

**VILLAGE OF THIENSVILLE
PLAN COMMISSION
MINUTES**

DATE: Tuesday, May 7, 2013

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	Carol Gengler
	Sam Cutler	Ken Kucharski
	Rick Gattoni	Dan Luedtke
Administrator:	Dianne Robertson	
Planner:	Jon Censky	

III. BUSINESS

A. Approval of Minutes

1. April 1, 2013

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Gengler to approve the minutes from April 1, 2013. **MOTION CARRIED UNANIMOUSLY.**

**B. Review and approval of a request for playground equipment for
Bryant & Erin Fazer, 605 Bel Aire Drive**

Ms. Erin Fazer was in attendance. This playground equipment is for their daughter and will be directly behind the house and cannot really be seen from the street. Ms. Fazer talked with the neighbors and they are okay with it.

MOTION by Commissioner Cabaniss, **SECONDED** by Commissioner Cutler to approve the request for playground equipment for Bryant & Erin Fazer, 605 Bel Aire Drive. **MOTION CARRIED UNANIMOUSLY.**

**C. Review and approval of a Building Permit Application for Site Plan &
Landscaping Plan, Reuters Insurance at 118 N. Main Street**

Ms. Anna Burns of Brookwater Group was in attendance. Ms. Burns received a copy of the Village's landscaping plan and she is aware of the work that the Village is doing. The plantings will be complimentary yet differentiate the building as its own. There will be flowerbeds placed along the entire retaining wall on the public sidewalk to the west. There will be two small planting beds on the south side of the building. The roadway allows for more dryland access and meets the minimum 13' requirement. The retaining wall will also be going along the south side of the property gradually increasing and there will be a white railing along the entire fence line that compliments the building and will match the same white PVC as all the other details on the building.

Between the two buildings (Fiddleheads and Reuters) there is six feet of space that will have clear stone placed within so there are no water, drainage or maintenance problems. There was a parking lot design created three years ago with a direct entryway and somewhat of a loop. Ms. Burns did a review with Ruekert & Mielke as to who is responsible for what in regards to the site and the parking.

**Plan Commission, meeting minutes
May 7, 2013, page two of seven**

A storm lateral was installed that will eventually run to the trench drain once that is installed and is tied back through the Reuters property and into the catch basin between the two properties (Fiddleheads and Reuters). There will be a small landscaping bed that is just to the north of the entrance/exit drive. The Reuters are hoping to move in the last week of May. There will be some sort of temporary lot for the Reuters with low dust gravel.

Commissioner Gengler asked if there is a distinction between the two parking lots. The plans were shown to the commissioners and some of the parking spaces will be for public parking and there will be a portion of the lot that will have designated spots for the Reuters during their regular business hours. There will be signs designating the parking spaces. Chairman Mobley stated that this has been a complicated project because of the unique nature of the site. Administrator Robertson stated that on the site plan there was a change to the west side of the building and Ms. Burns will discuss why that change occurred. The original site plan that was approved by the Plan Commission on the west side had a bump out for the middle windows and there was an additional window to be included on each side of the south entrance. There was a structural reason for this. Ms. Burns had hoped that three years ago when Fiddleheads was built she wanted the two buildings to connect with one another but unfortunately an agreement could not be worked out. For the building to stand on its own more lateral bracing was needed. The two big windows initially proposed did not get enough square footage area to resist lateral forces so additional lateral braces were needed.

Ms. Burns discussed the signage that will be proposed at the next meeting. There will be a small monument sign and a sign placed on the south side of the building above the main entrance. Pear trees will be planted to break up the mundane look on the east side of the building.

MOTION by Commissioner Cutler, **SECONDED** by Commissioner Luedtke to approve the Site Plan and Landscaping Plan for Reuters Insurance at 118 N. Main Street contingent upon planner (Jon Censky) review to include dryland access. **MOTION CARRIED UNANIMOUSLY.**

- D.** Review and approval of a Building Permit Application for Rob Holyoke, 300 West Street for a patio and covered porch

Mr. Holyoke was in attendance and commented that this isn't a patio it would be a concrete slab with a covered roof and maybe in the future he would like to enclose this and create a screened in porch. The slab would be 20' wide and 10' feet from the lot line. This is a corner lot with no backyard. There is a 25' rear yard setback with a 5' side offset per code. The posts supporting the roof are wood and the roof will be shingles or steel material. The setback requirements could be an issue along with the location of the lot. Planner Jon Censky will review further.

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Kucharski to approve a Building Permit Application for Rob Holyoke, 300 West Street for a covered porch contingent upon setback requirements and a shingled roof. **MOTION CARRIED UNANIMOUSLY.**

- E.** Review and approval of a Building Permit Application for Charles & Jillayne McCrimmon for replacement of a split rail fence at 526 Crescent Lane

Jillayne McCrimmon was in attendance. She is looking to replace the existing fence with a new split fence.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Kucharski to approve a Building Permit Application for Charles & Jillayne McCrimmon for replacement of a split rail fence at 526 Crescent Lane. **MOTION CARRIED UNANIMOUSLY.**

**Plan Commission, meeting minutes
May 7, 2013, page three of seven**

- F. Review and approval of a Sign Permit Application for Scott & Beth Shully,
146 Green Bay Road for new signage (HPC has approved)

Beth Shully was in attendance. There will be a ground mounted sign, one business identification sign and four directional signs. The Shully's will need a variance for the location of the freestanding sign for offset requirements and a variance for the size of the sign which has a requirement of no more than 12 square feet and the Shully's are proposing 15.75 square feet. The Historic Preservation Commission approved these signs at the April meeting.

Jon Censky reiterated what was in his report which reads as follows:

Proposal:

Shully's sign plan consists of a ground mounted sign and 5 wall mounted signs located at various entryways on the building. My review indicates that the plan is not code compliant with respect to the side yard/driveway setbacks, the size of the ground mounted sign and the number of signs on the building. Accordingly, the Planning Commission will need to consider these waivers for this signage program to be approved.

In regards to the ground mounted sign, the plan shows it is located within the 10 foot wide green space area directly north of the new driveway entrance approximately 7 feet back from the front public sidewalk where it will not interfere with sight vision for those exiting the parking lot. According to **Section 16.17 B.2., Monument or ground sign meet the following setback requirements: Front yard setback: 0 feet. Side yard setback ten (10) feet. Setback from a driveway: four (4) feet.** Since there is only a ten foot area of green space here, the sign does not meet the side-yard and driveway setback requirement as indicated and consequently a waiver is needed. In addition, **Section 16.17 B.1. the area of a Monument or ground sign shall be proportional to the size of the building and distance back from the right-of-way. Monument and ground signs shall not exceed twelve (12) square feet on one side nor twenty-four square feet on all sides.** The Shully's ground sign measures 15.75 square feet in size. Accordingly, another waiver is needed here for the ground sign.

With respect to the wall signs, **Section 16.17 A. 1. states that one wall sign per commercial building... is allowed and the maximum area of shall be computed using the following formulae: Total maximum area of signage shall not exceed .50 feet in area for every one (1) linear foot of front building width and no sign shall exceed fifty (50) square feet in area for any one premise.** Therefore, since the Shully's building does exceed 100' in width, they are allowed up 50 square feet in area for the building sign. My calculation reveals that the proposed signage is at 40.75 square feet in size and complies with the size limitation. However, they do exceed the total number of signs allowed on the building and a waiver is necessary here as well.

It's my understanding that all signs will be of MDO ridged foam material which is weather resistant and designed to simulate wood. With respect to their lighting plan, the Shully's propose a low intensity 10watt LED ground fixture to illuminate the ground mounded sign. This is a shielded light which will be located within the landscape area adjacent to the sign. The landscape plantings will also serve to screen the fixture as well.

Historic Preservation Commission's Action:

At their April 1, 2013 meeting, the Historic Preservation Commission unanimously recommended approval of the signage program subject to Plan Commission approval of the necessary waivers.

Planners Comments:

As you know, the new waiver language reads: The Plan Commission may, in its judgment, waive or modify the provisions of this chapter where it would further the public interest. Accordingly, if you feel that this signage proposal is necessary to properly direct customers and therefore would further the public interest, you have the authority to grant the necessary modifications to the code. Because of the size of this building and the various use activities ongoing within the confines therein, this planner believes the Shully's do have an argument that the signage program is necessary for the proper functionality of their business and therefore is compatible with the nature of recently approved addition. Prior to the installation of their signs, the applicant must secure the necessary sign permit.

**Plan Commission, meeting minutes
May 7, 2013, page four of seven**

Four signs are directional in nature and the office sign is directional. There will be handicapped signs also.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Kucharski to approve the Sign Permit Application for Scott & Beth Shully, 146 Green Bay Road for new signage with the variances based on the size of the building and the linear footage and a variance to the setbacks for the freestanding sign due to no other available location on the site. **MOTION CARRIED UNANIMOUSLY.**

- G.** Review and approval of a Building Permit Application for Michael & Renee Feltz, 169 Green Bay Road for a free standing deck (due to being in the floodway)
Contingent on HPC approval at the May meeting

Michael Feltz was in attendance and currently has a back porch that is falling off and wants to replace this with a deck. Administrator Robertson reminded the Plan Commission that a free standing deck is allowed in the floodway. Remington's River Inn on S. Main Street is one example.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Kucharski to approve a Building Permit Application for Michael & Renee Feltz, 169 Green Bay Road for a free standing deck (due to being in the floodway). **MOTION CARRIED UNANIMOUSLY.**

- H.** Review and approval of a temporary sign permit for the Thiensville Business Association/Farmer's Market for approximately 10 sandwich board signs located throughout the Village on Tuesdays from June 11 to October 29, 2013

Jesse Daily was in attendance. The TBA (Thiensville Business Association) wanted to increase the visibility of the farmers market by expanding it and moving it to the Village Park. Mr. Daily wants to place these signs sporadically throughout the Village in particularly key entry locations as directional signs. Mr. Daily will place these signs early in the morning and remove them at the end of the day. The number of signs may be reduced after people know where the market is. Mr. Daily met with Village Planner Jon Censky to discuss locations of the signs. All signs will be in the public right-of-way which will need a variance. Mr. Censky feels that a variance should be allowed. A variance is needed since this type of sign is not addressed in the sign code. There will be a 30 day follow-up/review on the location of the signs.

Mr. Daily stated that only one sign will be placed on a concrete island at the intersection of Main Street and Freistadt Road next to the planter. Commissioner Kucharski asked about the signs being in the public roadway and feels this could be a safety factor with a blind person walking with a dog especially adjacent to the old Firehouse. He feels there should not be any signs on sidewalks. Commissioner Gattoni feels that maybe hanging the sign on the old Firehouse would solve the problem. The record shop on the corner of South Main Street and Green Bay had a sandwich board sign up over the weekend right on the opposite corner with no problems. Commissioner Gengler feels that these are things that can be worked out as the season goes along. Mr. Daily will be available all summer long on Tuesdays. The two crucial intersections are Freistadt Road and Main Street and Main Street and Green Bay Road.

The following is Jon Censky's report:

Proposal:

Commissioner's may know that the local Farmer's Market will be relocated this year from the vacant commercial site directly south of Walgreen's to the parking lot in Thiensville Village Park. The plan is to operate the market every Tuesday this summer from 8am to 7pm and the hope is to increase the number of venders and provide a wider variety of products. This move is intended to promote Thiensville's quality of life to outsiders by having more people moving throughout the community encouraging more use of our attractive amenities.

**Plan Commission, meeting minutes
May 7, 2013, page five of seven**

However, while the Village Park will provide a much nicer setting for the sale of the farmer's produce, the obvious drawback is the park's lack of exposure and therefore it is critical that they have an extensive promotional campaign with appropriate signage to help ensure the success of this year's market.

To help guide people to the park they are proposing 14 signs located at strategic locations throughout this Community and four additional signs located in Mequon. All signs are the same portable A-frame type which will be placed at various strategic street corners throughout Thiensville. Each sign will be placed on site in the morning of the market and removed that evening. The signs will be made of high density particle board with a chalkboard finish and will stand 4 feet high and 8 square feet in size. These signs are propose to be located in the **public road right-of-way** at the following locations:

- South side of Freistadt Road adjacent to the west entrance sign to Village.
- Southeast corner of the Freistadt Road/River Road intersection near the east entrance to Village.
- West side of North Main Street adjacent to the north entrance sign to Village.
- In the public roadway on the concrete center medium island of South Main Street near south entrance to the Village.
- In the public roadway on the concrete island that separates the right turn lane heading east onto Freistadt Road from North Main Street at said intersection.
- Southeast Corner of the Freistadt Road and Green Bay Road intersection.
- Southeast Corner of the Freistadt Road and Kenwood Drive intersection.
- Northeast corner of North Main Street and Riverview Drive intersection.
- Southeast corner of Green Bay Road and Riverview Drive intersection.
- Southwest corner of Elm Street and Riverview Drive.
- On sidewalk adjacent to the Firehouse at the northeast corner of Green Bay Road and Main Street.
- Northeast corner of Green Bay Road and Elm Street.
- Southeast corner of Elm Street and Village Park entrance.

While all signs are proposed within the public road right-of-way, two will actually be on concrete islands within the traveled roadway which is troubling from a safety standpoint and therefore, before those two locations are considered, the applicant was asked to solicit the blessing of and comments from the Chief of Police.

Planners Comments:

Because this request is rather unusual and very unique in terms of anticipated signage requests, it is no surprise that it is not addressed by our sign code. In fact, some communities pass on having Plan Commission approval required for special event signs of this nature and simply defer to staff for approval. However, because of the repetitive display of the signs and their location within the public road right-of-way, it is necessary for Plan Commission review and approval in this instance.

The signs are temporary in nature, A-frame/sandwich board in design and serve the purpose of a Wayfarer sign to enable people to find their way to a given destination. However, they do not technically meet the technical standards of any of those signs as defined and addressed in the code. Consequently, Commissioners will need to consider a variance to allow for the number of signs being proposed and for their location within the public road right-of-way. This proposal seems to best fit the definition of a combination of ***Temporary Event signs***: *A sign which carries a message regarding a special event or function which is of general interest to the community, such as historic, ethnic, cultural, religious, political or similar activities not to exceed 15 square feet in area and located on the premises of a charitable, religious, educational institution or a public body, for the purposes of announcing events which are held on the premises.* Or ***Wayfarer Signs***: *defined as Official or Village approved standardized institutional signs located in designated areas and approved by the Village Board enabling a person to find his or her way to a given destination thru the use of effective signage.*

Because this proposal includes multiple signs that will be at numerous locations, it conflicts with the single sign, single location requirement of the code. Moreover, they are all proposed to be located in the public road right-of-way as oppose to private property location typically required. However, since these signs are for a seemingly legitimate public purpose and are necessary to help in the success of this year's farmer's market, Commissioners do have the authority to consider the necessary waivers to the code. Accordingly, the following conditions set forth for your consideration:

**Plan Commission, meeting minutes
May 7, 2013, page six of seven**

- The two signs proposed within the public roadway are subject to Police Department review and approval.
- The signs shall be installed each morning and removed each evening of each day the Farmer's Market is in operation.
- Any unanticipated substantiated problem with any sign and its location shall be the responsibility of the applicant to correct. Failure to correct the problem in a timely manner will result in the removal of the sign.
- The Village of Thiensville shall be held harmless from any claims for damaged signs resulting from their location in the public road right-of-way

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Luedtke to approve a temporary sign permit for the Thiensville Business Association/Farmer's Market for approximately 14 sandwich board signs located throughout the Village and the City of Mequon on Tuesdays from June 11 to October 29, 2013 contingent upon the stipulations that Planner Jon Censky had in his report to include a variance and this discussion item will come back to the July Plan Commission including review of the median sign. **MOTION CARRIED UNANIMOUSLY.**

- I.** Review and approval of a Building Permit Application for Ted Hagen, 406 N. Main Street for an addition/dumpster enclosure attached to the existing garage

Mr. Ted Hagen was in attendance and explained what he was proposing and expects this to be a vast improvement as to what is currently there. Mr. Hagen wants to add an addition to the existing garage to include an enclosure for his dumpsters and will include new shingles and a new roof on his new/existing garage. Mr. Hagen can slide his dumpsters in and out of this garage stall for garbage collection. Mondays and Fridays are garbage collection days.

MOTION by Commissioner Kucharski, **SECONDED** by Commissioner Gattoni to approve a Building Permit Application for Ted Hagen, 406 N. Main Street for an addition/dumpster enclosure attached to the existing garage. **MOTION CARRIED UNANIMOUSLY.**

- J.** Review and approval of a Building Permit for Kevin & Robin Savage, 740 Riverview Drive for a corner fence on the northeast corner and the southeast corner of the lot

Kevin Savage was in attendance and explained what he was proposing. Mr. Savage commented that his property is rather unique because he borders River Road in Mequon and because of the lower elevation of his property he gets a lot of car headlights at night from traffic and would like to block this with a 6' fence which would taper to 4' in the center. The 6' portion of the fence would be on the corners. A variance will be needed for the areas 6' in height. He has spoken to his neighbors who are in favor of this request.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Kucharski to approve a Building Permit for Kevin & Robin Savage, 740 Riverview Drive for a corner fence on the northeast corner and the southeast corner of the lot since the fence slopes from a 6' to a 4', with a variance for it is not contiguous and due to the unique location and topography. **MOTION CARRIED UNANIMOUSLY.**

- K.** Review and approval of a Building Permit for Roland Runge, 415 Grand Avenue for a shed replacement

Mr. Roland Runge was not in attendance therefore no action was taken. This item is contingent on setback requirements and neighbor and color questions.

**Plan Commission, meeting minutes
May 7, 2013, page seven of seven**

- L.** Review and approval of a Building Permit for Michael S. Sanchez, 323 E. Freistadt Road for a new deck

Michael Sanchez was in attendance. The deck is not visible from the road and the neighbors were contacted and did not have any objections. The deck will be 19' by 19' 6" and the railing is attractive. Commissioner Gengler thought the railing was attractive.

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Gattoni to approve a Building Permit Application for Michael Sanchez of 323 E. Freistadt Road for a new deck. **MOTION CARRIED UNANIMOUSLY.**

- M.** Review and approval for outdoor seasonal seating for:
1. B-1 Burger
 2. Remington's River Inn
 3. Skippy's

MOTION by Commissioner Cutler, **SECONDED** by Commissioner Luedtke to approve the annual outdoor seasonal seating for B-1 Burger, Remington's River Inn, and Skippy's.

Ayes: Commissioners Cabaniss, Cutler, Gattoni, Gengler, Luedtke and Chairman Mobley.

Abstain: Commissioner Kucharski

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.

Chairman Mobley gave an update on the Village owned properties on Main Street. The RFP's (request for proposals) are due on May 15, 2013. The developers will present on June 4, 2013 at the COW and in front of the Plan Commission at a joint meeting. The regular Plan Commission meeting will be Monday, June 3 at 5:30 PM.

V. ADJOURNMENT

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

Submitted by,

Approved by,

Susan R. Conway
Administrative Assistant

Dianne S. Robertson
Village Clerk