

**VILLAGE OF WHITEFISH BAY
PLAN COMMISSION MINUTES**

March 15, 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 Moore, Sauer, Helfer, Huber, Serebin and Siegel. Also Present: Village Attorney Chris Jaekels and Assistant Manager Paul Boening.

2. Approval of the Minutes of the Regular Meeting of February 16, 2016.

Commissioner Moore moved, seconded by Trustee Serebin to approve the minutes of the regular meeting of February 16, 2016. Motion Carried, 6-0.

3. **PUBLIC HEARINGS**

With the Commission's consent, President Siegel moved items 3c, 3d, 3e, 4c, 4d and 4e forward on the agenda.

- c. On Proposed Ordinance No. 1820 regarding establishment of District 4B of the Zoning Code (Park District).

Attorney Jaekels summarized the ordinance. He referenced a recent change to State law that allows County Executives to sell property that isn't zoned as "park" land. The Milwaukee County Executive submitted a request to the Village of Whitefish Bay for County owned parkland within the Village to be rezoned to a "park" designation. The proposed ordinance would establish such a district.

Robert Crawford (5017 N. Palisades Rd.) – Noted that he had lived across from Big Bay Park for 24 years. He pledged support for protecting the park, which would be a very appealing site for prospective developers. Mr. Crawford also commented on deed restrictions related to clear cutting.

Rick Stalle (5866 N. Shore Dr.) – Questioned why the Village was only proposing to apply the special zoning to County parks.

Teig Whaley-Smith (Milwaukee County Dept. of Administrative Services) – Stated that he was present on behalf of Milwaukee County Executive Chris Abele. Mr. Whaley-Smith noted that the parks were never at risk of being sold. He characterized the zoning request as a "clean-up" issue.

President Siegel closed the public hearing at 7:11pm.

- d. On Proposed Ordinance No. 1821 to Rezone those portions of Milwaukee County parkland located in the Village of Whitefish Bay (Big Bay Park and Estabrook Park) from District 4 – Churches, Public Buildings & Grounds to District 4B – Park District.

Attorney Jaekels explained that Ordinance No. 1821 would rezone the aforementioned County parks to the new zoning designation.

There were no public comments. President Siegel closed the public hearing at 7:12pm.

- e. On Proposed Ordinance No. 1822 to Certify the District 2 Zoning Designation of the following properties located on E. Courtland Place: 1100, 1106, 1112, 1118, 1124, 1200, 1206, 1212, 1218, 1224, 1230, 1236 and 1242 and to correct the Official Zoning Map of the Village of Whitefish Bay to reflect said designation.

Attorney Jaekels characterized the proposed ordinance as a “housekeeping” item that would correct a mapping error.

There were no public comments. President Siegel closed the public hearing at 7:13pm.

4. **NEW BUSINESS**

- c. Review and recommendation to Village Board on Proposed Ordinance No. 1820 regarding establishment of District 4B of the Zoning Code (Park District).

Commissioner Sauer asked Attorney Jaekels to address the question that Mr. Stalle raised during the public hearing. Attorney Jaekels explained that the County Executive had petitioned for the County owned land to be rezoned. If adopted, the newly created “Park” district zoning could be applied to Village owned parks at a future time if the Village so desires. Commissioner Huber asked for clarification regarding the existing zoning designation of Village parks. Attorney Jaekels stated that parks are a compliant use in District 4, but the district is essentially a “hybrid” district due to the other permitted uses. Discussion followed. Commissioner Huber moved, seconded by Commissioner Moore to recommend that the Village Board adopt Ordinance No. 1820. Motion Carried, 6-0.

- d. Review and recommendation to Village Board on Proposed Ordinance No. 1821 to Rezone those portions of Milwaukee County parkland located in the Village of Whitefish Bay (Big Bay Park and Estabrook Park) from District 4 – Churches, Public Buildings & Grounds to District 4B – Park District.

Commissioner Moore moved, seconded by Commissioner Huber to recommend that the Village Board adopt Ordinance No. 1821. Motion Carried, 6-0.

- e. Review and recommendation to Village Board on Proposed Ordinance No. 1822 to Certify the District 2 Zoning Designation of the following properties located on E. Courtland Place: 1100, 1106, 1112, 1118, 1124, 1200, 1206, 1212, 1218, 1224, 1230, 1236 and 1242 and to correct the Official Zoning Map of the Village of Whitefish Bay to reflect said designation.

Commissioner Moore moved, seconded by Commissioner Sauer to recommend that the Village Board adopt Ordinance No. 1822. Motion Carried, 6-0.

3. **PUBLIC HEARINGS**

- a. On Conditional Use Grant Application for *Float Life* (Floatation Tank Therapy Center) to be located at 211 E. Silver Spring Drive.

Business owner Tyler Herman summarized the proposal and explained the concept of floatation therapy.

Rick Stalle (5866 N. Shore Dr.) – Noted that he was the owner of the Keller Williams Real Estate franchise located in the same building as the proposed business. He questioned the impact that the saltwater would have on the sanitary sewer system.

Mr. Herman explained how the filtration system would work and noted that even with full usage, the tanks

would only be emptied about three times per year (250 gallons per tank). Assistant Manager Paul Boening informed the Commission that he had consulted with the North Shore Health Department (NSHD) regarding regulation of the tanks. NSHD officials confirmed that the State of Wisconsin does not regulate the health aspects of floatation therapy tanks. Assistant Manager Boening suggested that the Commission consider adding a requirement for the business operators to meet with DPW Director John Edlebeck to discuss operational issues associated with impacting the sanitary sewer system. Discussion followed.

President Siegel closed the public hearing at 7:32pm.

- b. On Conditional Use Grant Application for *SonFlower Bistro* (Full-Service Restaurant) to be located at 501 E. Silver Spring Drive.

Business owners Tamela Greene and Anne Marie Arroyo were present on behalf of the proposed restaurant. They summarized their business plan and noted that they are targeting a late summer opening. Discussion followed regarding parking impact, hours of operation and alcohol licensing. The applicants stated that they would likely return after one year to request approval for outdoor seating.

There were no public comments. President Siegel closed the public hearing at 7:40pm.

4. **NEW BUSINESS**

- c. Review and action on Conditional Use Grant Application for *Float Life* (Floatation Tank Therapy Center) to be located at 211 E. Silver Spring Drive.

Trustee Serebin moved, seconded by Commissioner Sauer to approve the Conditional Use Grant Application as submitted subject to the applicants meeting with the DPW Director to discuss operational aspects associated with potential impacts on the sanitary sewer system. Motion Carried, 6-0.

- d. Review and action on Conditional Use Grant Application for *SonFlower Bistro* (Full-Service Restaurant) to be located at 501 E. Silver Spring Drive.

The applicants informed the Commission that the “*SonFlower*” name was only tentative and could potentially change. Discussion followed. Commissioner Moore moved, seconded by Commissioner Huber to approve the Conditional Use Grant Application as submitted with the maximum hours as permitted by Village Code or as allowed by State Statutes in conjunction with an issued Alcohol License. Motion Carried, 6-0.

5. **Adjournment**

Trustee Serebin moved, seconded by Commissioner Helfer to adjourn the meeting at 7:45pm. Motion Carried, 6-0.

Respectfully Submitted,

Paul Boening – Assistant Village Manager