



**VILLAGE OF WHITEFISH BAY
PLAN COMMISSION AGENDA**

November 19, 2019 – 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 November 6, 2019.
3. PUBLIC HEARINGS
 - a. On proposed Ord. No. 1858 to create Section 16-35A(3) of the Zoning Code regarding side yard setbacks on corner lots.
 - b. On Conditional Use Grant Application for The Look Consignment Boutique – 5167 N Elkhart Ave, Whitefish Bay, WI, 53217.
4. NEW BUSINESS
 - a. Review and recommendation to Village Board on proposed Ord. No. 1858 to create Section 16-35A(3) of the Zoning Code regarding side yard setbacks on corner lots.
 - b. Review and action On Conditional Use Grant Application for The Look Consignment Boutique – 5167 N Elkhart Ave, Whitefish Bay, WI, 53217.
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: November 14, 2019 – Tim Blakeslee – Assistant Village Manager

**VILLAGE OF WHITEFISH BAY
PLAN COMMISSION MINUTES**

**November 6, 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 6:14 pm.

Present: President Siegel, Commissioners Sauer, Huber, Serebin and Kolton.

Also Present: Village Manager Paul Boening, Assistant Village Manager Tim Blakeslee, Village Attorney Chris Jaekels, Stephanie Hacker with Graef

2. Approval of the Minutes of the Regular Meeting of October 22, 2019 .

Commissioner Sauer moved, seconded by Commissioner Huber to approve the minutes of the regular meeting of October 22, 2019. Motion Carried, 5-0.

3. Review and action on Pre-Petition submittal for a proposed single-family redevelopment of the First Church of Christ Scientist property at 721 E. Silver Spring Drive. (Applicant – WIRED Properties)

President Siegel provided an introduction to the project and outlined the process for the meeting. Village Manager Paul Boening provided a summary of the Planned Development District process. Blair Williams with Wired Properties provided a presentation of his proposal to redevelop the First Church of Christ Scientist property. Stephanie Hacker with Graef summarized the planning memo provided in the meeting packet. Commissioner Sauer asked if neighbors and the church had been contacted about this project. Mr. Williams noted that he did meet with the church. Commissioner Kolton asked if an RFP had been done for this project. It was noted that this was a private transaction. Commissioner Huber and Sauer had questions about traffic. There was discussion about traffic changes caused by this development. There was discussion about other Village PDDs. Commissioner Serebin asked if this would be reviewed by ARC. Village Manager Paul Boening said ARC serves as a review body, but final approval rests with the Village Board. There was a discussion about the size of the homes of the project. President Siegel opened up the floor to public comments.

Kathy Schluter (Speaking on behalf of the United Methodist Church of Whitefish Bay at 819 E. Silver Spring) gave a background of the church and the activities that it provides to the community. Voiced concerns about parking and that the church doesn't have a parking lot. Believes congestion would increase with this project. Need more available and accessible parking. She would like the Village to commit to working with the Church to come to a positive outcome.

Lawrence Abbott (840 E Glen) purchased home in Village 10 years ago. Said he was blindsided by this project. Concerned about neighborhood consistency, height, and size of the proposal.

Tom Stuhlmacher (629 E Silver Spring) said that 50 cars per day currently park in that lot and wonder where they will go. Said the Winkies lot is already packed every day.

Lee Kottke (851 E Glen) lived here for 46 years. Believe it infringes on the setback and is a change of character of the street. Doesn't like the repetitive design and said it will stand out like a sore thumb.

Rick Stalle (5114 N Lake) wants to make sure the correct decision is made about zoning the best use of this space. The zoning should be given flexibility.

Village Manager Paul Boening provided a recap of the pre-petition process and that the developer would still have to submit a full PDD proposal as the next step. There was a discussion from the Board and Mr. Williams about the sale of the property and the control of the property. There was a discussion about the TIF boundary and the next steps for the development.

4. Adjournment

Commissioner Serebin moved, seconded by Commissioner Sauer to adjourn the meeting at 7:33pm. Motion Carried, 5-0.

Respectfully Submitted,
Tim Blakeslee – Assistant Village Manager



PLAN COMMISSION MEETING STAFF REPORT

REPORT TO: Whitefish Bay Plan Commission

REPORT FROM: Tim Blakeslee – Assistant Village Manager

DATE: 11/14/19

AGENDA ITEM: Review and recommendation to Village Board on proposed Ordinance No. 1858 to create Section 16-35A(3) of the Zoning Code regarding side yard setbacks on corner lots.

ACTION REQUESTED: Ordinance Resolution Motion

BACKGROUND

Recently, Joel Oestrich (Director of Building Services) discovered that the Zoning Code lacked language pertaining to the application of the Side Yard Setback Map to corner lots in districts other than District 6 (Business District). Joel subsequently worked with Attorney Jaekels to draft the attached Ordinance, which upon adoption will correct the language omission. The Ordinance is a “housekeeping” matter that will officially memorialize the longstanding application of side yard setback requirements on corner lots in Whitefish Bay.

Plan Commission review is required prior to Village Board action on Zoning Code amendments. The Ordinance will be brought back for final Village Board discussion and action after review by the Plan Commission.

RECOMMENDED ACTION BY PLAN COMMISSION

Recommendation to Village Board on proposed Ordinance No. 1858 to create Section 16-35A(3) of the Zoning Code regarding side yard setbacks on corner lots.

ATTACHMENTS

- Ordinance 1858 (draft)

C: Department Heads
Attorney Jaekels

STATE OF WISCONSIN MILWAUKEE COUNTY VILLAGE OF WHITEFISH BAY

ORDINANCE NO: 1858

**An Ordinance to Create Section 16-35 A.(3) of the Municipal Code
With Regard to Side Yard Setbacks on Corner Lots**

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

Section One: Section 16-35 A.(3) is hereby created to read as follows:

(3) In all districts except District 6, the "side yard setback" for every corner lot shall be at least equal to the distance designated upon the side setback map dated February 2, 1931 (as amended).

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 _____, 2019.

VILLAGE OF WHITEFISH BAY

Julie Siegel, Village President

Jennifer Amerell, Village 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: November 14, 2019
Re: The Look – Conditional Use Application

Executive Summary

Applicants Danielle Bates and Keshia Tally have applied for Conditional Use approval to operate The Look Consignment Boutique at 5167 N Elkhart Ave. The current tenant has a lease that will be ending on December 31st. See the photo below of the proposed location. The applicant indicated that the business is a Consignment Boutique for women's clothes, shoes, purses, and jewelry. The proposed business hours are Tuesday to Friday from 10:00 am to 6:00 pm, Saturday from 10:00 am to 5:00 pm, and Closed on Sunday and Monday.



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 Tuesday to Friday from 10:00 am to 6:00 pm, Friday from 10:00 am to 5:00 pm, and Closed on Sunday and Monday. 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 make minor changes to renovate the interior of the space to make it suitable for their operations (addition of shelving, lighting, and security system). 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 two (2) parking stalls are required. The Look based on the square footage of the space (510 sq ft).

The applicant indicated that there is street parking in front of the business that would accommodate this requirement. The applicant indicated their opening hours will not conflict with the next door business’ (Donut Monster) peak morning hours. In addition, most customers would spend a short period of time in the business and parking would free up quickly. There are also street spots available within walking distance of the proposed business on Henry Clay and Elkhart. 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 The Look at 5167 N Elkhart Ave 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

RECEIVED
OCT 22 2019



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: Henry Clay Properties
Last name: Bates First name: Tino
Address: W 147 N 9632 Farmvalley Ct City/State/Zip: Germanatown WI 53022
Phone number: 414 732-6899 Email address: Tino.Fusion Beauty lounge @gmail.com

2. Applicant Information: (if different from above)

Company name: The Look Consignment Boutique
Last name: Tally / Bates First name: Keshia / Danielle
Address: 10206 N Concord Dr. City/State/Zip: Mequon, WI 53097
Phone number: (414) 507-6076 Email address: Ktally03@gmail.com
(262) 751-1412 DB.Fusion 78@gmail.com

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

5167 N Elk hart Whitefish Bay, WI 53217

4. Zoning Designation: Commercial / Residential

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

Upon approval we are requesting to own and operate a resale consignment boutique. The space will be used to buy and sell retail items such as clothing, shoes, purses, and jewelry.

6. General Information:

- Name of Proposed Business: The Look Consignment Boutique
- Type of Business: resale consignment store for women
- What other licenses, permits, etc. are required for operation, and have they been obtained?
only CUP
- Anticipated Number of Employees: 6 at most
- Total Square Feet of Sales Area: _____
- Proposed Parking Area for Customers: Street parking
- Proposed Parking Area for Employees: Street parking
- Control of Property (Signed Lease, Owner Occupied, etc.): Signed lease
- Frequency and Location of Deliveries: Once a week, front entry

7. Additional Required Information:

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

Property Owner: Ino Bates

Date: 10-22-19

Applicant: Manuela Bates

Date: 10-22-19

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.

Additional required information :

7a. Legal Description and PIN: 2020124

The entrance of the space is facing Elkhart St. as you enter, the Storefront area is 330 sq ft. of open space . To the left back corner, there is an entry way that leads to an office space which is roughly 180 sq ft. There is also a small restroom and basement storage.

b. Plan of Operation: The business hours of operation are:

10:00am -6:00pm Tues-Fri

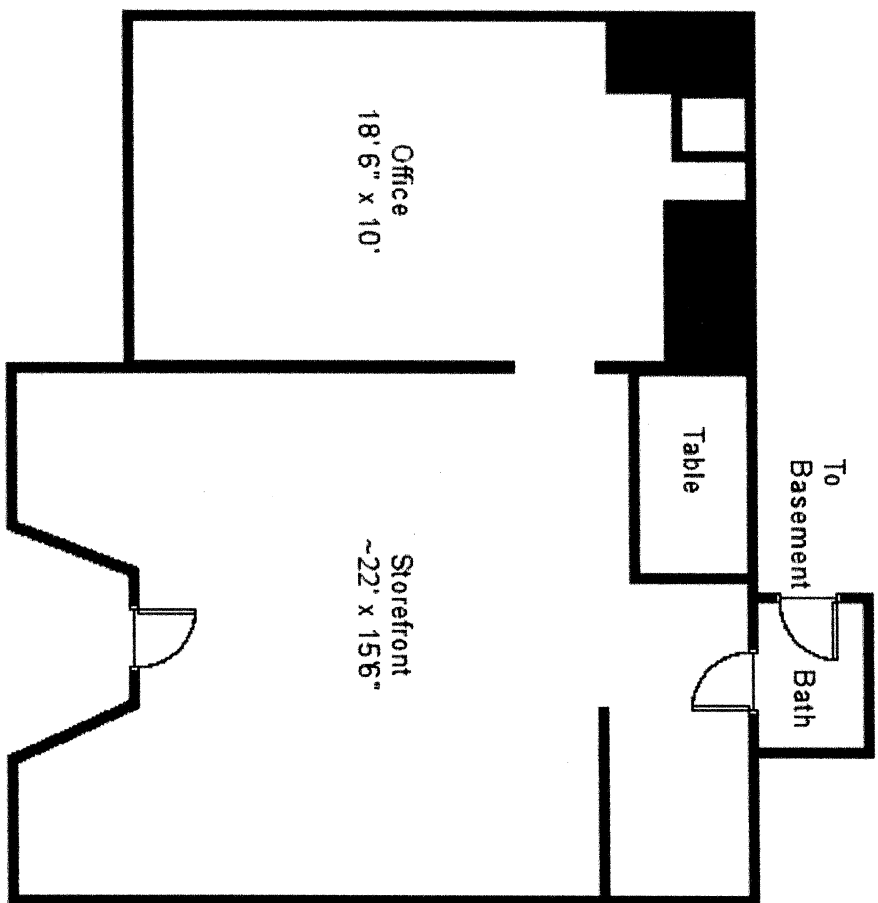
10:00am- 5:00pm Saturday Closed Sunday and Monday

This business space would be used to Buy/Sell retail items such as Clothing, Shoes, Purses, and Jewelry.

C. Exterior/Interior changes: Signage on the exterior, interior shelving , lighting , and security system with cameras.

d. General Layout: No changes are being made layout attached.

5167 N Elkheart → 733 E Henry Clay
Whitefish Bay, WI 53217



180 sq ft

330 sq ft.

total sq ft = 510 sq ft.

VILLAGE OF WHITEFISH BAY

Receipt: 143424

10/28/19

5300 NORTH MARLBOROUGH DRIVE
WHITEFISH BAY, WI
53217-5399

Cashier: Counter1
Received Of: **THE LOOK**

The sum of: **100.00**

| | | | |
|--------|---------------------------|-------|---------------|
| DMPST4 | Permits - Conditional Use | | 100.00 |
| | | Total | 100.00 |

CASH **100.00**

Signed: _____



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 **Tuesday, November 19, 2019** 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:

A) The Look Consignment Boutique – 5167 N Elkhart Ave, Whitefish Bay, WI, 53217. The proposed business hours are Tuesday to Friday from 10:00 am to 6:00 pm, Saturday from 10:00 am to 5:00 pm, and Closed on Sunday and Monday.

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