



VILLAGE OF WHITEFISH BAY PLAN COMMISSION AGENDA

July 19, 2021 – 5:30 p.m.

Meeting will be held at: <https://www.gotomeet.me/wfbvillage/plan-commission>

Access Code: 840-873-853

Phone Number Log In: +1 (224) 501-3412

1. Call to Order.
2. Approval of the Minutes of the Regular Meeting of May 10, 2021.
3. PUBLIC HEARINGS
 - a. On Conditional Use Grant Application for Fresh Coast Dance, LLC – 121 E. Silver Spring Drive, Whitefish Bay, WI, 53217.
 - b. On Ordinance 1885 pertaining to Outdoor Seating for Businesses.
4. NEW BUSINESS
 - a. Review and action On Conditional Use Grant Application for Fresh Coast Dance, LLC – 121 E. Silver Spring Drive, Whitefish Bay, WI, 53217.
 - b. Review and recommendation to the Village Board of Ordinance 1885 pertaining to Outdoor Seating for Businesses.
5. Adjournment

Approved
Due to the COVID-19 pandemic, this meeting is being held via remote conference only. Members of the media and public may attend by logging onto <https://www.gotomeet.me/wfbvillage/plan-commission>. The access code is 840-873-853. The phone number to log in is +1 (224) 501-3412. All public participants will be muted during the meeting except for during the public hearing portion of the meeting..

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.org)

Dated: July 14, 2021 – Tim Blakeslee – Assistant Village Manager

VILLAGE OF WHITEFISH BAY PLAN COMMISSION MINUTES

**May 10, 2021 – 5:30 pm
Whitefish Bay GoToMeeting**

1. Call to Order.

President Siegel called the meeting to order at 5:30 pm.

Present: President Siegel, Commissioners Fuda, Roth, Moore, and Sauer

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

2. Approval of the Minutes of the Regular Meeting of December 28, 2020.

Commissioner Moore moved, seconded by Commissioner Roth to approve the minutes of the regular meeting of December 28, 2020. Motion Carried, 5-0.

3. PUBLIC HEARINGS

[a] On Conditional Use Grant Application for Luxe Nails, LLC – 509 E. Silver Spring Drive, Whitefish Bay, WI, 53217.

Public hearing opened by President Siegel. Assistant Manager Blakeslee provided a summary of the proposed business and the conditions outlined in the staff memo. Applicant Thania Peralta provided a summary of her business. No public comments and no written comments.

Commissioner Sauer asked about the current location of the business and parking availability. Public hearing was closed by President Siegel at 5:35

4. NEW BUSINESS

[a] On Conditional Use Grant Application for Luxe Nails, LLC – 509 E. Silver Spring Drive, Whitefish Bay, WI, 53217.

Commissioner Sauer moved, seconded by Commissioner Moore to approve the Conditional Use Grant Application for Luxe Nails, LLC – 509 E. Silver Spring as outlined with conditions in the staff memo Motion Carried, 5-0.

[b]. Review and recommendation to Village Board on Certified Survey Map to combine the Lots 1 and 2 of Certified Survey Map No. 8551 at 5866 N. Shore Drive

Assistant Manager Blakeslee provided a summary of the CSM and the location of the lots that will be combined. There was discussion about this lot having previously split several years ago. Blakeslee noted that it was a new owner who wanted to make this a conforming lot.

Commissioner Moore moved, seconded by Commissioner Roth to recommend that the Village Board approve the Certified Survey Map to combine the Lots 1 and 2 of Certified Survey Map No. 8551 at 5866 N. Shore Drive. Motion Carried, 5-0.

[c]. Review and recommendation to Village Board of Ord. No. 1882 to Rezone 816 & 820 E. Glen Ave. from District 2 – Single Family Residence to District 4 – Churches, Public Buildings & Grounds).

Village Manager Boening provided a summary of the request and of the current and proposed zoning districts. Kathleen Schluter with the United Methodist Church summarized their request. There was discussion by the commission about what is permitted in district 4, including parking, buildings, and walkways. There was discussion about if there would be approval authority at the Village level for these uses if the use changed to District 4. There was discussion about what was done at Dominican and if it required Village Approval and discussion about future environmental concerns if there was a parking lot. The primary concern from the commission is that it could be turned into a parking lot in the middle of a residential area.

Commissioner Fuda moved, seconded by President Siegel to not recommend that the Village Board approve Ord. No. 1882 to Rezone 816 & 820 E. Glen Ave. from District 2 – Single Family Residence to District 4 – Churches, Public Buildings & Grounds). Motion Carried 4-1 (Sauer Dissenting).

5. Adjournment

Commissioner Fuda moved, seconded by Commissioner Moore to adjourn the meeting at 6:03 pm. Motion Carried, 5-0.

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: July 14, 2021
Re: Fresh Coast Dance, LLC – Conditional Use Application

Executive Summary

Applicant Jessica Cigelske has applied for Conditional Use approval to operate Fresh Coast Dance, LLC at 121 E Silver Spring Drive. This space is currently vacant and was previously Balance Fitness. See the photo below of the proposed location. The applicant indicated that the business is a dance studio for children, teens, and adults. The proposed business hours are Monday to Friday, from 4:00 p.m. to 9:00 p.m. (during the school year) and Saturday, from 9:00 a.m. to 5:00 p.m. During the summer, weekday hours could begin as early as 9:00 a.m. The application notes the business will have 1 to 3 employees.

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 including 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.

- Staff recommends approval of the full range of hours permitted by Village Code (6:00 a.m. to 10:00 p.m. from Monday to Sunday). In the event the applicant wishes to adjust hours in the future.
- 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 make minor aesthetic changes 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.**
- While not planned at this time, should any changes to the façade of the building be made the business 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 ten (10) parking stalls are required based on the code requirement of 1 per 250 sq ft for professional services. As Commissioners are aware, there are a total of 132 public parking spaces in the two garages behind the Fox Bay Building, as well as street spots available within walking distance of the proposed business. It is under the discretion of the Plan Commission to bypass the parking requirements based on the availability in the area.

Recommendation

Staff recommends approval of the Conditional Use Permit Application for Fresh Coast Dance, LLC at 121 E Silver Spring Drive with approval of the Plan Commission on all aforementioned conditions, 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

Fresh Coast Dance LLC

June 18th, 2021

Whitefish Bay Planning Commission
Village of Whitefish Bay
5300 N. Marlborough Dr.
Whitefish Bay, WI 53217

Re: Conditional Use Permit for 121 E. Silver Spring Drive Whitefish Bay, WI 53217

To Whom It May Concern,

Fresh Coast Dance LLC is a technique-focused dance studio for children, teens and adults. Our services include classes in ballet, jazz, lyrical, tap, contemporary, pointe, hip hop, musical theatre, pilates and yoga. We specialize in strong technical dance training for high-performing competitive dancers, while also providing offerings for children and adults interested in casual and recreational dance classes. Limited dancewear will be available for retail purchase.

The building we plan to lease is 121 E. Silver Spring Drive., a 2,304 square foot space in a multi-tenant building located in the Silver Spring Drive Business District (BID1). The parcel identification number is 19700040003. We will utilize two dance studio rooms, one ADA bathroom and two changing rooms all of which are currently built in the space, thus keeping the existing floorplan. Dance floor installation and cosmetic changes are planned interior improvements to the space. The exterior signage will remain in place, updated with our own logo.

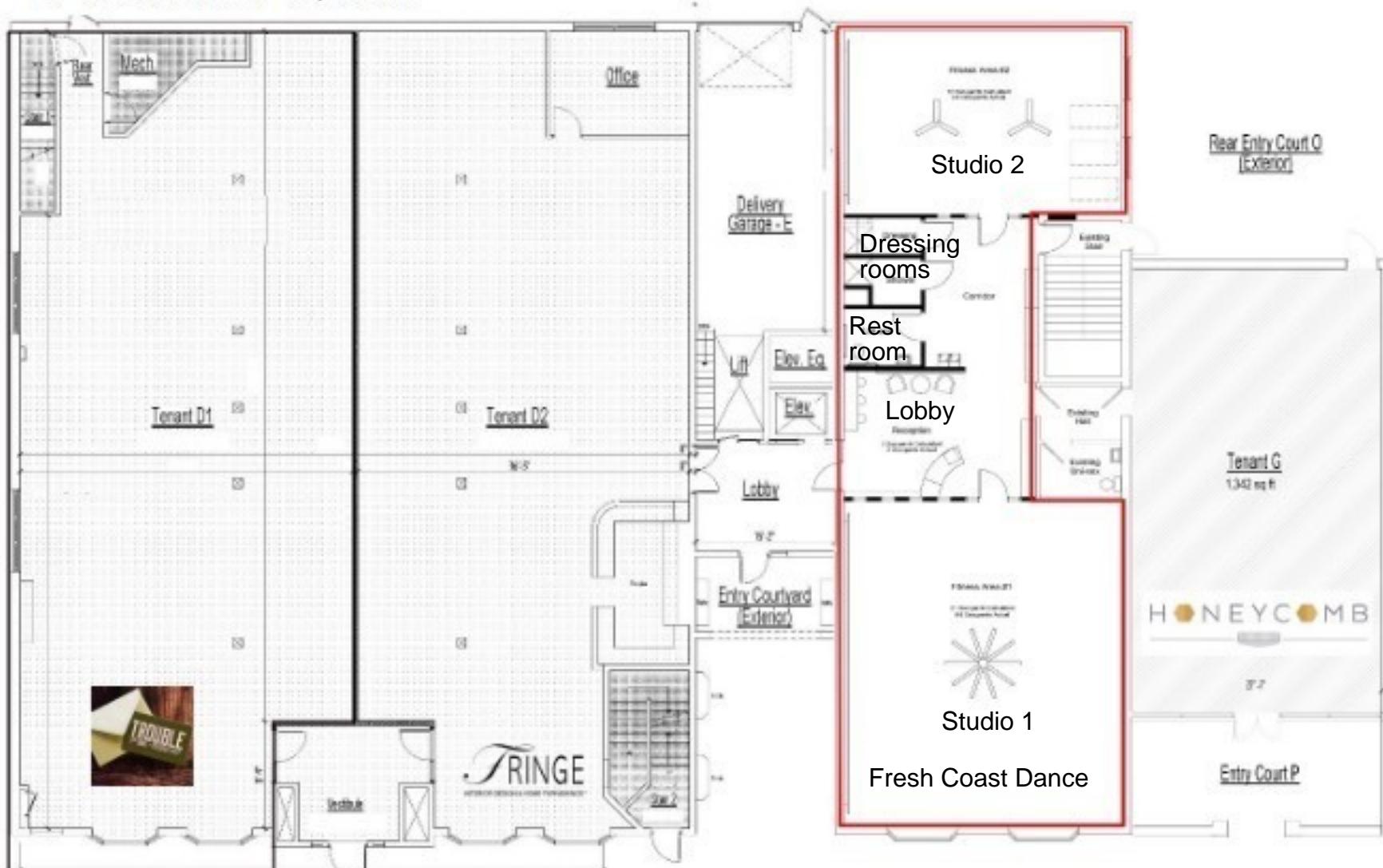
Our typical hours of operation will be Monday through Friday, 4:00 p.m.-9:00 p.m. and Saturday 9:00 a.m.-5:00 p.m., with the potential for summer classes starting as early as 9:00 a.m. on weekdays. We will operate one to two dance studio rooms during our hours of operation, for a total of 1-10 classes each day. During business hours, we will have one to three employees and approximately 10-20 dancers in the space.

Thank you for your consideration,

Jessica Cigelske, Owner
Fresh Coast Dance LLC

Enclosures:
Planning Commission Application
Floor Plan

1st Floor As-Built – 2,304 SF





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: Atid Investments LLP
Last name: Katz First name: Martin
Address: 5590 N. Berkeley Blvd City/State/Zip: Whitefish Bay, WI 53217
Phone number: 414.223.3443 Email address: moshe@atidproperties.com

2. Applicant Information: (if different from above)

Company name: Fresh Coast Dance LLC
Last name: Cigelske First name: Jessica
Address: 5152 N. Ardmore Ave. City/State/Zip: Whitefish Bay, WI 53217
Phone number: 414-840-4275 Email address: dance@freshcoastdance.com

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

121 E. Silver Spring Dr. Whitefish Bay, WI 53217

4. Zoning Designation: Silver Spring Drive Business District

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

Fresh Coast Dance LLC is a technique-focused dance studio for children, teens and adults. Our services include classes in ballet, jazz, lyrical, tap, contemporary, pointe, hip hop, musical theatre, pilates and yoga. We specialize in strong technical dance training for high-performing competitive dancers, while also providing offerings for children and adults interested in casual and recreational dance classes.

6. General Information:

- Name of Proposed Business: Fresh Coast Dance LLC
- Type of Business: Dance Studio
- What other licenses, permits, etc. are required for operation, and have they been obtained?
Certificate of occupancy (not yet obtained)
- Anticipated Number of Employees: 1-3
- Total Square Feet of Sales Area: 2304 sq.ft.
- Proposed Parking Area for Customers: Street parking
- Proposed Parking Area for Employees: Two off street parking spots behind building
- Control of Property (Signed Lease, Owner Occupied, etc.): Signed lease
- Frequency and Location of Deliveries: None

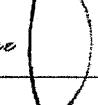
7. Additional Required Information:

- Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.
- Plan of Operation:** Including hours of operation, products to be sold and any other pertinent information regarding the proposed business.
- 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.
- 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/worksheets.

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: 6-22-2021 _____

Applicant:  _____

Date: 6/18/2021 _____

Fee Paid: \$100 Date: _____ Receipt #: _____

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: 168962

06/22/21

**5300 NORTH MARLBOROUGH DRIVE
WHITEFISH BAY, WI
53217-5399**Cashier: Counter1
Received Of: Jess Cigelske

The sum of: 100.00

DMPST4	Permits - Conditional Use	100.00
	Total	100.00

CHECK	258	100.00
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Signed: _____



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, July 19, 2021** at **5:30 P.M.**, to be held via GoToMeeting: <https://www.gotomeet.me/wfbvillage/plan-commission>. You can also dial in using your phone: United States: +1 (224) 501-3412 - Access Code: 840-873-853.

1. Public Hearing on the following Conditional Use application:

A) *Fresh Coast Dance, LLC – 121 E. Silver Spring Drive, Whitefish Bay, WI, 53217.*

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



PLAN COMMISSION STAFF REPORT

REPORT TO: Plan Commission
Paul Boening – Village Manager

REPORT FROM: Tim Blakeslee – Assistant Village Manager

DATE: July 14, 2021

AGENDA ITEM: Recommendation of Ordinance 1885 pertaining to Outdoor Seating for Businesses to the Village Board

ACTION REQUESTED: Ordinance Resolution Motion

BACKGROUND

In July 2020, the Village adopted Ordinance 1864 and 1865 pertaining to conditional uses in the business district and conditional use procedure. Upon adoption, these updates brought Whitefish Bay's Municipal Code into conformance with recent State Law changes pertaining to conditional uses.

It was recently discovered by Staff that outdoor seating requirements were inadvertently removed from the municipal code when Ordinances 1864 and 1865 were adopted. Ordinance 1885 recreates this section of code regarding outdoor seating for businesses. Plan Commission review is required prior to Village Board action on Zoning Code amendments.

RECOMMENDED ACTION BY VILLAGE BOARD

Move to recommend Ordinance 1885 pertaining to Outdoor Seating for Businesses to the Village Board for approval.

C: Department Heads
Attorney Jaekels

STATE OF WISCONSIN MILWAUKEE COUNTY VILLAGE OF WHITEFISH BAY

ORDINANCE NO: 1885

**AN ORDINANCE TO RE-DESIGNATE SECTION 16-21G OF THE MUNICIPAL CODE AND TO
CREATE A NEW SECTION 16-21H WITH REGARD TO OUTDOOR SEATING FOR BUSINESSES**

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

Section One: Section 16-21G is hereby re-designated Section 16-21H.

Section Two: Section 16-21G of the Municipal Code is hereby created to read as follows:

G. Outdoor Seating for Businesses.

Outdoor seating for businesses shall, at a minimum, be subject to the following requirements. Additional requirements may be imposed at the discretion of the Plan Commission pursuant to the provisions of Section 16-16:

- (1) An operating plan showing the location and design of all tables, chairs and related equipment including covered trash receptacles and describing methods of operation approved by the Plan Commission, which plan the Plan Commission finds to be reasonable in view of the Master Plan and suitable for the approved use.
- (2) Placement of all tables and chairs and related equipment must be on the owner's property and not on the Village right-of-way unless otherwise permitted by the Village.
- (3) No outdoor seating for businesses is permitted before April 1 or after October 31 of each calendar year unless the tables and chairs and related equipment are taken in at night.
- (4) All tables, chairs and related equipment shall be secured or removed to indoor storage at the nightly closing time of the business.
- (5) All tables, chairs and related equipment placed outdoors shall be under the supervision of employees inside the business.
- (6) Conditional use approval by the Village shall be subject to and contingent upon any necessary approvals by any other governmental agency or authority with jurisdiction or authority.
- (7) Approved outside trash receptacles shall be provided and serviced by the owner, to include emptying trash receptacles no less frequently than the close of business each day.

(8) The general area involved shall be maintained and kept reasonably free of litter at all times.

Section Three: 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 Four: This ordinance shall take effect and be in force commencing _____, 2021.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Whitefish Bay this _____ day of _____ 2021.

VILLAGE OF WHITEFISH BAY

Village President

Jaime Krueger, Village Clerk