



Plan Commission Meeting Minutes August 23, 2016

3930 N. Murray Ave Village of Shorewood, WI 53211

1. Call to order.

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

2. Roll call.

Members present: Chairman/Village President Guy Johnson
Tr. Mike Maher
Chris Gallagher
Barbara Kiely Miller
Kari Smith
Tim Hansmann
Nate Piotrowski

3. Approval of July 26, 2016 meeting minutes.

Mr. Maher moved to approve the minutes, seconded by Mr. Hansmann. Mr. Maher added that on page two under Item 6 it should be added that President Johnson opened the public hearing and closed the public hearing with there being no comments. Ms. Kiely Miller stated that under Item 3 it was Trustee Maher that indicated her name was missing from the roll call list. Ms. Kiely Miller added that the second sentence of paragraph three on page three of the minutes should be rephrased for clarification that commercial buildings in the B-1 District must be minimum of 2 stories. Ms. Kiely Miller added the specific location of Silver Spring Drive in Whitefish Bay she was referencing on page seven paragraph four. All in favor with the changes stated, vote 7-0.

4. Statement of Public Notice.

Planning Director Ericka Lang noted that the meeting was published and posted according to state statutes and local regulations.

5. Public Hearing: Consideration of conditional use application for installation of solar panels at residential property 4213 N. Farwell Avenue.

Ms. Lang stated the conditional use application was received on July 26th. The property owner is Bill Sweeney and the applicant is Arch Electric. There are 16 modules mounted to the south side of the house roof. The dimensions were stated in the materials and the modules are to be mounted in two rows.

Attorney Bayer stated that state law has restricted local municipalities ability to restricting solar and wind energy systems and that village code section 535-30D only allows a restriction if one of three conditions is satisfied:

[1] Serves to preserve or protect the public health or safety.

- significantly [2] Does not significantly increase the cost of the system or decrease its efficiency.
- [3] Allows for an alternative system of comparable cost and efficiency.

President Johnson opened the item for public comments. Seeing no comments, the item was closed for public comments at 6:35 p.m.

Ms. Kiely Miller asked about the number of panels noting the memorandum stated 16 panels being installed but the diagrams show 14. Mike Cornell, Arch Electric, clarified that the original proposal was for 14 panels but Mr. Sweeney increased to the 16 panels proposed. Mr. Cornell explained the two rows of panels will line a majority of the south facing roof along the driveway. Ms. Kiely Miller asked about snow sliding off the panels to the driveway. Mr. Cornell stated the homeowner is aware of this.

Mr. Piotrowski asked about the framing material and why black is not used. Mr. Cornell stated the black framing material is offered to all customers but because of its increased cost and low production capabilities most customers do not select it.

Mr. Maher moved to approve the conditional use application for the installation of solar panels on the dwelling at residential property 4213 N. Farwell Avenue after the Plan Commission reviewed the application against zoning code 535-30D. Seconded by Ms. Kiely Miller. Approved 7-0.

6. Public Hearing: Consideration of conditional use application for installation of solar panels at residential property 2417 E. Menlo Blvd.

Ms. Lang stated the conditional use application was received on July 20th. The property owner is Roland Schroeder and the applicant is Arch Electric. Seven solar panels will be installed along the south roof elevation. The materials provided an aerial and diagram showing the exact location of the panels.

President Johnson opened the item for public comments. Seeing no comments, the item was closed for public comments at 6:39 p.m.

Ms. Kiely Miller asked about the two panels that appear in the diagram to be installed, overlaying a ridge on the roof. She asked how the ridge would affect the installation. Mr. Cornell explained that the panels will be installed in portrait orientation, not landscape, so that will not be a problem.

Mr. Maher moved to approve the conditional use application for the installation of solar panels on the dwelling at residential property 2417 E. Menlo Blvd. after the Plan Commission reviewed the application against zoning code 535-30D. Seconded by Mr. Piotrowski. Approved 7-0.

7. Public Hearing: Consideration of conditional use application for a restaurant drive-through at commercial property 1305 E. Capitol Drive.

Ms. Lang stated the conditional use application was received on August 9th. The consideration is for the drive-through component of the site improvements. Per zoning code 535-27L “restaurants, drive-in or drive-through, in the B-3 District” are conditional uses. Other site improvements include a 300 square foot rear addition, front patio, bicycle parking and bike

maintenance station, added connection path to Culvers' at rear parking lot, new parking lot light fixtures, new parking lot landscape bed and designated public parking for Ghost Train event.

The drive-through can only be accessed from the west at the Wilson Drive intersection. The access will remain two ways. The entrance is 29 feet wide and the drive lane width decreases then to 23.5 feet. The materials did not include the number of cars that would be in the cue up to the drive-through. Staff estimated about 12 cars can fit in the cue up to the drive-through. Four of the 12 cars in the cue would fit in the lane behind the building so they are out of the parking lot area. Ms. Lang provided aerials of the Culver's lot and this lot noting both were nearly identical with two access points and both having drive-through lanes where cars would be in a cue. The materials also included traffic counts for the area. The parking lot currently has 82 spaces which will be reduced to 74 spaces because of the added triangular green space that flanks the drive-through. Ms. Lang reminded the commission of the zoning code parking requirement for a new construction or substantial improvements is 20 parking spaces per 1,000 square feet and applied to this building today it would require 84 spaces and there are currently 82 spaces. In the material memorandum it is mentioned that staff did a parking study in May 2014 of the entire commercial corridor. To give an idea of use; peak demand during the week was 30 cars at 6 p.m. and 19 cars at 10 a.m. on Saturday. Staff discussed with architect Jeffrey Folstad if the business owners could designate some public parking for the upcoming Ghost Train art exhibit. The business owners are willing to designate spaces in the evening during the display.

Village Attorney Nathan Bayer explained that under Village Code 535-27 it is stated that the following commercial uses shall be conditional and may be permitted as specified; restaurants, drive-in or drive-through, in the B-3 District. This means that at some prior date the Village Board had seen fit to pass an ordinance that said these types of establishments were favored in the B-3 District as a policy decision. Attorney Bayer added that the Plan Commission is still to evaluate the terms and conditions under code 535-25C criteria 1-7.

President Johnson opened the item for public comments. Seeing no comments, the item was closed for public comments at 6:50 p.m.

Mr. Gallagher asked if Baker's Square was closing. Ms. Lang stated yes and a new business is to open in the space.

Ms. Smith asked if the development needed special exception for parking. Ms. Lang stated that the removal of the garbage enclosure and the small addition to accommodate the drive-through was not substantial enough to warrant a review of the parking.

Mr. Hansmann asked if there were any plans for a canopy at the drive-through. Architect Jeffrey Folstad, Solid State Architecture, stated there would be a canopy over the ordering station and the handoff window area is still being evaluated but some sort of coverage will be in that location.

Mr. Maher asked where drive-through customers will be placed if their order is not ready at the pick-up window. Business owner Dimitri Dimitropoulos stated that there will be parking spaces available to the right of the drive-through. Mr. Maher asked if the cars would just pull forward or into spaces. Mr. Dimitropoulos said the customer would park out of the flow of traffic.

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Mr. Maher asked where customers would go when exiting from the east access point. Mr. Dimitropoulos explained that exit is a right turn only and that customers would have to do a u-turn to then go west at some point on Capitol Drive or exit the west access point. Mr. Gallagher asked if there were concerns of traffic congestion with cars backing out of stalls, the drive-through and a two-way exit on the west side of the property. Mr. Dimitropoulos said they were not concerned with any congestion as customers often will use the path of least resistance (east exit perhaps) when leaving.

Mr. Piotrowski suggested a site connection to the sidewalk on Capitol, perhaps a sidewalk to the new vestibule. Mr. Dimitropoulos stated this could be done and Mr. Folstad said the site is still being worked through. Mr. Piotrowski stated that at the bike path there is currently a curb and painted lines on the parking lot. He asked if there was any consideration to eliminating the two southwest parking spaces for safety. Mr. Folstad stated that losing s space or two to improve access to the business is acceptable. With the drive-through component there could be less customers parking and there is ample parking supply currently. Mr. Piotrowski encouraged making the bike access point more attractive with possibly a bump out and green space.

Ms. Kiely Miller suggested a stop sign be placed at each of the exits before the sidewalks. Ms. Kiely Miller noted that the materials showed two locations for business signs; one at the existing sign location and a second at the western entrance. She suggested leaving the sign where it was because moving it to the west would block the vision of customers leaving the lot.

Mr. Gallagher asked if the front patio was positioned in the public right of way. Mr. Folstad stated the site plan was on a certified survey and the patio is within the confines of the property.

Mr. Maher asked if there was going to be an entrance to the west side of the building. Mr. Dimitropoulos stated that there will be a door similar to where the buildings entrance is now. Mr. Folstad explained that a lot of the exterior entry points and the drive-through all has to do with the interior design and layout. The northwest and southwest entries will be maintained and the front façade may be opened up as well to get a more inviting outdoor feeling.

Ms. Kiely Miller asked if there was a designated area for suppliers making deliveries. Mr. Dimitropoulos stated that deliveries would be delivered to the back door of the building and that trucks would be making deliveries during non-business hours.

President Johnson asked if there were any other Corner Bakery Cafes in the area. Mr. Dimitropoulos noted the location in Wauwatosa at the Mayfair Commons which is a part of their franchise also. Mr. Gallagher asked if they were confident with the number of parking spaces at the site. Mr. Dimitropoulos said yes and that they did not anticipate the spaces would be full at peak times. Mr. Gallagher asked if anything at this time needed to be done in regard to the shared parking for the Ghost Train. Ms. Lang stated that had not been worked out yet. Mr. Dimitropoulos stated that later in the evening the business would not be busy enough where the designated shared parking would impact the business.

Ms. Kiely Miller noted that the materials reference the drive-through as making up 20-30% of the business's revenue. She asked if the drive-through component of the business was a deal breaker. Mr. Dimitropoulos explained that the drive-through makes a big difference. When corporate looks at locations they examine the surrounding retail. This space does not have too much surrounding retail so the drive-through makes up that difference.

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Mr. Maher moved to approve the application for conditional use for a restaurant drive-through at commercial property 1305 E. Capitol Drive after the Plan Commission has made the findings required in zoning code 5352-25C criteria 1-7.

Mr. Gallagher included the suggestion that the business owner work with staff to remove the parking spaces near the bike access point to make the connection easier and that the sidewalk along Capitol to be connected to the business entrance.

Mr. Gallagher seconded the motion. Approved 7-0.

8. Schedule next meeting.

The next meeting is September 27, 2016.

9. Adjournment.

Mr. Hansmann moved to adjourn the meeting at 7:12 p.m., seconded by Mr. Maher. Vote 7-0.

Recorded by,



Crystal Kopydlowski
Planning & Development Administrative Clerk