



# Plan Commission Meeting Minutes

July 27, 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 after roll call)
Eric Couto	Aye
Therese Klein	Aye
Barbara Kiely Miller	Aye
Josh Pollack	Aye
Daniel Wycklendt	Aye

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

## 2. Approval of June 22, 2021 meeting minutes.

Mr. Wycklendt moved to approve the minutes, seconded by Ms. Kiely Miller.

President McKaig stated she emailed staff regarding a couple changes including a reference to the Comprehensive Plan being the bible. She added that the minutes were long and subjective and that she would work with staff to see what can be done to shorten them. Ms. Kiely Miller said the bible reference was her comment and that a change could be to reference the Comprehensive Plan as being the Village's go to plan instead.

Vote to approve with the changes referenced 7-0.

## 3. Consideration of Conditional Use Permit application for a proposed fitness studio at commercial property 3514 N. Oakland Ave. in the Village of Shorewood, Milwaukee County, Wisconsin. TAX ID 276-0555-001.

### a. Overview

Mr. Griepentrog introduced the item per the memo that was provided and a slide presentation.

### b. Public Hearing

President McKaig opened public comment at 6:40 p.m. Hearing no public comments  
President McKaig closed the public comments at 6:41 p.m.

### c. Plan Commission deliberation

Ms. Kiely Miller asked if there was any other sound proofing besides the windows and doors being closed. Mr. Griepentrog said no but that Inspector Justin Burris stated the building of this age is solid and that sound would not emanate beyond the building.

Ms. Kiely Miller noted the floor plans stated an occupancy load of 38 but that there would be 10-25 customers present at a time. She asked if the business's actual

occupancy capacity will be 25. Mr. Griepentrog said commercial occupancy loads are based on bathrooms and he would verify that with the building inspector.

Ms. Kiely Miller asked how the serving of beer would mix with the exercise equipment. Mr. Griepentrog stated that during the Village Board discussion of the liquor license it was described as being offered after workouts as a congratulatory drink. President McKaig said at the Village Board level they confirmed beer would not be served at the 5 a.m. early hours.

Mr. Wycklendt moved to approve the Conditional Use Permit application for a proposed fitness studio at commercial property 3514 N. Oakland Avenue, based on meeting the conditions stipulated in 535-25C. Seconded by Mr. Couto.

A roll call vote was taken: President McKaig – Aye, Trustee Bockhorst – Aye, Mr. Couto – Aye, Ms. Kiely Miller – Aye, Ms. Klein – Aye, Mr. Pollack – Aye and Mr. Wycklendt – Aye. Vote to approve 7-0.

**4. Consideration of Conditional Use Permit application for a proposed physical therapy/massage therapy business at commercial property 4433 N. Oakland Ave. in the Village of Shorewood, Milwaukee County, Wisconsin. TAX ID 240-185-001.**

**a. Overview**

Mr. Griepentrog introduced the item per the memo that was provided and a slide presentation. Business owner Hillary Jackson was present but had nothing further to add.

**b. Public Hearing**

President McKaig opened public comment at 6:54 p.m. Hearing no public comments President McKaig closed the public comments at 6:55 p.m.

**c. Plan Commission deliberation**

Mr. Wycklendt moved to approve the Conditional Use Permit application for a proposed physical therapy/massage therapy business at commercial property 4433 N. Oakland Avenue, based on meeting the conditions stipulated in 535-25C. Seconded by Ms. Klein.

A roll call vote was taken: President McKaig – Aye, Trustee Bockhorst – Aye, Mr. Wycklendt – Aye, Mr. Pollack – Aye, Ms. Klein – Aye, Ms. Kiely Miller – Aye and Mr. Couto – Aye. Vote to approve as amended 7-0.

**5. Consideration of a Parking Special Exception for a proposed multi-family redevelopment at 4414 N. Oakland Ave., submitted by Acquisition Entity V, LLC (Wimmer Communities).**

**a. Overview**

President McKaig stated that this item relates very closely to item six pertaining to modifications to Chapter 535 and that the applicant chose to be considered before the code modification discussion.

Mr. Couto moved to postpone item five to the next scheduled Plan Commission meeting. Ms. Kiely Miller seconded the motion. President McKaig opened the floor for discussion.

Mr. Couto said agenda item number six directly affects agenda item number five and that with neighbors being notified late last week and the meeting materials put forth at about 3:45 p.m. on Friday they owe it to the community to allow residents more than 48 hours to put together their thoughts. He said this should be postponed to the next meeting so that they can hear from everybody that wants to be heard and so they can discuss agenda item six first which directly affects this item.

Ms. Kiely Miller said they should review the code for any changes before granting more special exceptions.

Trustee Bockhorst said this proposal has been in discussions for quite some time and they knew this was coming to the Plan Commission. She said all the rules and regulations have been followed regarding noticing the public and questioned delaying the item.

Mr. Pollack asked what the process is for notifying the neighbors. Mr. Griepentrog said that Village Code 535-51 does not have requirements for notifying the public regarding special exceptions. He said as a matter of courtesy notices were hand-delivered on Friday to neighbors after the agenda was posted on Tuesday. Ms. Kiely Miller asked if notices went to residential and commercial neighbors. Mr. Griepentrog said yes. Mr. Couto asked what time the notices were hand-delivered. Ms. Kopydlowski said between 11 a.m. and 1 p.m.

Mr. Wycklendt said some of the resistance they have experienced is because residents have felt they didn't have enough time to react. He agrees with deferring it to the next meeting.

Trustee Bockhorst asked if Mr. Couto has communicated with any residents in the area around the development. She is not opposed to talking about this item at another time but a month delay is too long. She said this development is not a new thing that was sprung on them and that there have been many news articles about it. She will not support postponing it for another month. She said all the rules have been followed and this was not fast-tracked. She thinks they should vote this evening.

Mr. Couto stated he had a number of residents reach out to him today that were just hearing about the project. He said to put out a 200 page packet on a Friday afternoon and expect residents to read it and formulate responses by Tuesday is asking too much.

#### **b. Public Comment**

President McKaig suggested hearing public comment. Mr. Wycklendt asked if they could take public comment. Attorney Bayer stated it was up to the Commission as there was a motion and a second on the floor along with discussion/debate. He said there is nothing legally compelling them but if they feel it is appropriate they can.

President McKaig opened public comment at 7:19 p.m.

Peter Hill, 1815 E. Lake Bluff Blvd., said this was the first time hearing about the proposal and feels ill-prepared to provide comments and would appreciate more time.

Andy Lehn, 4406 N. Murray Ave., first heard about the proposal and meeting via a Facebook post and felt it is important to have an opportunity to weigh-in because his children attend Lake Bluff Elementary and walk past it daily but is not prepared to do that tonight and would like more time.

Liza Mазzie, 1816 E. Lake Bluff Blvd., received the notice on Friday and would appreciate the extra time to read the materials, digest it and respond to it in writing.

Mark Gardiner, 1816 E. Lake Bluff Blvd., said there is a significant parking challenge on Lake Bluff Blvd. and would like more time to respond in writing.

President McKaig stated the motion on the table is whether to defer item five and any comments regarding the application should be held.

Elizabeth Beeghly, 2413 E. Shorewood Blvd., thinks the item should be deferred as some residents may feel the item is thrown at them and being rushed through. She said more time will help residents feel comfortable and informed.

David Schroeder, 1819 E. Lake Bluff Blvd., feels the same way as Mr. Couto and feels it is important to take time to understand the item. It is unreasonable to put something out on a Friday and expect responses by Tuesday.

Public comment ended at 7:27 p.m.

**c. Plan Commission deliberation**

Trustee Bockhorst said the developer submitted a very comprehensive, well-detailed plan and application and what they are being asked to weigh-in on is a parking decision. She said if the item is going to be postponed it is incumbent upon them to schedule a special meeting and get this decided. She said if they set the precedent of deferring items then it can always be said that more time is needed and this will continue to happen.

President McKaig asked if the Commission was ready to take a vote on the motion.

Ms. Kiely Miller said they have a responsibility to the residents. She said the whole packet was not available until Friday. She said some elected officials may have known about this development but all the Commissioners did not. She said considering this item before the parking regulations is like putting the cart before the horse. She did not feel they should schedule a special meeting. President McKaig disagreed and said when the reporters asked for the application the application was shared with the Commissioners and the media at the same time. She said the remainder of the packet and meeting materials were shared on Friday.

President McKaig asked if the Commissioners were ready to vote. Mr. Couto said there appeared to be one more public comment and he would like to hear it.

Dan Walsh, 4024 N. Stowell Avenue, said he is a part of the appeal regarding the Stowell development. He said they filed the first appeal because the Commission acted without providing any information to the neighbors. He said they filed the second time because the Commission acted on false information and inapplicable information that was supposedly substantial evidence that the development would not be detrimental to the neighbors. He said it is a good idea to slow down and go through the materials so the neighbors feel like they are represented.

Ms. Kopydlowski confirmed that Mr. Couto's motion was to defer the item until the next scheduled Plan Commission meeting.

A roll call vote was taken: Mr. Couto – Aye, Ms. Kiely Miller – Aye, Ms. Klein – Abstained, Mr. Pollack – Aye, Mr. Wycklendt – Aye, Trustee Bockhorst – No and President McKaig – Aye. Vote approved 5-1-1.

Trustee Bockhorst asked if the developers could be allowed to speak. Attorney Bayer said it was at the Commission's discretion. President McKaig asked the developer if they had any comments on the motion to defer.

Mark Wimmer, Nick Wimmer, John Wimmer and Dave Wimmer with Wimmer Properties were present. Mark Wimmer stated they would not be able to attend the August Plan Commission meeting (August 24th) due to previous commitments.

Mr. Couto asked Wimmer Properties if they have had conversations with other Commissioners regarding this project or is this the first time Commissioners are getting the information. Mark Wimmer said they have been working with staff to ensure the application was complete and that they were addressing all points of order. They have had no interactions with any Plan Commissioners or Trustees.

President McKaig directed staff to work with Wimmer Properties to find a date next month to schedule the item.

**6. Discussion and possible recommendation of modifications to Chapter 535 Zoning Article IX Off-Street Parking.**

**a. Overview**

President McKaig reminded the Commission that at the last meeting they reviewed the current code. Mr. Griepentrog's presentation includes a report with red text based on the Commission's consensus from that discussion. He also brought a red-lined draft of the revised chapter. The only thing that has not been discussed was changing the ratios. She said there were three options: to recommend to the Village Board the draft as presented, recommend it with changes or to take no action.

Mr. Griepentrog introduced the item per a slide presentation and the memo that was provided.

**b. Public Comment**

President McKaig opened public comment at 8:06 p.m.

Dawn Blackmore, 4240 N. Ardmore Ave., stated she appreciated item five being deferred and asked if the article titled "People Over Parking" pertained to agenda item five or six. Mr. Griepentrog said item six. She appreciated the best practices and articles and felt they were very important. She said this article hangs its hat on the value, necessity and critical importance of building more affordable housing. She said the article explains how affordable housing was increased successfully by allowing developers to build apartments with less parking and therefore the rents were offered below market values. She thought the article was useful and impactful but didn't see how it related to the proposal on the agenda. She asked if anything like this was being done here. Mr. Griepentrog said the adjustments section of the code is where this could be incorporated and that if the Plan Commission agreed adjustments could be made for senior housing, affordable housing, electric vehicle charging or bike parking. He said he would need to clarify also because the state has a prohibition on inclusionary zoning and he would need to make sure that doesn't infringe on that.

Dan Walsh, 4024 N. Stowell Avenue, said he was looking for a reason behind the 1.75 ratios and that it had to have been established for a reason. He asked what has been lost and/or what is the Village not doing because of the 1.75 ratio. He said this change will dramatically increase the density of development possibilities. He said density issues affect all those in the Village. He said the village needs to limit the applicability of special exceptions also allowing the code requirement to be lessened to 1.4 or 1.5 and not by upwards of 60%.

Elizabeth Beeghly, 2413 E. Shorewood Blvd., said that the community will change when density is increased without parking. She said it is a hard sell to lower the requirement this much without enough transit infrastructure.

Trustee Stokebrand, 4130 N. Lake Dr., asked if there is any way to get a memo of understanding from the County that would promise no cuts or diminished bus service to the area if affordable housing was increased. She doesn't know how to push people to use their vehicles less without a commitment for public transportation from the County. President McKaig said this was a good question but suggested she direct the question to the Village Board when this is before them. She asked Mr. Griepentrog to note this question for follow up as well.

President McKaig closed the public comments at 8:20 p.m.

**c. Plan Commission deliberation**

Mr. Couto asked how the 1:1 ratio for commercially-zoned multi-family was determined. Mr. Griepentrog said SmartCode, the national model developed by the Congress for New Urbanism, references a 1:1 ratio in medium to high density districts. Milwaukee only requires .67 units per dwelling with additional available reductions for things such as access to transit and public parking. His recommendation is to align with the SmartCode whose recommendation is 1:1 in the medium to high density areas.

Mr. Couto asked if meeting packets could be provided earlier. Mr. Griepentrog said getting packets out earlier is always desired but isn't a reality. He referenced planned development districts applications that have a two meeting requirement. The first meeting the applicant comes directly to the Plan Commission outlining their project. The Plan Commission has the ability to ask questions and request things. The second meeting the applicant would come back with their application for consideration. This is a zoning change which is a bigger change than a parking special exception but it is an example. Mr. Griepentrog said applications need to be complete in order to notice the public. Once the public is noticed it is the public's right to view the application. With conditional use applications there are two notices required so the application would be on file a month prior to the meeting. Mr. Griepentrog said that the notice requirement per 535-51B would state that property owners within 200 feet of the property for which the special exception is being considered seven days prior to the meeting. This is the same requirement for conditional use notices.

President McKaig suggested that Mr. Griepentrog make notes on ways we might work with the timelines to see how we can still be responsive to the matters at hand but also include more public engagement.

Ms. Kiely Miller asked if an applicant can be required to attend the meeting in which their item is being considered. Mr. Griepentrog said the Commission could always defer an item if they needed the applicant present to answer questions or provide more information.

Ms. Kiely Miller said her thinking regarding the ratio was closer to Whitefish Bay's 1.5 ratio requirement. She said that the cities discussed in the material articles were a lot different than Shorewood. She said to keep the screening requirement when considering parking slabs. She said Shorewood is not a city and has limited public transportation. She said the 1:1 suggested ratio is too low.

Mr. Wycklendt asked if the medical office requirement was adjusted and what the recommendation was for that. Mr. Griepentrog said his recommendation is to base it off of a conditional use review which is more contextual in nature. The current requirement

is four spaces per doctor and one per employee which is a bit high but he understands medical offices have impacts on neighborhoods. He said the recommendation would be that medical, dental and veterinary clinics are subject to review by the Plan Commission as a conditional use, with general guidance of four spaces per doctor, dentist or veterinarian.

President McKaig reminded Commissioners that the options are a motion to recommend to the Village Board or a motion to defer to a future meeting.

Ms. Klein said they can change the parking ratio to be more in line with modern things and that allows people to come forward with redevelopment at lower costs. She said they have no say in what developer's charge for rent and that all they can vote on is the opportunity for affordable housing to come. She questioned if it was the density of people or cars that will be affected by this ratio change. Mr. Griepentrog added that the State of Wisconsin prohibits inclusionary zoning such as requiring affordable housing. He said the one caveat is that if the Village is a partner in a development deal and are giving TIF or other funding then affordable housing could be required. Mr. Griepentrog also said the parking and transportation analysis from 2019-2020 suggested offering on-street parking permits because we have the capacity for it.

Mr. Pollack asked about the data on parking permits and demand. Mr. Griepentrog said it was not included because it was still being prepared for the Village Board meeting on August 2. He would provide it when it is ready. President McKaig said if the Commission was comfortable with the recommendation to the Village Board it could include that the Village Board evaluates the permit data. Mr. Pollack asked why not recommend a waiver of the enclosure requirements if the purpose is to simplify and decrease the number of special exceptions. He said they could still be going through this process moving forward because of the enclosure requirement just with a narrower purview. Mr. Griepentrog said he did not push to remove the enclosure requirement because the guide he provided last month suggested that the more important component with parking is screening it and getting it away from public view. The first thing is to review where they allow it and surface parking lots would be the worst case scenario. He is open to conversation if this is burdensome.

Mr. Pollack asked for clarification on why there is a relationship between parking minimums and potentially lower costs of rent. Mr. Griepentrog said that developers will tell you the cost of underground parking space/structure is between \$20,000-\$30,000 apiece and that impacts their bottom line of what units need to be rented for. He said he does not own a vehicle and rents in buildings that do not offer parking because they are typically cheaper. If we require developments to develop parking at certain ratios then that will impact their bottom lines and require them to possibly raise rents.

Mr. Pollack asked how the Village plans to service a lot more residents that may have electric vehicles and be parking on the street if there is a trend towards electrification of vehicles. Mr. Griepentrog said electric vehicle stations could be added to the adjustments section and incentivize a development.

Trustee Bockhorst said Minneapolis has similar weather to Shorewood and they went down to a radical change of having zero parking requirements. She does not think they are going far enough with a change of 1.75 to 1. She said the parking code was created in 1951 and there was no requirement before that. She said Shorewood has great public transportation options and that she herself went a whole year without a vehicle. She said we are not asking people to go without cars or get rid of their vehicles. She said there is enough data to support these changes and that she is ready to vote.

President McKaig said she is ready to make a recommendation tonight. She said the 1:1 parking ratio is very important and it brings us into alignment with what functionally exists. She said the Village Board will receive this and give it due diligence. She said in regards to the feel of the village that they cannot afford to have no traffic and no redevelopment and that the village, land use wise, is closer to an urban community than a suburban community. She supports suggestions around timeline adjustments to the code and considering adjustments for electrification.

Mr. Couto stated that he feels going from a ratio of 1.75 to 1 is too big of a jump. He said he would be much more comfortable with 1.5. President McKaig said the Village's functioning ratio is currently 0.34 if you look at the village as a whole. She said 1:1 is pretty conservative.

Ms. Klein moved to recommend Village Board consideration of the modifications to Chapter 535 Zoning Article IX Off-Street Parking as presented in the staff report. Seconded by Trustee Bockhorst.

A roll call vote was taken: Trustee Bockhorst – Aye, Mr. Couto – No, Mr. Wycklendt – Aye, Ms. Kiely Miller – No, Mr. Pollack – Aye, Ms. Klein – Aye, and President McKaig – Aye. Vote approved 5-2.

#### **7. Future agenda items.**

Ms. Kiely Miller asked if the first steps could be taken to begin the discussion on form-based zoning. Mr. Griepentrog said this is next on his to-do list and he is planning for the topic to be on the August meeting.

Trustee Bockhorst asked about considering daytime parking passes for multi-family residents. Mr. Griepentrog said this would be Village Board consideration not the Plan Commission.

#### **8. Adjournment.**

Trustee Bockhorst moved to adjourn the meeting at 9:18 p.m., seconded by Mr. Wycklendt.

Vote to adjourn 7-0.

Recorded by,



Crystal Kopydlowski  
Planning Department Administrative Clerk