



# Plan Commission Meeting Minutes

June 1, 2021

3930 N. Murray Ave. Village of Shorewood, WI 53211

## 1. Call to order.

The meeting was called to order at 6:30 p.m.

President Ann McKaig - Chair	Aye
Trustee Tammy Bockhorst	Aye (arrived at 6:33 p.m.)
Eric Couto	Aye
Therese Klein	Aye
Barbara Kiely Miller	Aye
Josh Pollack	Aye
Daniel Wycklendt	Aye

Others present were Village Attorney Nathan Bayer, Planning Director Bart Griepentrog and Planning Administrative Clerk Crystal Kopydlowski.

## 2. Approval of May 25, 2021 meeting minutes.

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

Trustee Bockhorst joined the meeting.

Vote 7-0 to approve.

## 3. Reconsideration of Parking Special Exception for proposed multi-family redevelopment at properties 2418, 2420 and 2428 E. Capitol Dr., submitted by Catalyst Partners.

President McKaig stated this is a special meeting of the Plan Commission and the matter before them is a remand of the application for special exception for parking on a proposed project submitted by Catalyst Partners. The original application was reviewed by the Plan Commission on February 23<sup>rd</sup> and was appealed to the Board of Appeals and remanded. This remand instructs the Plan Commission to reconsider the application including any new evidence that was submitted. All evidence that was submitted by 3 p.m. today was forwarded to the Plan Commission. The remand in this matter essentially erased the previous decision and asks the Plan Commission to start over.

President McKaig met with Attorney Bayer and Planning Director Griepentrog earlier today to review a variety of questions about the evidence in the record, the code that they are reviewing, what they are not reviewing and the proceeding for this meeting.

President McKaig stated the order of procedure will begin with an introduction of the item, Attorney Bayer will orientate the Commission to the statutory nature of the task at hand, Mr. Griepentrog will introduce the business and the applicant will present any additional materials/evidence. Next, public comment will be taken. Staff and the applicant will be able to add any additional comments after public comment. The commissioners will then discuss and consider 535-51B factors 1-13. The factors will be taken in order so as to have a clear record.

Attorney Bayer stated the Board of Appeals gave a very specific directive to the Plan Commission when it remanded this matter and essentially they vacated the earlier decision and sent it back for further findings. The Board of Appeals directed the Plan Commission to do the following:

- Reopen the hearing on the Catalyst Partners request for a special exception related to parking;
- Accept additional public comment from members of the public;
- Accept any additional evidence and/or argument from the applicant;
- Make a record demonstrating how the factors contained in Village Code 535-51B are being considered by the Plan Commission;
- Entertain a motion to either grant or deny the special exception based upon the original record, as well as upon any new evidence offered at the next Plan Commission hearing.

Attorney Bayer said the proposal is in the B-3 District and the B-3 District requires a ratio of 1.75 parking spaces per dwelling unit. Under Code 535-51, the village code says specifically that the Plan Commission has the power to grant special exception to the provisions and requirements of this article. The article it is referring to specifically is Article 9 titled Off Street Parking. The exception being requested is to not meet the 1.75 parking spaces requirement/ratio of parking spaces to dwelling unit. He said there are 13 subparts under 535-51B to consider. He recommended to take each factor one by one and discuss what evidence that has been offered and if the factor is applicable. He said after evaluating all the evidence a motion would be made followed by further discussion and a vote to either grant or deny. He said this is not an arithmetic problem in that there could be multiple factors in favor of the exception and one that does not and that one factor could outweigh the others. Likewise he said there could be multiple factors not in favor of the exception but one that is and that one outweighs the others. He said the question is whether there is substantial evidence that can justify the granting of a special exception under 535-51. He referred back to the written decision from the Board of Appeals and the specific bullet points explaining that the commissioners should evaluate any new evidence presented along with the public comment and make an informed decision based on the evidence in the record.

Mr. Griepentrog presented the item. He said the packet of meeting materials was released to the public and commissioners last Friday. He explained that what is before the Commission is a reconsideration of a parking special exception for a potential redevelopment at 2418, 2420 and 2428 E. Capitol Drive. This would combine three parcels into one and demolish the existing structures to construct a 42-unit multi-family redevelopment that would be four-stories. Three-stories of multi-family development would be above ground floor parking. Up to twenty percent of the units would be affordable which equates to nine units. Per Village Code, 74 parking spaces are required. Forty-three spaces have been planned which equates to 1.02 spaces per unit. The zoning code does allow for a process for the applicant to request a special exception to the regulations within the chapter. The applicant has indicated a belief that providing 51 total spaces would be sufficient and that the other 8 spaces could be accommodated through Village on-street parking.

Mr. Griepentrog displayed a site plan of the ground floor parking plan that was submitted with the initial redevelopment review indicating 43 parking spaces and entrance and exit off of Stowell Avenue. Currently, there are entrance and exits onto Capitol Drive that would be enclosed with this development.

The initial application was received February 15, 2021. Plan Commission considered the application on February 23, 2021 granting the exception by a vote of 5-1. An appeal was received by the Village from neighboring residents on March 24, 2021. The Board of Appeals initial hearing was held on April 13, 2021 in which the board adjourned the meeting to review the evidence. They reconvened on May 4, 2021 at which time the item was remanded back to the Plan Commission with a letter that was provided in the materials. This meeting is to reopen the hearing, accept additional public comment, accept additional evidence and/or argument from the applicant, make a

record demonstrating how the factors in 535-51B were considered so the evidence is clear and to entertain a motion to grant or deny the request.

The additional information provided in the meeting packet included a parking evaluation, an exhibit of adjacent land values, a scholarly article on the effects of mixed-income multi-family rental housing developments on single-family housing values and additional public comments.

There are 13 components within the code that the Plan Commission shall consider during their consideration. The applicant has submitted their response to each of the 13 factors in an amended application.

President McKaig opened the floor for the applicant to comment on the additional materials provided

Tom Baade, with Catalyst Partners, stated they completed additional information to support their application for a special exception. Included was a parking study done by Traffic Analysis & Desing, Inc. (TADI) which was completed per the Institute of Traffic Engineers (ITE) that is referenced in the Village Code as a go to source for parking. He said TADI put up cameras, counted cars and calculated the number of trips in and out of a building of this size. He noted, in his response to the 13 factors being considered, that the parking report states 43 parking spaces would be sufficient supply for the building. He said this was a ratio of 1 parking stall to one unit which is what the zoning code is in Milwaukee and other municipalities in the county.

Mr. Baade submitted an academic study that was done about 10-12 years ago by the Massachusetts Institute of Technology (MIT) that supports there is no impact to property values of properties adjacent to multi-family properties. He submitted another sheet that notes properties directly adjacent to other multi-family properties on Capitol are basically land value appraised at the same as properties that are not adjacent to multi-family properties.

Mr. Baade reviewed all the public comments he had received as of Friday and noted there were a lot of comments regarding parking concerns. He said the parking study they provided speaks to those concerns. Other concerns were in regard to land values which they addressed. He took comments referencing the Comprehensive Plan seriously and reviewed the Plan. He added they have been talking to the Village since late last summer to find the right thing to do in this space. They are asking for no other exceptions and are keeping with what is in the current zoning. They reviewed the recent housing study along with the Comprehensive Plan to try to develop something the Village was looking for. The building is kept at medium density which is roughly 85 units per acre. The building has 42 units on just over a half acre. He said they have done things to protect sunlight with meeting setbacks and articulated the north face with a u-shape so that a large plain wall is not facing the north neighbors allowing air and light in there. The entrance and exit along Stowell was to minimize the impact on neighbors and keep headlights out of the alley. They have minimized the building height and are under the current zoning guidelines. They have buffered the neighborhood by building the building the way they are proposing with the setbacks on the north side and minimizing the impact to the alley and the neighbors to the north. He said the Comprehensive Plan 2040 strongly recommends pedestrian designs and they will follow that and are strong proponents of that.

Mr. Baade said the building will provide new housing options. He noted that the Comprehensive Plan strongly suggests redevelopment of existing properties into additional housing needs. He said they may get some socio-economic and racial diversity in terms of the units. He said this will support the school district and the taxes on the property will increase significantly also. He said they plan to build an attractive building by working with the Design Review Board moving forward.

President McKaig opened the meeting up for public comment at 6:53 p.m.

President McKaig stated that she lives at 4013 N. Prospect Avenue and every morning she views the Sunseekers building. She asked the Commissioners if any of them live in close proximity. Ms. Kiely Miller stated she lives on Downer Avenue but has a driveway and does not access the alley that has been referenced on Stowell. President McKaig stated that for full transparency she lives right next to the site and would be considered an adjacent property. She is not a member of the East Capitol Neighborhood Association and did not know one existed and was not invited.

President McKaig stated the Commission has received 40+ emailed comments prior to the meeting and that those comments have been entered into the record/evidence. She asked that those who have submitted comments prior to the meeting not join the public comment this evening but open it up to those who have not submitted comments yet or those who have something new to add. She asked that comments be kept to two minutes if possible.

President McKaig acknowledged that some emails received from residents who stood in opposition to this application contained emotions such as anger and remarks of slight insult/sarcasm to the leadership. She said that may be in response to false information that was circulated on literature pieces and Facebook posts. She said that the information did not come from the Village. She asked Mr. Baade if the images on the literature pieces and Facebook posts were from Catalysts plans. Mr. Baade said absolutely not.

Ben Crichton stated he is not a resident but owner of the parking lot directly adjacent to the proposed redevelopment and the multi-family apartment building across the street at 4001 N. Prospect. He has several objections. He stated his building across the street has 35 apartments that are a mix of one and two bedrooms. He said they use the parking lot adjacent to the development for their residents and they are short on parking. He said they cannot currently provide a ratio of 1 to 1 for parking. He thinks the development would put a burden on the street parking and the area surrounding. He stated he holds a deed restriction on the proposed property (Sunseekers site) and there are numerous legal issues with the deed restriction including a deed restriction that specifically points to the design of the building and calls for specific architectural design. He has not seen a rendering despite asking for one of the proposed development. He stated this is an issue in addition to the parking.

Bill Desing, 3952 N. Stowell Avenue, commented specifically on the Catalyst parking evaluation stating he was qualified as he is a practicing civil engineer for thirty plus years with experience in large infrastructure development and design. He stated the evaluation had misleading things and was pretty incomplete, lacking some detail and documentation. He stated the evaluation uses the 2010 4<sup>th</sup> edition of the ITE Parking Generation Manual stating that there is a more current 5<sup>th</sup> edition that was published in 2019. He said the 5<sup>th</sup> edition has more completed data sets and that is what he used to review this and the numbers he will cite. He says the study uses a ratio of .66 parking spaces per bedroom and the Village Code metric is 1.75 per dwelling unit. He said the Catalyst study ignores the other criteria that would show a much higher parking demand. For example, when you look at the weekend demands specifically Sunday he said the ITE Manual sites 1.66 parking spaces per dwelling unit which would mean they would need 70 spaces rather than the 34 spaces they concluded. He said it is a very important point and doubles what they are claiming. He said the Village requirement of 1.75 per dwelling unit is closer to the ITE Manual Sunday demand of 1.66. He said all the numbers he is citing are for low rise multi-family general urban/suburban with no nearby rail transit which is the same citation used by Catalyst. He said these are averages he is citing and when you look at the higher numbers the demand could be higher. He said it is true that Shorewood has granted exceptions in the past however the Stowell Capitol development would exceed that ratio by the most of any of the past developments. He noted that Mr. Griepentrog had indicated on Oakland Avenue developments did use parking in some of the adjacent garages. He said the Stowell Capitol Development ratio would be 1.02 spaces per dwelling unit, the Cornerstone is 1.81, Ravenna is 1.75, Lighthouse is 1.92, The Mosaic is 1.48 and The Oaks is 1.39. He said thank you for the opportunity and felt the study was lacking.

Andrew Rothrock, 4024 N. Prospect Avenue, has lived there for 23 years. He said some on the board may remember what they went through five years ago to try and get two-hour parking on Prospect and Stowell. He said that was almost a five year project and the reason they had to do that was, having lived in the house for 10 years, Shorewood is a densely packed community but they still wanted the ability to park on the street in front of their house. The people on the south side of Capitol they went to two-hour parking back in 2011 and he understood why they did it because of UWM people parking on their blocks. So then the UWM parkers began parking north of Capitol on their blocks and made their streets extremely crowded. He went to Police Chief Banaszynski at that time who did many studies and then was replaced by Chief Nimmer who did more studies that determined this was an impacted zone area and the area would get two-hour parking. This process took five years from when it was announced to when they got two-hour parking and now it looks like this is another thing they will have to deal with. He said he didn't want to be one to say Sunseekers was the best use of the property because it is not but the idea of waiving parking requirements on an area that already is so crowded he does not agree with. He thinks the scale of the project is off the charts.

Julie Bischoff, 4032 N. Stowell Avenue, is a long term resident and stated parking is a big concern on Stowell as she understands it is on Prospect as well. She sees the parking issues on Stowell every day and that is a big concern for her. She also is concerned that the ins and outs for the parking in the new proposed building will be right next to a busy animal hospital that constantly has not only staff but customers that go to the clinic. It is already hard to turn right or left onto Capitol from Stowell she feels adding these two driveways for this proposed apartment building does not seem to be the best place onto a busy street.

Trustee Jim Arndorfer, 2524 E. Shorewood Blvd., stated he agrees with the residents who would like to see the previous decision for the parking exception reversed. He is supportive of many points that have been raised like the scale, the fact it is inconsistent with the recently approved long term plan, the burden it places on parking for people who live there now and the traffic configuration. He said he frequently drives down Stowell and it is a very tight turn from Capitol and if there is oncoming traffic that turn is a very delicate dance. He also said he has to approach the alley slowly because kids frequently blow through it on bikes. He has lived in very dense neighborhoods in Washington, DC and Chicago and has never seen a traffic configuration like this development would impose upon that south end of Stowell. He said it is impossible to drive down that stretch and need to consider the impact of this development on traffic. He said to the extent that commissioners feel obligated to support the exception based on changes to parking regulations, he pointed out that Village parking policy is not a simple matter at this time. It was clear when those new regulations were passed that there likely would be revisions based on the experience of implementation. He said the 1.75 parking space per unit requirement that is marked for death is still on the books and its replacement is not known at this time. He stated the parking ordinances are still evolving and rather than being bound by regulations that are still works in progress and not final, it seems the wiser course would be for the experience on Stowell to inform improvements to the Village parking regulations such as policies that mitigate the impacts of new developments on residents of streets that are already intensively used such as Stowell. He supports increase residential development and affordable housing but does not feel the way it is being approached at this site is in the best interest of the neighbors and the Village and that they can do better.

Daniel Walsh, 4024 N. Stowell Avenue, stated this meeting should have been adjourned. Last week Friday the agenda was put out and it was 230 pages long over a holiday weekend where this didn't have to be done in such a hurry but felt compelled for some reason to push this through when cooler heads should have prevailed and you should've adjourned the meeting for this material. He said the reason they created a massing study and have tried to distribute it as widely as possible was because we think the Village is derelict in trying to work with developers to

essentially approve their project with nothing. He said no other municipality in the Milwaukee area does what the village is doing. Other municipalities require full engineering, full or at least designed development drawings, civil engineering, and traffic studies. Everything that the village is not even bothering to ask about is required in other municipalities he has worked in. That the village would permit a developer open book to basically build whatever he wants. There is nothing in the application that requires the developer to build what he is showing you there is no legal tie from this approval to the entitlement. You are giving a developer the entitlement based on a special exception for which you have denigrated the zoning code and the notice provisions. It is tragic that the Village thinks this is ok. If the developer had provided any kind of visual information on what the building would look like they wouldn't have had to do this. He said 535-51B requires the Plan Commission to consider what the appearance of this development will do to the neighborhood. How will you do that with no pictures, materials or final plan? Mr. Walsh asked to share a screen. President McKaig said she did not anticipate sharing screens. Mr. Walsh stated he used the table of recent multi-family projects and filled in information about floor area ratios, parking and lot coverage ratios. He stated that this project will have a floor area ratio, based on what he sees, of 3.15. The floor area ratio is a measure of density with the higher the number the denser a development is. By way of comparison the Cornerstone has a floor area ratio of 1.77, the Ravenna 2.86, the Oaks of Shorewood 1.37. He said in terms of deficiency in parking The Oaks provided 79% of parking, the Cornerstone provided 102%, the Ravenna provided 114%, the Lighthouse provided 110%, the Mosaic provided 84%. He stated he doesn't agree with the numbers for this project and that the plan is preliminary and already doesn't include things that must be included in the plan and a column cannot be put along an ADA space so it has to be reconfigured any way. The plan also has five parallel parking stalls and questions how people will be able to park in those spaces and drive in and out of the structure. He said this was a bad design. His complaint was with the process that the Village has in place to vet these projects and this incredible giveaway for this project. He said it is excessive by all measures. He said that the application with a nearly 20 year old study by MIT about the impact of affordable housing on area residents is somehow supposed to be determinative of something other than just building a record to vote on. The study is based in Massachusetts and the data it draws its conclusions from ends in 2003 and extends to 1986. It just says there is no detriment to area housing/property values when affordable housing is built nearby. He stated he has no problem with affordable housing and no concern it will affect property values. He said it is a bad design, overly dense and destructive and disrespectful of the neighborhood.

Bruce Colburn, 3905 N. Farwell Avenue, stated that in February the Plan Commission stood up for the future of Shorewood to grow our community and the diversity it would bring. He said almost everyone who spoke at that time did so from their heads and their hearts and they spoke about the future. He lives within two blocks of the project and has for the last 25 years. He feels the project will help the village's future and he wishes people would be even handed in the importance of doing things like this for the future of Shorewood and their community. He state on Memorial Day he received a fancy card under his door with no name but the usual scare tactics. He said the card was clearly against this type of progress. He stated this is not the Shorewood he knows and encouraged residents to look forward to a new Shorewood and residents that will work together. He said having a community that works together is more important than other things like cars.

Michael Lueder, 3951 N. Stowell Avenue. President McKaig said Mr. Lueder submitted two emails prior and asked if he had different information to add. He stated yes. He reviewed the materials and noticed that everyone except one person was against this and tonight all the comments have been against it except one. He said the sentiments of the community are consistent with the original intent of the ordinance. He said a special exception is something to be granted that is outside of what the community originally intended for the site. He said if all 13 factors are met you do not have to approve this. You can look at what the community wants and what the original ordinance provided and stick with the intent of the people that contributed to the 1.75 designation and not grant an exception in this circumstance.

Julie Bussen, 3930 N. Stowell Avenue, commented on Mr. Baade's additional information regarding property values and facts to support that multi-family structures do not cause decreases in property values. She stated that in her estimation, the building being a multi-family structure is not what will bring their property values down. She said it is the fact that there are already 40 households on that block of Stowell and with the development it will add 42 more doubling the total number of households on that tiny block. She said that block cannot support doubling the volume it already has and that will lower property values. She added that what will also affect their property values will be the four-story giant building on the corner that will forever changing the landscape of the neighborhood.

Vicki Herman, 4071 N. Stowell Avenue, stated the concerns are parking, the density of traffic and safety of the children. She said they are not contesting the affordable aspect of the building and objections have nothing to do with affordability but instead with density of parking and the safety of the children.

Mark Mueller, 4022 N. Downer Avenue, has been a resident for 40+ years. He stated parking continues to get worse and worse. He said Atwater beach is starting to significantly impact parking in the area along with UW- Milwaukee that doesn't have enough parking for their faculty. He is opposed to granting a waiver. The development needs the appropriate number of parking spaces.

Ed Ruen, 4015 N. Stowell Avenue, has lived here since 1975 and will be significantly impacted by this building. He said the issue is traffic and everyday he is greeted by the parking that takes place particularly those at the animal hospital but also others moving about the neighborhood. He agrees that the parking in front of their homes is not owned by them and is not their property but it is a part of the neighborhood. He said in a good neighborhood there is a great deal of sharing that goes on. He said on Stowell they have experienced this sharing. He said there are many children in their neighborhood also and they want to encourage families and free safe play of the children and to protect the streets to cross safely all while supporting our neighboring businesses. He said he has lived through many changes and that he sees the need for development but he certainly cannot encourage and does not welcome this kind of development that will be unsafe for the neighborhood but will also create problems in terms of traffic and destroy more of their neighborliness such as how they share the street, the area and their homes. He hopes the Plan Commission will review the major plan recently approved and abide by that and not increase the density to the extent it is being proposed.

Megan O'Brien, 2500 E. Shorewood Blvd., reminded that the burden is on the developer to provide substantial evidence to obtain the exception. She said it appears that a good portion of the evidence submitted or relied upon is details relating to other multi-unit buildings that have been granted exception or variances and that is not really evidence and urges that not be considered. She said the developer has to show evidence related to this particular development and it has to be substantial.

Andrea Brandt, 4054 N. Stowell Avenue, said she has a number of concerns living on the block this will be impacting and one thing that is not being considered is how narrow the street is. She said this is true in summer but especially in winter. She said the entrance and exit of this project is right at the intersection along with the animal hospital entrance and an alley. She is concerned with the congestion and how cars will get past one another in the snow. She said another issue she had was with the parking on the proposed plan showing two spaces on the edge that seem completely unusable having to either back in or back all the way out. She said if this is an assigned space she thinks it is unrealistic they would use it except for overnight due to the inconvenience. She said the developer stated based on their evidence that 43 parking stalls should be sufficient and if you feel like your parking is already sufficient then why are you asking for an exemption and something you don't need. She added that the developer said the development would decrease congestion and unless they are getting rid of cars she doesn't see how this will happen and that this is false

information. She said the developer also anticipated a good amount of no car families and she does not know of any no car families whatsoever that are employed and have jobs. She said Shorewood does not have a lot of life supporting businesses where you could sustain a good income living here without having to travel/driving somewhere. She said the presumption that the residents will be relying on the bus system is totally false and we cannot base anything off of that information. She is concerned about the congestion that will come from people cutting through the alley also. She stated she does want diversity and low-income families in Shorewood but there has to be a better way to do it perhaps subsidizing apartments or duplexes, providing underground parking for this development and lowering it to three-stories.

Rosina Bloomingdale, 3958 N. Stowell Avenue, stated she wanted to reinforce Mr. Walsh and Mr. Desing's comments about the evidence that has been presented. The evidence presented by Mr. Baade was very old from 2010 and he did not use the up to date resources to support his position which calls into question his trustworthiness in providing data. She said it is important to note in the 2010 study there is no generalizability of that study and it is an ancient study that has no relevance in this position. She said Mr. Desing noted a more recent study that provided a whole different perspective. Mr. Baade had an ethical moral and professional obligation to use the most current data which he did not and that is concerning to her.

Maggie Marks, 3938 N. Stowell Avenue, said she observed the cameras for the traffic study and the cameras were up for maybe 24-48 hours which was not a long period of time. She said it was the middle of the week and it was a cloudy cold day. She said Atwater Beach is getting busy and parking is at a premium. She felt the traffic study was not done at the best time showing the busy nature of the street. She worries the traffic study is not a good indicator of how busy the area can get. She is totally for affordable housing but opposes the loss of parking and the danger this could pose to children and pedestrians.

Mr. Griepentrog stated that at the moment there were no new hands raised to speak on the matter. President McKaig stated she felt comfortable moving on.

The floor was closed for public comment at 7:40 p.m.

President McKaig asked staff and Mr. Baade if they had any further comments before opening discussion with Commissioners.

Mr. Baade took note of all the comments and the residents' concerns are real as they are looking out for their best interests. He said they worked hard to create a project that lives within the existing zoning code other than the parking exception. He said the parking exception will allow the project to go forward and that the exception will work and requesting this is not out of the norm for other projects they have seen in the area. He added that they submitted information and some of it may be old but that the MIT study has not been refuted and is still accurate and still cited in many places especially planning programs around the country. He stated they hired a professional that went and did the parking study according to the way it was supposed to be done.

President McKaig stated they would move into discussion of the factors in 535-51B 1-13. She said her intent is to leave a clear record of their consideration/discussion that will lead to an action to resolve the matter. She asked Mr. Griepentrog to read each factor and they will discuss in order. She reminded the commissioners they are considering a special exception for the parking and that does not pertain to the use of the building. The project as it is conceptualized would be within the zoning code and if not for the parking exception it would not be before the commission. She stated it is also not a traffic decision but a parking ratio decision which is discretionary as there is no state statutory minimum requirement for parking.

Factor #1: The effect the granting of the exception will have on adjacent parking and traffic conditions.

Ms. Kiely Miller thanked residents who serve on the Board of Appeals for giving the Commission the chance to reconsider this application. She thanked residents who either emailed or spoke this evening because public input was something the Commission did not have in February when they considered this. She said they are talking about 31 parking spaces not being met in the enclosed parking structure. She said the code calls for 74 and the structure will only provide 43. She appreciated the applicant taking the time and money to do the parking study but there were some errors in it. First, only residents in single-family homes and duplexes can buy daytime parking passes in the restricted parking areas surrounding the neighborhood not tenants of multi-family buildings. She said a map of daytime parking restrictions shows time limits south of Capitol and north of Capitol on Downer and Prospect which will leave limited areas for residents to park. Secondly, Mr. Baade confirmed in February that each space in the garage would be assigned and if you are not given a space you cannot park there during the day when others are not present. She said with this she was confused with some of their calculations about only 34% during the day because if you are not given a spot you cannot park there during the day. She added guests cannot park in the structure and the study seemed to indicate it would provide that. She questioned what basis or facts the traffic consultant thought that the garage would only be full 79% at night and 34% during the day. She said it seems a lot of assumptions are being made both in the application and the study and assumptions are not facts. She feels there are assumptions about car ownership and use based on income, age, public transportation and where people work. She said decisions cannot be made on assumptions of who will live there. She said Stowell is a narrow street and the exception in that neighborhood. The east side homes also do not have driveways. She said there is no parking and what do residents do when they have guests or contractors present. They have to consider what is required for life in a neighborhood. She said Stowell has an existing longtime parking problem that will persist no matter what they decide and hopes the Village could work with those neighbors to alleviate their problem perhaps with restrictive parking. Perhaps working with the animal hospital to get their staff parking passes for lots and off the street also. She said facts are the experience of residents who live on the street. She said a majority of the previous parking special exceptions have been for businesses with short term customers and you cannot compare that to residents who may park all day. In February, they discussed the feasibility of underground parking and the developer said the lot size precluded having underground parking and referenced other multi-family buildings (Oakland and Kensington) that provide underground parking for residents and those have some advantages like exiting in two directions and that is not possible with this project. She added that the reason the neighborhoods south of Capitol and on Downer and Prospect went to restrictive parking was because of the overflow of parkers from UWM and that that will not end.

President McKaig asked if with each factor commissioners could state if they felt the factor was applicable or not. Ms. Kiely Miller stated yes it was applicable and the primary factor.

Mr. Couto asked if they were able to ask the developer questions. President McKaig said yes.

Ms. Kiely Miller asked about errors regarding parking being assigned and the percentages that would be used during the day and night. Mr. Baade stated spaces are assigned by unit and it is correct that no else can use them. He said in regards to calculating and how that is done he would have to defer to the traffic engineers. He said when they create the tables that decide how many people would come and go, trip generation and the number of parking space they have accounted for all of that and have made no assumption. They have used the broad averages out of the parking book. He said whether they use the 2010 versus the 2019 he would talk to the traffic consultant and see what the impacts would be. He said they use a set of formulas that is accepted by traffic and parking designers.

Mr. Baade said an apartment building that only offers this many spaces is self-selective in that if an individual needs two parking spaces they may look somewhere else. He said this is an assumption but what they have seen in their experience.

Mr. Couto asked if the parking study consultants were on the call. Mr. Baade said they were not. Mr. Couto said that the study's conclusion said the parking will be 80% full at night time and 39% full during the day. He said in reality it would be 80% full all the time because the spaces are assigned. He asked if this was more accurate. He said Mr. Baade agreed earlier that just because the spaces are not being used does not allow others to park in the spaces. Mr. Baade said this is correct because they are assigned. Mr. Couto said the 39% during peak hours doesn't seem relevant because the spaces are assigned and not available for other tenants or the public also. Mr. Baade said during the day the spaces are more vacant because people are working and that is when nighttime reflects 80% whereas daytime is 39% full.

Mr. Couto asked if Mr. Baade could walk them through their conclusion on who will be living in the units. He said at the last meeting it was discussed as one tenant living in one unit would have one car and he asked how they came to that conclusion. Mr. Baade said there are two pieces. He said the traffic study does not use his assumptions that is a data set being used. He said that typically with buildings they develop they build based on one parking space per bedroom.

Ms. Klein asked what the exact number of exception spaces this proposal is asking for. Mr. Griepentrog said the requirement per code is 74 spaces and they are providing 43 on site enclosed. The exception is for the difference which is 31 spaces. She asked if there was an assumed amount of curb spaces in that math. Mr. Griepentrog said not in his math he said the developer believes 8 curb spaces would be necessary to fulfil their demographic of the building but that is not inclusive of the exception request. Ms. Klein asked about the new overnight parking permit availability. She asked if anyone in an apartment building can purchase an overnight parking permit. Mr. Griepentrog said yes that two parking spaces are allowed per housing unit. Ms. Klein said that whether the building had 74 or 43 parking spaces all units could still purchase overnight parking spaces. Mr. Griepentrog said that is correct.

Mr. Wycklendt asked about the history of getting the 2 hour parking signage installed and the 5 year timeframe and why Stowell does not have the parking limits. Mr. Griepentrog asked if anyone had more history but said he was told that the residents of Stowell did not gather enough signatures required to move forward with the parking change. President McKaig said that is her recollection as well. Mr. Wycklendt said they have likely all driven the block and that during the day there are a lot of cars towards Capitol. But in the evening and early evening there was not as much. He asked if that was a decision to not implement the 2 hour on that street. President McKaig said they focused on the streets that complained with the idea and understanding that when you make a change in one place and it kind of moves the parking problem. This never came back before the board but it could. Mr. Couto asked if the 4000 block of Stowell came back and asked for the 2 hour parking where would people park? If they keep moving the problem where will folks park. Mr. Griepentrog said if they are residents of that block they could purchase a pass and stay there. If the people are employees of that area, there is a daytime employee parking pass that they could purchase and the employees would have to park a block north in the unrestricted area. President McKaig added that if some of the parkers are associated with UWM the further north you have to park the less appealing it is.

Trustee Bockhorst has worked on a lot of parking changes. She was a part of the two-hour parking restriction discussions. She said one of the reason they funded the parking study was to help make more comprehensive decisions based on data. She enjoys the discussion and residential input. She understands there is a lot of speculation from those on the commission but also residents as evidence of form letter emails they have received. She is hearing there are two independent parking studies one being the Village paid traffic study and the parking study the developer paid for with possibly antiquated data. She wants to stay away from speculative points. She is a renter and said when you determine where you will rent you look at parking factors. She said she heard the concerns earlier about contractors and where they could park and reminded that parking passes are available for contractors through the village.

Mr. Pollack asked about the proposed design of parking space 43 and how that would work. Mr. Baade asked if he was referring to the parallel parking space. Mr. Pollack said yes and questioned how someone would park if spaces 39-42 were already full. Mr. Baade said this document was a program document and not a design document. He said there is nearly a full parking space in front of space 39 and likely the spaces will be shifted east to give room on either side. He said the hash tagged space next to space 28 is so cars can pull in and turn around too. Mr. Baade said the drive lanes in the structure are also designed wider to facilitate Y turns.

President McKaig asked what the turn radius for the driveways along Stowell will be and the engineering for them. Mr. Baade said Stowell is narrower than other streets in the Village but their driveway apron width and flair are guided by the Village's engineering standards. He said it would visually match the vet office across the street. She asked what he says to residents who cannot envision that working even when following engineering standards. Mr. Baade said they still need to get a building permit and go through the Design Review Board approval. He added that construction documents will not be approved for a building that will not work. He said the Village has the final say. She said this project is nowhere near being approved and is not being fast tracked.

Mr. Couto asked if this is the Plan Commission's last chance for review over this project. Mr. Griepentrog said the project, as proposed, meets all other code requirements and would not be back before the commission. If the project would change there is a chance it would be before them again.

President McKaig asked if they have looked into shared parking agreements. Mr. Baade said they have not reached out to Atwater School as they felt it was too far away. They have discussed with St. Robert's and St. Robert's was not willing to make any agreements.

Ms. Kiely Miller said factor one related to traffic conditions and it seems many residents had concerns with traffic congestion and safety and asked if the developers considered the entrance and exit off of Capitol and not Stowell. Mr. Baade said they did look at it as an option he said it is possible but they came at it thinking the traffic would be preferred coming out at a controlled intersection on Capitol rather than two entrances off of Capitol.

Ms. Klein said she agrees there is an impact on the parking and traffic but has seen in other places where the street will be closed off. She asked about closing off Stowell right at the animal hospital and this development to alleviate the concerns about speed and safety and the traffic would be confined to the commercial corridor. She said she did not know what it would take to make a change like that but they are trying to find a way to balance low income housing development and tax base and the impact on parking and the quality of life.

President McKaig said with living in the neighborhood she walks daily and does not have any of the experiences and observations being shared tonight. She does not have trouble crossing the street or has witnessed children having trouble crossing the street. She does get stuck on the impact to traffic and congestion because she has not experienced it that way.

Trustee Bockhorst said if there is a detrimental impact the Village Board can look at this and make the necessary changes. She said one of the number one charges she has heard for this commission has been the zoning code and making changes. She said Minneapolis just recently removed their parking restrictions. She said if there is a detrimental impact, which she does not see, the Village Board can find solutions. She has walked her dog often in this area to see, for herself, the impact and she did not experience any problems.

President McKaig reminded the commissioners they are moving through the factors in order and at the end would entertain a motion. Depending on where they are, the floor may be opened back up to those who were unable to comment prior but second comments will not be taken.

Factor #2: The effect the granting of the exception will have on the appearance and character of the applicant's property, adjacent property and neighboring property.

Attorney Bayer wanted commissioners to keep in mind that all the factors in 535-51B are applicable to any special exception not just for parking requirement ratio. A specific example where appearance may be a factor is in 535-49H(3) which says outdoor parking spaces shall not be constructed in the front yard or side yard of a lot. He said if a person is before the Plan Commission requesting a parking space in their front and side yard that would absolutely have an impact on the appearance. This is why the factors are considered as applicable. He said the impact of the ratio may or may not have any impact of the physical appearance. He said Design Review Board would analyze that down the road further too. He said to keep in mind that this particular request may have no impact on the appearance and character because what has been proposed meets the other code requirements. He said this factor may have no bearing.

Trustee Bockhorst suggested that if they are going through all factors they take a poll on whether the factor is applicable and if the majority says no they move on to the next factor. President McKaig will keep that in mind and asked to move forward staying focused and to state if one thinks the factor is applicable or not.

Mr. Wycklendt says this is not applicable.

Mr. Couto asked Attorney Bayer to define what character meant in factor two. Attorney Bayer said there is no definition and said that was why he provided the example of the parking in the front and side yard to show when parking would impact appearance and character. He said it doesn't appear from what the applicant has said there will be other changes to the exterior which meets the rest of the zoning. He said they have to consider the factors as applicable or not. Mr. Couto asked if this factor was pertaining to the applicant's physical building and those adjacent buildings or the fact that residents could be parking further down the block and on other blocks. Attorney Bayer said that is for the commissioners to determine/decide. Attorney Bayer proposed the question of if a vehicle legally parked on the street in front of a property impacts its appearance or character.

Mr. Couto said this factor is applicable.

Ms. Kiely Miller said as far as character this neighborhood gets gradually quieter as you travel east. She said if you put a four story building on this corner it will change the character. She said the Comprehensive Plan 2040 that was recently passed and the direction for this area is Mixed Use Main Street with all residential or mixed use on the main level. She said this proposed project no longer fits and she understands that a comprehensive plan is a guideline but the comprehensive plan sits above all other plans and questions how this fits now. President McKaig said this fits with a zoning comment and not the parking exception at hand.

Mr. Pollack said this is not applicable

Ms. Klein said this is not applicable.

President McKaig said this is not applicable.

Factor #3: The effect the granting of the exception will have on the property values of the applicant's property, adjacent property and neighboring properties.

Ms. Kiely Miller said this is applicable but hard to measure. She does not think a 15 year old report for an east coast city will tell them what they want to know. She saw the article with the land costs and how they were applicable and she was not surprised. She said what she would've found more relevant and informative would've been information on what the three four-story buildings on Kensington and Oakland did to the property values of the surrounding properties. She said she does not know how to judge this even though it is applicable.

President McKaig said she can relate in regards to missing data and said they should evaluate what is before them.

Mr. Wycklendt said this is applicable and it should be discussed. It will definitely impact values but cannot determine if that will be up or down.

Attorney Bayer said the analysis is a bit narrower than what is being cast. He said specifically if the granting of the parking special exception from a 1.75 ratio of parking spaces per dwelling units to whatever is being proposed will impact the property values not the creation of the development and use.

Mr. Pollack asked if it is the 31 parking spaces being considered that would impact values. President McKaig said yes and asked if he thinks the factor is applicable. Mr. Pollack stated it probably is applicable.

Ms. Kiely Miller said if they are looking at the effective value of excessive parking then, unlike the buildings on Kensington and Oakland that provided enough parking, this will have a negative effect on values because they are not providing enough parking. President McKaig said there is no evidence provided in their materials that shows parking spaces affecting home values.

Trustee Bockhorst said this is not applicable.

Mr. Couto said this is applicable and he feels they are missing a lot of evidence. He asked if they were going to discuss the factor. President McKaig said if anyone believes it is applicable or not they can then detail their rationale.

Mr. Wycklendt said this is applicable but based on evidence he cannot say how it will impact values.

Trustee Bockhorst said based on the evidence they have before them she cannot say if this is applicable and she does not want to weigh in on whether property values will be impacted based on the potential additional parking spaces.

Ms. Klein said there is no evidence that states values will increase, decrease or have no effect so she states it is not applicable.

Mr. Couto asked if the developer can address this question. Mr. Baade said that when he prepared his response to this he was not thinking so narrowly but was thinking in terms of use. His response in regards to the parking, would be that the evidence they provided proves the 43 spaces inside and the 8 on street would be adequate and that there is additional parking available on the street. He said the 74 required spaces is too much and that with the exception they are providing adequate number of spaces and there will be no detriment to the neighborhood. Mr. Couto understands the position but what they think is appropriate differs from what the code requires. Mr. Baade said that is correct and why they did the parking study to validate their need. Mr. Couto said aside from that there is no evidence on property values. Mr. Baade said no and that he did not think that narrow when preparing.

Ms. Kiely Miller said the Commission has discussed the parking code previously but that has been more in terms of businesses and not residential.

Mr. Couto asked if someone has the evidence one way or another and is there a way to get that.

Trustee Bockhorst said this is not a court of law and if it was they would not entertain evidence from the floor. She asked if this will hold up any commissioner's decisions tonight. She was not looking at it as narrowly either. She said they have to evaluate the evidence before them. She wants to know if others are comfortable moving forward.

Factor #4: Whether the granting of the exception will serve a public, desirable or useful purpose.

Mr. Wycklendt asked Attorney Bayer if they do not grant the exception the project will not move forward and by granting it the project moves forward. He asked if they are considering the project moving forward here. Attorney Bayer said commissioners need to ask themselves if by granting or denying the special exception what public purpose would be served or impeded by that decision.

Mr. Wycklendt said that the Comprehensive Plan states goals for this area and hardly any of those goals are achievable with the current parking regulations in our ordinance. He said when looking through the Comprehensive Plan he noted the four strategic directions and how number one was to ensure redevelopment on Capitol and Oakland meets community goals and highlighted in there was for the Village to accommodate more housing units in the future typically tearing down and/or updating an existing building. He said this direction applies perfectly to this project. This building fits right into the mold we have and all they need is more parking spaces. He said direction number three was to work for an affordable cost of living for all residents. This meets 2 of the 4 strategic directions of the Comprehensive Plan 2040.

Ms. Kiely Miller said that this is applicable but that they do not have to weigh all the elements equally. She does not say they do not want affordable housing in the village but have to weigh the pros versus the cons. She said that the parking and the traffic impact to this neighborhood should be weighed more than the public benefit of 42 apartments in its present format.

Trustee Bockhorst appreciated Mr. Wycklendt's comments on the Comprehensive Plan which is a guideline not a recommendation. She said none of the desired outcomes would come without granting this exception. She said this factor is about public benefit and having non-TIF related immediate tax benefit to this community to help relieve the tax burden by increasing density and the tax base is a direct public benefit.

Mr. Couto said this is applicable.

Mr. Pollack said this is applicable.

Ms. Klein said this is applicable and in line with what they want to do with the village and the Comprehensive Plan.

President McKaig agreed with Mr. Wycklendt and said it is difficult with hearing how much the neighbors do not want the exception granted. She said with the evidence and the experience she has had that this is much more in the public interest and a benefit to all and that the concerns the neighbors have over what they think will happen has not happened around other similar developments and she does not believe it will occur with this one.

Factor #5: Whether the spirit and intent of the requirements of this article are being carried out.

Attorney Bayer said the article being referenced is Article 9 of 535 titled Off-Street Parking. He said to be clear the portion of the code being referred to is between 535-45 and 535-51. He said the commission is beginning to get to the part of the analysis where there may be overlap.

Mr. Wycklendt said this was not applicable and asked to move on. Commissioners agreed.

Factor #6: Recommendations of any boards or committees to which the Plan Commission refers the application for advice.

The commissioners all agreed this is not applicable.

Factor #7: Intensity of use, deviation from typical use classifications, access to transit, and physical constraints to meet parking requirements.

President McKaig said the use of the site is zoned for 42 units and not under consideration and accessible to multi-modal transportation and that offsets the presumed need for parking. She said this is applicable and appropriate.

Mr. Wycklendt said this is applicable. He said he focused on the physical constraints to meeting the parking requirements.

Ms. Kiely Miller said this is applicable. She said that this development is not mixed use which is what they would like there. She said yes it is more expensive to have underground parking but thinks there are physical constraints that prevent meeting the requirement without having underground parking. She added that the three mixed use buildings on Kensington and Oakland provide underground parking and those lots are not any deeper than the lot where this development is to be placed.

President McKaig said it is a good point that if the exception is not granted they can re-conceptualize to meet the parking requirement and proceed without the Plan Commission.

Mr. Wycklendt said this development fits with mixed use it just may not be what some want. He said even if a restaurant was on this site it would be back before them for an exception. Trustee Bockhorst said that any multi-use would require exceptions and does not want to get into hypothetical of what would want and focus on what is before them.

Factor #8: If senior housing is proposed, the number of employees on site, the type of senior housing, the parking needs of residents, if any, and the ratios from the Institute of Transportation Engineers parking generation report ratios for senior housing should be reviewed.

The commissioners all agreed this is not applicable.

Factor #9: Historical conditions and whether additional parking requirements for new or expanded use may be satisfied with incremental increase commensurate with new or expanded use.

Mr. Griepentrog understands this factor as reviewing the historical conditions of the site and how it currently functions, or has functioned, and how the new and/or expanded use incrementally improves that condition.

Attorney Bayer said an example would be if a building was constructed before the parking ratios were established and functioned accordingly and now someone buys it and wants to put a restaurant there which is a different use. He asked how this will be commensurate with how the site had functioned previously.

President McKaig said this is applicable in the sense that our parking code requires 74 spaces and the developer is suggesting that that many spaces is not required because of the point in trends and the use that is projected. That is why fewer spaces is projected to meet need.

Factor #10: Evidence that actual parking demands may be less than code requirements.

President McKaig said this is applicable and what the evidence provided speaks to.

Mr. Wycklendt said what the developer supplied does not meet our requirement but from their experience and evidence the additional spaces are not needed. He said this is applicable.

Ms. Kiely Miller said this is applicable but does not show the demands will be less than what the code requires.

Mr. Couto said this is applicable and agrees with Ms. Kiely Miller.

Factor #11: Availability of shared parking, including satisfactory documentation of shared parking to satisfy the parking demand.

Ms. Kiely Miller asked if shared parking referred to an agreement with another parcel owner/user.

President McKaig said she attributes this to her question earlier if the developer had pursued any parking agreements. She said there are no shared parking agreements.

Factor #12: Alternative transportation that has been reasonably shown to reduce the need for parking.

The commissioners agreed it was applicable.

Mr. Couto said this is applicable but there is no reasonable evidence of public transportation that will alleviate the parking requirement.

Ms. Kiely Miller agrees with Mr. Couto.

Mr. Wycklendt said they did get evidence. They discussed bus line and use of bicycles and experience with their other developments.

Trustee Bockhorst said there are bus lines, scooters and that Milwaukee has a 1:1 requirement. She said this is a lot of reliance on car culture.

President McKaig said Whitefish Bay has a less restrictive parking requirement code. There is evidence that alternative transportation is available near this location and that decreases the need for parking.

Factor #13: Such other matters as the Plan Commission deems relevant and material.

President McKaig said this was applicable and a majority of commissioners agreed. She said public opinion is a matter that is relevant.

Ms. Kiely Miller agrees that public comment is relevant. She said they need to consider quality of life for the village.

Trustee Bockhorst asked what kind of village they want to be. She said they have heard from commissioners who have worked really hard on the Comprehensive Plan and understands they all have their own biases. She asked if what they have been really discussing is parking because that is what is before them. She said they are determining if they should grant an exception to the parking requirement that has been deemed excessive by comparison to many other municipalities. She understands that the east side of Shorewood does not have a lot of density. She said the only thing before them is the parking and not the impact of the building on the area. She asked if they want to be an open and inclusive community. If they want to be pro-car versus multimodal opportunities. She said they can review and address the parking requirements. She understands change is tough. She said there will be a lot of big decisions in the future about taxes and this building could alleviate that burden with being another building on the books. She said a lot of feedback was received. She said neighbors asked why they were receiving the flyers with no names. She said the flyer was misleading and a lot of the emails received had misinformation. Public input is important. She said this project is not perfect but no project is. She said this has direct benefits for residents.

President McKaig paraphrased other matters deemed relevant by Trustee Bockhorst as the quality of life in terms of vision, setting a precedent based on responding to public opinion based on a flyer with misrepresentation, whether we are committed to decreased reliance on cars and committed to tax relief by increasing the tax base.

Mr. Wycklendt said they are starting to get really broad on this. He said the public opinion thing was the best thing to include. He said his mind has not changed and he will vote in favor of the exception. He said at the last meeting a parking study was said to be missing and members still voted for the exception. Now a study has been provided stating there will be no big impact. He said they have been shown evidence the parking will not be impacted. He said this project is what we wanted developed on Capitol and will fit into the area.

Ms. Kiely Miller said she appreciates the parking study but noted it had errors. She said the exception will cause a severe hardship on the surrounding neighborhood especially those without

restrictions. She said even though she voted for this the last time, that with the evidence tonight and the public comments she will not be this time.

President McKaig said that public opinion is important and that where she is stuck she that she has no idea if the 85+ people on the call tonight would be present if they had received the correct information. She said the same happened with the Metro Market project. She said they also have a letter from the village attorney responding directly to the association's attorney. She said there are examples of code and statute being misapplied. She said it is hard for her to give weight to this because the opposition has included information that is speculative and/or contrasts her own experience and data. She said she can support the exception because she cannot validate the public comments based on misrepresentation.

Ms. Kiely Miller said she just received the postcard today and that residents know their situation on their block. She said she does not think residents would have gone to the trouble and expense of hiring an attorney and gone before the Board of Appeals based on misinformation. She said the residents experience may not be ours but it has to have weight given to it.

President McKaig said the hiring of an attorney is relevant. She said if we are setting a precedent where neighbors can form an association and hire an attorney to get something done in our community that leaves a lot of people out. She has a strong concern it is elitist and a lot of the comments made are really along the lines of superiority and entitlement that has caused a lot of problems in our city. She knows this is a really unpopular thing to say and that nobody would ever intend to do that but she said this is relevant in this case. She is impressed with the amount of organization and she knows it is not what people want to hear but from a leadership position they have to think strongly about how residents retained an attorney to challenge this and assert themselves as a party in this case. Not everybody in town can do that and this can't be a town of battles between professions and credentials.

President McKaig stated she would entertain a motion at this time.

Mr. Wycklendt asked if there was a way to fast track a process to get parking regulations on the 4000 block of Stowell as it is the only street unrestricted in that area. President McKaig said based on experience she thinks this is relevant also. She said at the time when the congested zone was expanded she was all for including Stowell and she doesn't recall why it wasn't included she thinks it could have been because of public input and a preference. That said it is something they can look at more creatively and cohesively. The Village has an updated Comprehensive Plan that was delayed for nearly two years and they have a good chunk of work before them. They have studied the previous Village Board invested in that was wise and puts them in a better position to assess these things. Mr. Wycklendt said when looking at the map it seems Stowell was overlooked because of Downer and Prospect having restrictions and that it shouldn't be a stretch to include Stowell as well.

Trustee Bockhorst asked if the motion should include reconsideration. Attorney Bayer stated that the Commission is essentially starting over new because of the previous remand by the Board of Appeals. He said that per 535-51D it states the Plan Commission shall either approve or disprove the application for a special exception hereunder in accordance with the provisions of this article and shall find that the special exception is not inconsistent with the applicable provisions herein. He said that if the motion were to grant the exception it would be based on a finding that there was substantial evidence that granting the exception is not inconsistent with the applicable provisions herein. He said if the motion was to deny the exception it would also be a motion based on the finding that there is substantial evidence that granting the exception is inconsistent with the applicable provisions herein. The body has now taken the additional record offered by the applicant and public comment and now based upon that record the Commission has to make a determination to either grant or deny. He said if the Commission believes they need additional information they could adjourn also.

President McKaig stated the options are to adjourn for further evidence needed, to deny and to grant.

Ms. Klein moved to approve the parking special exception for the proposed multifamily redevelopment at properties 2418, 2420 and 2428 E. Capitol Drive submitted by Catalyst Partners, based on meeting the conditions stated in 535-51B. Seconded by Mr. Wycklendt.

President McKaig opened the floor for discussion.

Ms. Kiely Miller stated that if the applicant is supposed to provide substantial evidence that they are meeting the condition then she felt they were lacking under condition number 1. President McKaig ask what she felt was missing. Ms. Kiely Miller said the parking study was full of errors. That the applicant thought the spaces that were not meeting the code requirement could be satisfied by daytime parking passes in the restrictive parking area is not true because multifamily residents are not allowed to purchase them. She said the study also said guests would be able to park in the structure which is not true. She found the evidence was not overwhelmingly meeting the needs in order to grant the exception.

Mr. Baade said that yes errors were made and that is a correct statement. He said that even though the development is in the area of 2 hour restrictions there are still other places for people to park. He went back to the study that said for their residents the 43 spaces would be adequate.

Trustee Bockhorst said the parking passes in the restricted areas are only available to single family and duplex residents. She knows that is not a charge before them tonight but felt it was elitist. President McKaig said it could be added under future agenda items.

President McKaig said they have a motion on floor and asked residents on the call if they oppose the motion on the floor to raise their hands. She said it was unanimous (those that participated). She asked for those who supported to also raise their hands.

Mr. Griepentrog repeated the motion on the floor.

A roll call vote was taken: Ms. Kiely Miller – No, Mr. Pollack – Yes, Mr. Couto – No, Trustee Bockhorst – Yes, Mr. Wycklendt – Yes, Ms. Klein – Yes, President McKaig – Yes. Motion passes by a Vote 5-2.

President McKaig thanked everyone and appreciated the participation.

#### **4. Future agenda items.**

Trustee Bockhorst said that she was not sure if this goes to the full Board or the Plan Commission, but would like to the issue of only homeowners being allowed to purchase parking passes in the two-hour restricted area on a future agenda. Mr. Griepentrog said this issue is not in the zoning chapter so he does not believe the recommendation would come from the Plan Commission but a different (Traffic and Safety) subcommittee at the direction of the Village Board.

Ms. Kiely Miller clarified that the parking passes are not just for homeowners but also renters of single-family and duplex properties. She also added that the commission has a number of initiatives submitted that were never gotten too and suggested they start working through them in future meetings.

Residents asked if there would be any further public comment. President McKaig said she will leave it to the commission to decide.

President McKaig asked for a show of hands from the commissioners who would take more public comment. Attorney Bayer stated they have moved on from the agenda item.

Trustee Bockhorst moved to reconsider closing public comment. Second by Mr. Couto.

President McKaig asked Attorney Bayer if they could do this. Trustee Bockhorst stated there was robust public comments in the beginning of the meeting for over an hour.

Attorney Bayer said they are still within the context of the same meeting. Certainly the motion has already been considered and the special exception has been granted. He said it may not be fair to the applicant who may not be on the call having moved on from the item. Ms. Keily Miller stated the applicant was still present. Mr. Couto said there is nothing precluding them taking more comment. Attorney Bayer said with the caveat that there will be no further consideration or action taken he sees no problem but then comes the question of why you would want to do it if it is not part of the record based on how you made your decision.

Mr. Wycklendt asked if public comment couldn't be taken during this agenda item which is when we talk about anything.

Trustee Bockhorst moved to withdraw her motion. Mr. Couto did not withdraw his second.

Trustee Bockhorst clarified that her motion was to not reconsider the whole process they have gone through tonight but to just allow further public comment. She said anyone can email them also.

President McKaig restated the motion on the floor.

A roll call vote was taken: Ms. Klein – Yes, Mr. Wycklendt – No, Mr. Couto – Yes, Mr. Pollack – No, Trustee Bockhorst – Abstain, Ms. Kiely Miller – Yes, President McKaig – No. The motion fails by a vote 3- 3-1.

## **5. Adjournment.**

Trustee Bockhorst moved to adjourn the meeting at 10:18 p.m., seconded by Mr. Wycklendt. A roll call vote was taken: Ms. Kiely Miller – Yes, Trustee Bockhorst – Yes, Mr. Pollack – Yes, Mr. Couto – No, Mr. Wycklendt – Yes, Ms. Klein – Yes, President McKaig – Yes. Vote to adjourn 6-1.

Recorded by,



Crystal Kopydlowski  
Planning Department Administrative Clerk