

**VILLAGE OF WHITEFISH BAY  
PLAN COMMISSION MINUTES**

**March 21, 2017 – 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, Moore, Sauer, Roth, Huber, Serebin and Siegel. Also Present: Assistant Manager Paul Boening and representatives from GRAEF.

2. Approval of the Minutes of the Regular Meeting of February 21, 2017.

Commissioner Huber moved, seconded by Commissioner Moore to approve the minutes of the regular meeting of February 21, 2017. Motion Carried, 7-0.

3. **PUBLIC HEARINGS**

- a. On Conditional Use Grant Application for *Enliven* (art gallery with salon suite rentals) – 412 E. Silver Spring Dr.

Applicants Tracy Sternig and Jamie Lynn Fritsch summarized their business plan for the proposed retail art gallery with salon suites. They noted that approximately 1,500 sq. ft. of the tenant space would be utilized for retail sales. Discussion followed. There were no public comments. President Siegel closed the public hearing at 7:12pm.

- b. On Conditional Use Grant Application for *Moxie* (requesting approval to add an outdoor seating area for restaurant patrons) – 501 E. Silver Spring Dr.

Present on behalf of Moxie were owners Anne Marie Arroyo and Tamela Greene as well as Architect Jim French and Chef Tony Evans. Mr. French distributed a site plan that depicted the proposed outdoor seating area. He explained that one of the existing windows would be replaced with a door to allow access to the seating area from inside the restaurant. Discussion followed regarding landscaping, hours of operation and residential impact.

Erin Cary (5561 N. Diversey Blvd.) – spoke about the potential impact on parking and traffic and noted that there are a number of children who live in the 5500 block of Diversey Blvd.

President Siegel closed the public hearing at 7:48pm.

4. **NEW BUSINESS**

- a. Review and action on Conditional Use Grant Application for *Enliven* (art gallery with salon suite rentals) – 412 E. Silver Spring Dr.

Commissioner Moore moved, seconded by Commissioner Huber to approve the Conditional Use Application as submitted with the maximum hours of operation as permitted by Code and subject to the requirement that deliveries shall not be permitted on the north side of the building between the hours of 10:00pm and 6:00am. Motion Carried, 7-0.

- b. Review and action on Conditional Use Grant Application for *Moxie* (requesting approval to add an outdoor seating area for restaurant patrons) – 501 E. Silver Spring Dr.

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

- Staff review and approval of the table and chair specifications.
- Outdoor seating is permitted annually from April 1 to October 31.
- Approved outside trash receptacles shall be provided and serviced by the owner, to include emptying trash receptacles no less frequently than the close of business each day. Receptacles shall be provided near both the north and west seating areas.
- Approval shall be subject to and contingent upon approval of the Fire Inspector with regard to occupancy and fire protection requirements.
- Installation of the proposed door and fence/railing is subject to issuance of a Building Permit, which may include a requirement to submit a property survey that accurately depicts parcel boundaries and right-of-way limits.
- Staff review and approval of a landscaping plan.
- The applicants shall return to the Plan Commission in March of 2018 for a follow-up review of the outdoor seating approval.

Motion Carried, 7-0.

- c. Initial discussion regarding potential Zoning Code and Sign Code amendments.

Craig Huebner and Kristian Vaughn from GRAEF spoke about the Zoning Code and Sign Code amendments that the CDA had recently recommended. Assistant Manager Paul Boening commented on the current Code language pertaining to prohibited, permitted and conditional uses in District 11 and noted that Whitefish Bay was unique with regard to not listing any permitted first floor uses in its retail district. Discussion followed regarding service uses and professional offices. President Siegel spoke further about the distinction between first and second floor uses. Following a lengthy discussion, Commissioner Huber suggested categorizing second floor retail uses as conditional instead of permitted. Commissioner Moore recommended reclassifying financial institutions as a conditional use, and she suggested eliminating “health

and personal care store” as a specific use. Commissioners Roth and Moore expressed support for adding permitted uses to District 11. There was overall support for continuing to allow service establishments and professional offices as a first floor conditional use and upper floor permitted use. Mr. Huebner summarized the recommended changes related to site and building design standards, and he also spoke about the proposed sign amendments. Discussion followed regarding upper floor signage. Assistant Manager Paul Boening suggested inviting the Village’s Building Inspector to a follow-up discussion regarding such signs. Mr. Vaughn explained the proposed ARC changes and sandwich board sign requirements. No action was taken, the Commission will review the proposed changes in the form of an ordinance after referral from the Village Board.

5. Adjournment

Trustee Serebin moved, seconded by Commissioner Moore to adjourn the meeting at 8:48pm. Motion Carried, 7-0.

Respectfully Submitted,  
Paul Boening – Assistant Village Manager