

**VILLAGE OF THIENSVILLE
PLAN COMMISSION
MINUTES**

DATE: Tuesday, April 10, 2018

LOCATION: Village of Thiensville
250 Elm Street

TIME: 6:00 PM

I. CALL TO ORDER

Chairman Mobley called the meeting to order at 6:02 PM.

II. ROLL CALL

Chairman:	Van Mobley	
Commissioners:	John Cabaniss (excused)	Carol Gengler
	Mike Dyer	Ken Kucharski
	Rick Gattoni	Dan Luedtke
Asst. Administrator:	Colleen Landisch-Hansen	
Planner:	Jon Censky	

III. BUSINESS

- A. Approval of Minutes**
1. March 6, 2018

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Kucharski to approve the March 6, 2018 Minutes. **MOTION CARRIED UNANIMOUSLY.**

- B. Review and approval of Sign Plan Approval for Associated Bank, 208 North Main Street**

Deb Burton, Pablocki Sign Company submitted a sign package indicating a new name to the Bank Mutual location which will now be Associated Bank. Proposed are a new free standing identification sign as well as two directional signs.

Village Planner Jon Censky indicated that the freestanding replacement sign indicates full compliance in regards to the setback, dimensional and interior lighting standards of the Sign Code. The directional signs also comply except that the company name on the top of the signs must be removed. Ms. Burton agreed to submit new plans without the company name on the directional signs.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Luedtke to approve the Sign Plan for Associated Bank, 208 North Main Street with the Recommendation from Planner Censky to Remove the Company Name, Associated Bank, on the Directional Signs. **MOTION CARRIED UNANIMOUSLY.**

- C. Review and approval of a Conditional Use Permit for Jesse Daily and Matthew Buerosse, 107 Buntrock Avenue for an Outdoor Beer Garden**

Barkha Daily, cheel restaurant, gave a brief overview of the proposed Outdoor Beer Garden. Mrs. Daily indicated that the main partners will be Jesse and Barkha Daily, Matthew Buerosse and there are a couple private partners that all reside in Ozaukee County. Together, this brings over 100 years of experience in the industry.

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The target market for the Beer Garden includes those with a household income of \$55,000 or more, which equates to about 1.2 million people in Wisconsin. The food will be traditional beer garden items and drinks will be tap beer (8-12 different varieties) and signature cocktails.

Ms. Katie Fedorski addressed the plantings and landscaping. There will be a front entryway garden and a pergola garden space using many native plants and edible flowers. A community board is proposed for the space which will promote various events at the cheel as well as in the community. In the center of the Beer Garden will be a Jens Jensen Council Ring with plenty of seating.

Milwaukee Blacksmith will be making a gate front entryway. The fence will be "trellis like". A concrete artist will also be making some features for the space. The center piece of the Beer Garden will be the metal fire shaped sculpture that was created by Milwaukee Blacksmith. Sail shades are proposed for over the shipping containers. Water features will also be incorporated into the space.

Mrs. Daily shared that amplified music is planned on Tuesdays and Fridays. Open mic sessions are planned for Sunday evenings. When there is no live music there will be acoustic music played from speakers. Hours of operation will be Tuesday through Sunday 11:00 AM to 10:00 PM. Last call will be done around 9:30 PM – 9:45 PM so after 10:00 PM the space will be cleared out. For any special events, approval will be requested from the Plan Commission and neighbors will be informed.

Chairman Mobley inquired as to the capacity of the space. Ms. Fedorski indicated that there are 42 seats plus 2 employees.

Anna Burns, Brookwater Group, shared that the design is a very seasonal type of use and everything was designed to respect the neighbors. There will be low and point-of-use lights so no spotlights or floodlights will be used. The pergolas, a couple trees, solar shades, garage and fully concealed mechanicals inside a solid fence all help to diffuse the sound. Everything on site is a water shed; the far corner in the southwest will be brought up over two feet to create the pitch of the water and the site is over 75% permeable surface. The patio that is around the shipping containers, the patio out in front of the garage and the band stand are the only hard surfaces on the site. Everything will be winterized throughout the winter months.

Chairman Mobley inquired as to the capacity of the cheel restaurant. Mr. Daily indicated that inside capacity is 49 and outside capacity is 36.

It was confirmed that the fire pit is not part of the design any longer.

Planner Censky indicated that at the last meeting there was a lengthy discussion regarding the Beer Garden which resulted in concept approval to allow construction to begin. That approval was granted with the understanding and condition that the Conditional Use Permit be brought back to discuss more detailed plans and hours of operation. Those conditions have been met. These plans will now become an Exhibit to the Conditional Use Permit. This will be signed by the Owners and recorded with the Ozaukee County Register of Deeds office. Amplified music was discussed during the last meeting and again this evening, and Planner Censky issued a word of caution that live music can be loud and that even though immediate neighbors have been contacted, noise does travel. As a condition included in the Permit, the Owners are responsible for making sure the neighbors are not bothered. If approving this Permit, the Commission is also recognizing that most of the parking associated with the Beer Garden will be off-site parking. Other than that, it appears that the requests of the Commission have all been met.

It was noted that the hours of operation for the Beer Garden will be updated on the Conditional Use Permit. Planner Censky will make that amendment and submit for signatures.

Commissioner Kucharski asked for clarification on the hours of operation. Planner Censky indicated that the hours discussed and presented are Tuesday through Sunday 11:00 AM to 10:00 PM. Commissioner Kucharski also inquired about the serving of alcohol and believes that only beer and wine are allowed. Planner Censky indicated that this property is tied to the liquor license for the cheel restaurant. Commissioner Kucharski is requesting that the

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Village Attorney review this license to confirm that the use of the cheel license is legal at this site. Assistant Administrator Colleen Landisch-Hansen will follow up with the Village Attorney.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Luedtke to approve the Conditional Use Permit for Jesse Daily and Matthew Buerosse, 107 Buntrock Avenue for an Outdoor Beer Garden Noting the Change to the Hours of Operation to Tuesday through Sunday 11:00 AM to 10:00 PM and Verification Regarding the Use of the cheel Liquor License to be Used at This Site from the Village Attorney. **MOTION CARRIED UNANIMOUSLY.**

D. Concept Plan Review and Land Use Plan Amendment Recommendation to Change the Classification for this Property from Institutional to Multi-Family Residential

Concept plan review is being requested by Greg Devorkin for the property at 116 North Orchard Street, 138 Buntrock Avenue and 124 N. Orchard Street; the Lumen Christi property for the development of condominium units.

Mr. Devorkin is seeking feedback for plans presented and also a Land Use Amendment in regards to the Lumen Christi property. This property was acquired about four months ago. Mr. Devorkin has had two or three schools inquire about leasing the property for its current use. Mr. Devorkin is proposing tearing down the school but keeping the church and constructing condominiums. The church will be retained.

Mr. Devorkin's plans submitted to the Plan Commission included 27 units which may or may not be the final count and is working with Planner Censky on some of the details regarding driveways.

Planner Censky indicated that this evening the Commission is being asked for two things: 1) to recommend amending the Land Use Plan for 116 N. Orchard St. and 138 Buntrock Avenue from Institutional to Multi-Family Residential and 124 N. Orchard Street from Single Family Residential to Multi-Family Residential. This recommendation will go to the Village Board with a Public Hearing no sooner than 30 days from today; probably in May or June. This will address the Land Use Plan; and 2) to review and offer feedback on the concept that is before the Commission this evening to give Mr. Devorkin direction to generate some more detailed plans that the Commission can then consider for re-zoning. At this point, we do not know whether we need to pursue a PDO Zoning along with the Residential Zoning and this is why additional information is needed.

Planner Censky indicated that better site survey information is needed along with other information required under Section 17.1208 Site Plan Requirements. At this time, the concept plans show the public sidewalk on the property; a site survey would clarify this. Also, the Zoning Code requires a 24' driveway width. The plans indicate a proposed width of 18', 14' and 12' which is insufficient for fire trucks, garbage trucks or two-way traffic. Planner Censky did suggest eliminating the center drive to make more room. The other issue is setbacks. Code requires a side setback of 15'; indicated on the north side is a 12' setback. It is things such as these that a PDO give flexibility with plans.

At this meeting, Commissioners are encouraged to provide the applicant feedback and direction regarding the three-story building adjacent to single-story homes to aid in drafting more detailed plans to justify rezoning and suggested recommending a Land Use Plan Amendment from the Institutional and Government Service and Single Family Residential classification for these sites to Multi-Family Residential.

Chairman Mobley prefers R-5 or R-4 to the current Institutional Zoning. Mr. Devorkin prefers to have R-5. Chairman Mobley suggested sticking with the maximum height requirements. Planner Censky indicated that the maximum height is 40'; the plans proposed are at 37' from the ground to the top of the elevation. Chairman Mobley also appreciated that the church will be preserved.

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Commissioner Dyer believes that for the proposed property that 40' is too tall. Commissioner Kucharski indicated that the grade at this property is much lower than the grade of the properties across the street so the difference in the height might look okay with this property being lower. Planner Censky suggested on the next set of plans showing the height of the church for some reference.

Commissioner Gattoni inquired about parking. Mr. Devorkin indicated that every unit will have a two-car garage. Guests will use street parking. Commissioner Gattoni also indicated that these may not be too friendly to seniors because of the multi-level design. This project will connect to Ellenbecker Road for emergency exit only. Mr. Devorkin stated that he cannot make this site work with single-story units.

Mr. Censky indicated that the front of the units has green space and the garages are in the back of the units.

Chairman Mobley likes the use of brick on the front of the units. From North Orchard Street, two stories are visible and three stories are visible from the back/garage view. These elevations should be indicated in future plans. There are no one-story units but there are first-floor units.

Commissioner Gattoni inquired about the selling price. Mr. Devorkin does not have a specific price in mind but indicated that in neighboring communities these would be priced at high two's to low three's.

Planner Censky suggested no less than 22' wide driveways and indicated that a PDO can be used to alter the required 24' for two-way traffic and emergency vehicles. Newly submitted plans should include survey information and clearer architectural elevations. These plans should indicate the proposed architecture and show an adjacent single family home along with the church.

The Lumen Christi Church will remain and will be used as an office, possibly a gym for the residents to use and a meeting room.

Commissioner Luedtke's only concern is the height and supports only seeing two stories from North Orchard Street.

Commissioner Kucharski asked the audience for their feelings about the proposed project. Mr. Brian Odeja, 101 Ellenbecker Drive, is happy that the project proposed is for residential units and is concerned about losing too many trees.

Commissioner Dyer expressed concern regarding the three-story units on the north end because those would be at street level.

Commissioner Kucharski indicated that a development such as this will have less traffic than what the school had.

Planner Censky indicated that this evening a motion for recommendation regarding the Land Use Plan is requested. The Land Use Plan is a guide for future development; zoning is the law for which development occurs. This first step is to amend the Land Use Plan to change the classification for this site and the property to the north (a single-family site) from the I-1 Institutional classification and Residential classification for the single family site to Multi-Family Residential.

Then when the plans are resubmitted, rezoning can be considered to reflect the change in the Land Use Plan. Public Hearings will be scheduled at the Board level on the Land Use Plan and for the rezoning.

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Gattoni to recommend to the Village Board to Amend the Land Use Plan from Institutional and Single Family to Multi-Family Residential. **MOTION CARRIED UNANIMOUSLY.**

- E. Review and approval of 4-Season Addition, Linda Vatovetz and Eugene Kubit, 106 Grand Avenue, Contingent Upon Approval of Village Planner

Plans were presented to the Plan Commission for a 4-season addition for Linda Vatovetz and Eugene Kubit, 106 Grand Avenue on top of a flat roof garage.

A report was not provided from Planner Censky as this was not submitted by the deadline. Planner Censky indicated that this property is zoned B-4 Highway Business District. This Zoning District does not permit single family uses in the District which results in a non-conforming use of a non-conforming structure. When the Code was reviewed, the current Code states that no addition or expansion of that use would be permitted. However, after further research and consultation with the Village Attorney, State law (which supersedes local ordinances) does permit an addition such as the proposed. The only comment Planner Censky shared is that the roof is of a different material than that of the existing structure and questioned the Commission if they had any concerns. Also, the roof will extend about a foot higher than the existing roof.

Commissioner Kucharski inquired if changing the roof to match the existing roof was considered. The hope is to keep the proposed steel roof and eventually have a steel roof over the entire home. The siding will be galvanized steel and incorporating cedar trim and fascia on the addition. The existing home has wood siding. This addition is on the back of the home and not visible from Grand Avenue.

Commissioner Gattoni would like to see the siding on the addition match the existing home. Ms. Vatovetz would like to use as much recyclable and repurposed materials as possible. Commissioner Dyer agreed with Commissioner Gattoni.

Neighbors have been informed about this project.

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Kucharski to approve the 4-Season Addition, Linda Vatovetz and Eugene Kubit, 106 Grand Avenue.

Ayes: Commissioners Gengler, Luedtke, Kucharski and Chairman Mobley

Naes: Commissioners Dyer and Gattoni

MOTION CARRIED.

All applicants or their contractors must be present for any approvals.

IV. BUSINESS FROM THE FLOOR

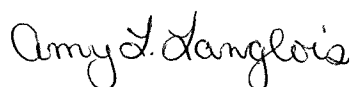
Open to any citizen who wishes to speak on items not on the agenda. Please step to the podium and give your name and address for the record.

V. ADJOURNMENT

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Luedtke to adjourn the meeting at 7:14 PM.

MOTION CARRIED UNANIMOUSLY.

Submitted by,



Amy L. Langlois
Village Clerk

Signed by,



Colleen Landisch-Hansen
Assistant Administrator

Approved by,



Dianne S. Robertson
Administrator