



Plan Commission Meeting Minutes

March 23, 2021

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

1. Call to order.

The meeting was called to order at 6:33 p.m.

President Allison Rozek	No
Trustee Kathy Stokebrand - Acting Chair	Aye
Eric Couto	Aye
Therese Klein	Aye
Barbara Kiely Miller	Aye
Sangeeta Patel	Aye
Daniel Wycklendt	Aye

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

2. Approval of February 23, 2021 meeting minutes.

Ms. Kiely Miller suggested a clarification to the second full paragraph on page two of the minutes regarding the residential congested commuter parking permits and how at this time residents of multi-family buildings would not be able to participate in the program.

Mr. Couto moved to approve the minutes with the suggested change, seconded by Mr. Wycklendt. Vote 6-0 to approve.

3. a). Public Hearing: Consideration of Conditional Use Permit application for a proposed wine lounge at commercial property 3567 N. Oakland Avenue in the Village of Shorewood, Milwaukee County, Wisconsin. TAX ID 275-1181-000, submitted by Le Rich & Pour.

The public hearing was opened at 6:35 p.m.

Mr. Griepentrog introduced the item per the memo that was provided to the Plan Commission.

With no public comments the public hearing was closed at 6:39 p.m.

b). Consideration of Conditional Use Permit application for a proposed wine lounge at commercial property 3567 N. Oakland Avenue in the Village of Shorewood, Milwaukee County, Wisconsin. TAX ID 275-1181-000, submitted by Le Rich & Pour.

Mr. Griepentrog informed the Commissioners that the applicant was not able to attend the meeting.

Trustee Stokebrand commented on the suggested motion stating that a significant part of the applicant's business model was the fact that the wine lounge would be private and asked that "private wine lounge" be added to the motion when made.

Mr. Wycklendt moved to approve the conditional use application for a proposed private wine lounge at commercial property 3567 N. Oakland Avenue based on meeting the conditions stipulated in 535-25C. Seconded by Mr. Couto.

Ms. Kiely Miller stated she had a number of questions for the applicant and without them being present she was happy to defer the item to the next meeting. She said some of her questions relate to their operations with it being located under apartments. She said she had questions related to capacity, how the liquor will be displayed and served, who is serving the liquor and if there would be any sound proofing between the space and apartments above.

Trustee Stokebrand asked which space in the building this business would occupy. Mr. Griepentrog said it would be adjacent to The Exercise Coach. She also asked about live music being offered (small jazz combo).

Trustee Carpenter was present and said she may be able to answer some questions based on the applicant's presentation before JP&L regarding their liquor license.

Ms. Kiely Miller asked if the business would have a bar with the bartender behind it like a regular wine bar. Trustee Stokebrand asked if it would be a single serving kind of situation where you get so many glasses of wine with a membership. Trustee Carpenter said she understood the membership would include one glass of wine a day and then the member could purchase additional glasses. She said they would also charge an admission/cover charge for individuals members bring with them who do not have a membership.

Ms. Kiely Miller asked what the maximum capacity would be. Trustee Carpenter said that was not discussed. Mr. Griepentrog said that when a business's capacity goes above 50 it changes the building code requirements so small businesses typically like to stay under that threshold. He said this business would likely be under that threshold based on the plans presented.

Ms. Kiely Miller asked if a member of the public could just walk in to register for a membership and sit down and have a glass of wine.

Trustee Stokebrand said she was in favor of deferring the item because it was important that if someone applies for this type of permit that they are present to answer the questions.

Ms. Klein asked what exactly they are being asked to weigh in on.

Mr. Griepentrog said that within Village Code the approval process says that the Plan Commission shall review *"the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Village Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.*

Furthermore, per 535-25C: No conditional use permit shall be authorized by the Plan Commission unless such Commission shall find that:

- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.*
- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair property values within the neighborhood.*
- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district or have a negative impact on the diversity of the type of businesses located in the district.*
- (4) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.*
- (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*
- (6) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Trustees pursuant to the recommendations of the Plan Commission.*
- (7) The conditional use is in accordance with and subject to all other applicable laws and regulations.*

Attorney Bayer said the law states that if by substantial evidence the applicant can establish that the conditions either set by this body or identified in the ordinance can be met then the body is compelled to grant the conditional use. He said what this means is that if the applicant, by substantial evidence, can demonstrate that they can alleviate or address the concerns that are raised by 535-25C 1-7 then the body, under the statute, is compelled to grant the conditional use. He said the question is whether the use is consistent with other uses in the area and whether it would interfere with the neighbors.

Trustee Stokebrand said the only issue she saw was condition number two and any noise with residential apartments above. Mr. Wycklendt said that the property owner wouldn't want to do anything to their building that would be detrimental and that when they are referencing adjacent properties he is looking at the buildings next door. He said there is a bar with apartments directly above it in the building to the south of this location. It is almost identical aside from being open to the public whereas the business being considered is a membership only private wine bar not open to the public. He questioned how much they wanted to talk about the residents when the landlord is responsible for the building as a whole and likely wouldn't want to lose tenants. Ms. Klein agreed with Mr. Wycklendt and said it was not unreasonable to have this type of establishment in this location.

Mr. Couto agreed with Mr. Wycklendt and Ms. Klein but would've liked the applicant present.

Trustee Stokebrand asked if this use was any different than another wine bar type establishment because of it being private. Mr. Griepentrog said he did not see how it would be different and that if the police were called there due to an issue they would be allowed in. Ms. Klein said to think of it like a gym membership. Attorney Bayer said that with the acceptance of a liquor license there is a provision where the applicant consents to inspections from various departments.

Ms. Kiely Miller said initially when she read about the business being a private membership only establishment she had the same thought but really it is no different

than a gym membership where you cannot just walk in and use the facility. Her main concern was the noise and how many members would be present at night.

Ms. Kopydlowski re-read the motion on the table. Vote to approve 6-0.

4. Discussion and Consideration of Resolution 2021-09 Recommending Adoption of the Village of Shorewood Comprehensive Plan 2040.

Mr. Griepentrog said that in the meeting materials the commissioners were provided the updated draft of the Comprehensive Plan. There was a public virtual open house held last week on March 17th that was led by Vandewalle & Associates.

Ms. Jackie Mich, Vandewalle & Associates, was present to discuss the open house.

Ms. Mich stated that there were approximately 30 people that attended the public open house and when they did live polling as part of the meeting there was consistently about 22 people responding. Trustee Stokebrand asked how many in attendance were village staff and/or officials. Ms. Mich stated she thought about 5 village staff/officials and 2 representatives from Vandewalle were present. Mr. Griepentrog said he only recalled himself and Village Manager Ewald present along with the Vandewalle staff.

Ms. Mich said the meeting was focused on the strategic directions, redevelopment and future land use. Overviews of these topics were provided and throughout the meeting live polling was done to rate support.

The four strategic directions were rated using the live polling.

Strategic Direction One about redevelopment meeting the goals of the village had 68% who supported/strongly supported the direction, 14% who opposed/strongly opposed the direction and 18% had no opinion.

Strategic Direction Two about inclusivity, racial equity and diversity had 73% who supported/strongly supported the direction, 14% who opposed/strongly opposed the direction and 14% had no opinion.

Strategic Direction Three about affordable cost of living for residents had 86% who supported/strongly supported the direction, 5% who opposed/strongly opposed the direction and 10% had no opinion.

Strategic Direction Four about maintaining infrastructure had 81% who supported/strongly supported the direction, 10% who opposed/strongly opposed the direction and 10% had no opinion.

The public was then asked about their opinions of the four strategic goals as a whole and the response was 71% supported/strongly supported them.

The public was also asked if the village had to pick only one strategic direction what that direction would be. The result was a tie between number one (redevelopment) and three (affordable cost of living).

Land use transition, particularly the lower density residential areas adjacent to the higher density commercial and mixed use corridor, was also discussed. The question was whether those low density areas should/could be encouraged to transition to medium density. Ms. Mich said this issue was discussed with the Plan Commission at a previous meeting (September) and at that time it was determined the policy would be to discourage or prohibit redevelopment of those residential areas adjacent to Oakland and Capitol.

Ms. Kiely Miller asked why the language could not just say prohibit instead of discourage or prohibit. Ms. Mich said that the reason it says “discourage or prohibit” is because prohibit is zoning language and she was trying to avoid confusion between the zoning ordinance and the comprehensive plan by using a softer word like discourage. She said if there was consensus they could stick with the word prohibit. Mr. Griepentrog agreed with Ms. Mich saying that the areas of discussion can be redeveloped per the current zoning but are limited to a single family residence or duplex and because of this they cannot be prohibited from redevelopment. He said the land use recommendations in the comprehensive plan are the overarching themes but the zoning is where those prohibitions, height restrictions and setbacks need to be detailed. Ms. Kiely Miller said this clears up her questions on the topic. She said the concern of some commissioners was more about larger structures or commercial enterprises encroaching on residential blocks.

Ms. Kiely Miller addressed the sixth bullet point under Strategic Direction One. She said she remembered the Commission being adamant that no matter the public benefit they would not allow structures beyond what was allowed.

Trustee Stokebrand said her understanding was that they would stick with the building heights that are currently in the building code. She said there was the one area on the southeast corner of Capitol and Oakland that would allow up to 7 stories but the other areas along Oakland and Capitol would be a four story maximum.

Ms. Kiely Miller said that during discussion on the Mixed Use Main Street area there had been a conversation about the maximum height being 2-4 stories and the majority of commissioners had agreed.

Ms. Mich said the final decision on the height of a building is a zoning question. This plan recommends doing a form based planning process to adopt a zoning ordinance that has form based standard. The study would go block by block, building by building in the commercial/mixed use corridors to recommend what the form and height would be for each building. She said the plan does a nice job of setting up the general character based areas they want to see in Shorewood. She said the comprehensive plan is not the final word on building height because it is too blunt of an instrument and looking at form based zoning would be the best way to make those decisions. Ms. Kiely Miller said she understands it is not the final word but that, as President Rozek had stated, it is the overarching policy and that it kind of controls everything. She said they agreed that there would be no more than four stories in the Mixed Use Main Street area. Mr. Couto agreed with Ms. Kiely Miller. He said they have talked about zoning code with specifics but that if one is looking for an excuse or opportunity to change the zoning code to move away from a four story building having that wiggle room in the comprehensive plan is exactly where one would look. He said the majority was not interested in more than four stories in these areas and felt they could not be specific enough.

Trustee Stokebrand confirmed that what they are concerned about is the language in bullet point six under Strategic Direction One that states “*only use TIF or other incentives to consider height/bulk increases beyond what is allowed under current zoning when key public benefits are provided*”. She said it opens the door for incentives to change and go beyond what the code has.

Mr. Griepentrog considers the comprehensive plan and zoning separate tools and he is sure that the four to five story reference relates to the current zoning which does allow four to five stories in various parts of the B-1, B-2 and B-3 Districts. He hears the point in terms of wanting this plan to specify four stories in certain areas but the zoning chapter

already does this. He said if there is a specific recommendation to insert that is what he would need to hear.

Ms. Kiely Miller said this bullet point stated that if there is a public benefit then the height restriction could be waived. She said the discussion was that it didn't matter what the public benefit was that they would stick to the four story zoning maximum.

Trustee Stokebrand added that the bullet point says to "*consider height/bulk increases*" and asked if they should add language that would indicate it would be a high bar to meet. Mr. Couto said the bar is whatever the board deems the bar is at that point in time and that they can change their minds. He added that the comprehensive plan was a road map for 2040 regarding what is liked and not liked and the update is where they have a say and he would like to make their position on items as clear as they can.

Trustee Stokebrand asked who was in favor of removing the second sentence from the sixth bullet point. Ms. Kiely Miller said yes. Mr. Couto said yes. Ms. Patel said yes. Mr. Wycklendt said no he was fine with the way it was. Ms. Klein said she was fine either way and that it would come up case by case.

Mr. Griepentrog said the comprehensive plan was scheduled for a public hearing at the Village Board and any changes that we make at this point could delay the public hearing as changes need to be published 30 days prior to the meeting. He asked Attorney Bayer to confirm if changes are made at this point would that delay the public hearing. Attorney Bayer said yes if the changes were substantive. Mr. Griepentrog said the public hearing is currently scheduled for April 19th and changes would push the hearing to the first or second meeting in May. He said he has no problem with moving the public hearing but recalls an expectation early in the process that this plan would be provided in April to the current board.

Trustee Stokebrand asked where the language in the bullet point came from. Ms. Mich said the language has been in the plan the whole time and is related to the idea and concerns that TIF was being used to make development financially feasible for the developer rather than to encourage public benefits and said it is related to the last bullet point of Strategic Direction One.

Ms. Kiely Miller said building height and scale has been a key concerns of residents ever since the Mosaic was built and when she sees something like this that says TIF can be used to consider height or bulk increases it strikes at what residents have been upset about. Ms. Mich said the language does not say to use TIF to encourage height/bulk increases but to only consider that if substantial public benefits are provided.

Mr. Couto asked who determines if the changes they recommend are enough to pushed the public hearing to May because he is more interested in the current board getting this document than whatever the new board would be. Attorney Bayer said that the proposal before the commission to remove language from the bullet point would be enough to push the public hearing back to May to comply with the 30 day window.

Ms. Kiely Miller agrees with Mr. Couto about having the current board vote on the plan.

Ms. Mich continued talking about how the draft plan stated to discourage or prohibit redevelopment within residential areas adjacent Oakland and Capitol and she asked the members of the public how they felt about it. She said it was brought up because there are some benefits to consider on the issue. It could provide a better transition between the higher density commercial and lower density residential. She said 55% said it should be allowed, 25% said it should not be changed and 20% were undecided. Trustee Stokebrand asked if the buffer referred to fences and trees. Ms. Mich said no, that it

referred to scenarios like allowing a single family residence to be redeveloped into a townhouse/condominiums creating medium density to transition better from the higher density mixed use commercial to the lower density residential. Mr. Couto strongly opposes this and thought the conversation had been had about this. Trustee Stokebrand asked if a duplex would be allowed in this area. Mr. Griepentrog said currently the code does not allow for the construction of new duplexes or accessory dwelling units but understands that within this plan those types of flexible smaller options are desirable and within this lower density residential category it would allow consideration of those. He said the determining factor would be zoning.

Trustee Stokebrand asked what the process is for moving forward with form based zoning. Ms. Mich said it would likely be too much work for staff and that using a consultant who would do a corridor study with a public input process would be the right path. She said the zoning changes would be much more specific than the comprehensive plan update.

Mr. Wycklendt said, in regards to the bullet point changes proposed, that he felt they were reading too much into it and felt it was fine the way it was without changes.

Ms. Kiely Miller had grammatical changes and basic information additions (page 114 adding Lake Bluff School tennis courts with lines to play futsal, updating the recent changes to TID 1 in the chart on page 134 and reviewing the housing unit number discrepancies in the land use chapter) to the plan that she would email to staff. Mr. Couto asked if these are substantive changes. Attorney Bayer said no.

Trustee Stokebrand asked if they needed to take a vote on the changes that had been proposed to the sixth bullet under Strategic Direction One.

Ms. Kiely Miller said on page 174 of the Land Use Chapter where it discusses Main Street Mixed Use it references 4 to 5 stories. It references 4 to 5 stories in all the mixed use neighborhoods. Ms. Mich said height ranges are described generally and that height is an individual decision based on surrounding context. Mr. Griepentrog said it is included because the existing zoning code allows for 4 to 5 stories depending on what area of the district you are in. Ms. Kiely Miller recalled the consensus was to not go above 4 stories in the Main Street Mixed Use area. Ms. Mich said she heard don't change it and don't make it higher. Mr. Wycklendt said that during the discussion there were areas where it was suggested to increase the height and they said no and to not change it. Ms. Patel said she recalled the conversation was discussing several mixed use areas that are already zoned for 4 to 5 stories and when you are discussing mixed use you are lumping all together and that is why there is a range. Mr. Griepentrog said this is correct and he never heard the specific recommendation that the plan would suggest down zoning any property. He said down zoning would be a separate process outside of the comprehensive plan.

Trustee Stokebrand asked commissioners to express their preference for leaving the language so that it allows 4 to 5 stories in certain areas of the Main Street Mixed Use and Suburban Mixed Use areas. Trustee Stokebrand said yes to leave the language. Mr. Couto, Ms. Klein, Ms. Patel and Mr. Wycklendt said yes to leave the language. Ms. Kiely Miller said she was fine leaving the language as long as they could address it later specifically with the zoning changes.

Mr. Couto asked if any changes would move the public hearing to a later board meeting. Attorney Bayer asked to hear the motion first.

Mr. Wycklendt moved to adopt the Village of Shorewood Comprehensive Plan 2040 as written to forward to the Village Board for their approval on April 19th. Attorney Bayer said the resolution number has to be included in the motion.

Mr. Wycklendt withdrew his motion.

Mr. Wycklendt moved to adopt Resolution 2021-09. Mr. Couto seconded. A roll call vote was taken: Trustee Stokebrand – Aye, Mr. Couto – Aye, Ms. Klein – Aye, Ms. Kiely Miller – Aye, Ms. Patel – Aye and Mr. Wycklendt – Aye. Vote to approve 6-0.

5. Future agenda items.

Mr. Griepentrog said there are two conditional use applications scheduled for the next meeting. One is for a clinic and the other for the canoe/kayak launch along the river.

6. Adjournment.

Mr. Couto moved to adjourn the meeting at 8:08 p.m., seconded by Mr. Wycklendt. Vote to adjourn 6-0.

Recorded by,



Crystal Kopydlowski
Planning Department Administrative Clerk