



Plan Commission Meeting Minutes

April 30, 2019

3930 N. Murray Ave Village of Shorewood, WI 53211

1. Call to order.

The meeting was called to order at 6:34 p.m.

2. Roll call.

President Allison Rozek - Chair	Aye
Trustee Davida Amenta	No
Leah Blankenship	Aye
Eric Couto	Aye
Tim Hansmann	Aye
Therese Klein	Aye
Barbara Kiely Miller	Aye
Sangeeta Patel	Aye
Daniel Wycklendt	Aye

3. Approval of March 26, 2019 meeting minutes.

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

Vote 8-0 to approve.

4. Statement of Public Notice.

Staff posted and publicly noticed the meeting according to local and state regulations.

5. Consideration of an Application for a Zoning Review to confirm the side setback at 2500 E. Capitol Drive, business owner David Rosene, Shorewood Animal Hospital.

Planning Director Bart Griepentrog introduced the item per the memo that was provided to the Plan Commission. Mr. Griepentrog explained that the proposed planning question is located in the B-3 Mixed-Use Commercial District which has a build-to line on the front and side yards. The build-to line technically requires that the building be constructed up and to that point at a minimum. The existing building was built before the build-to line was established and is existing as a non-conforming structure on the lot with setbacks both in the front and side. The applicant applied to do renovations to the property including interior work and the addition of a new vestibule to enter the property which will extend further along the side setback. Upon reviewing the plans for the new addition, it was determined that the property has a build-to line. The build-to line requires the side of the building be 20 feet from the curblineline but technically the property line is 20.5 feet from the curblineline. Within the code it allows the Plan Commission review of this situation. The applicant is seeking approval to construct the vestibule at less than the 20 foot build-to line. Staff has no issues with the addition because it is reducing the non-conformity of the lot.

President Rozek asked what level of alteration of a non-conforming building triggers it to conform to current code. Mr. Griepentrog stated that if the entire building was re-constructed it would have to meet current codes.

Attorney Bayer added that under State Statutes there is a difference if a building is damaged or destroyed by natural causes or if there is a renovation being done. In this case though he stated it is a moot point because the alteration is changing the property in a manner that is bringing it closer to conformity with the existing code.

President Rozek asked why the item is before the Plan Commission. Mr. Griepentrog stated that it is before the commission based on code language and confirming corner lot setbacks.

Ms. Kiely Miller asked about the fence along the west lot line and if the addition will come up to where the fence is currently. The applicant, David Rosene, stated that the fence is going to be removed.

Mr. Couto moved to approve the proposed building placement of the Shorewood Animal Hospital located at 2500 E. Capitol Drive, as submitted, in consideration of the layout of the intersection and the fact that the non-conformity is being reduced with this renovation. Seconded by Mr. Wycklendt. Vote 8-0 to approve.

6. Further discussion of amending zoning requirements to allow for porches and covered entryways in required front and side yards. (meeting 6)

Planning Director Bart Griepentrog introduced the item per the memo that was provided to the Plan Commission. He explained that this was the commission's sixth overall meeting on the topic and the second with the current commissioners. The new draft incorporates the first version with changes discussed from the previous meeting.

President Rozek asked to review the code section by section.

Ms. Patel asked why the definition of covered entry cannot include supports. Mr. Griepentrog explained that the structure with supports is then a porch with open sides.

President Rozek asked if a porch and a deck are the same thing. Mr. Griepentrog stated they are not and that all reference to decks was pulled out of the marked up version because of no changes.

Mr. Griepentrog stated that the next section, 535-9 Site Restrictions, had no major changes and that it was mostly adding porch to the title and porch language to the section. President Rozek said that for patios the percentage of coverage is very specific and asked if the same should be for porches and decks. Mr. Griepentrog explained that it is specific to patios and decks are not allowed in the front yard or street side yard. President Rozek explained that her confusion was because usually when regulating multiple things under a code section and the things are similar in use they would have similar requirements. She said that if the ordinance is being redone if it would make sense to review all the requirements and see if any apply to all. Mr. Griepentrog said he is open to that but his understanding is that a deck is permeable and patios are not which impacts storm water more. With a deck being permeable the percentage was not as much as an issue and with a patio being not permeable it is more restricted. A porch is covered and because of that it is not permeable.

Ms. Kiely Miller explained that porches were a much more complicated structure to deal with when previously discussing which was why patios were dealt with first because it was less complicated.

Ms. Kiely Miller said that after the previous discussion regarding allowing porches up to ten feet from the lot line she felt that was too close to the sidewalk and suggested fifteen feet from lot line instead. Ms. Klein asked about the houses that were closer to the lot line and felt fifteen feet would not be fair to those properties. Ms. Klein added she was ok

with the ten feet to the lot line restriction. She added that with code changes we had to find a way for all properties to have a way to add a porch.

President Rozek stated she was ok with the ten feet also.

Mr. Wycklendt said he felt the changes were a bad idea. He suggested tweaking the language to restrict the outliers that could block views and allow for blocks to have more conformity. He understood all blocks are different but felt most had houses that were aligned. He felt the way the code was written previously was for a reason. He felt this could be a big change. He added that in the design requirements (b1) he felt that perhaps in the past the code had been interpreted incorrectly. His porch was required to be at the front entry height and he would've liked a step up into his house. Mr. Griepentrog had no issue in changing that design requirement. Mr. Hansmann stated he was not aware of anything in the UBC that covers that step and the only issue would be accessibility and that a riser is a maximum of 8 inches.

Ms. Patel agreed with Mr. Wycklendt and prefers uniformity on blocks and felt that people seem to not use porches.

President Rozek asked for clarity on uniformity and whether it is a full block being uniform. Mr. Griepentrog stated he would like clarity on the concept of uniformity as well and whether that is the full block or adjacent houses. Mr. Couto said to think of the code in terms of the house that is set closer to the lot line and not the house set further back. Mr. Griepentrog added that the version being considered allows houses closer to the lot line to have the opportunity of a porch. The alternate version was based on a percentage and restricted those houses.

President Rozek likes uniformity but the village is not a gated community. She said that if an improvement is not significantly impeding a neighbor it is really hard to regulate a diverse community with different architect. She said it would be hard to put on the planning director to regulate a percentage without looking into all the blocks in the village.

Ms. Kiely Miller added that although the village was built over time and as a whole is not uniform, usually each block is. After discussing the topic for three years, she explained that her line of thinking is more in line with Mr. Wycklendt's and that it comes down to regulating light, air and privacy and not wanting to harm a neighbor, reducing the quality of life, by approving something at a neighboring property. Uniformity is one thing but what does an addition of a porch to a property do to the adjacent owners' enjoyment of their properties.

Mr. Wycklendt asked if the current code reads 10% or if that was the other suggestion. Mr. Griepentrog stated that was the other suggested change and that it read "*residential districts R-5 and R-6 specify the minimum front setback for a principal building in a residential district shall be 25 feet or the average of the existing setbacks on the side of the street where the property is located between the two closest intersecting streets whichever is greater. The front setback may be anywhere in the range of average setback minus 10% of the average setback or plus 10%*". Mr. Griepentrog then stated two clauses to allow porches were added which read "*in a case where portions of the existing structure are closer to the front street lot line than the nearest adjacent buildings a new porch or alteration to a porch may come up to a portion of your structure closest to the front property line*". The second clause stated "*where the existing structure is set back further from the property line than nearest adjacent building, a new porch or alteration of a porch shall be permitted within the front setback range or may be placed up to any point between the existing front setback and the setback range*".

Mr. Wycklendt asked with the new re-wording if in all the examples as long as a porch is within 10 feet of the lot line they are permitted and it doesn't matter what the neighbor has. Mr. Griepentrog stated yes. Mr. Wycklendt added that porches are nice but that houses in the village had architects involved in building them a certain way and he was not sure that making the decision to allow everyone to put porches extending 8 feet off their homes blocking their neighbors was a good idea.

Ms. Klein stated she did not understand the concern with blocking the neighbors and asked about the 50% exterior wall and how that got added. Ms. Klein added that many other things block neighbors like her neighbor's bushes and that a four by four post would not block her. President Rozek asked that if she wanted to add on to her house a solid structure in the front yard could she. Mr. Griepentrog stated you could not because the front yard setback is so restrictive and the option is essentially frozen for most property owners. President Rozek added that an 8 foot difference is not going to stop the noise from someone sitting outside and wants to be careful to not overregulate with an idea in their heads that it will make a difference for welfare and safety and blocking a view when it may not impact it at all. Mr. Griepentrog stated the 50% was a continuation of what was recommended previously and that the percentage could be increased. President Rozek stated the language states mesh screening is not incorporated into the percentage and that she felt mesh screening could block a neighbor. Mr. Griepentrog stated that language could be excluded.

Ms. Klein said that the aim was a covered space to sit on and not so much the walls and it being enclosed because that would block a neighbor and that increasing the percentage of coverage/openness would help.

Mr. Griepentrog said he could bring back examples/illustrations of the varying different coverage percentages.

Ms. Klein feels strongly all should be allowed to add a porch to their properties.

Mr. Hansmann stated that he didn't feel the coverage percentage would be able to be increased much past the 50% because of rail height and an eight foot opening.

President Rozek is not concerned about regulating a small space where the mailbox, boots and delivery boxes sit. She said most of the time when regulation to front set back occurs it is in a new growing community where there are not a lot of houses and they are establishing that line but in a built out community like Shorewood denying it for appearance wise makes no sense because a lot of additions and alterations have been done to properties over time. She said that with the bad weather here it is a covered space that helps you enter your house and she is not concerned about noise.

Ms. Patel envisioned something different where a porch could stretch eight feet across the front of a house versus a covered entryway. President Rozek stated the width of a porch could be regulated. Mr. Griepentrog stated he would like direction on the maximum allowed because often a porch is based on the architecture of a house. Design Review Board would review the proportion of the proposed porch and make sure it matches the structure.

Ms. Kiely Miller stated that the materials address covered entryways and that it seems the commission is ok with covered entryways and suggests carving out covered entryway to get approved separately. Mr. Griepentrog preferred getting the code section approved as a whole. Mr. Griepentrog stated that the section on covered entry has a width restriction.

Ms. Kiely Miller stated that a porch should match the architecture of the house and that because of that, putting a limit on how much of the front façade it could cover would be difficult.

Mr. Wycklendt said that a porch is a permanent structure similar to an addition to a house and understands it has restrictions and it is not enclosed. A porch can change the makeup of a block and eight feet can be an awful lot of space.

President Rozek said the difference is a porch is transparent without walls like an addition. A structural change would block views but doesn't feel the same about a porch.

Mr. Griepentrog stated that in his time at the village he has not received requests to put on anything larger than a typical porch or small front entryway and the typical requests have been rather for covered entryways or small bump outs.

President Rozek asked about mesh screening not counting towards being enclosed. Ms. Klein said that typically if you have mesh screening you have a door and asked if you were allowed a door on a porch. Mr. Griepentrog stated it would depend on your percentage of covered space and if the door was a screen door then it wouldn't count towards the percentage but a glass door would. President Rozek stated there had been concern with storing items on a porch with mesh screening but if you don't allow screening then less storage would occur. Mr. Wycklendt disagreed and stated that screening defines what a porch is.

Ms. Kiely Miller sees the appeal of a screened porch but feels that for the purpose of this discussion the screening and what is allowed should be specific. President Rozek said that screening could be allowed but included in your enclosed percentage. Mr. Hansmann added that you could require the rails be a certain percentage open.

Ms. Patel said the mechanism for regulating the appearance of a porch is the Design Review Board and the commission should focus on what we absolutely do not want and the rest is regulated through the Design Review Board. Mr. Griepentrog said that the Design Review Board does look at the neighboring houses when reviewing and neighbors are currently notified for additions of 200 square feet but a notice to neighbors could be sent for porches also.

Ms. Kiely Miller asked about the Design Review Board guidelines and if they were ever approved. Mr. Griepentrog stated the board drafted residential design guidelines and they were about 70-80% completed but with staff transitions they were never picked up as an initiative. The guidelines were never adopted. The guidelines are an initiative of the Design Review Board to take back up if they would like to.

Ms. Kiely Miller added that she was not supportive of a second floor deck/landing over a porch. President Rozek said that could be regulated too. She asked if you could have a second floor landing/walkout on top but could not cover the second floor. Mr. Griepentrog stated that was correct. President Rozek had no concerns with a second floor landing.

Ms. Klein asked if the code only pertained to single and two-family homes. Mr. Griepentrog stated that porches were drafted for all residential districts. The code could be clarified.

Ms. Kiely Miller asked about a non-conforming residence with a porch that needed to be repaired could they get grandfathered in if the porch was not allowed per the new code. Mr. Griepentrog stated yes with the same footprint.

Mr. Griepentrog added he had no problem with porches in the commercial districts and the code could be specified with which districts could be allowed porches.

President Rozek asked why a porch is not allowed in the side yard. Mr. Hansmann stated you could build a porch in the side yard but you cannot encroach into the setback. She added if porches are allowed in the side yard why there are no other requirements like percent coverage. Ms. Kiely Miller said that most of the houses are too close together that practically speaking you would not be able to build a porch in between them.

Ms. Patel asked about permeability and if the percentage should be 30% of the whole yard. Mr. Griepentrog stated that a porch being attached to the residence makes it a part of the 30% percentage coverage ratio for a principal structure. He stated a patio is not a part of the structure and that's why it has its own coverage ratio defined.

Mr. Griepentrog asked what the full consensus of changes were. He stated he would come back before the commission with illustrations of the 50% coverage and open railings, a notice to neighbors section for Design Review Board, including language for allowing a step up from a porch to front door.

Attorney Bayer added that because a porch addition increases the footprint to the principal structure, the 30% coverage ratio would prevent a porch from being too large. Mr. Griepentrog could illustrate a typical residential lot and if the 30% coverage would limit large porches.

Ms. Klein asked if you have a porch currently could it be made bigger. Mr. Griepentrog stated you could up to 8 feet from the main façade of the structure. She asked about the L shaped facades that are common on bungalows and if a porch could fill in space. Mr. Griepentrog said that based on the definition of front yard which starts at the nearest wall to the property line the tucked in space is currently not regulated. He will bring diagrams to the next meeting and research if language needs to be added regarding it to the code.

Ms. Kiely Miller asked about existing code that governs property setbacks and what you can do in a front yard going back decades and how do other communities honor those codes. Mr. Hansmann stated that blocks can be different in character and setbacks and that is what is being dealt with now. President Rozek stated different periods thought differently which led to codes being flipped and code changes should consider what the feel of a community is at the time. Mr. Griepentrog added that the code should be more contextual than blanket statements for a community like Shorewood.

Mr. Griepentrog asked if there was consensus to move forward with the version allowing 8 feet but no closer than 10 feet to the lot line or if a more contextual version to allow a plus or minus based on neighbor or neighboring block was desired.

Ms. Patel is comfortable with the 8 foot version but add the 30% lot coverage ratio language for reference.

Ms. Klien moved to direct staff to present at the next meeting the next version to state porches may project up to 8 feet from the main façade of the house into the required front yard and covered entryways may project up to 4 feet into the required front yard; however, in no instance may such projection encroach closer than 10 feet to the front lot line. Seconded by Mr. Hansmann.

Mr. Griepentrog stated the illustrations he would come back with would be in regards to 30% lot coverage, 50% openness and bungalows with the L shaped front facade.

Vote 5-3 to approve with Commissioners Kiely Miller, Couto and Wycklendt voting nay.

7. Review of Plan Commission 2018 Annual Report

Planning Director Bart Griepentrog introduced the item per the memo that was provided to the Plan Commission. The report gives a snapshot of what the Plan Commission accomplished in 2018. The report will be submitted to the Village Manager.

8. Discussion and consideration of Plan Commission 2020 Initiatives

Planning Director Bart Griepentrog introduced the item per the memo that was provided to the Plan Commission. Included with the memo was the list of 2018 committee initiatives for reconsideration and editing. Mr. Griepentrog stated number 1 (porches) should be removed because it is currently being worked on, number 8 (sign code) should be removed because it has already been assigned to the planning director's work queue and number 2 is also partially accomplished, in that required neighbor notifications were approved as part of the updates to both Solar Panel and Conditional Use Permit regulations. Item 9 should be selected as a top priority, as the Village must begin work on updating its Comprehensive Plan within the next year, as it is required to be renewed by January 2021. The State's requirement is a municipality must have a comp plan no older than ten years and technically you should not be updating zoning code without a current comprehensive plan.

President Rozek asked which chapters of the comprehensive plan the Plan Commission would be working on. Mr. Griepentrog stated the commission would be working on all nine chapters. He is recommending the item as an initiative so he can understand the direction on how big a project this will be whether that includes hiring an intern or a consultant for budgeting purposes. President Rozek requested a link to the current comprehensive plan to commissioners. Mr. Hansmann asked if the process includes public forums and felt if so a consultant may be required. Mr. Griepentrog stated the last planning director had hired an intern to help draft the plan and he did not know what the public components had been. The State statutes have very specific requirements of what needs to be in the plan. He believes the current comp plan had checked off those requirements and said what the current demographics and these are what we envision in 10 and 20 years. Some comprehensive plans have a lot of public outreach and engagement and if that is what the commission would like it would require budget money. President Rozek asked if a link to the State statute can be sent to commissioners also.

Mr. Griepentrog said to his understanding in 2010 the comprehensive plan was more of a checklist plan and the village has done other plans since that on specific issues. The idea would be to reference the other plans in the updated comprehensive plan. President Rozek stated that a comp plan is more general but it does have the basic policies of the village. Mr. Griepentrog said the comprehensive plan is the official plan for the village.

Ms. Kiely Miller asked if revising the zoning code would come after the comprehensive plan. President Rozek said it should come after the comprehensive plan.

Ms. Kiely Miller asked if item 7 (historic properties and districts) is something that if the planner didn't have time for if a citizen group could be involved. Mr. Griepentrog stated a subcommittee could be created and work on the issue but it would have to present back to the committee as a whole.

President Rozek explained that the plan commission is a statutory committee and statutory committee's priorities will be reviewed and prioritized by the Village Board.

President Rozek asked about the timing of revising the off-street parking regulations and if they should be reviewed while the traffic study is being completed. Mr. Griepentrog

said that he preferred the traffic study to be completed first but that the review could be done at the same time if the committee would like to prioritize that.

Mr. Griepentrog stated his priority recommendations would be first the comprehensive plan (#9) then off-street parking requirements (#3), zoning map review (#6), research/revise conditional, permitted and prohibited uses (#4), research/revise zoning code relative to site design standards (#5) and historic properties and districts (#7).

Mr. Couto asked if, along with the current comprehensive plan and statute, the commission could be sent a rough timeline of due dates of various studies and plans being done.

Ms. Kiely Miller moved to submit to the Village Board the Plan Commission's priorities for 2020 as the comprehensive plan update, research/revise off-street parking requirements and zoning map review. Seconded by Mr. Couto. Vote to approve 8-0.

9. Schedule next meeting.

The next meeting was scheduled for May 28, 2019

10. Future agenda items.

No future agenda items were discussed.

11. Adjournment.

Mr. Couto moved to adjourn the meeting at 8:17 p.m., seconded by Mr. Wycklendt. Vote to adjourn 8-0.

Recorded by,



Crystal Kopydlowski
Planning Department Administrative Clerk