



# Plan Commission Meeting Minutes April 26, 2022

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

## 1. Call to order.

The meeting was called to order at 6:31 p.m.

Present: President McKaig – Chair, Trustee Couto (arrived at 6:33 p.m.), Commissioners Klein, Kiely Miller, Pollack, Wycklendt

Others present: Planning Director Griepentrog, Planning Administrative Clerk Kopydlowski.

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

Mr. Wycklendt moved to approve the minutes, seconded by Ms. Kiely Miller. Vote to approve 6-0.

## 3. Consideration of Conditional Use Permit application for an event center at commercial property 1200 E. Capitol Dr., Suite 100 in the Village of Shorewood, Milwaukee County, Wisconsin. TAX ID 240-9977-000.

### a. Overview

Mr. Griepentrog gave an overview of the item per the memo provided. Mr. Mark Kivley was present.

### b. Public Hearing

President McKaig opened the public hearing at 6:39 p.m. With no comment the public hearing was closed at 6:39 p.m.

### c. Plan Commission recommendation

Mr. Wycklendt asked if anything had occupied the space previously. Mr. Kivley said he purchased the building in 2001 and it was empty at that time and has remained empty.

Mr. Wycklendt moved to approve the Conditional Use Permit application for an event center at commercial property 1200 E. Capitol Dr., Suite 100, based on meeting the conditions stipulated in 535-25C; seconded by Mr. Pollack.

Ms. Klein asked if the space will be ADA accessible. Mr. Kivley stated the bathrooms being designed will be ADA accessible and that the front of the building is accessible by ramps. He stated the building also has an elevator.

Ms. Kiely Miller asked if a liquor license will be/has been applied for. Mr. Kivley stated he will not be applying for a liquor license and all food and drink will be provided by caterers. Ms. Kiely Miller asked about music being allowed. Ms. Kiely Miller asked about any restrictions on who could use the space. Mr. Kivley said the space would be mostly for small simple events such as Boy/Girl Scouts, birthday parties, office parties and viewing parties. Ms. Kiely Miller asked if the space would operate like an Airbnb where the renter would get a code/key to enter and would be responsible for cleanup. Mr. Kivley said yes. Ms. Kiely Miller asked how the space will be booked. Mr. Kivley stated the space would be reserved through his office manager on site.

President McKaig said this is exciting and a great use of the space and would like to activate that street corner.

Tr. Couto asked if there had been any contact with the police department about this new after-hours establishment. Mr. Griepentrog said internally they are aware of the application but he will follow up with the department.

Ms. Kiely Miller asked if those renting the space are allowed to bring in alcohol/beer and if this would be a problem without the center having a license. Mr. Griepentrog stated that is a question for the clerk. He added that if a caterer has a liquor license, they are allowed to bring that into the space.

Vote to approve 6-0.

**4. Consideration of compatibility of an orthodontic clinic within the Planned Development District at 4161 N. Oakland Ave. per 535-22C(1).**

**a. Overview**

Mr. Griepentrog gave an overview of the item per the memo provided. Dr. Ami Inoue and Jeff Brown (General Capital Group) were present.

**b. Public comment**

President McKaig asked if there were any public comments at 6:52 p.m. There were no public comments provided.

**c. Plan Commission deliberation**

President McKaig clarified that there is a list of preferred uses (not prohibited) and a clinic is a conditional use permit. She said this is before the Plan Commission for compatibility and not for conditional use because it is in the Planned Development District. She said that because the Commission approves conditional use applications for clinics and because the Commission is a quasi-judicial body, substantial evidence would be needed to find this clinic incompatible. She asked if staff having no concerns meant they did not find any evidence of incompatibility. Mr. Griepentrog stated that was correct.

Mr. Wycklendt moved to approve the compatibility of the proposed orthodontic clinic within the Planned Development District at 4161 N. Oakland Ave., based on effectuating the intended purpose of the Zoning Chapter; seconded by Tr. Couto.

Ms. Kiely Miller asked if the business was compatible with the commercial district or the other businesses in the building. Mr. Griepentrog provided the specific code language. President McKaig said there are preferred uses but no clause in the developer agreement that prohibits this use.

Ms. Kiely Miller said her concern was with the business being only open two days a week and then there being quiet dark space in the evening that does not have the same street life as the other tenants. President McKaig said that this is difficult because a subjective standard is being applied that has not been applied to other clinics. Mr. Wycklendt said this would be livelier than a vacant space.

Mr. Griepentrog said that the Village Manager is the body in charge of approving uses that are not listed as preferred and she has offered her approval. He said what is before the Commission is not vibrancy but compatibility with existing uses.

Vote to approve 6-0. This item will be before the Village Board on May 2, 2022.

**5. Consideration of recommendation of proposed amendments clarifying “Site restriction” regulations related to “green space” requirements contained within Article III General Provisions of Chapter 535 Zoning of the Shorewood Village Code.**

**a. Overview**

Mr. Griepentrog gave an overview of the item per the memo provided and slide presentation. He explained any new information since the last discussion was added to the memo and code amendment wording with red text. He explained that staff is seeking to clarify that the regulations in 535-9F were adopted with respect to residentially zoning districts. He provided the original ordinance language that was adopted in 1985 that generally relates to neighborhood attractivity and does not specify large scale changes to the commercial district. He added that the commercial districts are further regulated by the Central District Design Guidelines that were adopted in 2006. These guidelines include streetscape guidelines but no lot landscaping guidelines. These guidelines do not imply that 30% of commercial lots are intended to be covered with greenspace.

Mr. Griepentrog provided two options for amending the code. The first option relocates “green space” requirements and clarifies its applicability to residentially-zoned lots. The second option updates the section description of “Decks, patios, porches and driveways” to relate to residentially-zoned lots, relocates “green space” requirements within the section and includes clarification of “organic matter”.

**b. Public comment**

President McKaig asked if there were any public comments.

Mr. Scott Kraehnke, 4483 N. Frederick Avenue, (Chair – Design Review Board (DRB)) said this topic came before DRB during discussion of a multi-family development and said Mr. Griepentrog had pointed out the inconsistencies in the code. After reviewing the code, the DRB committee agreed that the driveway section was to be interpreted as applying to residentially zoned lots. Mr. Kraehnke said the DRB had also discussed green roofs and how in other municipalities this counts towards green space requirements. He said this was even a suggestion of a committee member for one of the multi-family redevelopments. He said they did not require a green roof but thought it would have been a good addition for the residents. Mr. Kraehnke said the committee members all agreed that the green space code was meant for smaller spaces not larger commercial spaces.

Mr. Griepentrog clarified that this is not intended to change any current practices but rather to confirm how staff have been operating/administering the code as only applying to residential. He said changes to practices (green roofs qualifying) should be contemplated during the current commercial zoning update.

**c. Plan Commission recommendation**

Mr. Wycklendt asked about the “organic matter” change. Mr. Griepentrog said this was a request of the building inspector because they look at entire landscaped areas when calculating green space requirements. When patio permits are reviewed for green space requirements the inspectors have always included mulched areas and other things of that nature in the calculations. This clarifies what the village has been enforcing. Mr. Wycklendt asked if permeable pavers would not count against the 30%. Mr. Griepentrog said this has never been defined but that typically permeable pavers used for a driveway or patio have counted against the green space requirement. The greenspace has been interpreted as landscaping. Mr. Griepentrog said driveways and patios have been counted as structures not landscaped area. There has never been a distinction of permeable or non-permeable patios/driveways.

Ms. Kiely Miller liked the inclusion of “organic” and mentioned residents asking questions about artificial grass on social media. Mr. Griepentrog said the department gets questions about various materials often. Ms. Kiely Miller referenced previous code changes regarding patios. She asked if this is the matter that was before the Board of Appeals a couple weeks ago. Mr. Griepentrog said it was one aspect of that appeal but that night the technology was not working and the meeting was deferred until June. She asked if this change was being made so that it is clear what is required for residential properties. She asked if anything having to do with a commercial property should be addressed during the form-based zoning update. Mr. Griepentrog said currently the Central District Commercial Design Guidelines are what the Design Review Board uses to review commercial improvements. That will still be on the books until the commercial zoning code update chooses to update/modify and during that update process is when discussions regarding commercial district changes should occur.

Tr. Couto asked if there was a reason to update this particular code before the update to the commercial zoning code. Mr. Griepentrog said this is a clarification and not an update. The commercial zoning update project is looking at modifying the standards which is separate than interpretation of current code. He said in the meantime staff still needs to interpret the current code. This also is not changing anything just clarifying how it has always been interpreted.

Ms. Kiely Miller asked if any language should be included to say what residential properties this applies to. Mr. Griepentrog said it would apply to R1-R10 but kept the language of “residentially zoned” because the zoning districts are broken out by residential and commercial.

Ms. Klein moved to recommend the proposed amendments clarifying “Site restriction” regulations related to “green space” requirements contained within Article III General Provisions of Chapter 535 Zoning of the Shorewood Village Code. Mr. Griepentrog asked which version Ms. Klein was recommending. Ms. Klein clarified she was recommending the second version that included “organic material” specified. Ms. Kiely Miller seconded the motion.

Mr. Wycklendt asked if including “organic material” was opening things up to interpretation if someone wanted to get creative. Mr. Griepentrog said he was open to suggestions. Tr. Couto asked if the commission was generally in agreement that it is better to have some sort of language indicating “organic matter/material” to provide direction to the Village Board. President McKaig said this is about a 30% requirement and so the intent is to make sure residents are not short changed for the amount of landscaping area they have and meeting that percentage requirement. She said the point is taken and suggested that if there is an industry standard, that could handle this. Mr. Wycklendt said something is being added that has never been challenged. Mr. Griepentrog said the clarification is coming not because of the “organic material” language and it could be removed and researched more to progress forward now.

Tr. Couto agreed with Ms. Klein’s original motion.

Ms. Kopydlowski read back the motion as “Ms. Klein moved to recommend the proposed amendments clarifying “Site restriction” regulations related to “green space” requirements contained within Article III General Provisions of Chapter 535 Zoning of the Shorewood Village Code opting for option two including the language “organic matter”.

Vote to approve 6-0.

**6. Update on Commercial Zoning Update**

Mr. Griepentrog provided an update on the working group meetings, the public workshop that occurred, the upcoming public workshops and the draft document titled What Have You Heard? which is a summary of the process so far from the consultant.

Tr. Couto asked if it was possible to get the raw data the consultant used to put together the draft document summary. Mr. Griepentrog stated he would ask her during their next meeting about the update.

**7. Future agenda items.**

Mr. Griepentrog stated he is anticipating one application and if that was submitted by the deadline a May meeting would be scheduled.

**8. Adjournment.**

Trustee Couto moved to adjourn the meeting at 7:38 p.m. Seconded by Mr. Pollack. Vote to adjourn 6-0.

Recorded by,



Crystal Kopydlowski  
Planning Department Administrative Clerk