

# Commercial Zoning Update Working Group



## Meeting Notes Wednesday, July 20, 2022 5:00 p.m.

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### 1. Call to order

The meeting was called to order at 5:03 pm.

### 2. Roll call

Present: Barbara Kiely Miller, Josh Pollack, Scott Kraehnke, Lybra Loest, Tr. Kathy Stokebrand, Chuck Hagner, Matt Weiss, Gary Brunk, Jon Krouse, Maggie Pipek, Leslie Oberholtzer, and Bart Griepentrog

Excused: Jake Bresette, Kate Flynn Post, and Tr. Arthur Ircink

### 3. Presentation and discussion of proposed Code Outline.

Ms. Oberholtzer reminded the Working Group that the materials shared within these meetings were meant to be an internal working draft. She noted that the inside cover of the provided materials contained a draft review key explaining the font coloring. She described the proposed code outline as detailed in the table of contents on pages 21-3 and 21-4 and noted which elements were part of which module. She noted that building and site design would be presented as part of Module 2 and would incorporate existing elements of the Village's design guidelines, as well as newly proposed regulations. She stated that modifications to regulating existing Planned Development Districts would also be shared as part of Module 2.

Ms. Oberholtzer stated that Article V Uses was part of Module 1, but that not all elements, such as definitions, were ready to be shared just yet. However, she did note that a draft use table, which was the key element of this section, would be discussed later in the meeting. She stated that as soon as the remaining elements of Article V were available, likely within a week, that she would send them out to the group for review. She noted that accessory uses and structures were also part of this article.

Ms. Oberholtzer noted that the final element of the code update would detail and update a development review process from submission to approval, including which staff, boards or commissions would be involved. She noted that exceptions would also be defined within this section.

Tr. Stokebrand questioned where green space would be addressed, and Ms. Oberholtzer replied that it would be included within the building types.

Ms. Kiely Miller asked if Planned Development Districts (PDDs) had a life span, and Mr. Griepentrog noted that their approvals were permanent until amended or

rescinded. He further noted that they can only be regulated with respect to what their approvals documented and that he looked forward to greater clarity on administering them moving forward, possibly as an overlay zone. Mr. Pollack confirmed that PDDs could be rezoned or rescinded.

Ms. Kiely Miller asked when and how Working Group members should submit any comments regarding the proposed draft. Mr. Griepentrog noted that comments could be submitted in any form at any time, but that they would ideally be submitted prior to or at the next meeting, so that the group could review together.

#### **4. Presentation and discussion of draft update of 535-21 Commercial and Mixed-Use Districts.**

Ms. Oberholtzer noted that a draft chapter (535-21) had been provided for discussion. She stated her intention was to go through the draft chapter so that members could understand what was being proposed, but then take the draft home for review of the specific details for future conversation. She reiterated to the group that this document was a draft and expected modifications to be made prior to presenting it to the public.

Ms. Oberholtzer began review of the chapter by going through the subsections listed in the table of contents. She pointed out that E-H contained the building type regulations and that each building type had six pages of regulations, which explained the bulk of the chapter. However, she noted that users of the code would only need to reference the regulations applicable to their proposed building type.

Ms. Oberholtzer pointed out the intent language drafted in 535-21A and noted that this was in addition to anything defined within the Comprehensive Plan. She noted that the intent language would be useful for the review of any exceptions or future modifications to the code. She stated that these intentions were heard in the early listening sessions and subsequent public workshops.

Ms. Oberholtzer discussed the districts defined within 535-21B. She noted that the number associated with certain district types related to differing allowable heights. She also referenced the draft map to help Working Group members visualize the proposed location of these districts.

Ms. Oberholtzer noted that she heard some people push back on the idea of identifying exclusively residential uses within the corridor but stated that this zone was important for the Village's goal of offering affordable housing. Mr. Krouse questioned whether those proposed residential districts were already developed with residential uses or if they were currently commercial and were identified to change. Ms. Oberholtzer confirmed that they were already residential and that the proposed zoning would support their preservation. Ms. Kiely Miller pointed out that the proposed residential district aligned with defined future land use within the Comprehensive Plan.

Tr. Stokebrand noted that her group in the third public workshop, which included Pat Algiers, discussed that having nodes of storefront uses would be more effective than spreading out storefronts throughout the commercial corridors. She questioned how

that would fit into the proposed districts. Ms. Oberholtzer concurred with the group's statement and pointed out that the purple MX districts that were presented on the draft map were developed in that fashion. She pointed out the proposed smaller nodes on N. Oakland Ave. south of E. Capitol Dr., and also mentioned that required storefront uses would be defined to help better activate these nodes. She provided the example of the newer storefront building at the southwest corner of N. Oakland Ave. and E. Kensington Blvd. that currently does not have active uses within its storefronts.

Ms. Oberholtzer also pointed out that parcels can always be rezoned in the future, but at this point and time the proposed zoning should make sense for the Village's defined intentions.

Ms. Oberholtzer referenced Table 535-21-2 as a key element of this section. She stated that property owners and/or developers will reference this table to understand which building types are allowed within their parcel's zoning district and allow them to find the applicable regulations.

Ms. Oberholtzer discussed the applicable regulations defined within 535-21C as a comprehensive listing of the rules that apply to all sites zoned commercial or mixed-use. She also discussed the regulations applicable to all building types defined in 535-21D. She asked the Working Group to pay attention to the proposed regulations within 535-21D(7) relating to Primary Frontages as they relate to site and building regulations throughout other parts of the code. She noted that this section is also important to buildings on corners. Ms. Oberholtzer provided an overview of proposed minimum streetscape area defined in 535-21D(8) and pointed out that 12 ft. aligned with current conditions within most of the district. She noted that a diagram would be helpful to best understand it and answers various clarifying questions from the group.

Ms. Oberholtzer reviewed the proposed building regulations for storefront buildings proposed in 535-21E. She reminded the group that the same sets of regulations were developed for each building type. She noted that the first page includes photographs of buildings that illustrate the intended general character, but do not necessarily comply with all the proposed regulations. She informed that the next four pages include tables and figures containing or describing the proposed regulations. The final page of each section contains supplemental regulations pertaining to each building type.

Ms. Oberholtzer went through each of the line items within the first table, which related to building siting. She noted that she was recommending reducing the minimum lot width to 35 ft., which currently exist within the village, and removing the minimum lot area, which she said was not necessary and is no longer contained within modern codes. She noted that primary streetwall related to the required width that the building façade had to occupy within the build-to zone. Mr. Krouse confirmed that the remainder of the percentage did not need to be developed with a building. Ms. Oberholtzer noted that this was a minimum percentage and that there was a diagram on page 21-33 that detailed how to measure it.

Ms. Oberholtzer noted that primary streetwall variation, which is triggered for buildings longer than 130 ft., is unique to this code. She noted the width of the Cornerstone building at 125 ft. as a reference to this measurement. She pointed out the supplemental regulations on page 21-14, which contained options to satisfy the required variation, including a courtyard or seating/dining areas. Tr. Stokebrand requested that courtyards avoid the size and design of “Wood Square,” which is the leftover space between the Metro Market parking garage and the Mosaic mixed-use building. Ms. Oberholtzer stated that space was more of a passageway than a courtyard and was likely only about 15 ft. wide. Mr. Brunk questioned what qualified as a special paving material. Ms. Oberholtzer stated it was pretty much any paving material that was not just plain concrete. He questioned if permeable paving could be required. Ms. Oberholtzer said that could be discussed.

Ms. Oberholtzer discussed the primary street build-to zone and referenced the corresponding diagram which showed it with diagonally hatching. She noted the non-primary street build-to zone related to the “side street.” She stated this zone was slightly bigger, at 25 ft., and referenced the patio at Fiddleheads Coffee. Ms. Kiely Miller suggested the build-to zone allowed for more open space or public amenities. Mr. Griepentrog confirmed that it allowed for it but did not require it. Ms. Oberholtzer also pointed out that the minimum primary streetwall also had to be met.

Ms. Oberholtzer noted that the proposed side setback is not different, but that the proposed rear setback was increased to 20 ft. if not adjacent to an alley or 5 ft. with an alley. She noted that reserving 20 ft. as a setback would allow for an alley-like condition to be established.

Ms. Oberholtzer presented the next set of figures and diagrams related to parking and accessory structures. She noted that these aspects had to be primarily located behind the building, except for in the CX district where it would be allowed in limited instances in the side yard. Ms. Oberholtzer described the required internal parking setback detailed in item 8, noting that parking could not be within 20 ft. of the primary façade. Tr. Stokebrand exemplified Walgreen’s, and Ms. Oberholtzer confirmed that would not be allowed. Ms. Oberholtzer noted the key accessory structures that would be allowed with this building type.

Ms. Oberholtzer noted that the regulations contained on page 21-12 related to building height. She stated that the current 2-story minimum would be maintained and that the allowances for 4 or 5 stories would be defined by different zones (MX1 and MX2). She pointed out that floor-to-floor heights had some flexibility. She noted that allowable roof types were listed and would be defined more in Module 2.

The final figure and table of regulations for the storefront building type on page 21-13 related to street facades. Ms. Oberholtzer noted this included window percentages, location of doors, and horizontal and vertical divisions. She clarified that the transparency percentages also had location requirements that disallowed blank walls and referenced the supplemental regulations in 535-211(11).

Ms. Oberholtzer summarized the supplemental regulations, including primary streetwall variation, treatment turning corners, minimum story street facades, and transition at R districts. She noted that she will be moving the stepped-back top story regulation to the height section, since it applies to the street façade.

Ms. Oberholtzer summarized that the commercial building type had deeper build-to zones and only allows for 1-story buildings. She noted that if someone wanted to develop a taller building that they would have to build a storefront building.

Ms. Oberholtzer noted that the general building type was very similar to the storefront building in its siting, except that its build-to zone starts 10 feet within the lot, which would require either extended streetscape or landscaping. Mr. Krouse questioned the proposed depth and referenced the apartments at E. Capitol Dr. and N. Morris Blvd. Ms. Oberholtzer noted that she could define different site regulations for this building type in the GX and RX zones. She noted that this building type had different ground story heights to allow for flexibility for possible future conversions of space. She also noted that she is allowing for a half-story visible basement, to allow for greater separation of the first floor from the public sidewalk.

Ms. Oberholtzer noted that the Row building was like the General building but has greater entrance requirements. She suggested that there were likely not many places where this type of building would be developed on the corridor. Tr. Stokebrand questioned if it needed to be kept. Ms. Oberholtzer confirmed that it should be defined just in case. Mr. Griepentrog suggested it could be a useful option for potential rezonings.

## **5. Presentation and discussion of proposed Use Table.**

Ms. Oberholtzer shared the draft Use Table for initial discussion. She noted that existing uses, including those for residential parcels, had been folded into this table, so that everything would be easily referenced in one location. She stated that existing residential uses would not be changed. She noted that existing conditional use regulations would also be folded into this section, updated, and defined with greater specificity for future review and approval by the Plan Commission.

Ms. Oberholtzer pointed out that all zones were defined within the top row and uses were listed by Residential, Commercial, Civic & Institutional, and Other uses in the first column. She noted that a full circle related to a permitted use, that a circle with the top filled-in related to uses allowed on upper stories (or the rear of the ground floor), and circles with only the left half filled-in related to uses allowed in only up to 25% of the ground story footprint. She provided a general overview of the proposed commercial use categories and where they would be allowed and reminded the group that definitions would be provided next week.

Ms. Pipek questioned the requirement for locating child-care centers above the ground story in the MX district and whether that was ever likely. She was reminded that they can be located on the ground story in both the CX and GX districts, and Ms. Oberholtzer also pointed out that they can be in the rear of the ground story.

Ms. Kiely Miller confirmed that the proposed use table related to future, not existing, occupancies.

Ms. Oberholtzer noted that the office use category included medical clinics, which meant that they could only be in the upper stories of buildings in the MX and CX districts. She pointed out that market conditions in Shorewood should be able to support other uses within those ground stories, but that this regulation would not work in most other communities. She noted it was worth trying because those uses currently occupy key locations where other uses would be preferred. She wanted everyone to be aware of the recommendation and suggested that it could be revisited within a year after the code was adopted to see if there were any issues. She suggested it could be listed separately, but that she would currently recommend treating them the same as other office uses. She stated that other uses could also be pulled out of the general definition if it was desired to treat them differently. She reiterated that the MX district should be reserved for more vibrant uses.

Mr. Griepentrog noted that the current code required that “unclassified” uses be reviewed by the Plan Commission for possible consideration as a conditional use. The proposed code seeks to define all use types into these generalized categories and notes that if it is not able to be interpreted as either permitted or conditional that it would be a prohibited use. A code update would be required to allow that use.

To help the Working Group better understand how the proposed uses related to existing uses within the district, Mr. Griepentrog stated that he will be providing a listing of all existing commercial occupancies with how the new code would classify them and whether they would be allowed in their current locations.

Ms. Oberholtzer noted that vehicle services, including car washes, would be allowed as a conditional use within the CX district. Mr. Griepentrog noted that conditional uses are expected to have their conditions expressly defined within the new code, so that their review by the Plan Commission will be made clearer. Potential conditions could include required buffers or operational controls, such as limited hours or services.

Ms. Oberholtzer believed that the proposed Civic & Institutional uses were straight forward.

Ms. Oberholtzer noted that the proposed Parking Lots & Garages as principal uses related to those types of facilities on their own lot but as accessory to principal uses on other lots. She stated those would be reviewed as conditional uses with design standards and referenced the parking lot at the northeast intersection of E. Capitol Dr. and N. Prospect Ave. as an example. Mr. Griepentrog suggested he would prefer to prohibit these types of principal uses within the MX district.

## **6. Future discussion items**

No future discussion items were presented.

## **7. Public comment**

No public comment was provided.

**8. Adjournment**

The meeting adjourned at 7:02 pm.

Respectfully submitted,

A handwritten signature in blue ink that reads "Bart Griepentrog". The signature is written in a cursive style.

Bart Griepentrog, AICP  
Planning & Development Director