

**VILLAGE OF THIENSVILLE
PLAN COMMISSION
MINUTES**

DATE: Tuesday, March 9, 2021

LOCATION: Village of Thiensville
Fire Department Training Room
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:	Douglas Chimenti	Carol Gengler
	Mike Dyer (excused)	Sarah Hughes (arrived at 6:04 PM)
	Rick Gattoni (excused)	Ken Kucharski
Planner:	Jon Censky	
Director of Community		
Services/Public Works:	Andy LaFond	

III. BUSINESS

- A.** Approval of Minutes
1. February 9, 2021

MOTION by Commissioner Chimenti, **SECONDED** by Commissioner Gengler to approve the February 9, 2021, Minutes. **MOTION CARRIED UNANIMOUSLY.**

- B.** Review and action regarding Sign Plan Approval, Daily Taco + Cantina, Jesse Daily, 105 West Freistadt

Jesse Daily proposed a permanent sign for Daily Taco + Cantina at 105 West Friestadt Road. The metal, back-lit sign will be mounted on the east side of the building. Village Planner Jon Censky noted the sign complies with the Sign Code.

MOTION by Commissioner Kucharski, **SECONDED** by Commissioner Chimenti to approve Sign Plan, Daily Taco + Cantina, Jesse Daily, 105 West Freistadt. **MOTION CARRIED UNANIMOUSLY.**

- C.** Review and action regarding cheel, llc, Rebuild, Jesse Daily, 105 South Main Street

Jesse Daily, cheel, llc, 105 South Main Street, shared that they are going on five months of not being in operation after the early-November fire that destroyed the cheel. There are more than 30 employees relying on the business for income. Mr. Daily is eager to get started with the rebuild of cheel. The proposed building incorporates many of the elements of the proposed Pavilion addition that was approved by the Historic Preservation Commission and the Plan Commission. The proposed new building will have a much larger and more functional kitchen and provides approximately three times the space and includes a separate event space which was not a part of the old building. The event space will be called the Phoenix Room and will provide the ability to do catering for weddings and other events and will also separate the music from the dining area. The basement of the building will have a commissary kitchen. Barkha Daily said the basement kitchen will allow them to support other small businesses that are looking to rent commercial kitchen space.

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Anna Burns of the Brookwater Group is managing the project. Mr. Daily noted that the design will be the cornerstone of the community. Ms. Burns shared that the proposed new structure fits in the footprint occupied by the old cheel building and the Pavilion addition. It is the same height as the previous structure and does not exceed the previous dimensions of the cheel and Pavilion.

Commissioner Chimenti inquired about parking as the plans call for increasing the catering capability. Ms. Burns shared that the driveway will be widened considerably to accommodate catering trucks, food delivery and customers picking up food. Mr. Daily added that catering vehicles likely will be at the business prior to opening for business. Chairman Mobley inquired where the catering trucks would park. Mr. Daily indicated he has other properties where vehicles could be parked and there is a driveway on the west side of the Core building that could be also used. There will be no tenants living in the building.

Ms. Burns noted the entire capacity of the new structure is 150 people per floor. The capacity of the cheel was 100 and the Pavilion would have added 160. Mr. Daily indicated the capacity of the new building is less than the combined capacity of the old cheel building and the Pavilion. Commissioner Gengler asked what the beer garden would add - the beer garden capacity is 75. Commissioner Chimenti noted that maximum capacity will be 375 people. Valet parking is also being considered.

Chairman Mobley inquired how much parking would be required with a capacity of 375 people. Director LaFond noted the Village Code is based on square footage. The second floor is considered a nightclub which requires more parking. Calculating the square footage inside and outside including the baaree - 70 parking spots are required. Pre-fire with the approved Pavilion 56 parking spots were required. Mr. Daily added they currently have 54 public spaces available, 6 or 7 spaces in the cheel lot and 12 additional spaces that have been leased from Boucher Village Ford. Mr. Daily also has talked to the car dealership about using their east lot across from Suburban Motors Harley-Davidson for valet parking and employee parking.

Planner Censky noted Director LaFond referred to parking spaces based on square footage. The Village recognizes that many of the downtown sites pre-date the automobile and do not necessarily have the capacity to offer on-site parking. The Code allows the Plan Commission and Village Board to establish a balance. Planner Censky noted the Village is trying to be creative to address the parking needs.

Commissioner Kucharski noted Mr. Daily mentioned valet parking and potential use of the Boucher lot on the east side of Main Street and stated there are other areas in the Village as well. Commissioner Kucharski believes that unless there is a parking agreement, valet parking cannot be considered. Mr. Daily feels very confident after discussions with the car dealership.

The restaurant will be busy on Friday and Saturday evenings and is closed on Sundays. Chairman Mobley shared that on Friday and Saturday nights, there are at least four vibrant restaurants and event venues in that area – Remington's, cheel, Skippy's and Shully's. Friday and Saturday nights are when the Plan Commission should think about whether there is adequate parking.

Ms. Burns noted it will take nine months to a year from approval to opening the business.

Chairman Mobley noted all of the businesses provide differing amounts of parking for their own businesses and asked Commissioners to agree to suspend the rules and allow the public to speak. Commissioner Kucharski added he had no problem with that and has correspondence he would like to share.

Chairman Mobley added the Village has public parking on the street and public parking lots in the area. The Village has the possibility of adding to that. The Village has a lot that is currently leased to Greg Mueller and has the possibility of being expanded to add more parking. Mr. Daily also noted there is space just west of the train tracks on Buntrock Avenue. Commissioner Chimenti asked how many spaces would be available including the leased lot. Director LaFond stated that this lot would add between 12 and 20 spots.

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Commissioner Hughes suggested providing metered parking as a way for the Village to bring in revenue. Chairman Mobley added that the Village needs to be fair to all of the businesses that rely on public parking.

Commissioner Kucharski shared communication from Todd Berlin, General Manager of Suburban Motors Harley-Davidson. The motorcycle dealership has an exclusive lease with Remington's for the lot next to the Thiensville Lumber building. Going forward, non-Remington's customers in that lot will be ticketed and towed. Suburban has additional lots in Thiensville, but has no desire to lease additional parking for other developments due to insurance and liability concerns. Mr. Berlin asked where everyone would park if Suburban decides in the future to convert the Thiensville Lumber building to clothing sales or restaurant use and reclaims the parking lot it currently leases to Remington's. While there are no plans in place, Mr. Berlin is concerned with the parking situation.

The next letter Commissioner Kucharski read was from Bob and Amy Ollman, owners of Remington's River Inn. Mr. and Mrs. Ollman stated that the cheel has been an asset to the community and surrounding businesses. Remington's does not want to disturb their plans but wants to talk about parking and believes the Village Ordinances on parking requirements are terribly understated. There already is demand for parking and adding capacity will only put more pressure on the need. If a reasonable, common-sense parking plan is not put into place, Mr. and Mrs. Ollman believe they will have to hire a company to ticket and tow unauthorized cars from the lot they lease which will push more cars to the street and municipal lots. Parking needs need to be stress-tested to ensure the viability of all businesses on Main Street. The question was asked if there has been any discussion about the Village working with the cheel to relocate to another parcel.

The next letter Commissioner Kucharski read was from Scott and Beth Shully, owners of Shully's Cuisine & Events. The Shully's are happy the cheel is moving forward with expansion plans in Thiensville. The cheel, Skippy's, Remington's and Shully's all benefit from each other, however, parking for employees and customers is a real issue that needs to be addressed by the Village and the owners of the four businesses. All the businesses are located within two blocks of each other and on a busy Friday or Saturday night, the four might attract between 500 to 700 guests. There also are 50 to 70 employees. The Shully's asked the Village for a further study of parking to accommodate their employees and customers in a safe and conscientious manner. All of the businesses want to provide their customers with a positive experience as they enjoy the great attributes Thiensville has to offer.

Finally, Commissioner Kucharski added he received a phone call earlier in the day from Greg Mueller. Greg Mueller wants Jesse and Barkha Daily to continue to succeed, but added they cannot keep adding on size to a building and not have enough parking.

Commissioner Hughes inquired if the area just west of the railroad tracks could be a parking structure.

Chairman Mobley inquired of Director LaFond if he has reached out to the railroad. Director LaFond noted he has taken the first step of contacting the right-of-way agent.

Noted is that there are two ways the Village can immediately contribute: Molyneux Park and the lot behind Greg Mueller's business. Another step is for Mr. Daily to obtain a lease for additional parking from Boucher Village Ford. Chairman Mobley suggested a motion to table this in order to get direction from the staff and to discuss parking at the next Board meeting.

Mrs. Daily shared the following before the Commission made a motion: the cheel cannot have a different location because insurance will not pay for it and occupancy for the proposed building has actually decreased from the plans when the Pavilion was approved. Ms. Burns added that the actual square footage of the proposed building is only an increase of 330 square feet from what was previously approved.

Mr. Daily asked for approval tonight contingent on obtaining more leased parking from Boucher.

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Chairman Mobley noted he understands the concerns and the Village also has a timeline to solve the parking concerns at the Village Board level and proposed a Special Plan Commission meeting after the upcoming Village Board meeting to seek a firm commitment from the Board that they are willing to spend money on some of the lots the Village owns. Mr. Daily added time is of the essence. Commissioner Kucharski noted this is a problem that needs to be solved for everyone in the community.

Approval could be contingent on getting 16 more parking spaces from Boucher. Commissioner Kucharski noted he believes the item still must be tabled until they have a signed commitment.

Commissioner Gengler added the proposed cheel building will be beautiful and a great addition.

MOTION by Commissioner Chimenti, **SECONDED** by Commissioner Gengler to Table Action Regarding cheel, llc, Rebuild, Jesse Daily, 105 South Main Street, Until Special Plan Commission Meeting on Tuesday, March 16, 2021, Action Contingent on Obtaining a Lease for Additional Parking and for the Village Board to Look Into Additional Parking Spaces Behind Mueller Upholstery for Village Parking. **MOTION CARRIED UNANIMOUSLY.**

- D.** Review and action regarding Sign Code Waiver, Sign Plan Approval, Cousins Subs, John Stewart, Property Owner Anna Bakalinsky, 253 North Main Street

John Stewart, owner of Cousins Subs, 235 North Main Street was present. Due to the concerns regarding the proposed white lettering, Corporate has agreed to a concept with a red sign. Director LaFond explained that Cousins asked about the street sign and the Village would like to see a comprehensive, multi-tenant sign plan for the site. The existing sign is out of compliance. This proposal is an application for a wall sign that is separate from the free-standing sign at the street. Director LaFond shared that two Cousins owners ago, they promised to make adjustments and bring the pole sign into compliance within 10 years which would be November 13, 2021.

Village Code specifically requires a dark-color for an interior-lit sign according to Planner Censky. The new proposal is in line with the other signs in the shopping center as most are red or dark green.

The Cousins owner is working with Sign Effectz on this sign. As soon as this is resolved, they will address the sign on the street.

MOTION by Commissioner Chimenti, **SECONDED** by Commissioner Gengler to approve Sign Plan, Cousins Subs, John Stewart, Property Owner Anna Bakalinsky, 253 North Main Street.

Ayes: Commissioners Chimenti, Gengler and Kucharski and Chairman Mobley

Naes: Commissioner Hughes

MOTION CARRIED.

- E.** Review and action regarding Proposed Outdoor Pavilion, The Watermark, Scott and Beth Shully, 146 Green Bay Road

Scott and Beth Shully are proposing replacing their tent in the yard at Shully's Cuisine & Events, 146 Green Bay Road with an outdoor pavilion. It is similar to the pavilion at Fiddleheads on Main Street with overhead garage doors that open and close.

The pavilion will be erected on the existing cement patio and will primarily be made of glass, the existing sidewalls will be charcoal gray, the lamps on the exterior will match ones on the nearby barn, there will be downward-facing can lighting to illuminate the outside of the pavilion and the roof will be black metal.

The overall capacity will be limited to the capacity of The Watermark according to Planner Censky. The pavilion likely would be used for three seasons according to Beth Shully.

MOTION by Commissioner Kucharski, **SECONDED** by Commissioner Gengler to approve Proposed Outdoor Pavilion, The Watermark, Scott and Beth Shully, 146 Green Bay Road, Contingent on the Following:

- The total dining area on this site be restricted to the capacity limits imposed by the Fire Department for the main building. Therefore, the dining will then be split between indoor and outdoor areas, which combined, cannot exceed the capacity limits imposed for the indoor space.
- Approval is subject to the Fire Department review and approval.
- Director of Public Works review and approval of the grading, drainage and erosion control plans.
- The applicant submitting a site survey for staff approval.
- The applicant securing a building permit prior to construction.

MOTION CARRIED UNANIMOUSLY.

F. Review and recommendation to the Village Board, A Developer's Agreement Between The Village of Thiensville and Lakeside Development Company for the Village Green Development

Director LaFond shared the Developer's Agreement between the Village of Thiensville and Lakeside Development for the Village Green Development. The Plan Commission already has conducted a Public Hearing and made a favorable recommendation to the Village Board. Zoning and the PDO Agreement have been approved by the Village Board which sets forth changes from Code, primarily zoning and setbacks. The next step is for the Plan Commission to review the Developer's Agreement with a recommendation to the Village Board.

The Developer's Agreement is a working document. There is a lot of asbestos that must be removed. The duties of the Developer in Phase I will be demolition. If the Developer runs into unexpected expenses with asbestos removal, the Agreement provides the opportunity to ask the Village to renegotiate; it does not lock the Village into additional expenses. Phase II involves connecting to the sanitary sewer system, obtaining a water services agreement with the City of Mequon, constructing stormwater drainage and developing a plan for connecting with other utilities, such as We Energies, Time Warner and AT&T. A landscaping plan will come before the Plan Commission for approval. The site, not the building, is in the Historic District. The Agreement asks that a portion of the lot at the corner be reserved and kept as 200 Green Bay Road to honor the historic nature of the site. The Developer will construct a hardscape area with a bench, the original cornerstone and the historic plaque that is now on the building.

The Developer's Agreement includes details on the construction of 16 single-family homes. The Developer shall get Plan Commission approval for each distinct house and garage style. There will be a minimum of four distinct house styles and floor plans, all garage styles that face a street or walking path shall include windows and the two homes adjacent to Riverview Drive shall include bay windows on the south elevation. The Developer plans to build all 16 homes and sell them. Repeating styles of homes must have different paint schemes and not be next to each other.

Developer Tom Zabjek complimented Village staff, particularly Director LaFond and Administrator Colleen Landisch-Hansen, for making the Development Agreement seamless. Lakeside Development has met with Village staff twice and has come to an agreement that makes sense for both parties. Lakeside Development anticipates closing on the property April 2, 2021 and hopes to start demolition that week or the following week.

Chairman Mobley thanked Tom Zabjek and stated that this is a very good development on that site for the Village of Thiensville. Commissioner Hughes added concern regarding speeding and traffic on Riverview Drive as well as the number of homes and believes the Village needs to do a traffic study.

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MOTION by Commissioner Chimenti, **SECONDED** by Commissioner Kucharski to approve Developer's Agreement Between the Village of Thiensville and Lakeside Development Company for the Village Green Development, 200 Green Bay Road.

Ayes: Commissioners Chimenti, Gengler, Kucharski and Chairman Mobley

Naes: Commissioner Hughes

MOTION CARRIED.

G. Review and recommendation to the Village Board regarding Ordinance Amendment Regarding Nonconforming Structures

Planner Censky shared that the intent of the ordinance amendment is to allow owners of non-conforming structures to enjoy the benefits of structural repairs so long as they follow the dimensional requirements of the Zoning Code.

MOTION by Commissioner Kucharski, **SECONDED** by Commissioner Chimenti to recommend to the Village Board to Adopt Ordinance Amendment Regarding Nonconforming Structures. **MOTION CARRIED UNANIMOUSLY.**

H. Review and recommendation to the Village Board regarding Ordinance Text Amendment To Allow Limited Residential Use on First Floor in the B-1 Central Business District

Currently, the restriction of the use of the first floor in the B-1 District is that there shall be no residential use of the first floor. The proposed text amendment allows limited residential use of the first floor as long as that portion is not fronting a public street according to Planner Censky, and also 30 percent of the area has to be for business use. Commissioner Chimenti suggested that one item that might be added is the requirement of separate bathrooms. Planner Censky noted that would already be covered in the commercial building code. The building inspector will be asked to look into this. Director LaFond added that this is a recommendation to the Village Board. The Ordinance change will require a Public Hearing.

Chairman Mobley suggested tabling the item in order to research the issue of separate bathrooms. The proposal will be brought back to the Plan Commission once that information is obtained.

IV. STAFF REPORT

No report.

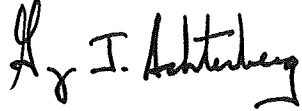
V. BUSINESS FROM THE FLOOR

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.

VI. ADJOURNMENT

MOTION by Commissioner Kucharski, **SECONDED** by Commissioner Hughes to adjourn the Meeting at 7:47 PM. **MOTION CARRIED UNANIMOUSLY.**

Prepared by,

Handwritten signature of Gary I. Achterberg in black ink.

Gary Achterberg
Administrative Assistant

Submitted by,

Handwritten signature of Amy L. Langlois in black ink.

Amy L. Langlois
Village Clerk/Deputy Treasurer