

**VILLAGE OF THIENSVILLE
PLAN COMMISSION
MINUTES**

DATE: Tuesday, September 11, 2018

LOCATION: Village of Thiensville
250 Elm Street

TIME: 6:00 PM

I. CALL TO ORDER

Chairman Mobley called the meeting to order at 6:00 PM.

II. ROLL CALL

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

III. BUSINESS

- A.** Approval of Minutes
1. July 10, 2018

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Gattoni to approve the July 10, 2018 Minutes. **MOTION CARRIED UNANIMOUSLY.**

- B.** Review and approval of a Variance Extension to Sign Code for Temporary
“For Sale” Sign, MSP Real Estate, Inc., 200 Green Bay Road

Village Planner Jon Censky suggested that since neither the request nor the Sign Code has been changed since initial approvals have been granted to MSP, the Plan Commission could allow any future approvals be handled at the staff level.

Chairman Mobley stated that there has been activity and interested parties touring 200 Green Bay Road and would like to have this continue to be brought before the Plan Commission with updates.

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Luedtke to approve the Six-Month Variance Extension to Sign Code for Temporary “For Sale” Sign, MSP Real Estate, Inc., 200 Green Bay Road. **MOTION CARRIED UNANIMOUSLY.**

- C.** Review and approval of Shed Plan, Craig Mellendorf, 627 Grand Avenue

Craig Mellendorf, 627 Grand Avenue is seeking approval for a plastic shed to be installed in the back southwest corner of his property. The base will be stone and is well within the lot lines. The shed measures 8’ x 10’ and is not a permanent structure.

Planner Censky indicated that according to Code, the shed must be at least 3’ from any property line and cannot exceed 12’ in height. The shed fully complies with Code. Mr. Mellendorf was asked to submit a building permit.

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MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Luedtke to approve the Shed Plan, Craig Mellendorf, 627 Grand Avenue and for Mr. Mellendorf to Secure a Building Permit. **MOTION CARRIED UNANIMOUSLY.**

D. Review and approval of Shed Plan, Turner Kunkel, 202 Woodside Lane

Turner Kunkel, 202 Woodside Lane submitted plans for a 7' x 7' weather resistant DUOTECH (resin) shed. The shed has been installed, is not permanent and can be moved. Mr. Kunkel believes the shed is within property lines but may not be 3' or more from the property line. Mr. Kunkel will move the shed.

The floor of the shed is gravel with some 2 x 4's.

Planner Censky stated that the shed shall not be located closer than 3' to any property line and a building permit must be secured.

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Gattoni to approve the Shed Plan, Turner Kunkel, 202 Woodside, for Mr. Kunkel to Secure a Building Permit and for the Shed to be Moved to No Closer than Three Feet from the Property Line. **MOTION CARRIED UNANIMOUSLY.**

E. Review and approval of Garage Plan Alteration, Michael Koepke, 127 South Main Street

Linda Koepke, 127 South Main Street, was in attendance.

Planner Censky indicated that the Building Inspector noted a change from the approved plans and issued a stop work order upon inspection. The issue here is that the garage door opening opens right on to a public parking lot and; therefore, if this were to be approved, the Commission would be granting a benefit to this resident that no other resident in the Village has i.e. accessing their garage from a public parking lot. Mrs. Koepke stated that she leases this lot with Mr. Greg Mueller from the Village. Mr. Mueller has had a lease with the Village and the Koepke's were added to the lease earlier in 2018.

Chairman Mobley inquired as to why the approved garage plans were altered. Mrs. Koepke stated that their architect moved away and needed to get a new architect. The Koepke's were going to leave the garage plain and put a light in but believes the new plan aesthetically looks better.

Mrs. Koepke shared that Mr. Mueller does not allow delivery trucks on the lot and believes if the trucks can deliver in the back it would be safer. Mrs. Koepke does realize that at some point the lot may not be available to them if the Village does not wish to continue the lease.

Commissioner Gattoni inquired as to how Mr. and Mrs. Koepke had access before the lease was signed with Mr. Mueller. Mrs. Koepke stated that where the new garage is there was only a yard.

Assistant Administrator Landisch-Hansen shared the original approved plans and Plan Commission Minutes from July 17, 2017 with the Commission. Not getting the correct approvals disregards the approval process that is in place. Planner Censky stated that the garage must be placed 3 feet from the property line. The driveway between Mr. Mueller and the Koepke residence is shared. Planner Censky still has issues with accessing the garage from a public parking lot. Typically, if there is an access arrangement it is in the form of an easement.

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Mrs. Koepke stated that the new proposed garage has the same footprint but that a garage door was added on the west side, an outlet was added for additional lighting and the window was eliminated. There are still two doors on the east side and the cupola has been removed.

Chairman Mobley stated that plans were approved, those plans were changed and a new garage was built without approval from the Plan Commission.. These new plans must still go before the Historic Preservation Commission.

Mrs. Koepke inquired as to why when the footings were put in and the concrete floor was poured, you could see that there was a garage door planned and nobody brought it to their attention until an electrical inspection was performed and believed that it kind of was approved that way. Planner Censky stated that inspections are not approval and that the plans that are in the file at the Village Hall that were approved at Plan Commission are the approved plans. When the inspection took place, the Building Inspector was not looking for a garage door. When the sides of the garage went up, it was more obvious.

Chairman Mobley inquired as to why these new plans were not submitted originally. Mrs. Koepke stated that her original architect moved in the middle of her project so Mr. and Mrs. Koepke had to get someone else who was working with the builder and believes it looks beautiful.

Chairman Mobley stated that there is the issue of precedent and that plans were already approved, these plans were changed, the Koepke's knew they were changing them and could have informed the Village Hall.

Mrs. Koepke stated again that she and her husband absolutely understand that not extending the lease for the parking lot may happen at any time and is perfectly fine with that. If when the lease is up for renewal, and the Village choses not extend the lease or to sell the property, the Koepke's are willing to take that risk on their new garage design. Mrs. Koepke believes that the garage just looks better.

Commissioner Dyer stated that leases are temporary; it is not an easement and at any time the lease could change.

Chairman Mobley stated that if the request is denied, the garage would have to be built as planned which would require the door to be removed and filled in or the Commission could approve the new plans. Mrs. Koepke meant no harm and believes the new plans look better from the bike path and there is more lighting.

Commissioner Gengler believes that the new plans are better.

Mrs. Koepke understands precedent and is investing a lot of money into the community and stated that in the middle of building the garage did not have time to come in to get new plans approved and cannot believe she cannot finish construction because they added a door.

Chairman Mobley inquired as to why they did not build the garage that was approved. Commissioner Gattoni expressed that this could potentially put the Village in a tenuous situation in the future. Chairman Mobley stated that this would make it harder for the Commission to enforce the Code for unapproved plans if residents do not follow procedure. Mrs. Koepke believes there should be some exceptions to rules. Mrs. Koepke inquired as to next steps. Chairman Mobley stated that the building must be built at previously approved. Mrs. Koepke asked if the plans could just be amended.

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Gattoni to Deny Garage Plan Alteration, Michael Koepke, 127 South Main Street.

Ayes: Commissioners Dyer, Gattoni Luedtke and Chairman Mobley
Nae: Commissioner Gengler

MOTION CARRIED.

**F. Concept Review of Architectural and Site Plans, White Coach Condominiums
Second Building, 211-213 South Main Street**

Mr. Curt Podd, owner of 211 Associates, presented concept review for the second phase of the White Coach Condominiums located at 211-213 South Main Street.

Mr. Censky's review of the site plans indicated an issue with the setbacks. Mr. Podd has corrected this. Mr. Podd would like to seek architectural input from the Plan Commission. Planner Censky charged the Commission with the question as to if this style is consistent with what the Village is hoping to achieve on this site. There is a change from the existing building.

Mr. Podd shared that this project has started approximately 13-15 years ago and consisted of a 12-family building and a 16-family building. The 12-family building got built and the 16-family building did not. Mr. Podd purchased the vacant lot about 2 years ago and is working on updating the plans.

One thing that Mr. Podd is running into is that the current 12-family architecture does not meet the styling standards and does not represent the style of buildings now. The existing 12-family has a type of stucco siding which it is like a foam board that is put on instead of siding and is sprayed. This was popular in the 1990's and has really been paired back due to maintenance issues. Also, the existing 12-family from the ground has the appearance of a pitched shingle roof but the roof is flat. These are two departures of the new plans. The proposed plans will have a pitched roof with shingles and there will not be any stucco used.

The current 12-family building does not have underground parking. It is on the ground level so the units start on the second floor of the building. Mr. Podd believes that this may be because the corner of the building may have been in the floodplain so it had to be up. Since then the floodplain has been revised.

The proposed 16-family building parking will be ½ underground. The building would be taken down about 4½ feet below ground level. The current 12-family building is about 37'-38' tall. The proposed building would be about 1½ feet higher; it is still under the 40 foot maximum required. The proposed building will be a bit longer as it has 16 units as opposed to 12. The site is fairly flat and will appear pretty even with the other building.

Split face block is proposed to be used on the face of the new building on the 4½ feet that is exposed which would match the current building. There is two levels of siding and are proposing to use LP Smart Siding. It is not a vinyl product but more of a replacement for hardiplank and very widely accepted. There will be a 6" reveal which is consistent with the existing building. The original building has two different reveals a 6" reveal and a 4" reveal. The trim will match was well.

Shake shingles will be used for the shingles in the gables.

As far as coloring, the current building has white windows, gutters, soffits and trim. The new building will use the same white color and then follow the same theme of tones of colors. The 12-family is currently almond and Mr. Podd believes it is going to be painted soon. Plans are to go with a lighter almond, earthy tone for the siding on the first floor. Above that on the second floor will be a little darker tone. For the peaks there would be a third accent color which will be a little darker.

Assistant Administrator inquired about the repainting of the 12-family and if there are plans to coordinate with them as far as colors. Mr. Podd cannot answer for them but did state that they have been good to work with so far.

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The two buildings are owned by separate entities. Mr. Podd has met with the original developer. This developer did a PDO. This is one site, one lot with two buildings. When Mr. Podd bought the property, a CSM was created and the lot was split so each lot has a separate tax key, is a separate lot and has easements that are reported for ingress and egress utilities, water, sewer and parking. The grass cutting and snow removal will be shared.

Planner Censky stated that since this is a PDO and the CSM splits the lot, if there were any significant changes to the 12-family as far as the look, they would have to come before the Plan Commission to get that approved. Planner Censky also stated that Mr. Podd is planning on using quality materials and suggested submitting a color rendering for final approval.

Chairman Mobley likes that Mr. Podd is planning on putting the building down in the soil a little bit, the shingle roof, staying under the 40' maximum, the high quality of materials planned and inquired if any brick accents are being considered. Mr. Podd stated that brick accents can help and will take this into consideration. The current 12-family's elevator column is done with split face block and does not believe that anything other than the parking garage has split face block. Planner Censky suggested using the brick accent to continue up the main entrance and in a couple of the gables. Mr. Podd is willing to consider this. Commissioner Gattoni prefers brick over split block. Mr. Podd did suggest that block does have a little more industrial look.

Commissioner Gattoni suggested having the white trim between the first and second floor run under the windows as opposed to on top of the windows.

The basement is 9' poured wall and right now the plan is to be at 4½' - 5' into the ground so 4' - 4½' would be exposed. This could change 6" and likely would not change 2'. The current building has 9' of block showing. The 4' - 4½' that will be exposed could be shielded with landscaping. The landscape plan will be provided. On the back side of the building, the siding is proposed to go all the way to the ground. Commissioner Gattoni suggested having the siding on the front come down lower so there is not so much split block around the base of the building and maybe have 3' of split block showing. Mr. Podd mentioned that this is possible and could run the siding down in the front another 2' to have 2' of block showing. Commissioner Gattoni suggested having the siding come all the way to the ground.

The units are all flats with 8 units on each level; they are not townhouses. In the lobby, there is the stairwell to the parking as well as the elevator to get to the second level. When an outsider enters the lobby, they cannot wander up and down the halls. There is a corridor down the center of the building once past the lobby. At the end of the building there is an additional stairwell for access to both floors as well as the parking garage.

There are 8 units with windows on two sides and 8 units with windows on only one side. The current 12-family has the elevator shaft in the front and the proposed building's elevator has the elevator inclusive within the building.

Assistant Administrator inquired if Mr. Podd has met with Matt Mertens of North Shore Fire. Mr. Podd has not and is working with a licensed architect and engineer so all the fire criteria will be met. When these plans are finished and the permit process begins these plans will be submitted to Matt Mertens.

The lobby door will lock after entry so no outsider can enter the building without a key.

There are 4 one-bedroom units (2 on each floor) and 12 two-bedroom units. The reason for that is due to parking. Four more parking stalls could not be included. The one-bedroom units do have a den. The corner units are the two-bedroom units. The ceiling height is 9'; the master bedrooms have a 10' tray ceiling.

The proposed building will be hooked up to municipal water. The 12-family is currently hooked up as well.

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The interior finishes include tile floors, acrylic module showers, carpet in the bedrooms, LVT flooring that looks like hardwood flooring which is durable and may be used in the kitchen and granite countertops will be used in the kitchen. The units were designed with ADA in mind, so some of the bathrooms are larger with walk in showers. The doors have 36" clearance and the main entry door will be 42". The elevator is wider as well.

Initially these units will probably not be for sale but rented as apartments. At some point they may be sold as condos based on the market. The market for renting is strong. The one-bedroom apartments will be about \$1,600-\$1,750 per month.

In February, Mr. Podd purchased six of the Williamsburg buildings. The previous owner owned these buildings for about 10 years. Mr. Podd is currently updating these units with new countertops, carpeting and painting as well as doing some landscaping. Most of these units are 2-bedroom and a few have a den. Typically, rent on these run \$850-\$900 and can be as high as \$995 if updated. No flooding was experienced with the recent rain.

Mr. Podd will come back before the Plan Commission with a color rendering. Chairman Mobley appreciates the detail and attention to the back of the building as well and suggested looking at the amount of block that is visible. Mr. Podd thanked the Plan Commission.

G. Discussion Regarding Murals in the Village

Planner Censky reported that at a previous meeting the Commission had asked to review how other communities handle murals. In general, murals are either associated with signage or they are viewed as part of an architectural change to the building. Typically, if associated with signage, they go through a Sign Review Board or some review committee or the Plan Commission as is done in the Village. Or, if not associated with signage, either a Public Art Committee is formed or the Plan Commission approves them or reviews and considers them.

The City of Algoma has a number of murals throughout the entire downtown area. This is a product of the Main Street program through the State's Historical Society wherein murals were encourage and approved by the Algoma Main Street Commission. Their Main Street Program has just discontinued about a year ago so the program is no longer in existence and are now trying to figure out what to do with the existing murals. When building ownership changes, the new owners inquire about the maintenance of the existing murals.

Planner Censky suggested establishing an approval process through the Plan Commission for anyone wanting to put up a mural on their building. Because the Interurban Trail runs through the Village, requests could be received in the future for painting the back of some of the buildings. Treating these as an architectural change with requests taken through the Plan Commission is recommended and does not encourage them in residential areas.

Chairman Mobley does not want to encourage murals anywhere in the Village. Planner Censky suggested that if there is a request, the Village should either not allow or, if allowed, be brought before the Plan Commission. Currently, there are two murals in the Village (South Main Street and West Freistadt). Art on garage doors is not considered a mural.

No action taken.

H. Discussion Regarding Zoning Text Amendment for Tourist Rooming Homes

It has recently been reported that a single-family home in the Village is being used as an Airbnb and rented on a short-term basis for vacationers in a residential district. State law refers to this as Tourist Rooming Homes. The

state law prohibits communities from regulating these homes for those that rent them for seven days or longer but the law allows communities to regulate for 7 days or less. It is believed that the home in Thiensville is being operated as a 7 days or less rental. Living next to a home that is being rented this way can be disruptive.

The purpose of this is to direct the Airbnb's to the Central Business District because it is really a commercial operation. By placing in the Central Business District and identifying them as a use permitted by conditional use, the community is allowing them only in this District. This does two things, first it identifies and defines tourist rooming homes and places them in the B-1 District as a conditional use. This protects all other residential properties. The existing home then becomes classified as legal non-conforming. This is because the law would come into effect after the home already exists. If the home were to discontinue the use for a period of 12 consecutive months or more, then the use is lost and no longer grandfathered in. If the house is sold, the new owner can continue to use as an Airbnb.

There is only one home in the Village operating as an Airbnb. This home is not owner-occupied.

If the Commission would like to move forward, a recommendation would be made to the Village Board for a Zoning Text Amendment, then a Public Hearing would be scheduled and considered by the Village Board.

The Village is not required to notify the current Airbnb of any new zoning. A letter could be sent to let them to inform them that they are grandfathered in. There are a few homes in the B-1 District that could apply for this conditional use if they would choose.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Luedtke to recommend to the Village Board to Adopt a Zoning Text Amendment for Tourist Rooming Homes to Limit Airbnb's to the B-1 Central Business District for Rentals Less Than 7 Consecutive Days. **MOTION CARRIED UNANIMOUSLY.**

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 Luedtke, **SECONDED** by Commissioner Dyer to adjourn the meeting at 7:27 PM.
MOTION CARRIED UNANIMOUSLY.

Submitted by,



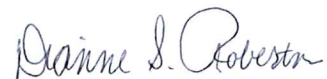
Amy L. Langlois
Village Clerk

Signed by,



Colleen Landisch-Hansen
Assistant Administrator

Approved by,



Dianne S. Robertson
Administrator