



**VILLAGE OF WHITEFISH BAY  
PLAN COMMISSION AGENDA**

**October 22, 2019 – 6:00pm**

**Meeting Location: Whitefish Bay Village Hall – Board Room  
5300 N. Marlborough Dr., Whitefish Bay, WI 53217**

1. Call to Order.

**Approved** 2. Approval of the Minutes of the Regular Meeting of September 17, 2019.

3. PUBLIC HEARINGS

a. On Conditional Use Grant Application for Hayat Whitefish Bay Pharmacy – 424 E. Silver Spring Drive, Whitefish Bay, WI, 53217

4. NEW BUSINESS

**Approved** a. Review and action On Conditional Use Grant Application for Hayat Whitefish Bay Pharmacy – 424 E. Silver Spring Drive, Whitefish Bay, WI, 53217

5. 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.org](http://www.wfbvillage.org))**

Dated: October 14, 2019 – Tim Blakeslee – Assistant Village Manager

**VILLAGE OF WHITEFISH BAY  
PLAN COMMISSION MINUTES**

**September 17, 2019 – 6:00pm  
Whitefish Bay Village Hall  
5300 N. Marlborough Dr., Whitefish Bay, WI 53217**

1. Call to Order.

President Siegel called the meeting to order at 6:00 pm.

Present: President Siegel, Commissioners Roth, Sauer, Moore, and Kolton. Also Present: Village Manager Paul Boening, Assistant Manager Tim Blakeslee, Stephanie Hacker with Graef, Danya Littlefield with Graef. Commissioner Sauer arrived at 6:05pm.

Village Manager Paul Boening introduced and welcomed new Commissioner Kolton.

2. Approval of the Minutes of the Regular Meeting of July 16, 2019.

Commissioner Moore moved, seconded by Commissioner Roth to approve the minutes of the regular meeting of July 16, 2019. Motion Carried, 4-0.

3. PUBLIC HEARING

- a. On proposed updates to the Village of Whitefish Bay Comprehensive Plan.

Lane Kistler (4865 N Elkhart) – Stated that he wanted to make sure his written comments were received and incorporated. Stephanie Hacker with Graef stated that his comments were received. Kistler asked what this plan means for the Village. Does this Village have to follow the plan or does it just sit on a shelf? Village Manager Paul Boening stated that the plan must be completed as a result of the smart growth law, however, he doesn't intend for it to sit on a shelf once it has been completed but that it will be used as a guide.

President Siegel closed the Public Hearing at 6:05 pm

- b. On proposed Ordinance No. 1856 to revise the Planned Development District submittal requirements.

There were no public comments. President Siegel closed the Public Hearing at 6:06 pm.

4. NEW BUSINESS

- a. Review and action on Resolution No. 3057 Recommending Village Board Adoption of updates to the Comprehensive Plan.

President Siegel asked Village Manager Paul Boening to provide a summary of the comprehensive plan update process. Village Manager Paul Boening summarized the State requirements and process to this point. Hacker noted that the plan can be amended after approval if changes would need to be made. Hacker summarized the cover memo which outlined the process, key points of the comp plan, and follow up from the meeting in May.

Commissioner Sauer asked about survey questions from other communities. Hacker noted that

she provided links in the memo to these questions.

Commissioner Moore noted that the lack of reference to the population over 60 in the report. The report needs to address community livability for the retired population.

Page 92 1.b. - Commissioner Sauer stated that a tour of homes should be in conjunction with regional events. There was a general consensus from the Plan Commission on this topic.

Village Manager Paul Boening noted that the report should remove committees that will be sunseting throughout the document.

Page 96-98 Commissioner Moore noted that IT should be a focus of the economic development section. New technologies will underpin many future industries and that many residents may work from home. Village Manager Paul Boening noted that this could be a focus on second/third floor Silver Spring Drive offices as well.

Commissioner Moore noted she liked the list of endangered species.

Page 100 2.b. - Commissioner Sauer – The report should also promote private tree planting in addition to the Village's efforts. President Siegel noted that the Village spends quite a bit of money on EAB treatment and the report should mention private action on EAB. Commissioner Moore suggested that the Village could provide an educational role for private citizens.

Page 100 2d. - Commissioner Sauer and Moore noted that the bank stabilizing best practices needs to be provided to all residences along the lake. This is going to be an issue for the entire lakefront/shore area.

Page 102 4.c. - Village Manager Paul Boening noted that a park's master plan should be updated to a 2020 to 2024 timeline.

Page 106 4.c. - Commissioner Moore suggested banning electric scooters in Whitefish Bay. She foresees many pedestrian accidents. Village Manager Paul Boening suggested that this would be a great opportunity for the North Shore managers to collaborate and come up with a standard set of rules. Commissioner Roth suggested that Drones should be also taken under review by the North Shore communities. Village Manager Paul Boening agreed that would be a good idea.

Page 104 1.d. Village Manager Paul Boening suggested mentioning what is already being done with regards to traffic calming measures, speed awareness, and pavement marking.

Page 104 2.a. Commissioner Sauer asked about the timeline of the Lake Drive safety project. Hacker said the report does have some discussion on walkability and bikeability. Commissioner Moore would like to see walkability and bikeability in the livable streets section.

Page 104 2.b. Make sure the transit system connects to workforce instead of listing specific routes.

Page 108 2.d. Commissioner Moore and President Siegel noted that the Village should not be creating a fund, but instead should be focusing on collaboration with other communities on regional projects and grant funding. Village Manager Paul Boening suggested also noting the green infrastructure projects already completed in the Village. There was a discussion about levy limits regarding a new fund.

108 1.b. There was a commission suggestion to educate residents on single-use plastics and proper recycling. Littlefield noted that this is important and residents often commit “wish-cycling” which contaminates loads.

106 Commissioner Sauer thinks this would be a good section to add information about updating and upgrading Village welcome signage to be consistent through the community. Commissioner Roth agreed that branding and consistency from one street to the next was important. Littlefield stated something could be added to that section.

112 1.a. There was a suggestion to removing the word “rhythmically”. The Commission agreed.

Commissioner Moore asked about lead water lines. Village Manager Paul Boening talked about the Village progress.

Village Manager Paul Boening noted that many of the government goals are already in the works. Commissioner Moore noted that she was happy that composting was being explored in the Village. Village Manager Paul Boening said he was happy with the layout and design of the report. There was a discussion regarding who owns the Lydell School property. Commissioner Moore reiterated that she would like to see the over 60 population addressed.

Commissioner Sauer noted that the Park list needed to be reviewed. Big Bay Park is a county park and Water Tower Park was renamed Craig Counsell Park.

Will Kort (5157 N Idlewild) – Asked when the changes would be made and when they would be available. He asked about the pages labeled TBD. Village Manager Paul Boening noted that he is welcome to email comments and that staff would email him when the changes were made and posted online. Boening noted that the TBD section was provided late this afternoon and that he could have a paper copy tonight.

Lane Kistler (4865 N Elkhart) – Noted that the endangered animal and plant section is not relevant. These animals and plants may live in the area but not in Whitefish Bay. Commissioner Moore noted that the plant list is nice to have for gardeners. Commissioner Sauer suggested toning this section down.

Commissioner Sauer moved, seconded by Commissioner Moore that the Village Board approve on Resolution No. 3057 Recommending Village Board Adoption of updates to the Comprehensive Plan with the changes noted by the Plan Commission. Motion Carried, 5-0.

- b. Review and recommendation to Village Board on proposed Ordinance No. 1856 to revise the Planned Development District submittal requirements.

Village Manager Paul Boening summarized the PDD process and the proposed changes. Commissioner Moore suggested that the document looked good, but that “and the bulk of the building and aesthetic nature of the building may be determined” be added back into the document to section B.(3)(b.)[6.]. The commission agreed.

Commissioner Moore moved, seconded by Commissioner Sauer that the Village Board approve the proposed Ordinance No. 1856 to revise the Planned Development District submittal requirements with the changes noted by the Plan Commission. Motion Carried, 5-0.

#### 4. Adjournment

Commissioner Roth moved, seconded by Commissioner Moore to adjourn the meeting at 7:26pm. Motion Carried, 6-0.

Respectfully Submitted,  
Tim Blakeslee – Assistant Village Manager

DRAFT



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: October 16, 2019  
Re: Hayat Whitefish Bay Pharmacy – Conditional Use Application

---

### Executive Summary

Applicant Tamir Kaloti has applied for Conditional Use approval to operate Hayat Whitefish Bay Pharmacy at 424 E. Silver Spring Drive, Whitefish Bay, WI, 53217 (previously Fitzgerald's Pharmacy). Hayat Pharmacy has 16 locations in southeastern Wisconsin.



The applicant indicated that the business will be a pharmacy, convenience store, and soda fountain. Typical business hours will be from 8:00 am to 8:00 pm from Monday to Friday, from 9:00 am to 2:00 pm on Saturday, and from 9:00 am to 1:00 pm on Sunday.

Per § 16-21C(1) of the Municipal Code, a retail business in District 11 is a permitted use and would typically not require Plan Commission approval. However, in this case, because Hayat Pharmacy would like to have outdoor seating and also serve fresh ice cream, soda, and snacks (not prepackaged) Plan Commission approval is required.

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.

- Signage for the proposed business must meet the standards of Section § 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 indicated that they would like to receive approval to conduct business on from 8:00 am to 8:00 pm from Monday to Friday, 9:00 am to 2 pm on Saturday, and 9:00 am to 1:00 pm on Sunday. Staff recommends approval for the full range of hours as permitted by Code (6:00 am to 10:00 pm Monday through Sunday) in the event the applicant wishes to adjust hours in the future.
- Village Code allows for outdoor seating under Ordinance § 16-16H(5). The applicant has submitted an outdoor seating plan (attached to building layout). A summary of the request is as follows:
  - Operating Plan – The applicant's layout reflects a total of two benches bolted to the concrete in front of the business. The benches are proposed to be located within a small exterior area just south of the entrance and under the building overhang. 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 and will not impede sidewalk traffic or snow clearing operations.
  - Hours of Operation – To match the business hours.

Staff recommends approval of the outdoor seating proposal from Hayat Whitefish Bay Pharmacy subject to the following conditions:

- Staff review and approval of the bench specifications.
  - 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.
  - Approval shall be subject to and contingent upon approval of the Fire Inspector with regard to occupancy and fire protection requirements.
- 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.**

- The applicant plans remove an unused entrance door and replace it with a window. This minor change does not require Community Development Authority (CDA) and Architectural Review Commission (ARC) approval, but will be discussed at the pre-development meeting with the Building Services Director. While not planned at this time, should any other 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 the instance a new conditional use is applied for. Based on the requirements in Section § 6-24C of the Municipal Code, approximately eight (8) parking stalls are required for Hayat Whitefish Bay Pharmacy based on the square footage of the space (2360 sq ft). 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 including outdoor seating for Hayat Whitefish Bay Pharmacy with approval of the Plan Commission on all aforementioned conditions, including the waiver of the parking space requirements, provisions of Section § 16-16 of the Municipal Code, and subject to the following additional condition:

- Given the close proximity to residential development (Beaumont Place), deliveries to the north side of the building shall be prohibited between the hours of 10:00 pm and 6:00 am.

### **Attachments**

1. Application



**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 Properties, LLC,  
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: info@atidproperties.com

#### 2. Applicant Information: (if different from above)

Company name: Hayat Whitefish Bay Pharmacy  
Last name: Kaloti First name: Tamir  
Address: 424 E. Silver Spring Dr. City/State/Zip: Whitefish Bay Pharmacy  
Phone number: 262-893-2100 Email address: tkaloti@hayatrx.com

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

see above

#### 4. Zoning Designation: District 11

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

A new pharmacy is planned on the former Fitzgerald Pharmacy site. In addition to the normal pharmacy functions of dispensing prescription medications, a variety of merchandise will be sold, including health and beauty items, greeting cards, small medical equipment and packaged snacks. As part of discussions with members of the Whitefish Bay community to determine what they would like to see at this site, many have expressed the desire to purchase sodas and ice cream as was done by the community in the past. Therefore is it our desire to have a soda machine and a freezer to sell fresh sodas and fresh ice cream at this facility.

**6. General Information:**

- **Name of Proposed Business:** Hayat Whitefish Bay Pharmacy
- **Type of Business:** Pharmacy/Retail
- **What other licenses, permits, etc. are required for operation, and have they been obtained** Pharmacy License, Health Dept. and Fire Dept. Inspection, Building Permits as needed
- **Anticipated Number of Employees:** 12
- **Total Square Feet of Sales Area:** 2360 sq ft
- **Proposed Parking Area for Customers:** Whitefish Bay Public Parking (street or garage)
- **Proposed Parking Area for Employees:** Beaumont Place Public Parking Garage
- **Control of Property (Signed Lease, Owner Occupied, etc.):** Signed Lease Pending
- **Frequency and Location of Deliveries:** Everyday at the back of the building

**7. Additional Required Information:** see attachments

- 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/workspaces.
- 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: \_\_\_\_\_

Applicant:  \_\_\_\_\_

Date: 9/30/19

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.

**6. General Information:**

- Name of Proposed Business: Hayat Whitefish Bay Pharmacy
- Type of Business: Pharmacy/Retail
- What other licenses, permits, etc. are required for operation, and have they been obtained?  
\_\_\_\_\_
- Anticipated Number of Employees: 12
- Total Square Feet of Sales Area: \_\_\_\_\_
- Proposed Parking Area for Customers: Whitefish Bay Public Parking (street or garage)
- Proposed Parking Area for Employees: Beaumont Place Public Parking Garage
- Control of Property (Signed Lease, Owner Occupied, etc.): Signed Lease Pending
- Frequency and Location of Deliveries: Everyday at the back of the building

**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.
- b. **Plan of Operation:** Including hours of operation, products to be sold and any other pertinent information regarding the proposed business.
- 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.

**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:  \_\_\_\_\_

Applicant: \_\_\_\_\_

Date: 9/28/19

Date: \_\_\_\_\_

**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.**

**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.

-PIN: 1650341000

-The space will be used as a Pharmacy and retail store.

b. Plan of Operation: Including hours of operation, products to be sold and any other pertinent information regarding the proposed business.

-Hours of Operation: Mon-Fri 8am-8pm, Sat 9am-2pm, and Sun 9am-1pm

-We will sell prescription and OTC medication, DMG products, gift items, soda, ice cream, and candy.

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.

-Please see attached layout. We will be updating the existing pharmacy and retail space and adding a soda fountain. We will add some exterior seating as well.

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.

-Please see attached layout plans.

**HAYAT WHITEFISH BAY PHARMACY**

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

**FEATHERMATE DESIGNS**

NANCY ROBJOHNs  
(414) 617-6174

Facade: 40 feet  
Building depth: 90 feet  
Service area: 950 sf  
Front store area: 2360 sf



**VILLAGE OF WHITEFISH BAY**

Receipt: 140257

09/30/19

5300 NORTH MARLBOROUGH DRIVE  
WHITEFISH BAY, WI  
53217-5399

Cashier: Counter1  
Received Of: HAYAT PHARMACY

The sum of: 100.00

DMPST4	Permits - Conditional Use		100.00
		Total	100.00
		CHECK	1169
			100.00

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 **Tuesday, October 22, 2019** at **6:00 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) Hayat Whitefish Bay Pharmacy –424 E. Silver Spring Drive*

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