

**VILLAGE OF WHITEFISH BAY
PLAN COMMISSION MINUTES**

January 26, 2016 – 7:00pm
Whitefish Bay Village Hall
5300 N. Marlborough Dr., Whitefish Bay, WI 53217

1. Call to Order.

President Siegel called the meeting to order at 7:00pm. Present: Commissioners Helfer, Sauer, Roth, Huber, Serebin and Siegel. Also Present: Attorney Chris Jaekels and Assistant Manager Paul Boening.

2. Approval of the Minutes of the Regular Meeting of December 15, 2015.

Commissioner Huber moved, seconded by Trustee Serebin to approve the minutes of the regular meeting of December 15, 2015. Motion Carried, 6-0.

3. **PUBLIC HEARINGS**

- a. On Conditional Use Grant Application for *Home Care Assistance* to relocate their office to 215 E. Silver Spring Dr.

There were no public comments. President Siegel closed the public hearing at 7:02pm.

- b. On Conditional Use Grant Application for *Gerhards – The Kitchen & Bath Store* (Retail Kitchen and Bath Home Improvement Products and Showroom) to be located at 400 E. Silver Spring Drive.

There were no public comments. President Siegel closed the public hearing at 7:02pm.

With the Commission's consent, President Siegel moved items 5a, 5b and 5c forward on the agenda.

5. **NEW BUSINESS**

- a. Review and action on Conditional Use Grant Application for *Home Care Assistance* to relocate their office to 215 E. Silver Spring Dr.

Commissioner Huber moved, seconded by Commissioner Sauer to approve the Conditional Use Grant Application as submitted. Motion Carried, 6-0.

- b. Review and action on Conditional Use Grant Application for *Gerhards – The Kitchen & Bath Store* (Retail Kitchen and Bath Home Improvement Products and Showroom) to be located at 400 E. Silver Spring Drive.

Property owner Dr. Mona Patel commented on the occupancy plan for the building. Gerhards would occupy the first floor and basement level for its kitchen and bath retail business. Dr. Patel would utilize the second floor for her dental practice. Discussion followed.

Commissioner Sauer moved, seconded by Trustee Serebin to approve the Conditional Use Grant Application subject to:

- Basement (non-street level) occupancy is subject to the approval of the Building and/or Fire Inspector in accordance with Code requirements.
- Deliveries to the north side of the building (alley side) shall be prohibited between 10:00pm and 6:00am, daily.

Motion Carried, 6-0.

- c. Review and contingent action on Conditional Use Grant Application for *The Navy Knot* (Retail Clothing, Home Accessories, Jewelry & Gifts) to be located at 308 E. Silver Spring Drive.

Commissioner Roth moved, seconded by Commissioner Helfer to grant contingent approval subject to holding the legally required public hearing followed by subsequent final Commission approval.

Motion Carried, 6-0.

4. **OLD BUSINESS**

- a. Remove from Table/Review and action on Conditional Use Application from *Johnson Bank* (5600 N. Lake Drive) requesting approval to install an ATM in the first lane of the existing bank drive-thru to be operational from 6:00am – 10:00pm.

Assistant Village Manager Paul Boening provided a brief recap of the previous month's discussion related to the ATM request. He also referenced the alley traffic/pedestrian data that the Whitefish Bay Police Department had gathered in response to direction from the Plan Commission. Trustee Serebin commented on the lack of lighting in the alley. Discussion followed regarding alley lighting in Whitefish Bay (ownership, assessment of utility costs to property owners, etc.). Commissioner Roth questioned why Johnson Bank had decided not to install the lobby ATM that was approved prior to construction of the building. Branch Manager Bryan Schauland replied that a lobby ATM would have been inconvenient due to the location of on-site parking. Commissioner Helfer commented that the proposed drive-thru ATM would be located in a spot that would not be visible from Silver Spring Drive or Lake Drive, and he noted that he understood why the neighbors would be concerned about that possibility. President Siegel asked Attorney Jaekels if the Commission could prohibit right turns onto the alley from the Johnson Bank property. Attorney Jaekels explained that such a condition could be included in an approval motion, but otherwise, the Village would need to look at a potential ordinance amendment. Discussion followed.

President Siegel then opened the discussion to members of the general public:

Amanda Kong (629 E. Beaumont Ave.) – Commented on the narrow alley width, especially after snow plowing occurs, which makes it impossible for two-way traffic. She also objected to the times/dates that were used for reviewing traffic and pedestrian activity in the alley.

Andy Larsen (701 E. Beaumont Ave.) – Expressed concern regarding safety. Specifically, the potential for someone to hide undetected near the ATM. He also commented on the number of children that ride bikes in the alley and concluded his comments by noting that the alley would be dark during many of the operational hours, especially in winter.

Sharon Bolingbroke (716 E. Silver Spring Dr.) – Stated that she did not feel that safety measures had been considered, and she was concerned about the potential for additional signage. She also commented on the narrow width of the alley and urged the Commission to consider the safety of children.

Travis Myers (629 E. Beaumont Ave.) – Questioned why Johnson Bank had not provided data regarding anticipated traffic counts, and he stated that adding more traffic to the area during rush hour would be dangerous. He concluded his comments by noting that he had purchased his house with the understanding that Johnson Bank would not have a drive-thru ATM.

Plan Commission discussion followed pertaining to comments raised by neighbors, safety mitigation and lighting. Commissioner Huber noted that although some issues could be tough to mitigate, he still supported the request. Commissioner Roth stated that the bank had chosen not to install a lobby ATM, and he did not support the drive-thru request. He also commented on the concerns that neighbors raised, which he believed were reasonable.

After additional discussion, Commissioner Sauer moved, seconded by Commissioner Huber to table the request until the February meeting to enable the WFB Police Department to address the safety concerns. Discussion followed. Motion failed, 2-4 with Commissioners Helfer, Roth, Siegel and Serebin voting against.

Commissioner Helfer moved, seconded by Commissioner Roth to deny the Conditional Use request for a drive-thru ATM. After the motion, Commissioner Huber commented on the Plan Commission's previous approval of a drive-thru ATM at PNC Bank on Silver Spring Drive. Commissioner Roth stated that the PNC bank was visible from a public street, and was therefore not comparable to Johnson Bank's request.

Motion Carried, 5-1 with Commissioner Huber voting against.

5. Adjournment

Commissioner Roth moved, seconded by Trustee Serebin to adjourn the meeting at 7:46pm.
Motion Carried, 6-0.

Respectfully Submitted,

Paul Boening
Assistant Village Manager