

# Commercial Zoning Update Working Group



## Meeting Notes Wednesday, August 31, 2022 5:00 p.m.

---

### 1. Call to order

The meeting was called to order at 5:01 pm.

### 2. Roll call

Present: Barbara Kiely Miller, Lybra Loest, Tr. Kathy Stokebrand, Jake Bresette (arrived at 6:15), Tr. Arthur Ircink (left at 6:15), Chuck Hagner, Gary Brunk, Kate Flynn Post (arrived at 5:09), Leslie Oberholtzer and Bart Griepentrog

Excused: Josh Pollack, Scott Kraehnke, Jon Krouse, Maggie Pipek and Matt Weiss

### 3. Discussion of Module 2 (535-22 Building Design and 535-23 Landscape & Site Design)

Before passing the discussion over to Ms. Oberholtzer to lead the discussion, Mr. Griepentrog noted that tonight's meeting was hoped to be wrapped up within two hours. If additional time or an additional meeting was required for future discussion, he stated that he would schedule accordingly.

Ms. Oberholtzer confirmed that the group desired to go through the draft chapters page by page but noted that she would only provide general overviews of each section to lead the discussion.

Ms. Oberholtzer opened discussion of Roof Types as defined on page 22-2. She noted that this section included an exceptions process, unlike other sections which required more strict compliance and offered a "by-right" approval through the Design Review Board. Tr. Stokebrand questioned what "by-right" meant, and Ms. Oberholtzer noted that it meant if the regulations were followed the Design Review Board should approve it. Ms. Oberholtzer noted that the exceptions process would allow designers some flexibility but offers a review process to confirm that the alternate design met the intent of the code. Ms. Oberholtzer also noted that exceptions were intended for more distinct roof options, like a dome, and were not designed to allow for exceptions to the standard (parapet, flat or pitched) roof types. She believed the code was developed tightly to result in predictably desired forms.

Ms. Kiely Miller questioned what an applicant's options were if the DRB denied their request for an exception. Mr. Griepentrog noted that an applicant can appeal the decision to the Board of Appeals, but the Board of Appeals' review related to whether the DRB's action conformed to their responsibilities defined within the code. The Board of Appeals would not be able to approve or reject designs.

Ms. Oberholtzer noted that more discussion on the proposed exceptions process would take place at a subsequent meeting.

Tr. Stokebrand pointed out that 535-22B(1)(c) contained an extra “and are” that should be deleted. She also confirmed that terraces, green roofs, rooftop gardens and other outdoor facilities defined in this section are not considered an extra floor. Ms. Oberholtzer noted that if the area were enclosed, it would need to meet the regulations defined within the Tower section.

Ms. Oberholtzer believed that the parapet and flat roof regulations were straightforward and referenced the corresponding figures as visual explanations. She noted that the intention of the regulation was to make sure the building’s design simply didn’t end at the roof. She pointed out that shadow lines were required. Ms. Kiely Miller questioned the labels/details on the figures. She believed that “roof height” should actually be “parapet height.” Ms. Oberholtzer acknowledged that her arrow type seemed to be messed up.

Tr. Stokebrand questioned if the Working Group was being asked to weigh-in on the requirement for clay tiles on front-facing slopes. Ms. Oberholtzer noted that this question had been brought up several times. Two buildings on the east side of E. Capitol Dr. that had asphalt shingles were referenced. Ms. Oberholtzer noted that the area covered by the clay tile was minimal and purely decorative, as opposed to actual roofing, so did not believe that cost was an issue in requiring them. Tr. Stokebrand noted that the clay tile look was part of Shorewood’s character and did not think an exception should be offered. Consensus on removing the exception was confirmed by the group.

Ms. Kiely Miller noted that an interrupting vertical wall could extend no more than 8 feet and questioned if that impacted the building’s height calculation. Ms. Oberholtzer noted that height was controlled by the allowable dimensions of each story, not a defined number.

Tr. Stokebrand questioned if the regulations defined for rooftop appurtenances should read “shall not” instead of “may not.” Ms. Oberholtzer noted that “not” was intended to be the defining regulation, but stated she was willing to change it if the group desired. No further comments were noted.

Ms. Oberholtzer noted that many places do not allow mansard roof types in their commercial districts. She noted that they are oftentimes done very poorly, if allowed. Tr. Stokebrand believed they should be left out of the available options. Ms. Oberholtzer also suggested that an exception with minimum standards for a mansard roof type could be better defined. Ms. Flynn Post liked the idea of allowing them with standards so that options are maintained. Mr. Hagner pointed out that mansard roofs sometimes simply extend too far but might be acceptable if they had dimension restrictions. Ms. Oberholtzer noted that it would be important to have windows and dormers in the design. She noted that mansard roofs contained occupied space and would qualify as a half story. She said that she would work on defining regulations for consideration.

Mr. Griepentrog noted that an unknown code number was referenced in 535-22B(5)[3][d].

Ms. Oberholtzer pointed out that Towers with limited footprints are allowed on certain building types. She noted that they may be used on the façade as a design element or to provide access to the roof or rooftop mechanicals. Buildings at the corners of Capitol and Murray and Capitol and Farwell were referenced as existing examples.

Ms. Oberholtzer noted that there was not a lot of additional regulation within the proposed Entrance Types. She stated that they were meant to provide definitions. She noted that all buildings had to follow ADA guidelines. She noted the requirement for visible basements on buildings whose first floor is elevated. Tr. Stokebrand questioned if visible basements provided additional living space. Ms. Oberholtzer believed it could be but also noted that it could be parking. Ms. Kiely Miller questioned if looking into underground parking was desired. Tr. Ircink questioned if fake windows could be installed, and Ms. Oberholtzer noted that they could not. Ms. Oberholtzer noted that the light from within the underground parking may need to be further regulated.

Ms. Kiely Miller questioned why railings were limited to either steel or cast stone, as opposed to wrought iron or other materials. Ms. Oberholtzer noted that most contractors would not use cast iron; they would utilize steel. She noted that PVC was perhaps the most relevant “other” materials, but stated that because these buildings are commercial, they should have higher quality materials.

Ms. Kiely Miller questioned why the defined Floor Height in 535-22C(3)(d) was allowed at or within 8 inches. She felt it should be smaller. Ms. Oberholtzer noted that height was allowed within the current code and questioned how it related to building code. Mr. Griepentrog noted that he would discuss this measurement with the building inspector. [The Village’s building inspector noted that commercial code required a level landing on both sides of the entrance, as opposed to the residential code, which allowed it to be at or within 8 inches, as currently adopted.] Ms. Oberholtzer believed the section could be removed but would take a second look at it and make a recommendation.

Ms. Kiely Miller noted that as drafted “porch roof height shall be a maximum of two 2 stories and questioned if that meant the porch could have a height of two stories. Ms. Oberholtzer noted that it could not, and that each story would need to meet the floor-to-floor height and that the second story “balcony” could have a roof above it.

Ms. Oberholtzer introduced the topic of Façade Materials and pointed out that the regulations focus largely on street and other primary facades, such as courtyards or open spaces. She noted that the first regulation relates to simplicity of façade materials, which was heard in the public workshops and is a trend in coding in response to overly busy buildings. She pointed out that the 65% requirement related to one story of a three-story building being allowed to be of a different material. She stated that going up to 75% would be a high requirement and provides less flexibility for accent treatments. Ms. Flynn Post questioned if the proposed requirement was consistent with other communities, and Ms. Oberholtzer said that it was very

standard in the communities where she's drafted codes. She noted that about a decade ago codes aimed for more differentiation but that resulted in "cutesy" buildings that were visually too much. She stated that requiring a more simplistic material palette was truer to function of the actual building. Ms. Oberholtzer confirmed that the Working Group was comfortable with the three primary materials proposed.

Ms. Oberholtzer noted that due to the number of existing buildings on the corridors that the original façade materials section was critical to keeping people from covering up buildings during renovations.

Tr. Stokebrand questioned whether "heavier" within the materials hierarchy section related to visually or actual weight. Ms. Oberholtzer stated it was meant to refer to visually heavy and referenced the examples further offered within that section.

Tr. Stokebrand questioned if the panel above the brick shown in Figure 2-1 could be required to be painted a lighter tone to look less bulky. Mr. Griepentrog noted that historically the Design Review Board has not regulated color. They have suggested colors but have never required them, understanding that buildings can be painted without needing permits or review. Ms. Oberholtzer noted that a portion of the building shown in the figure would need to be stepped back, as defined in the draft code.

Ms. Kiely Miller requested clarification of the requirement to extend primary façade materials onto rear or side facades. Ms. Oberholtzer clarified that the primary material must extend down those facades to the beginning of the adjacent building or 30 feet, whichever is less, so that primary materials are visible to the public.

Ms. Kiely Miller questioned if the number of accent materials could be regulated in addition to their maximum 35% primary façade coverage. She referenced the number of different tiles on the LightHorse building. Mr. Griepentrog pointed out that the number of accent materials on the LightHorse is small, but that those materials had different colors. Ms. Oberholtzer stated that she's never had anyone request to limit the number of accent materials and pointed out that the allowable percentage is low.

Tr. Stokebrand noted that "metal tiles or standing seam roofing" materials was detailed in red font as a question. Ms. Oberholtzer stated that these materials have become increasingly popular and are both sustainable and durable.

Ms. Oberholtzer pointed out that the list of allowable major materials was relatively short: brick, concrete masonry units and stone. She noted that this was a very common requirement, except in places that featured more pseudo-industrial design. She believed that a majority of new buildings would feature brick. She noted the difference in the finish on concrete masonry units would differentiate it as either a major or minor material.

Tr. Stokebrand questioned if the materials on the façade of Draft & Vessel would be allowed. It was noted that façade had brick pilasters and a wood "sign board." Ms. Oberholtzer noted that the code would require a second story within the build-to

zone so that additional materials would be required. She stated that wood was a design trend that had issues with durability and maintenance and cautioned how well it would age. She noted that this code doesn't have a building type that would lend itself well to wood, such as a commercial house or a cottage commercial building. She noted that a few buildings like that did exist, but that new ones were not expected or allowed by this code. She stated that the code would need to identify how renovations are handled on these buildings.

Ms. Oberholtzer asked to confirm the Working Group's willingness to prohibit black brick. She noted a current trend towards black brick and clarified the prohibition would not relate to charcoal or other shades. The group had no issues with including the prohibition in the draft.

Tr. Ircink questioned if stucco could be prohibited. Ms. Oberholtzer noted that stucco was defined as an allowable side and rear façade material (on the third story or higher) or a minor façade material. She noted that allowing stucco in these instances is a good tradeoff for getting higher quality, primary materials on street facades and working towards affordability. She pointed out that stucco was also prohibited as a molding material around windows.

Ms. Oberholtzer noted the allowable side and rear façade materials listed and shown on page 22-10. She pointed out that vinyl was not permitted.

Ms. Oberholtzer introduced discussion of the allowable minor façade materials. She noted that these materials can be used on up to 35% of the façade, but that some of them are further limited within the table, such as concrete surfaces are allowable only up to 10%.

Mr. Hagner requested that a different photo be shown to detail glass as an allowable minor façade material because as shown it was a major threat to birds. Ms. Kiely Miller also suggested that as shown it was more than a minor material.

Ms. Kiely Miller desired to eliminate the use of corrugated metal, even though it was only allowed up to 10%. She believed it had an industrial feel that was more appropriate to other districts, but not Shorewood. Ms. Oberholtzer noted that the first image I should be removed because it features an amount of corrugated metal that would not be allowed in this code. Ms. Kiely Miller also did not like the use of the material shown on the second image. Tr. Ircink suggested that better photos could be found to show how corrugated metal could be used as a minor material. Ms. Oberholtzer stated that corrugated metal could be eliminated, since other architectural metal panels are allowed. Ms. Flynn Post and Ms. Loest stated that they were hesitant in limiting the use of materials. Ms. Oberholtzer suggested that an exception be allowed for materials not on the prohibited list. She stated that as long as corrugated metal wasn't on that list that it could be considered by the DRB in its proposed context, but not allowed by-right within the code. The group agreed with that approach.

Ms. Oberholtzer noted the allowed detail and accent materials defined in Table 535-22-4 and the prohibited materials list in Table 535-22-5. She noted the importance of a clear prohibited materials list with respect to disallowing them to be used as

exceptions. Ms. Flynn Post questioned if the list related to durability. Ms. Oberholtzer confirmed that both durability and human-scale provided reasons to prohibit materials. She also pointed out that visibility/transparency was taken into consideration when suggesting to prohibit glass block windows.

Ms. Oberholtzer introduced discussion of façade elements that apply to all buildings, including windows, doors, shutters, awnings & canopies, balconies, principal entryways, sloping facades, vistas, garage doors and parking facades along streets.

Ms. Oberholtzer believed the proposed window regulations were straightforward and noted that recessed windows make a huge dimensional design difference. Ms. Kiely Miller questioned the unobstructed window regulations. She thought that blocking up to 70% of a window with display seemed high and suggested 50%. Tr. Stokebrand questioned if that was an industry standard. Ms. Oberholtzer noted that for years this regulation was avoided because commercial tenants like Walgreen's could not be convinced to comply. She stated that this was a somewhat new regulation for her and acknowledged that it would be hard to manage, but believed it was valuable to require on newly designed buildings. Ms. Flynn Post questioned how it would be enforced, and Mr. Griepentrog noted that a zoning citation could be issued. Ms. Oberholtzer confirmed the intention was to regulate behind the glass, including curtains and blinds, not just on the rear surface of the glass. Mr. Griepentrog noted that he would need to consult with the Village Attorney about the enforceability of the proposal.

Ms. Oberholtzer noted that doors also needed to be recessed to some degree and that doors on primary streets had to contain at least 30% transparent glass. She further noted that the doors must be operable during business hours. She noted that a planning/use exception could be sought, if that was not possible. She referenced the Metro Market's large façade without an operable entry as an example of what this would prohibit. Tr. Stokebrand questioned what the planning exception related to, and Ms. Oberholtzer informed her that more information the proposed exception types (design and planning) would be presented at an upcoming meeting.

Ms. Oberholtzer discussed that the primary regulation related to awnings and canopies was the prohibition of plastic as a material. Mr. Griepentrog confirmed that was already currently prohibited.

Ms. Kiely Miller noted that the first "b" in the definition of Balconies in 535-22E(6)(a)(1) needed to be capitalized. Ms. Oberholtzer pointed out that design exceptions through the DRB were possible. She noted that "tacked on" balconies were increasingly not acceptable to most communities. Ms. Loest questioned if the Village should care if balconies face each other in a courtyard. Ms. Oberholtzer did not think that additional regulations would need to be considered and believed that having integrated balconies was helpful to provide some level of privacy. Ms. Kiely Miller pointed out that most residential lots in Shorewood had similar circumstances.

Ms. Oberholtzer pointed out that the principal entryway regulations pertained to all buildings, except storefront buildings, and was designed to ensure that the entryway

was not just a simple door. She noted that a design exception with other options was possible.

Ms. Oberholtzer noted that the ground story at sloping façade regulations would not apply to most buildings. She referenced the gray and white building on the south end of N. Oakland Ave. where the elevated wall was built up against the sidewalk that would not be allowed with this code.

Ms. Oberholtzer pointed out that the Metro Market has two vistas that terminate the view of side streets. She noted that the one featuring the entryway would be allowed, but not the one that terminates into the parking structure. Ms. Kiely Miller confirmed that the open space at the end of Wood Pl. (“Wood Square”) would need to be as wide as the street right-of-way.

Ms. Oberholtzer noted that the proposed Garage Door regulations would not be referenced all that often because the code prioritized use of the alley. She pointed out that the Cornerstone building has a garage door on its Kensington Blvd. street façade and noted that garage doors needed to be recessed at least 3 feet.

Ms. Kiely Miller requested explanation of the Material Threat Factor discussed within the proposed Bird-Friendly Design section. She questioned if a higher number was more or less of a threat. It was confirmed that a lower number was less of a threat; brick having a score of 1 and clear glass having a score of 100.

Tr. Stokebrand questioned how widely available fritted glass was. Mr. Hagner stated that it was available. Mr. Brunk stated that he recently participated in a 1000 Friends of Wisconsin seminar that suggested it was becoming more and more common and although you had to pay more for it, the more it gets used the more the price will come down. He believed that the Village should be willing to require the premium for the proven benefits. Ms. Oberholtzer noted that this would apply to all glass on all facades. She noted that the intention of the proposed regulation was to keep things straightforward but offer an alternative for compliance through a design exception that would require using the calculation process from the USGBC LEED system. She noted that the regulations would be included in the draft document for public review.

Ms. Oberholtzer noted that the last section related to Mechanical Equipment. She stated this primarily relates to having to design the mechanical equipment into the façade, if necessary, and not install them as afterthoughts.

Ms. Oberholtzer introduced the general regulations within the Landscape & Site Design chapter. She noted that the actual regulations start within the Street Yard Landscape section. Ms. Kiely Miller questioned the minimum requirement of 6 feet of clear pavement area as a sidewalk connection. Ms. Oberholtzer noted that requirement related to connecting the public sidewalk to the building entrances. She clarified that it should read 6 ft. wide.

Tr. Stokebrand questioned where landscape coverage would be regulated with respect to plants versus ground cover. She referenced the recent installation of landscaping stone on the side of the Shorewood Press building. Ms. Oberholtzer noted that the proposed code requires that 60% of a planting bed be covered with

plant material at maturity. Tr. Stokebrand questioned if 60% was too low and wondered where that number came from. Ms. Oberholtzer noted that it follows the same general 1/3<sup>rd</sup> to 2/3<sup>rd</sup> standard and suggested it could be bumped up to 65%. Tr. Stokebrand suggested 70-75% of “green space” was desired. Ms. Loest suggested that it’s not just about green space, but also about being pervious. She stated that she was ok with 60% and didn’t want sites to be overpacked with landscaping. Mr. Griepentrog suggested that a photo or illustration of what 60% of coverage looked like could better guide the conversation.

Mr. Hagner questioned how this would be enforced. Mr. Griepentrog noted that an approved plan would have to be on file and that he or one of his building inspectors would verify that the proposed plantings have been installed, but they would not be measuring coverage to the inch. He noted that enforcement could only take place on sites that have approved plans on file and noted that non-conforming sites may exist until required to be brought into conformance.

Ms. Oberholtzer noted that natural rock would be an acceptable ground cover. Ms. Loest requested that colored mulch also be prohibited. Mr. Griepentrog noted that defining acceptable ground cover has been difficult and cautioned the Working Group on trying to define it outside of prohibiting certain materials that could be easily enforced. Ms. Kiely Miller said that she would vote against allowing rock ground cover because people think they can lay down landscape fabric and rock to keep out the weeds without maintaining it and that doesn’t work. Ms. Oberholtzer suggested that river rocks look nice as ground cover. She stated that if 65% of the landscape bed was planted, as required, the ground cover should not matter as much.

Ms. Kiely Miller stated that the diagrams in this chapter were very helpful.

#### **4. Future discussion items**

Due to time constraints, the remainder of the 535-23 Landscape & Site Design chapter will be discussed at a future meeting alongside the proposed design review and exception procedures. It was believed this would bump back presentation of the draft code to the Plan Commission from September to October, but Mr. Griepentrog said he would confirm that at the next meeting.

#### **5. Public comment**

No public comment was provided.

#### **6. Adjournment**

The meeting adjourned at 7:10 pm.

Respectfully submitted,



Bart Griepentrog, AICP  
Planning & Development Director