



**VILLAGE OF WHITEFISH BAY
PLAN COMMISSION AGENDA**

Monday, March 28, 2021 – 5:30 p.m.

**5300 N Marlborough Drive, Whitefish Bay, WI 53217
Village Hall Board Room**

1. Call to Order.
2. Approval of the Minutes of the Regular Meeting of March 1, 2022.
3. PUBLIC HEARINGS
 - a. On Conditional Use Permit for North 48 In The Bay – 619 E Silver Spring Drive, Whitefish Bay WI, 53217. Conditional Use Permit for a craft cocktail establishment. Hours of operation: Monday-Wednesday 5:00 p.m. to 12:00 a.m., Thursday 4:00 p.m. to 2:00 a.m., Friday 4:00 p.m. to 2:30 a.m., Saturday 12:00 p.m. to 2:30 a.m., and Sunday 12:00 p.m. to 12:00 a.m.
4. NEW BUSINESS
 - a. Review and action on Conditional Use Permit for North 48 In The Bay – 619 E Silver Spring Drive, Whitefish Bay WI, 53217. Conditional Use Permit for a craft cocktail establishment. Hours of operation: Monday-Wednesday 5:00 p.m. to 12:00 a.m., Thursday 4:00 p.m. to 2:00 a.m., Friday 4:00 p.m. to 2:30 a.m., Saturday 12:00 p.m. to 2:30 a.m., and Sunday 12:00 p.m. to 12:00 a.m.
5. DISCUSSION ONLY
 - a. Discussion regarding an draft ordinance to amend Section 16-8A (7) of the Village Code pertaining to surface materials acceptable for the creation of new parking spaces.
6. Adjournment

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. Contact Village Hall at (414) 962-6690. It is possible that members of and possibly a quorum of members of other Boards, Commissions, or Committees of the Village including in particular the Village Board may be in attendance in the above stated meeting to gather information; no action will be taken by any other Boards, Commissions, or Committees of the Village except by the Board, Commission, or Committee noticed above. Agendas and minutes are available on the Village website (www.wfbvillage.gov)

Dated: March 24, 2022 – Tim Blakeslee – Assistant Village Manager

VILLAGE OF WHITEFISH BAY

PLAN COMMISSION MINUTES

**March 1, 2021 – 5:30 p.m.
Village Hall Board Room**

1. Call to Order.

President Buckley called the meeting to order at 5:30 p.m.

Present: President Buckley, Commissioner Wilson, Moore, Roth, Huber, and Trustee Fuda (arrived 5:38 p.m.)

Also Present: Assistant Village Manager Tim Blakeslee, Village Attorney Chris Jaekels

2. Approval of the Minutes of the Regular Meeting of December 12, 2021.

Commissioner Roth moved, seconded by Commissioner Wilson to approve the minutes of the regular meeting on December 12, 2021. Motion Carried, 5-0.

3. NEW BUSINESS

- a.) Approval of an Access and Utility Easement at Armory Park for T-Mobile to access antenna facilities on adjacent property owned by the Whitefish Bay School District.**

Assistant Manager Blakeslee noted that T-Mobile is seeking to obtain an Access and Utility Easement from the Village of Whitefish Bay. T-Mobile has an existing cellular installation on a School District-owned parcel at Kimbark and Henry Clay. However, portions of the site can only be accessed from the adjacent Village-owned parcel (directly east of the School District property). Therefore, an easement is necessary. Blakeslee noted that this was already approved at the Village Board level and Plan Commission approval is also required.

President Buckley moved, seconded by Commissioner Roth to approve an Access and Utility Easement at Armory Park for T-Mobile to access antenna facilities on adjacent property owned by the Whitefish Bay School District. Motion carried, 5-0.

Trustee Fuda arrived 5:38 p.m.

4. OLD BUSINESS

- b.) Review and action on tabled Conditional Use Permit Amendment to allow drive-up ATM in the western most existing bank drive-through lane between the hours of 6:00 a.m. and 10:00 p.m. for Johnson Financial Group at 5600 North Lake Drive Suite 101, Whitefish Bay, WI 53217**

Assistant Manager Blakeslee summarized the March 1 meeting motion by the Plan Commission. Blakeslee noted in summary that Johnson Bank indicates that the addition of an ATM at the Whitefish Bay location would equate to an incremental increase of approximately 0.75 additional bank transactions per hour, or a total of twelve (12) additional bank transactions per 16-hour day. Blakeslee summarized the additional detail of the memo provided to the Plan Commission. Blakeslee also covered safety improvements recommended by the Public Works Director. The Plan Commission discussed the improved materials submitted by Johnson Bank and the recommended lighting method. Discussion regarding COVID and ATM usage. Discussion on resident/client survey.

It was moved by Trustee Fuda, seconded by Commissioner Huber to approve the requested drive-through ATM, conditioned on the ATM not being operational between the hours of 10:00 p.m. and 6:00 a.m., the implementation of the safety recommendations outlined by DPW Director John Edlebeck, and hybrid area lighting (several lights left on until 10:00 p.m., additional lighting to turn on when a motion is detected in the space before 10:00 p.m.). Motion carried 6-0.

5. Adjournment

Commissioner Fuda moved, seconded by Commissioner Roth to adjourn the meeting at 5:55 p.m. Motion carried, 6-0.

Respectfully Submitted,
Tim Blakeslee – Assistant Village Manager



Village of Whitefish Bay
5300 N. Marlborough Drive
Whitefish Bay, Wisconsin 53217
Phone: 414-962-6690
Fax: 414-962-5651

Memorandum

To: Whitefish Bay Plan Commission
cc: Paul Boening, Village Manager
From: Tim Blakeslee, Assistant Village Manager
Date: March 24, 2022
Re: North 48 In The Bay – Conditional Use Application

Executive Summary

Applicant Jordan Cole has applied for Conditional Use approval to operate North 48 In The Bay at 619 E Silver Spring Drive. This space is currently vacant and was previously the Penzeys space. See the photo below of the proposed location. The applicant indicated that the business will be a craft cocktail establishment for spirits, beer, and wine. Consumption will take place indoors and at several tables to be set-up in the front. Hours of operation are Monday-Wednesday 5:00 p.m. to 12:00 a.m., Thursday 4:00 p.m. to 2:00 a.m., Friday 4:00 p.m. to 2:30 a.m., Saturday 12:00 p.m. to 2:30 a.m., and Sunday 12:00 p.m. to 12:00 a.m. The applicant anticipates 8 employees at this location.



The business will be subject to the applicable laws as dictated by the Zoning Code. The following section will detail some of the requirements needed of the applicant for this business to be compliant with Village laws.

Requirements

Under the Village Code of Ordinances, the applicant must meet the subsequent legal requirements to operate the proposed business within the Village.

- The applicant must also be compliant with the zoning district laws that fall under Section § 16-16. This includes all subsequent laws such as the uses of retail and services in the Silver Spring District, as well as all matters of the Plan Commission's review of the business at the hearing. Based on the business operations described in the application, the business model would be compliant with both the retail and service-based businesses permitted in the Silver Spring Business District.
- The applicant is requesting to operate the business Monday-Wednesday 5:00 p.m. to 12:00 a.m., Thursday 4:00 p.m. to 2:00 a.m., Friday 4:00 p.m. to 2:30 a.m., Saturday 12:00 p.m. to 2:30 a.m., and Sunday 12:00 p.m. to 12:00 a.m. The closing time does conflict with the current code regarding hours of operation in the Silver Spring Business District (Per Ordinance 8-8 No person, firm, corporation or other organization shall conduct retail business between the hours of 10:00 p.m. and 6:00 a.m.) However, businesses with a valid liquor license may operate from 6:00 a.m. until 2:00 a.m. (Monday through Friday) or until 2:30 a.m. (Saturday and Sunday) as permitted by Wis Stat 125.32-3 and Village Code 8-8C1. The applicant has submitted a liquor license application for consideration at the April 4, 2022 Village Board Meeting.
- Signage for the proposed business must meet the standards of § 16-43H and will require a sign permit. Once signs are submitted for the business, they will have to be reviewed and approved by the Building Services Director before being able to be placed on location.
- The applicant plans to renovate the interior of the space to make it suitable for their operations. An interior layout is included with their application. Occupancy of the tenant space is subject to proper receipt of all necessary permits, approval from the Village Building Inspector, and approval from all applicable outside agencies (i.e. State of Wisconsin, North Shore Fire Dept, North Shore Health Dept). **A pre-development meeting with the Building Services Director is required within 10 business days of Plan Commission approval.**
- Village Code allows for outdoor seating under Ordinance § 16-21G. The applicant has submitted an outdoor seating plan (attached). A summary of the request is as follows:
 - Operating Plan – The applicant's layout reflects a total of five tables resulting in an additional 15 seats. The tables are proposed to be located directly adjacent to building (in a similar fashion to Bruegger's and City Market along Silver Spring Drive). The design of the furniture has not yet been provided.
 - Public Right of Way – Based on this plan, there is no outdoor seating proposed in the public right of way.

- Hours of Operation – To match the restaurant hours.

Staff recommends approval of the outdoor seating proposal from North 48 In The Bay subject to the following conditions:

- Staff review and approval of the table and chair specifications.
 - Outdoor seating is permitted annually from March 1 to November 30 (to give the business flexibility to take advantage of favorable weather).
 - An Approved outside trash receptacle shall be provided and serviced by the owner, to include emptying trash receptacle no less frequently than the close of business each day.
 - Approval shall be subject to and contingent upon approval of the Fire Inspector with regard to occupancy and fire protection requirements.
 - Placement of all tables and chairs and related equipment must be on the owner's property and not on the Village right-of-way.
- While not planned at this time, should any changes to the façade of the building (other than signage) be made, the business owner and property owner must obtain prior approval from the Community Development Authority (CDA) and Architectural Review Commission (ARC).
 - Section § 16-21F(1)(a) dictates that “off-street on-site” parking is required in District 11. Based on the requirements in Section § 6-24C of the Municipal Code, approximately twenty-one (21) parking stalls are required based on the code requirement of 1 space per 150 square feet gross floor area. As Commissioners are aware, there are a total of 74 public parking spaces available in the Marlborough Drive Lot, as well as street spots available within walking distance of the proposed business. Staff believes there is adequate parking available for the proposed business and recommends that Plan Commission bypass the parking requirements based on the availability in the area.

Recommendation

Staff recommends approval of the Conditional Use Permit Application for North 48 In The Bay at 619 E Silver Spring Drive with all aforementioned conditions outlined in the memo, and subject to the following additional condition:

- Given the close proximity to residential development, deliveries to the south side of the building shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m.

Attachments

1. Application
2. Outdoor Seating Layout
3. Public Notice
4. Public Comment Received prior to the meeting.



Village of Whitefish Bay
5300 N. Marlborough Dr. ❖ Whitefish Bay, WI 53217
Phone: (414) 962-6690 ❖ Fax: (414) 962-5651

CONDITIONAL USE APPLICATION

VILLAGE ORDINANCE SECTION 16

www.wfbvillage.org

APPLICATION FEE: \$100

Application fee should be made payable to Village of Whitefish Bay upon submittal of completed application.

Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: K+S Investment
Last name: Stuhlmacher First name: Terrance
Address: 629 E. Silver Spring Dr. City/State/Zip: MIL. WIS. 53217
Phone number: 414-964-2130 Email address: win.kresvari@icloud.com

2. Applicant Information: (if different from above)

Company name: NORTH 48 INC.
Last name: COLE First name: JORDAN
Address: 851 W. LASALLE AVE. City/State/Zip: GLENDALE, WI 53209
Phone number: 414.405.3773 Email address: NORTH48BAR@GMAIL.COM

3. Address(es) of Property Involved: (if different from above)

619 E. SILVER SPRING DR.

4. Zoning Designation: _____

5. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.

SALE OF ALCOHOLIC BEVERAGES INCLUDING SPIRITS, BEER AND WINE
TO BE CONSUMED WITHIN THE SPACE AND FIVE TABLES CLOSE TO THE
BUILDING OUT FRONT.

Updated to Five tables
per email 3/10/22

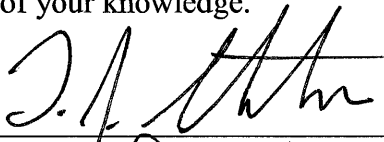
6. General Information:


- Name of Proposed Business: NORTH 48 IN THE BAY
- Type of Business: TAVERN
- What other licenses, permits, etc. are required for operation, and have they been obtained?
CLASS B LIQUOR LICENSE. OCCUPANCY. NOT OBTAINED YET.
- Anticipated Number of Employees: 8
- Total Square Feet of Sales Area: 3100
- Proposed Parking Area for Customers: PARKING LOT IN REAR
- Proposed Parking Area for Employees: 3
- Control of Property (Signed Lease, Owner Occupied, etc.): _____
- Frequency and Location of Deliveries: 5 DAYS A WEEK IN REAR

7. Additional Required Information:

- a. Legal Description and PIN: Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved. 1980125000
- b. Plan of Operation: Including hours of operation, products to be sold and any other pertinent information regarding the proposed business. MONDAY-WED. 5PM TO 12AM
THURS-FRI - 4PM TO 2:30AM
SAT-NOON-2:30AM
SUN-NOON-12AM
modified per state law. see nos in memo
- c. Exterior/Interior Changes: A description of any proposed changes to the exterior and/or interior of the subject property. If the application involves an entire building or if any exterior changes are planned, a plat of survey prepared by a registered land surveyor showing all of the information required for a building permit, including landscaping shall be included.
- d. General Layout: A plan indicating the location of buildings, rooms, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting. Drawings must be to scale and have the dimensions of all rooms/workspaces. SEE BACK PAGE.
BUILD OUT BAR. INSTALL CHAIRS & TABLE FOR SEATING. INSTALL BEER TAP TOWER & COOLERS

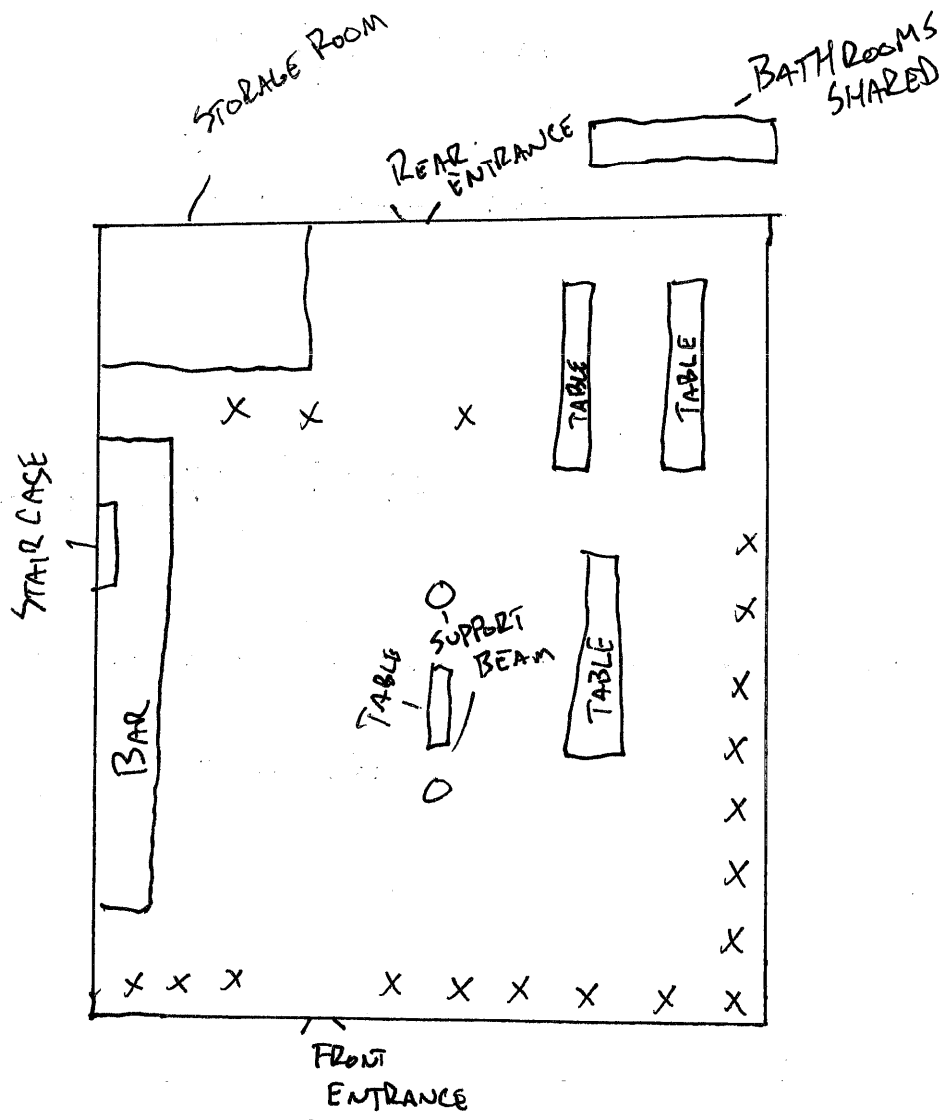
8. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner:  Date: 3-4-22

Applicant:  Date: 3.4.22

Fee Paid: \$100 Date: 3/4 Receipt # 191313

Applications for conditional use approval must be received at least 21 days prior to the meeting date; applications received after this date cannot be heard at the Planning Commission meeting the following month.



VILLAGE OF WHITEFISH BAY

Receipt: 181313

03/04/22

5300 NORTH MARLBOROUGH DRIVE
WHITEFISH BAY, WI
53217-5399

Cashier: Counter1
Received Of: North 48

The sum of: 100.00

DMPST4	Permits - Conditional Use		100.00
		Total	100.00

CHECK 1215 100.00

Signed: _____

SILVER SPRING DR.

SIDEWALK

X O X X O X X O X X O X X O X

FRONT DOOR



VILLAGE OF WHITEFISH BAY PLAN COMMISSION PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Plan Commission of the Village of Whitefish Bay has scheduled a Public Hearing for **Monday, March 28** at **5:30 P.M.**, to be held at the Whitefish Bay Village Hall Board Room, 5300 North Marlborough Drive, Whitefish Bay, WI 53217.

1. Public Hearing on the following Conditional Use application:

A) North 48 In The Bay – 619 E Silver Spring Drive (former Penzeys location), Whitefish Bay WI, 53217. Conditional Use Permit for a craft cocktail establishment. Hours of operation: Monday-Wednesday 5:00 p.m. to 12:00 a.m., Thursday-Friday 4:00 p.m. to 2:30 a.m., Saturday 12:00 p.m. to 2:30 a.m., Sunday 12:00 p.m. to 12:00 a.m.

ALL INTERESTED PERSONS will be given an opportunity to be heard. If you have any questions, please contact Tim Blakeslee, Assistant Village Manager, 414-962-6690.

A majority of the members of other governmental bodies, including, but not limited to the Village Board may be present to gather information about a subject over which they may have decision making responsibility. The above meeting is therefore hereby also noticed as a meeting of those governmental bodies, although they will not take any formal action at this meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals.

VILLAGE OF WHITEFISH BAY

Tim Blakeslee
Assistant Village Manager

From: [Mike Zussman](#)
To: [Blakeslee, Tim](#)
Subject: North 48
Date: Friday, March 11, 2022 11:31:43 AM

Hi Tim,

I am writing to voice my thoughts about the proposed opening of North 48. While I am very excited that the space will be used for entertainment purposes, and not as a bank, I do have some minor concerns.

I am a licensed therapist and my office floor would be the ceiling for North 48. The owners of the building did a test by playing music in that space, and it was very audible in my office. Since my speciality is in treating anxiety, much of my work focuses on mindfulness and relaxation exercises, which requires a quiet space. I typically see people until 6pm during the weekdays so it looks like Monday-Wednesday and Friday (I end at 5pm) we'll share the floor/ceiling for one hour but Thursdays will be for two hours.

My hope is that the owners would be willing to keep the noise level down (no music, no special events that would draw a large crowd; i.e: St. Patrick's Day, March Madness, etc) until 6pm M-Th and 5pm Fridays or that it is added as a condition of use. Again, I am excited about the potential for this business and for how it will benefit the village, but operating outside of these requested hours would significantly impact my business. Thank you very much for the opportunity to let me voice my concern. Please feel free to contact me with any further questions.

Sincerely,
Mike Zussman

--

Mike Zussman, Psy.D., LPC

Owner

[Sunrise Counseling, LLC](#)

[5594 N. Hollywood Ave. Suite 206](#)

[Whitefish Bay, WI 53217](#)

[414-395-3400](#)

<https://link.edgepilot.com/s/6fb95236/C1NPiQkwv0yJ5cfJ2xtp5A?>

[u=http://www.sunrisemke.com/](http://www.sunrisemke.com/)

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PLAN COMMISSION MEETING – STAFF REPORT

REPORT TO: Village President Buckley and Members of the Plan Commission
Paul Boening – Village Manager

REPORT FROM: Emma Baumgartner – Management Intern

REVIEWED BY: Tim Blakeslee – Assistant Village Manager

DATE: 3/23/22

AGENDA ITEM: Discussion regarding a draft ordinance to amend Section 16-8A (7) of the Village Code pertaining to surface materials acceptable for the creation of new parking spaces.

ACTION REQUESTED: Discussion only

BACKGROUND

Recently the Village has received multiple inquiries regarding the use of geogrids with organic ground cover (i.e. grass, clover) as a proposed surface for new parking spaces. Currently, per Village Code, new parking spaces must have the base of concrete, asphaltic concrete, or an asphaltic penetration surface. As a result, the use of geogrids as an option for new parking spaces is prohibited.

Geogrids with organic ground cover is a sustainable drainage system, increases green space, results in less impervious surface, and limits rutting versus parking directly on grass. In 2019, the Village approved of the Comprehensive Plan which discusses the idea of allowing additional sustainability practices in Village neighborhoods. Geogrids with organic ground surface would give residents the choice of a more environmentally friendly pavement surface option for the creation of new parking spaces.



The proposed ordinance as drafted does not change the location of where a parking space can be created, it only permits usage of geogrid parking. The location of additional parking spaces is regulated by setback requirements per Village Code 16-8A(7)A-B. In the vast majority of lots, additional parking spaces are only allowed in the rear yard. There are a limited set of lots in the Village where one home sits back further than two other homes, which allows for parking spaces to be permitted in the front setback.

RECOMMENDED ACTION

Discussion regarding a draft ordinance to amend Section 16-8A (7) of the Village Code pertaining to surface materials acceptable for the creation of new parking spaces.

ATTACHMENTS:

1. Draft ordinance

AN ORDINANCE TO AMMEND SECTION 16-8A (7) OF THE MUNICIPAL CODE WITH REGARD TO SURFACE MATERIALS ACCEPTABLE FOR THE CREATION OF NEW PARKING SPACES.

The Village Board of the Village of Whitefish Bay, Milwaukee County, Wisconsin does ordain as follows:

Section One: Section 16-8A (7) of the Municipal Code is hereby amended to read as follows:

(7) Parking spaces shall have an adequate concrete, asphaltic concrete, asphaltic penetration, or a Geogrid with organic ground cover surface, free of dust, loose stones or gravel, constructed on an adequate base.

Section Two: All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby and to such extent repealed. The provisions of this ordinance are severable in the event of any invalidity or unconstitutionality of any portions thereof.

Section Three: This ordinance shall take effect upon its passage and posting pursuant to law.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Whitefish Bay this _____ day of _____, 2022.

VILLAGE OF WHITEFISH BAY

X

Kevin Buckley, Village President

X

Erin Granstorm, Village Deputy Clerk
