. Public Hearing on the following Conditional Use application/s:

- [a] Edward Jones (Financial Advisors) at 829 E. Henry Clay St.
- [b] Red Element, LLC (DBA Mathnasium Whitefish Bay) at 423 E. Silver Spring Dr.

2. Public Hearing on the following Ordinance/s:

- [a] Ordinance 1864 – pertaining to Conditional Uses in the Business District).
- [b] Ordinance 1865 – pertaining to Conditional Use Procedure.
- [c] Ordinance 1868 – to repeal and recreate Section 16-31 of the Municipal Code with regard to maintaining or eliminating nonconforming or substandard lots.

ALL INTERESTED PERSONS will be given an opportunity to be heard. If you have any questions, please contact Tim Blakeslee, Assistant Village Manager, 414-962-6690.

A majority of the members of other governmental bodies, including, but not limited to the Village Board may be present to gather information about a subject over which they may have decision making responsibility. The above meeting is therefore hereby also noticed as a meeting of those governmental bodies, although they will not take any formal action at this meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals.

VILLAGE OF WHITEFISH BAY

Tim Blakeslee
Assistant Village Manager



PLAN COMMISSION MEETING STAFF REPORT

REPORT TO: Plan Commission
Paul Boening – Village Manager

REPORT FROM: Tim Blakeslee – Assistant Village Manager

DATE: June 18, 2020

AGENDA ITEM: Provide a recommendation of referred ordinances to Village Board:
- Ord. 1864 - pertaining to Conditional Uses in the Business District.
- Ord. 1865 - pertaining to Conditional Use Procedure.

ACTION REQUESTED: ___ Ordinance ___ Resolution ✓ Motion

BACKGROUND

Attorney Jaekels drafted the attached Ordinances, which upon adoption will bring Whitefish Bay's Municipal Code into conformance with recent State Law changes pertaining to Conditional Uses. From a legal standpoint, this is a housekeeping matter.

Plan Commission review is required prior to Village Board action on Zoning Code amendments. The Village Board referred these ordinances to the Plan Commission on March 16, 2020, but as a result of the COVID-19 pandemic non-essential Plan Commission meeting/agenda items were postponed. The Ordinances will be brought back for final Village Board discussion and action after review by the Plan Commission.

RECOMMENDED ACTION BY VILLAGE BOARD

Move to recommend that the Village Board approve Ord. 1864 and Ord. 1865 as presented.

C: Department Heads
Attorney Jaekels

ORDINANCE NO: 1864

**An Ordinance to Amend Section 16-21D of the
Municipal Code with Regard to Conditional Uses in the Business District**

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

Section One: Section 16-21D of the Municipal Code is hereby deleted and recreated to read as follows:

D. Conditional Use and Architecture and Aesthetics Approval Process.

(1) Conditional Use Permits shall be subject to the procedures set forth in Section 16-16.

(2) Architecture and aesthetic design shall be subject to approval of the Community Development Authority (CDA) or Architectural Review Commission (ARC) if so regulated under any other provision of the Municipal Code.

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

Julie Siegel, Village President

Jennifer Amerell, Village Clerk

ORDINANCE NO: 1865

**An Ordinance to Repeal and Recreate Section 16-16 of the
Municipal Code with Regard to Conditional Uses**

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

Section One: Section 16-16 of the Municipal Code is hereby repealed and recreated to read as follows:

Conditional Use Permits

Section 16-16. Conditional Use Procedure.

- (1) Purpose and Applicability. The development and execution of this Chapter is based upon the division of the Village into zoning districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in any particular district or districts provided that due consideration is given to their location, development, and operation. Such uses are classified as conditional uses and require a conditional use permit except as specified under subsection (14).
- (2) Initiation of Conditional Use Permit. Any person, firm, corporation, or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest or an exclusive possessory interest, and that is specifically enforceable on the land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.
- (3) Application for Conditional Use Permit. No application for a conditional use permit shall be placed on any agenda as an item to be acted upon unless the Village Manager or Designee has certified acceptance of a complete application. Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Village Clerk with the complete application certified by the Village Manager or Designee, including an easily reproducible electronic copy plus hard copies in a quantity directed by the Village Clerk. Said complete application shall be comprised of all of the following:
 - (a) A completed conditional use permit application on a form furnished by the Village Manager or Designee.
 - (b) A scale map of the subject property showing all lands for which the conditional use permit is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map

as the same appear on the current records of the Register of Deeds. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

- (c) A written description of the proposed conditional use describing the type, duration, and density of activities, buildings, and structures proposed for the subject property and their general locations, plus such additional information as may be required for the particular land use under the Zoning Code.
 - (d) A site plan of the subject property, with any alterations as may be proposed to accommodate the conditional use. Said site plan shall conform to any applicable requirements of the Zoning Code, and any additional requirements as may be specified for the particular land use under the Zoning Code. If the conditional use will make use of existing site improvements only, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.
 - (e) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this Section and all applicable requirements of this Chapter.
 - (f) Any other plans and information deemed necessary by the Village Manager or Designee or the Plan Commission to ensure that the requirements of this Chapter are or will be fulfilled.
 - (g) Any required fee per the fee schedule approved by the Village Board.
- (4) Village Manager or Designee Review and Recommendation.
- (a) The Village Manager or Designee shall determine whether the application is complete and fulfills the requirements of this Chapter. Only a complete application in the determination of the Village Manager or Designee shall be entitled to a public hearing. The Village Manager or Designee shall inform the applicant if the application is incomplete in his or her determination.
 - (b) Once the Village Manager or Designee determines that the application is complete, the Village Manager or Designee shall authorize the public hearing and prepare a written evaluation of the application based on the criteria for evaluating conditional use permits in subsection (8) below. The Village Manager or Designee shall forward a copy of the evaluation to the Plan Commission.
- (5) Public Hearing. The Village Clerk shall schedule a public hearing before the Plan Commission to be held within 45 days after acceptance of a complete application as determined by the Village Manager or Designee. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Wis. Stats. § 62.23(7)(d) and (de). The Village Clerk shall also send said notice to the applicant and owners of record of all lands within 100 feet of the boundaries of the subject property at least five days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.
- (6) Review and Action by the Plan Commission. Within 60 days after the public hearing, or an extension of said period requested in writing or electronic format by the applicant and granted by the Commission, the Plan Commission shall take final action on the conditional use permit request. Prior to acting on a conditional use permit application, the Plan Commission may

request further information or additional reports from the Village Manager or Designee, the applicant, outside experts or any other source. The Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with conditions or modifications, or may deny approval of the proposed conditional use and include reasons for denial. Any action to approve or amend the proposed conditional use permit requires a majority vote of Commission members in attendance.

(7) Appeal to the Village Board. An appeal of a decision under subsection (6) may be taken to the Village Board by any person, firm or corporation; any officer, department, board, commission or agency of the Village, who is aggrieved by the decision. Such appeal shall be made in writing to the Village Manager or Designee within ten days after the date of the Commission's decision. In the case of an appeal:

- (a) The Village Manager or Designee shall issue no permits to enable commencement or continuation of building and other activities authorized by the conditional use permit and shall issue a "stop work" order for any such activities already commenced.
- (b) The Village Manager or Designee shall immediately notify the applicant and property owner of the appeal in writing and shall schedule the appeal for Village Board consideration.
- (c) The Village Board shall, by resolution, make a final decision to grant, with or without conditions, or to deny each application for a conditional use permit after receiving and reviewing the Commission's findings and making its own findings as to whether or not the proposed use will satisfy the criteria for approval set forth in section (8), and shall have all of the powers of the Commission under this Section. The Village Board's determination shall be final and subject to appeal to Federal or state court under any procedure authorized by statute.

(8) Review Criteria for Conditional Use Permit.

- (a) If the applicant meets, or agrees to meet, all of the applicable requirements specified in this Chapter and conditions imposed by the Plan Commission, the Commission shall under Wis. Stats. § 62.23(7)(de)2.a. grant the conditional use permit. The Village may require written agreement from the applicant in a form prescribed by the Village Attorney.
- (b) Any decision to grant or deny the conditional use permit must be supported by substantial evidence, as that term is defined in Wis. Stats. § 62.23(7)(de)1.b. Any condition or modification must be related to the purpose of this Chapter, reasonable, measurable to the extent practicable, and based on substantial evidence.
- (c) To the extent consistent with Subsections (a) and (b), no conditional use permit shall be granted unless the Plan Commission finds that the use authorized thereby meets the following criteria:
 - 1. The proposed conditional use is consistent with the Comprehensive Plan, this Chapter, and all other plans, programs, and ordinances adopted by the Village.
 - 2. The proposed conditional use, in its proposed location and as depicted on the required site plan, will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the

provisions of this Chapter, the Comprehensive Plan, or all other plans, programs, and ordinances adopted by the Village.

3. The proposed conditional use will maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 4. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
 5. The potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.
- (9) Issuance, Notice, and Recording of Conditional Use Permit or Denial. Within 30 days following the granting of a conditional use permit, the Village Manager or Designee shall issue to the applicant the approved conditional use permit. Said permit shall enumerate the details of the conditional use permit, including an identifiable description of the use and subject property and any specific conditions or requirements of approval. The Village Manager or Designee may record the conditional use permit against the property, assigning all costs thereof to the applicant, and shall make record of the conditional use permit on the Official Zoning Map. In the case of a denial of a conditional use permit, the Village Manager or Designee shall provide written notification to the applicant that the conditional use permit was denied, including the reasons for denial.
- (10) Effect of Denial. No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors relative to the review criteria in subsection (8) that are found valid by the Village Manager or Designee.
- (11) Penalties, Revocation, or Modification of an Approved Conditional Use Permit.
- (a) Any violation of an approved conditional use permit shall be subject to Section 17-18, as well as equitable relief in circuit court.
 - (b) A conditional use permit shall be automatically revoked if:
 1. All buildings and other improvements authorized by the conditional use permit have not been developed, and the conditional use has not commenced operation, within two years of final site plan approval, unless the Commission has extended this period by request of the applicant, based on reasons beyond the reasonable control of the applicant.
 2. Once initially made operational, the operation of the conditional use has been discontinued for a period exceeding one year. The burden of proof shall be with the conditional use permit holder or operator to conclusively demonstrate that the conditional use was operational during this period.
 - (c) A conditional use permit may be revoked or modified by the Plan Commission, where the Commission determines that the use, its operation, or associated improvements are not in compliance with (i) the terms of this Chapter including one or more criteria in subsection (8) or (ii) the approved conditional use permit including any associated plan or approval condition. The Commission may commence proceedings to consider

revocation or modification, with such proceedings following the process in subsections (5) and (6). An appeal of any such decision shall be allowed per subsection (7).

- (12) Duration and Transfer. The Commission may approve a conditional use permit with a limitation on the Permit's start date, duration, or transfer if such limitations(s) relate to the purpose of this Chapter and the conditional use permit review criteria in subsection (8). Unless the Commission approved a conditional use permit with a transfer limitation, or the Zoning Code prescribes a transfer limitation for the particular conditional use, all requirements of the approved conditional use permit shall be continued regardless of ownership or operation of the subject property or use and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit.
- (13) Amendments to Approved Conditional Use. Any expansion of or amendment to a previously approved conditional use permit or grandfathered conditional use, including any change in an associated plan or approval condition found to be material by the Village Manager or Designee, shall be processed in accordance with subsections (2) through (10), except where its initial approval allowed expansion or amendment by some other process.
- (14) Expansion or Modification of Conditional Use. Any substantial expansion or modification of any conditional use or any previously approved condition of such use, in the determination of the Village Manager or Designee, shall require application and Village consideration of a new or amended conditional use permit under this Section.

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

Julie Siegel, Village President

Jennifer Amerell, Village Clerk



PLAN COMMISSION MEETING STAFF REPORT

REPORT TO: Plan Commission
Paul Boening – Village Manager

REPORT FROM: Tim Blakeslee – Assistant Village Manager

DATE: 6/18/20

AGENDA ITEM: Provide a recommendation of a referred ordinance to Village Board:
- Ord No. 1868 - to repeal and recreate Section 16-31 of the Municipal Code with regard to maintaining or eliminating nonconforming or substandard lots.

ACTION REQUESTED: ___ Ordinance ___ Resolution ✓ Motion

BACKGROUND

Attorney Jaekels is recommending adoption of the attached Ordinance to align Whitefish Bay's Municipal Code with language included in 2017 Wisconsin Act 67 and more recently clarified by a Supreme Court decision. Specifically, the Ordinance will add a provision to 16-31 to allow lots that were legally created that do not currently meet the minimum lot width and area requirements to be considered a building site provided that all ordinance requirements can be met.

Plan Commission review is required prior to Village Board action on Zoning Code amendments. The Village Board referred these ordinances to the Plan Commission on May 4, 2020, but as a result of the COVID-19 pandemic non-essential meeting/agenda Plan Commission items were postponed. The Ordinance will be brought back for final Village Board discussion and action after review by the Plan Commission.

RECOMMENDED ACTION BY VILLAGE BOARD

Move to recommend that the Village Board approve Ord. 1868 as presented.

C: Department Heads
Attorney Jaekels

ORDINANCE NO: 1868

**An Ordinance to Repeal and Recreate Section 16-31 of the
Municipal Code with Regard to
Maintaining or Eliminating Nonconforming or Substandard Lots**

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

Section One: Section 16-31 of the Municipal Code is hereby repealed and recreated to read as follows:

Section 16-31. Maintaining or Eliminating Nonconforming or Substandard Lots.

A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel;
- (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel; and
- (3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

Note: The intent of this provision is to allow lots that were legally created that currently do not meet the minimum lot width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the Register of Deeds, which result in a larger (closer to conforming) lot should be allowed to be utilized as a building site. Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the real property lister or assessor for taxing/assessing purposes should be considered separate building sites and should not be considered consolidated. Lots that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.

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

Julie Siegel, Village President

Caren Brustmann, Deputy Clerk



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: June 18, 2020
Re: Edward Jones (Financial Advisors) at 829 E. Henry Clay St.

Executive Summary

Applicant Dedicated Construction Management LLC for Conditional Use approval for the operation an Edwards Jones at 829 E. Henry Clay St (Previously Carbonneau Custom Carpentry). The applicant indicated that the business will provide financial advisor services. The proposed business hours are from Monday to Friday from 8:00 am to 5:00 pm.



The property in question is zoned District 5 (Apartment District), but permits uses from District 6 (business district) per §16-14A(4) of the Village Code by a Conditional Use approval. The business 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 laws.

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 also be compliant with the zoning district laws that fall under § 16-14. This includes all subsequent laws including the uses of retail and services in District 5, as well as all matters of the Plan Commission's review of the business at the hearing.
- The applicant indicated that they would like to receive approval to conduct business Monday to Friday from 8:00 am to 5:00 pm. The business will be closed on Saturday and Sunday. As a result of proximity to residential properties, staff does not recommend approval of the full range of hours permitted by Village Code (6:00 am to 10:00 pm from Monday to Sunday). In the event the applicant wishes to adjust hours in the future, approval by the Plan Commission will be required.

- Signage for the proposed business must meet the standards of § 16-43H and will require a sign permit. Once signs are submitted for the business, they will have to be reviewed and approved by the Building Services Director before being able to be placed on location.
- The applicant plans to renovate the interior of the space to make it suitable for their operations. An interior layout is included with their application. Occupancy of the tenant space is subject to proper receipt of all necessary permits, approval from the Village Building Inspector, and approval from all applicable outside agencies (i.e. State of Wisconsin, North Shore Fire Dept, North Shore Health Dept). **A pre-development meeting with the Building Services Director is required within 10 business days of Plan Commission approval.**
- While not planned at this time, should any changes to the façade of the building be made the business owner must obtain prior approval from the Architectural Review Commission (ARC).
- § 16-21F(1)(b)(3) dictates that “off-street on-site” parking is required in the instance a new conditional use is applied for. Based on the requirements in § 6-24C of the Municipal Code, approximately five (5) parking stalls are required for Edward Jones based on the square footage of the space (1200 sq ft). A professional office requires 1 space per 250 square feet gross floor area). The lot currently has four (4) on-site spaces.

The applicant has indicated that staff would use the on-site garage and/or parking pad and customers would utilize on-street parking. There is street parking in front of the business that would accommodate the additional one (1) space required. There are also street spots available within walking distance of the proposed business on Henry Clay and Woodruff Avenue. It will be up to the discretion of the Plan Commission to decide whether or not to waive 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 Application for Edwards Jones at 829 E. Henry Clay St with approval of the Plan Commission on all aforementioned conditions, including the waiver of the parking space requirements, provisions of § 16-21F(1)(b)(3) 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.

Attachments

1. Application



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: HK Realty LLC

Last name: Hoagland First name: Todd

Address: 4708 N Oakland Ave City/State/Zip: Whitefish Bay, WI 53211

Phone number: 414-416-0243 Email address: todd.m.hoagland@gmail.com

2. Applicant Information: (if different from above)

Company name: Dedicated Construction Management LLC

Last name: Domnitz First name: Danielle

Address: 710 Larry Ct. City/State/Zip: Waukesha, WI 53186

Phone number: 262-671-8878 Email address: danielle@dedicatedcm.com

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

829 E. Henry Clay St., Whitefish Bay, WI 53217

4. Zoning Designation: _____

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

Edward Jones office build-out for financial advisor's office space.

6. General Information:

- Name of Proposed Business: Edward Jones
- Type of Business: Financial Advisors
- What other licenses, permits, etc. are required for operation, and have they been obtained?
Commercial building permit, in process.
- Anticipated Number of Employees: 2-3
- Total Square Feet of Sales Area: 1200 sq ft.
- Proposed Parking Area for Customers: see parking
- Proposed Parking Area for Employees: of first parking
- Control of Property (Signed Lease, Owner Occupied, etc.): Signed Lease
- Frequency and Location of Deliveries: _____

7. Additional Required Information:

- Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved. **2020099000**
- Plan of Operation:** Including hours of operation, products to be sold and any other pertinent information regarding the proposed business.
- 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.
- 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: Todd Hynd _____

Date: 06/01/2020 _____

Applicant: [Signature] _____

Date: 06/01/2020 _____

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.



June 5, 2020

To Whom It May Concern:

This letter is regarding the Additional Required Information in support of the Conditional Use Permit submitted for this project:

Edward Jones
829 E. Henry Clay St.
Whitefish Bay, WI 53217

7b. Plan of Operation. Hours of Operation: 8-4 pm; Products Sold: Edward Jones is a company of Licensed Financial Advisors offering financial advice and investment products. 2 Employees. 2 Deliveries per week.

7c. Exterior/interior Changes. Exterior Changes include an ADA ramp to the entrance of the building. Interior Changes include new partitions and doors for new offices and additional rooms. Remove closet and interior wall to create open space. New lighting to existing ceiling. New ADA restroom. New sink and cabinets. Finish and accent paint as per plan.

7d. General Layout. We have supplied Design Drawings for this project.

Should you need anything further, please let me know. Thank you.

Sincerely,

Danielle Domnitz
National Licensing and Permit Manager
danielle@dedicatedcm.com
www.dedicatedcm.com
Direct: (262) 671-8878 | Main: (877) 248-3230 | Fax: (702) 989-4612

Dedicated Construction Management LLC
710 Larry Ct, Waukesha, WI 53186
Main: 414.431.8555 Toll Free: 877.248.3230 Fax: 702.989.4612

KEY PLAN



1 AERIAL VIEW
N.T.S.

BUILDING INFORMATION

CONSTRUCTION TYPE: WOOD/STEEL FRAMING
2-STORY, NON-SPRINKLERED, EDJ LEVEL 1
OCCUPANCY USE GROUP: B-BUSINESS

PLAN NORTH VS TRUE NORTH

PLAN NORTH IS BASED ON THE PREDOMINANT AXIS OF THE BUILDING GEOMETRY. FOR THIS PROJECT, PLAN NORTH POINTS TOWARDS THE TOP OF THE DRAWING AREA. ALL VIEWS IN THIS DRAWING SET USE PLAN NORTH AS IT'S ORIENTATION.

TRUE NORTH IS THE REAL-WORLD NORTH DIRECTION BASED ON SITE CONDITIONS. TRUE NORTH INFORMATION IS NOT USED OR PROVIDED FOR THESE DOCUMENTS.

EXTERIOR SIGN CIRCUIT INSTALLATION INSTRUCTIONS

GENERAL CONTRACTOR (GC) TO VERIFY EXISTENCE AND FUNCTIONALITY OF SIGN CIRCUIT ALONG SIGN BAND SERVING SUBJECT SPACE. EXISTING CIRCUIT MUST BE LOCATED IN/ON THE SIGN BAND ABOVE THE SUBJECT SPACE AND WITHIN SIX FEET (6') OF THE CENTERLINE OF THE SPACE. THE CIRCUIT SHOULD BE A DIRECT FEED FROM THE ELECTRICAL PANEL WITHIN THE TENANT SPACE AND BE FED THROUGH A TIME CLOCK OR PHOTOCELL. SHOULD THE CIRCUIT NOT EXIST AND/OR BE DEEMED NONFUNCTIONAL, GC TO PROVIDE INSTALLATION OF NEW DEDICATED SIGN CIRCUIT, PHOTOCELL AND JUNCTION BOX TO BE MOUNTED WITHIN THE SIGN BAND NO MORE THAN SIX FEET (6') FROM THE CENTERLINE OF THE SUBJECT SPACE. COST FOR INSTALLATION OF THE CIRCUIT, JUNCTION BOX AND PHOTOCELL TO BE INCLUDED IN THE BASE ELECTRICAL BID FOR THE PROJECT AS WELL AS FINAL CONNECTION OF SIGN BY ELECTRICIAN IF REQUIRED BY CODE.

Edward Jones

BRANCH FACILITIES

BRANCH OFFICE 29101

829 E HENRY CLAY ST.,
WHITEFISH BAY, WI
53217-5622

GENERAL NOTES

- ALL ITEMS ARE TO BE COMPLETED PER EDWARD JONES SPECIFICATIONS (SEE PGS. 4-6) UNLESS NOTED OTHERWISE ON THESE PAGES.
- CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS; IF THERE ARE ANY CHANGES, REVISIONS OR DISCREPANCIES PLEASE CALL: **314.515.3906**
*EXISTING AND NEW PARTITION DIMENSION MAXIMUM TOLERANCE IS 4" UNLESS NOTED AS HOLD.
- CONTRACTOR TO CONTACT THE CITY TO DETERMINE IF ANY UPGRADES WILL NEED TO BE MADE TO COMPLY WITH LOCAL, STATE, OR PROVINCIAL CODES INCLUDING FIRE MARSHAL FOR SPRINKLER AND ALARM SYSTEMS.
- LANDLORD/CONTRACTOR TO PROVIDE HVAC CONTROLS FOR EDWARD JONES SPACE.
- CONTRACTOR TO PROVIDE NEW ELECTRICAL DEVICES AS INDICATED ON PLAN IF AN EXISTING DEVICE IS NOT WITHIN 36" OF DEVICE INDICATED. * DO NOT REMOVE DEVICES THAT ARE EXISTING IN REMAINING WALLS, UNLESS NOTED. VERIFY EXISTING DEVICES ARE IN GOOD WORKING CONDITION.
- A SWITCH SHALL OCCUR AT EACH EGRESS DOOR, AND SHALL BE 3-WAY IF APPLICABLE FOR MULTIPLE ENTRANCES.
- MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) ARE ALL DESIGN/BUILD; MEP CONTRACTORS ARE REQUIRED TO OBTAIN ALL REQUIRED DRAWINGS, PERMITS, ETC. RELATED TO THEIR WORK.
- CONTRACTOR TO PROVIDE AND INSTALL EXIT/EMERGENCY LIGHTS AS REQUIRED BY LOCAL, STATE, OR PROVINCIAL BUILDING CODES.
- CONTRACTOR TO COORDINATE INSTALL OF CAT5E PHONE LINES BY INC (QUANTITY AS SHOWN ON SHEET 2 OF 6) IN 3/4" CONDUIT (CONDUIT BY GC) AS REQUIRED BY LOCAL CODE FROM BUILDING SOURCE (DEMARC) TO BOC LOCATION AS INDICATED ON PLAN BY SYMBOL.

PROJECT CONTACT INFORMATION

LEASING COORDINATOR/PROJECT MANAGER:
MARY GRACE WALDMAN 314.515.3923
BUILDING OWNER/PROPERTY MANAGER CONTACT:
TODD HOAGLAND O: 414-416-0243 C: 414-940-9164
FLOORING CONTACT: **TODD.M.GOAGLAND@GMAIL.COM**
NATIONAL RETAIL FLOORING SERVICES, INC. 636-922-0200
edwardjones@nrfsinc.com

METAL LOGOS CONTACT:
DEB GORAT 402-339-3264

TABLE OF CONTENTS

| | |
|---------|------------------------------|
| SHEET 1 | Cover Sheet |
| SHEET 2 | Partition Plan |
| SHEET 3 | Furniture/EDJ Equipment Plan |
| SHEET 4 | Finish Specifications |
| SHEET 5 | Finish Specifications |
| SHEET 6 | Finish Specifications |

EQUIPMENT LEGEND

| | | | |
|--|--------------------|--|--|
| | COMPUTER TERMINAL | | BOC (BRANCH OFFICE CONTROLLER) *PHONE SYSTEM* |
| | LASER PRINTER | | |
| | COPIER/FAX/SCANNER | | |

****EQUIPMENT SUPPLIED & INSTALLED BY EDWARD JONES**

LEGEND

| | | | | | |
|--|---------------------------|--|---|--|--|
| | DEMO PARTITION | | DEDICATED SIMPLEX RECEPTACLE TO BE MARKED WITH "D" & ORANGE | | EXISTING |
| | EXIST. PARTITION | | RECESSED DUPLEX RECEPTACLE | | LANDLORD'S RESPONSIBILITY |
| | EXIST. DEMISING PARTITION | | NEW PARTITION | | THERMOSTAT LOCATION |
| | NEW PARTITION | | NEW PARTITION/ INSUL. | | WATER HEATER |
| | NEW DEMISING PARTITION | | HEADER | | EXIT/EMER. COMBO |
| | EXISTING DOOR | | SINGLE GANG PHONE/DATA BOX | | EXIT/EMERGENCY LIGHT |
| | NEW DOOR | | DOUBLE GANG PHONE/DATA BOX | | WATER COOLER TO BE PROVIDED BY FINANCIAL ADVISOR |
| | DUPLEX RECEPTACLE | | SWITCH | | FIRE EXTINGUISHER |
| | QUADRUPLEX RECEPTACLE | | 3-WAY SWITCH | | |

ISSUES/REVISION

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
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****DO NOT SCALE DRAWINGS****

CONTRACTOR MUST HAVE (6) PAGES FOR THIS SET OF DRAWINGS. IF YOU ARE MISSING ANY PAGES, PLEASE CONTACT DESIGNER: **SAM GANSMANN
AT: **314.515.3906**

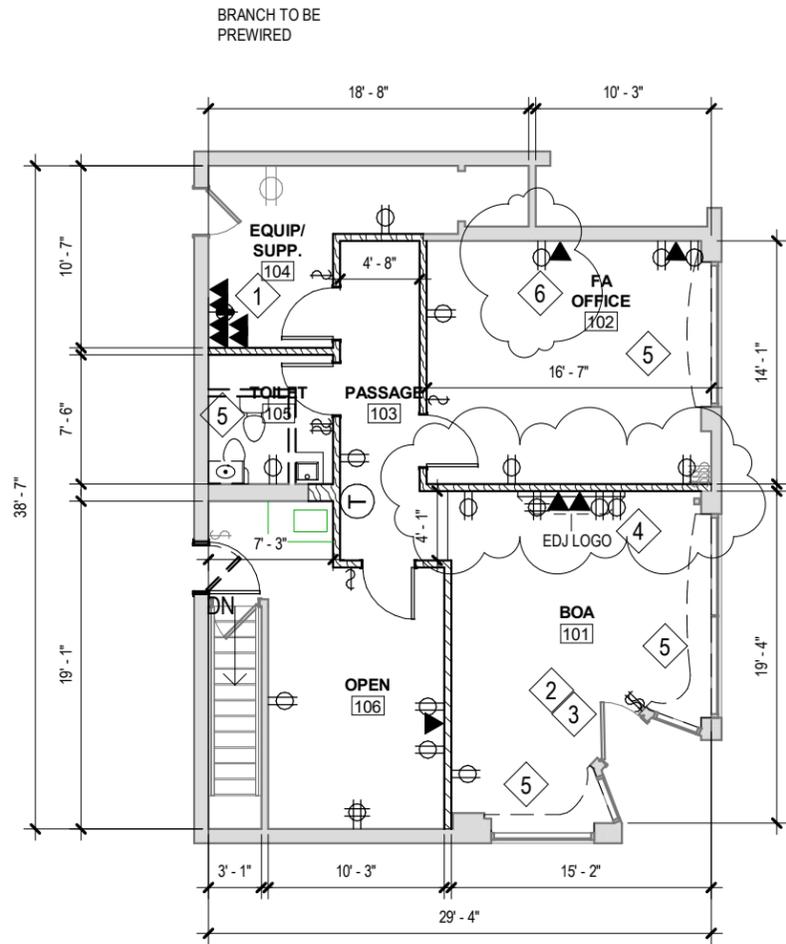
829 E HENRY CLAY ST.,
WHITEFISH BAY, WI
53217-5622

Edward Jones
BRANCH FACILITIES
BRANCH OFFICE 29101
DATE: **4.08.2020**

1200 SF

SQUARE FOOTAGE:

EXHIBIT A



1 PARTITION PLAN
3/32" = 1'-0"

KEYED NOTES

- 1 PHONE COMPANY SERVICE TO BE INSTALLED AT BOC LOCATION PER DETAIL ON SHEET 6 OF 6 AND PER SPECIFICATIONS ON 1ST DAY OF CONSTRUCTION. EMAIL PHOTO TO LEASING COORDINATOR TO CONFIRM WORK ASAP.
- 2 INSTALL DOOR CHIME AT ENTRY DOOR. CHIME TO BE LOCATED IN 103. HAMPTON BAY WIRELESS DOOR ALERT WITH WHITE COVER & HORIZONTAL LINES - HOME DEPOT MODEL #SL- 6168 OR COMPARABLE ALTERNATIVE.
- 3 IF LOCAL CODE WILL NOT ALLOW FOR THUMB-TURN LOCKSET AT ENTRY DOOR, NOTIFY DESIGNER IMMEDIATELY WITH ALTERNATIVE OPTIONS FOR LOCKSETS WITH INTERIOR LOCKING MECHANISMS.
- 4 INSTALL ELECTRICAL SERIES AT BOA WORKSTATION 4'-0" FROM CORNER, STARTING WITH RECESSED OUTLET, AS INDICATED BY ARROW ON FLOOR PLAN TO ALLOW FOR PROPER EQUIPMENT INSTALLATION.
- 5 DEMO EXISTING PARTITION/PLUMBING/DOOR AS INDICATED ON PLAN; PATCH & REPAIR ADJACENT SURFACES FOR NEW FINISHES.
- 6 Install needed electrical outlet and cable box with HDMI hookup for future audio/video display.

CONTRACTOR (SITE SPECIFIC) NOTES:

1. LANDLORD TO DELIVER SPACE IN AS-IS CONDITION.
2. ALL ITEMS TO BE COMPLETED PER EDWARD JONES SPECIFICATIONS, SEE PAGES 4-6 UNLESS OTHERWISE NOTED.
3. CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS & WINDOW MULLION PLACEMENT PRIOR TO CONSTRUCTION; IF YOU ARE UNABLE TO VERIFY DIMENSIONS OR IF A DISCREPANCY OCCURS, NOTIFY DESIGNER IMMEDIATELY.
4. BRANCH TO BE LOW-VOLTAGE PERWIRED PER LOCAL CODES.
5. INSTALL NEW ELECTRICAL PER PLAN UNLESS WITHIN 36" OF EXISTING RECEPTACLE. VERIFY EXISTING ELECTRICAL PANEL MEETS EDJ SPECIFICATIONS; UPGRADE OR ADD SUBPANEL AS REQUIRED. IF EP IS LOCATED IN A COMMON AREA, INSTALL BREAKER LOCKS AS REQUIRED.
6. INSTALL/RELOCATE SUPPLY & RETURN GRILLES, INCLUDING DUCTWORK, AS REQUIRED FOR COMPLETE & BALANCED WORKING SYSTEM AND TO ACHIEVE ONE SUPPLY & ONE RETURN AT MINIMUM IN EACH ROOM. CLEAN & CHECK HVAC UNIT; INSTALL/RELOCATE DIGITAL PROGRAMMABLE THERMOSTAT AS SHOWN ON PLAN IN PASSAGE 103.
7. INSTALL T8 LAMPS AND ELECTRONIC BALLASTS IN ALL EXISTING FIXTURES IF NOT EXISTING; INSTALL/RELOCATE 2'x4' FLUORESCENT SURFACE MOUNTED ACCORDING TO NEW PARTITIONS; (2) NIGHT LIGHTS TO BE HARDWIRED AT 101 & 103. INSTALL COMMERCIAL 6" RECESSED SPOTLIGHT TO ILLUMINATE INTERIOR LOGO AS PER KEYNOTE B ON PAGE 3 OF 6; SEPARATELY SWITCHED. PATCH, REPAIR, AND PAINT EXISTING DRYWALL CEILING WHITE.
8. PATCH, REPAIR, & PREP EXISTING PARTITIONS AS REQUIRED FOR NEW FINISHES. ENSURE ALL PARTITIONS ARE SIMILAR IN TEXTURE; MATCH AS REQUIRED.
9. VERIFY LOCATION OF ALL EXISTING DEMISING PARTITIONS. VERIFY THAT THEY EXTEND TO THE DECK & ARE INSULATED; EXTEND & ADD INSULATION AS REQUIRED.
10. REMOVE EXISTING FLOORING & BASE THROUGHOUT EXCEPT IN 104. ENSURE ALL FLOORING SURFACES ARE CLEAN, DRY, SMOOTH, & LEVEL WITHIN 3/16" PER EVERY 10 FEET; READY TO ACCEPT NEW FINISHES PER FINISH SCHEDULE. RESILIENT FLOORING IN 105 TO BE INSTALLED PARALLEL TO FRONT DOOR.
11. INSTALL NEW ADA FIXTURES, ACCESSORIES, AND HARDWARE AS REQUIRED IN TOILET 105 AND THROUGHOUT SPACE; INSTALL INSTA HOT WATER HEATER ABOVE CEILING IN TOILET 105 & PROVIDE BRACING; INSTALL EXHAUST FAN VENTED TO EXTERIOR & LIGHT FIXTURE IN TOILET 105 AS REQUIRED BY LOCAL CODE.
12. DEMO ALL ABANDONED PIPING & VOICE/DATA WIRING.
13. REPLACE HOLLOW CORE WOOD DOORS WITH 3'-0" SOLID CORE WOOD DOORS THROUGHOUT.

DEMARC EXTENSION WORK PER DETAIL ON SHEET 6 OF 6. TO BE COMPLETED ON THE FIRST DAY OF CONSTRUCTION.

ISSUES/REVISION

| NO. | DATE | DESCRIPTION |
|-----|----------|-------------------|
| 1 | 6.8.2020 | Move wall forward |

****DO NOT SCALE DRAWINGS****

CONTRACTOR MUST HAVE (6) PAGES FOR THIS SET OF DRAWINGS. IF YOU ARE MISSING ANY PAGES, PLEASE CONTACT DESIGNER: **SAM GANSMANN
AT: **314.515.3906**

829 E HENRY CLAY ST.,
WHITEFISH BAY, WI
53217-5622

Edward Jones

BRANCH FACILITIES

BRANCH OFFICE 29101

DATE: 4.08.2020

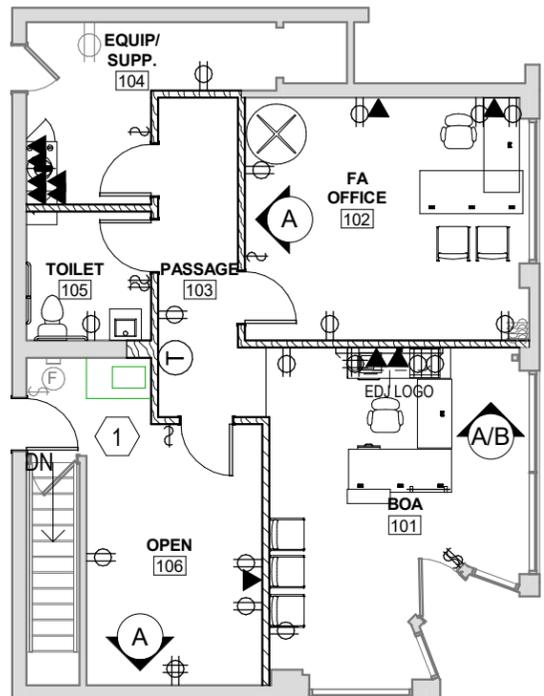
SQUARE FOOTAGE: 1200 SF

EXHIBIT A

SHEET 2 of 6

ALTERNATE KEYED NOTES

1 INSTALL 4'0" LF OF BASE & UPPER CABINETS & PLASTIC LAMINATE COUNTERTOP WITH A SINGLE BOWL STAINLESS STEEL SINK; INSTALL GOOSENECK FAUCET & WRIST BLADE HANDLES. LOWER CABINET TO HAVE LEAVE-OUT FOR MINI FRIDGE & DUPLEX OUTLET AT 18" AFF. INSTALL (1) GFI OUTLET AT 42" AFF AS SHOWN & AS PER LOCAL CODES. GC TO COMPLY WITH LOCAL ADA GUIDELINES.



1 FURNITURE / EDJ EQUIP. PLAN
3/32" = 1'-0"

LUXURY VINYL PLANK INSTALLATION: PARALLEL TO FRONT DOOR- STAGGER JOINTS 6"+ IN RANDOM PATTERN



KEYED NOTES

- A ACCENT TO BE PAINTED WITH ACCENT COLOR SEE FINISH SPECIFICATIONS.
- A/B PREPAID FOR EDJ LOGO TO BE CENTERED ON PARTITION AS INDICATED ON PLAN. USE PROVIDED TEMPLATE FOR ACCURATE ALIGNMENT; SEE SIGNAGE ELEVATION TO THE RIGHT. PROVIDE & INSTALL COMMERCIAL 6" RECESSED SPOTLIGHT W/ WHITE ADJUSTABLE EYEBALL TRIM KIT UTILIZING AN ENERGY SAVING BULB; TO BE INSTALLED IN CEILING 5'-0" AWAY FROM WALL AND CENTERED ON PARTITION. FOR INSTALLATION INSTRUCTIONS, VISIT <http://www.metallogos.com/installation.aspx>. **FOR CANADA BRANCHES, PLEASE CALL SPECTRA SIGNS (SEE CONTACT INFO ON PAGE (1)).**
 1. SIGNAGE TO BE ORDERED BY CONTRACTOR AND WILL BE PAID FOR BY EDWARD JONES. ONLY THE INSTALLATION SHOULD BE INCLUDED IN SCOPE OF WORK. (LETTER KIT WITH PINS ON BACK; KIT COMES WITH TEMPLATE FOR EASY INSTALLATION)
 2. EDWARD JONES LOGO TO BE CENTERED ON PARTITION AS INDICATED ON PLAN. USE PROVIDED TEMPLATE FOR ACCURATE ALIGNMENT. BOTTOM OF LOGO TO BE 6'-0" AFF UNLESS THERE IS A WINDOW ON THE SIGNAGE WALL, THEN PLACE THE SIGNAGE 6" ABOVE WINDOW TRIM. ALLOW AT LEAST 2" ON EITHER SIDE OF SIGNAGE; IF PARTITION SELECTED FOR SIGNAGE DOES NOT ALLOW, NOTIFY DESIGNER IMMEDIATELY.

EXIST = EXISTING FINISH TO REMAIN N.I.C. = NOT IN CONTRACT FOR FINISHES
MATCH = NEW FINISHES TO MATCH EXISTING N/A = FINISH NOT APPLICABLE TO THIS ROOM

FINISH SCHEDULE

| RM. NO. | PAINT | ACCENT WALL | FLOORING | BASE | DOOR/TRIM | CEILING | NOTES |
|---------|-------|-------------|----------|-------|-------------|---------|-----------------|
| 101 | P3 | A2 | C10 | B2 | EXIST/WHITE | DRYWALL | SEE NOTE 'A'/B' |
| 102 | P3 | A2 | C10 | B2 | WHITE/WHITE | DRYWALL | SEE NOTE 'A' |
| 103 | P3 | N/A | C10 | B2 | WHITE/WHITE | DRYWALL | |
| 104 | EXIST | N/A | EXIST | EXIST | WHITE/WHITE | DRYWALL | |
| 105 | P3 | N/A | LVP3 | B2 | WHITE/WHITE | DRYWALL | |
| 106 | P3 | A2 | C10 | B2 | WHITE/WHITE | DRYWALL | SEE NOTE 'A' |

FINISH SPECIFICATIONS

PAINT
P3- SW7723 COLONY BUFF (SHERWIN WILLIAMS) OR PUTNAM IVORY HC39 (BENJAMIN MOORE)

ACCENT WALLS- SW6195 ROCK GARDEN (SHERWIN WILLIAMS) OR CUSTOM "EDJ GREEN" (BENJAMIN MOORE)

ALT. DOOR FRAME COLOR- SW7510 CHATEAU BROWN (SHERWIN WILLIAMS)

ALT. DOOR FRAME COLOR - SW7510 CHATEAU BROWN (SHERWIN WILLIAMS)

****PAINT TO HAVE EGGSHELL FINISH - SEE PAGE 5 FOR FULL SPECIFICATIONS***

GC USE ONLY

CONTACT FOR FLOORING:
NATIONAL RETAIL FLOORING SERVICES, INC.:
www.nrsfinc.com/ejflooring
636-922-0200 edwardjones@nrsfinc.com

CARPET TILE
PATCRAFT PRIVATE LABEL PRODUCT
C10 - CUSTOM TILE- V824G, 5.333 SY PR CARTON
CARPET TILE INSTALLATION: QUARTER-TURN
CARPET TILE ADHESIVE- PATCRAFT 5900 HIGH MOISTURE (100 YD SPREAD RATE)
****GC TO LEAVE 1 CARTON OF CARPET TILE IN BRANCH AT CONSTRUCTION COMPLETION ****

LUXURY VINYL PLANK
LVP1- PATCRAFT RESILIENT, 6"X48" PLANK- RESILIENT VINYL
STYLE: 1800V HIGHLAND FOREST, COLOR: 20220 LIGHT OAK, 35.95 SQFT/CARTON RESILIENT ADHESIVE PATCRAFT 4100 (700-900 SQFT SPREAD RATE)

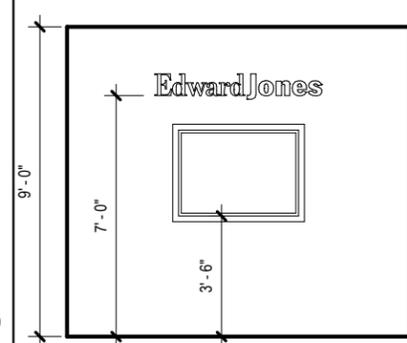
BASE
ROPPE
4" VINYL COVE BASE
B2-P147 LIGHT BROWN

BROADLOOM
C11 - CUSTOM TILE MATCH
PATCRAFT EDJ CUSTOM W218Y1
ADHESIVE- PATCRAFT 1000
UNIT PRICING \$7.79/SY
ADHESIVE SPREAD RATE: 32-36 YD

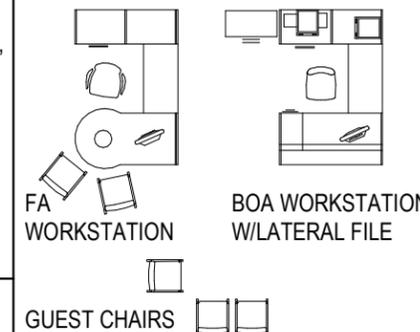
ISSUES/REVISION

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |

SIGNAGE ELEVATION



STANDARD FURNITURE



****DO NOT SCALE DRAWINGS****

**CONTRACTOR MUST HAVE (6) PAGES FOR THIS SET OF DRAWINGS. IF YOU ARE MISSING ANY PAGES, PLEASE CONTACT DESIGNER: SAM GANSMANN AT: 314.515.3906

829 E HENRY CLAY ST., WHITEFISH BAY, WI 53217-5622

Edward Jones
BRANCH FACILITIES
BRANCH OFFICE 29101

SQUARE FOOTAGE: 1200 SF

DATE: 4.08.2020

VILLAGE OF WHITEFISH BAY

Receipt: 151755

06/04/20

5300 NORTH MARLBOROUGH DRIVE
WHITEFISH BAY, WI
53217-5399

Cashier: Counter1
Received Of: **DEDICATED CONSTRUCTION**

The sum of: 100.00

DMPST4 Permits - Conditional Use

| | |
|--------------|---------------|
| | 100.00 |
| Total | 100.00 |

CHECK 12711 100.00

Signed: _____



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: June 18, 2020
Re: Red Element, LLC (DBA Mathnasium Whitefish Bay) – Conditional Use Application

Executive Summary

Applicant Rohita Shah has applied for Conditional Use approval to operate Red Element, LLC (DBA Mathnasium Whitefish Bay) at 421 E. Silver Spring Drive, Whitefish Bay, WI, 53217 (previously Regina's Bay Bakery). Mathnasium Whitefish Bay is currently located at 324 E Silver Spring Dr, but has outgrown their current space. They have been in business since 2014 in Whitefish Bay



The applicant indicated that the business will be a service that will provide math tutoring to students grades 1 to grade 12. Typical business hours will range from 9:00 am to 7:30 pm depending on the time of year and day of the week. A full schedule of hours of operation is included in the submitted materials.

Per § 16-21C(3)(s) of the Municipal Code, the operation of Mathnasium Whitefish Bay in District 11 requires Plan Commission Conditional Use approval. The business 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 laws.

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 also be compliant with the zoning district laws that fall under Section § 16-16. This includes all subsequent laws including the uses of retail and services in the Silver Spring District, as well as all matters of the Plan

Commission's review of the business at the hearing. Based on the business operations described in the application, the business model would be compliant with both the retail and service-based businesses permitted in the Silver Spring Business District.

- Signage for the proposed business must meet the standards of Section § 16-43H and will require a sign permit. Once signs are submitted for the business, they will have to be reviewed and approved by the Building Services Director before being able to be placed on location.
- The applicant indicated that they would like to receive approval to conduct business between 9:00 am to 7:30 pm depending on the time of year and day of the week. Staff recommends approval for the full range of hours as permitted by Code (6:00 am to 10:00 pm Monday through Sunday) in the event the applicant wishes to adjust hours in the future.
- The applicant plans to renovate the interior of the space to make it suitable for their operations. An interior layout is included with their application. Occupancy of the tenant space is subject to proper receipt of all necessary permits, approval from the Village Building Inspector, and approval from all applicable outside agencies (i.e. State of Wisconsin, North Shore Fire Dept, North Shore Health Dept). **A pre-development meeting with the Building Services Director is required within 10 business days of Plan Commission approval.**
- While not planned at this time, should any other changes to the façade of the building be made, the business owner must obtain prior approval from the Community Development Authority (CDA) and Architectural Review Commission (ARC).
- Section § 16-21F(1)(a) dictates that "off-street on-site" parking is required in the instance a new conditional use is applied for. Based on the requirements in Section § 6-24C of the Municipal Code, approximately eight (9) parking stalls are required for Mathnasium Whitefish Bay based on the square footage of the space (2248 sq ft). As Commissioners are aware, there are a total of 132 public parking spaces in the two garages behind the Fox Bay Building, as well as street spots available within walking distance of the proposed business. It is under the discretion of the Plan Commission to bypass the parking requirements based on the availability in the area.

Recommendation

Staff recommends approval of the Conditional Use Permit Application for Red Element, LLC (DBA Mathnasium Whitefish Bay) with approval of the Plan Commission on all aforementioned conditions, 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 south side of the building shall be prohibited between the hours of 10:00 pm and 6:00 am.

Attachments

1. Application



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: AMP Holdings, LLC

Last name: Mahalick, Dr.

First name: Jerome

Address: 421 E. Silver Spring Drive

City/State/Zip: Whitefish Bay, WI 53217

Phone number: 414.332.1011

Email address: j.mahalick@ampinvestment.com

2. Applicant Information: (if different from above)

Company name: Red Element, LLC (DBA Mathnasium of Whitefish Bay)

Last name: Shah

First name: Rohita

Address: 5542 N Santa Monica Blvd

City/State/Zip: Whitefish Bay, WI 53217

Phone number: 630.677.2354

Email address: redelementwi@gmail.com

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

423 E. Silver Spring Drive, Whitefish Bay, WI 53217

4. Zoning Designation: Business: 400 E, 5600 N

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

Mathnasium is a service business that provides math tutoring to students in grades 1-12.

Students come in for sessions and work with our instructors. No goods will be sold.

6. General Information:

- Name of Proposed Business: Mathnasium
- Type of Business: Tutoring Services, Math Learning Center
- What other licenses, permits, etc. are required for operation, and have they been obtained?
None
- Anticipated Number of Employees: 14 part-time employees
- Total Square Feet of Sales Area: 2300 sq ft
- Proposed Parking Area for Customers: None
- Proposed Parking Area for Employees: None
- Control of Property (Signed Lease, Owner Occupied, etc.): Signed Lease
- Frequency and Location of Deliveries: Occasional and through the front door.

7. Additional Required Information:

- Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved. 1980257000
- Plan of Operation:** Including hours of operation, products to be sold and any other pertinent information regarding the proposed business.
- 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.
- 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:  Date: 6/4/20

Applicant:  Date: 6/4/2020

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.

(7a) Parcel Identification Number and Description of Property

Parcel ID: 1980257000

| | |
|--------------------------------|---|
| Parcel ID | 1980257000 |
| Tax Parcel ID | |
| Parcel Date | |
| Tax Roll Year | 2017 |
| Primary Owner Name | AMP HOLDINGS LLC |
| Secondary Owner Name | |
| Full Mailing Address | 421 E SILVER SPRING DR STE 3 WHITEFISH BAY WI 53217 |
| Full Physical Address | 421 E SILVER SPRING DR |
| Place Name | VILLAGE OF WHITEFISH BAY |
| School District | WHITEFISH BAY SCHOOL DISTRICT |
| School District Number | 6419 |
| Total Assessed Value | 1,767,000.00 |
| Assessed Value of Land | 543,800.00 |
| Assessed Value of Improvements | 1,223,200.00 |
| Estimated Fair Market Value | 1,943,700.00 |
| Net Property Tax | 41,737.81 |
| Gross Property Tax | 45,488.71 |
| Class of Property | 2 |
| Auxiliary Class of Property | |
| Assessed Acres | |
| Deeded Acres | 0.00 |
| GIS Acres | 0.26 |
| County Name | MILWAUKEE |

Legal Description of Building

Lots 1, 2, and the East 3 feet of the North 55 feet and East 6 feet of the South 65 feet of Lot 3 in Block 3 in Lake Crest, being a Subdivision in the Northwest ¼ of Section 33, Township 8 North, Range 22 East, and the Northeast ¼ of Section 32, Township 8 North, Range 22 East, in the Village of Whitefish Bay, County of Milwaukee, State of Wisconsin.

(7b) Plan of Operation

Mathnasium is a service business that provides math tutoring to students in grades 1-12. No goods are sold at the business. We have been operating in Whitefish Bay for the past 5 years at our current location on 324 E. Silver Spring Drive. We have outgrown the current space and therefore, are looking to expand at 423 E. Silver Spring Drive.

Hours of operation pre-COVID during the academic year

| | |
|-------------------|----------------|
| Monday – Thursday | 3 PM – 7:30 PM |
| Friday | Closed |
| Saturday | 9 AM – 12 PM |
| Sunday | 1 PM – 4 PM |

Hours of operation pre-COVID during summer

| | |
|--------------------|----------------------------|
| Monday & Wednesday | 3 PM – 7 PM |
| Tuesday & Thursday | 9 AM – 12 PM & 3 PM – 7 PM |
| Friday – Sunday | Closed |

Current hours of operation (Mathnasium@home program)

| | |
|-------------------|-------------|
| Monday – Thursday | 1 PM – 7 PM |
| Friday – Sunday | Closed |

Summer hours of operation (2020)

| | |
|--------------------|--------------|
| Monday & Wednesday | 1 PM – 5 PM |
| Tuesday & Thursday | 10 AM – 5 PM |
| Friday – Sunday | Closed |

(7c) Exterior/Interior Changes

No exterior changes will be made to the building except for replacing the signage. The current awning will be replaced by one with a Mathnasium Logo (see below).



The interior space will be built-out conducive to a learning environment. It will be an open space with one office and 2 ADA compliant washrooms.

(7d) General Layout & Plans

Attached

VILLAGE OF WHITEFISH BAY

Receipt: 151791

06/08/20

5300 NORTH MARLBOROUGH DRIVE
WHITEFISH BAY, WI
53217-5399

Cashier: Counter1
Received Of: **MATHNASIAM**

The sum of: **100.00**

DMPST4 Permits - Conditional Use

100.00

Total 100.00

CHECK 1339 100.00

Signed: _____