



# Plan Commission Meeting Minutes

March 26, 2019

3930 N. Murray Ave Village of Shorewood, WI 53211

**1. Call to order.**

The meeting was called to order at 6:34 p.m.

**2. Roll call.**

President Allison Rozek - Chair	Aye
Trustee Davida Amenta	Aye
Leah Blankenship	Aye
Eric Couto	Aye
Tim Hansmann	Aye
Therese Klein	Aye
Barbara Kiely Miller	Aye
Sangeeta Patel	Aye
Daniel Wycklendt	Aye

**3. Approval of January 29, 2019 meeting minutes.**

Mr. Couto moved to approve the minutes, seconded by Mr. Wycklendt.

Vote 9-0 to approve.

**4. Statement of Public Notice.**

Staff posted and publicly noticed the meeting according to local and state regulations.

**5. a). Public Hearing: Conditional use application for a proposed mental health clinic at commercial property 2510 E. Capitol Drive, business owner Many Roads Clinic LLC.**

President Rozek opened the public hearing at 6:34 p.m.

Planning Director Bart Griepentrog introduced the item per the memo that was provided to the Plan Commission.

With no public comments the public hearing was closed at 6:38 p.m.

**b). Consideration of conditional use application for a proposed mental health clinic at commercial property 2510 E. Capitol Drive, business owner Many Roads Clinic LLC.**

President Rozek asked if the business was existing. Mr. Griepentrog explained that upon reviewing the occupancy application it was noted that the business had already been operating out of the space. Mr. Joe Greco, business owner, stated they have been operating out of the space for two years. Mr. Griepentrog explained that as the five year occupancy renewal inspections are being performed from time to time businesses without occupancies are noticed to be operating in spaces in buildings the inspectors are in doing inspections.

President Rozek asked if the business is booked up with clients. Mr. Greco stated that the practice is accepting new patients but they have limited availability and that there is a great need.

Mr. Wycklendt asked if the Village is not doing enough to notify businesses they need occupancy before opening. Mr. Griepentrog stated that the responsibility is partly on the property owners who should be informing tenants of the occupancy requirements or suggesting they contact the village. He added that the Plan Commission could consider modifying the conditional use regulations to exempt clinics of particular sizes (square footage). Other municipalities have exempted clinics under a particular square footage in office buildings.

Trustee Amenta asked if our zoning code differentiates between office buildings and retail buildings adding that she would be ok exempting clinics from conditional use conditions if in an office building but if they would be converting a retail storefront that is a different story. Mr. Griepentrog stated the code does not differentiate buildings within zones.

Ms. Kiely Miller asked if the eight clinicians within the business were Mr. Greco's employees or independent contractors. Mr. Greco stated they are independent. Ms. Kiely Miller asked if staff is required to verify the contractor's licenses. Mr. Griepentrog stated he does not have to verify the licenses but that the licenses are all available on the state's credential page and can be easily verified if requested. Ms. Kiely Miller asked about the four parking spaces required and whether the 13 parking spaces available on site are sufficient for the business and other businesses within the building. Mr. Griepentrog stated that the other business in the building is Shorewood Animal Hospital's cat clinic (due to their remodeling) and that he did not know the impact that would have on the parking. He also added that the parking code was outdated and needed to be updated. Mr. Greco added that the cat clinic is not open to the public and won't impact the parking spaces. Ms. Kiely Miller asked if any of the waiting room space is shared with the other businesses. Mr. Greco stated that the business does have a designated waiting room space for clients.

Mr. Griepentrog added that something to consider too could be modifying the code to require a conditional use permit for clinics occupying a storefront as opposed to an office space in a commercial building. He stated there are ways to condition certain business uses and what type of building a business could occupy.

Mr. Wycklendt moved to approve the conditional use application for a mental health clinic at commercial property 2510 E. Capitol Drive based on meeting the conditions stipulated in 535-25C. Seconded by Mr. Couto. Vote 9-0 to approve.

**6. Further discussion and possible recommendation to Village Board for amending zoning requirements for porches in front yard setbacks. (meeting #5)**

Planning Director Bart Griepentrog introduced the item per the memo that was provided to the Plan Commission.

He stated that the topic was originally discussed in 2015 and recommended to allow porches in the front yard setback up to eight feet. The item was held while the Design Review Board worked on residential design guidelines. The guidelines were drafted but never approved. In 2017, the Plan Commission reconsidered an ordinance change regarding decks, patios and porches. Ordinance changes were approved for decks and patios but in July of 2017 the Plan Commission received a new copy of the ordinance changes regarding porches in the front yard setback. The porch ordinance was held again, and subsequently there have been staff transitions and plan commission member

transitions since and the item has not been further discussed. Mr. Griepentrog added that a resident recently wanted to add a covered roof over their small entryway but the zoning code does not allow for it being very restrictive to items extending into front yard setbacks.

Mr. Griepentrog stated that he shared both the 2015 and 2017 versions of the ordinance. He stated the first version was much more comprehensible and easy to administer by simply stating that porches could project up to eight feet into the setback but be no closer than ten feet to the lot line. He stated he had less information regarding the second version and that the second version allowed a 10% deviation from the setback but that the 10% would not allow many porches because of how front yard setbacks are calculated. Mr. Griepentrog added that if the Village wants to encourage porches then using the first version of the ordinance change made more sense because porches are typically six to eight feet.

President Rozek asked what the drawbacks were to allowing porches into the front yard setbacks that it needed to be regulated.

Ms. Kiely Miller said that the ten percent may have been addressing blocks like the block she lives on in which all the house's front facades line up but one or two houses that sit along the back of the lot which throws off the front yard setback calculation. The ten percent may have been to get around situations like that. She stated that the key phrases of the code for her were that the code was in place to regulate light, air, and privacy for better home environment.

Mr. Wycklendt added that he felt the code was for uniformity and that the ten percent was not so you could add 2.5 feet of porch it was to address the houses set further back on the lots.

Mr. Griepentrog stated that if the Village Board's intent is to keep the blocks uniform then the ordinance is not a big win for that but if the Board is looking to allow homeowners to add porches he suggested the first version of the ordinance that allowed porches up to eight feet into the setback.

President Rozek stated you always go back to what is the intent of a regulation. She asked if the intent of the commission was to allow porches or not. From a planning perspective porches are a positive thing that engage people. If the Village wanted to encourage porches for those reasons then you make regulations less restrictive.

Trustee Amenta said that porches can add architectural interest to houses and that she is in favor of them.

Ms. Kiely Miller added that she did not understand the changes on page 36 of the materials (b(1) and b(2)). Mr. Griepentrog felt the same way and stated that if a code has to be read and re-read to understand it that the code is not good. He felt the consensus at the last discussion was that the second version was too complicated.

Mr. Hansmann said that a version was drafted and then the question was what other municipalities were doing on the subject.

President Rozek asked if the ordinance covered both open and closed porches. Mr. Griepentrog stated it addressed only open air porches.

President Rozek stated she was in support of allowing porches and lessening regulations regarding porches.

Mr. Griepentrog wanted to discuss the topic so he was clear on what version he should look to bring back.

Ms. Kiely Miller asked about where lot lines would be measured from. Mr. Griepentrog stated that the measurement would be from the lot line which is typically set back from the sidewalk 2-3 feet. He added that averaging the setbacks of an entire block is not always accurate either because often we do not have all surveys for properties on a full block. He also stated that Design Review Board would review changes to front porches.

Ms. Patel stated that ten feet from a lot line seems really close to the street. She said on some streets there is a great deal of front yard space compared to other streets. Mr. Griepentrog said that a porch would only be able to be eight feet deep per ordinance.

Ms. Klein asked if there was any limit on how large a porch could be. Mr. Griepentrog said based on the proposal a porch could only be 8 feet deep but that there are no regulations on the width of a porch. Limiting the width of a porch would be a conversation that would need to be had.

Mr. Hansmann said that corner houses were also discussed and whether a porch could wrap around the house.

Ms. Kiely Miller asked to clarify the language regarding the 30% of floor area being enclosed. Mr. Griepentrog stated he felt it related to an entryway and that the language has to be clarified.

Trustee Amenta added that there has to be a regulation regarding enclosing an open air porch which is not allowed.

Mr. Wycklendt added that the language of the code needs to be cleaned up for clarity. Mr. Griepentrog has consulted with Inspector Justin Burris as well regarding language because he is who will be regulating the code.

Attorney Bayer said that the code changes came about due to residents wanting to cover/enclose a stoop/patio area making a porch to enhance the area but the code would not allow the encroachment. One way to look at the code is that if a house is already at the front yard setback do you want to allow a porch on that residence.

Mr. Couto said that he would not be okay with a neighbor whose house's front façade was at the front yard setback and then added an eight foot patio on the front of the house if he lived in a house next to it which was setback further.

President Rozek said that if ten feet of front yard was enough look of front yard to address the concern of uniformity then the concern of neighbor to neighbor wouldn't matter. Mr. Couto said his concern is the homes set closer to the road who add an additional 8 feet of porch and now the neighbor is even further back looking at a porch next door.

Ms. Patel said that if the concern is uniformity then she felt ten feet was not enough space.

Ms. Klein asked if a covered entry with no posts was considered a porch. Mr. Griepentrog stated that yes it would be considered a porch. He said this is the trouble residents are having currently. Trustee Amenta said she didn't feel that a covered entryway would cause as much concern for neighbors.

Mr. Griepentrog stated that there are also side setbacks that limit the size of a porch and neighbors could be notified upon a porch being submitted for Design Review Board as well.

President Rozek understood the concern with front yard space but stated that if you can only build an 8 foot porch then a property with a smaller front yard would not be able to

build a porch. She questioned what is acceptable for the streets where the front yard is not larger. Ms. Patel stated that she would then go back to the older code in which a patio is acceptable instead of a porch on the streets with less front yard space.

Ms. Kiely Miller said that based on pictures provided that porches appear to have a couple steps up from the ground. She said that some have to do with architecture and what is appropriate for a particular entryway.

Mr. Wycklendt said that it appears the commission likes porches but also having some uniformity.

Mr. Griepentrog added that there are ways to limit porches. The code could allow an 8 foot porch, which in no case shall be closer than ten feet to the lot line and be more than 15 feet from your adjacent neighbor's primary façade. He stated he could provide some examples of varying blocks and the setbacks moving forward as well.

Ms. Klein stated that there is a different value added to homes depending on whether a roof is installed over an entryway or a porch. Mr. Griepentrog stated he could look into covered entryways versus porches.

Trustee Amenta asked if anyone had any objection to a covered entryway and suggested separating covered entryways from porches in the code.

Mr. Wycklendt asked if requests for covered entryways are an issue. Mr. Griepentrog stated a roof structure needs a building permit and it would be denied based on the current code.

President Rozek stated that when zoning codes are discussed in an urban neighborhood the question comes down to value and is there more value in allowing porches or not. Anything that can be done to add value to residential stock would really accentuate the tax value in the village.

Ms. Patel said that one option could be to reduce the amount of coverage of a porch that is allowed if the porch is approaching the ten foot setback requirement.

Mr. Griepentrog said he felt he had good direction on how to move forward with the ordinance changes.

**7. Schedule next meeting.**

Mr. Griepentrog explained that he would not be present for a meeting on April 23<sup>rd</sup> and suggested moving the April meeting to April 30<sup>th</sup>. Commissioners were ok with the date change.

**8. Future agenda items.**

Ms. Kiely Miller asked about Village Board priorities and if the list of priorities should be revisited. President Rozek explained she discussed with the Village Manager recently and that the priorities are being narrowed down. Mr. Griepentrog stated the priority list will be a topic at the April meeting.

Trustee Amenta asked if the Village transportation study will be discussed with the Plan Commission in the future. Mr. Griepentrog stated he was meeting with the consultant in the coming week to discuss the communication and management plan which will then go to the Village Board for approval. If a commissioner desires to be on the advisory committee for the study one can be recommended.

**9. Adjournment.**

Trustee Amenta moved to adjourn the meeting at 7:45 p.m., seconded by Mr. Couto.  
Vote to adjourn 9-0.

Recorded by,

A handwritten signature in blue ink that reads "Crystal Kopydlowski". The signature is written in a cursive, flowing style.

Crystal Kopydlowski  
Planning Department Administrative Clerk