

**VILLAGE OF THIENSVILLE
PLAN COMMISSION
MINUTES**

DATE: Tuesday, February 4, 2014

LOCATION: Village of Thiensville
250 Elm Street

TIME: 6:00 PM

I. CALL TO ORDER

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

II. ROLL CALL

Chairman:	Van Mobley	
Commissioners:	John Cabaniss	Carol Gengler
	Mike Dyer	Ken Kucharski
	Rick Gattoni	Dan Luedtke
Administrator:	Dianne Robertson	
Planner:	Jon Censky	

III. BUSINESS

A. Approval of Minutes

1. December 3, 2013

Commissioner Gengler had one change to the minutes on page two under Business from the Floor “Plann” should be Planner.

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Gattoni to approve the minutes from December 3, 2013 with the above change. **MOTION CARRIED UNANIMOUSLY.**

B. Review and approval regarding Ordinance Amendment for
Corner Lots

The ordinance redefined rear lots to side lots. The rear yard is reduced to reflect side dimensions.

The following is the report from Planner Jon Censky:

Report:

This Ordinance change is in response to an issue that was discovered back when we conducted our review of Trustee Holyoke’s proposed addition off the back side of his house at 300 West Street. The issue concerns the rear yard building setback requirement for corner lots. More specifically, because of the narrow lot depth and the placement of his home on the lot coupled with the required 25 foot building setback, Mr. Holyoke was not permitted to construct the addition without first securing a variance or a code language change. Mr. Holyoke only has a 20 foot rear yard. Because this situation potentially exists on other corner lots throughout the Village, it was decided to address this issue with a code change.

Currently, **Section 17.0606 Corner Lots**, states: **Structures shall provide a street yard as required by this Ordinance on the street that the structure faces. A second street yard shall be provided on the side of the structure abutting a second public or private street. On the second street yard of the side of the structure, a 20% reduction is allowable from the required street yard.** The proposed change reflected in the attached draft ordinance does not affect the street yard setbacks for corner lots but rather it changes the rear yard setback to match that of a side yard. This Ordinance changes the 25 foot distance required between the building and rear property line to 10 feet for corner lots.

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Dyer to recommend to the Village Board approval regarding the Ordinance Amendment for Corner Lots. **MOTION CARRIED UNANIMOUSLY.**

**C. Review and approval of revised building design for Dr. Gary Lewis
on N. Main Street**

Mr. Sean Maher from Madisen Maher Architects was in attendance. The building has been moved to the southern portion of the lot to adhere to dryland access requirements and to separate the two parking lots from being right next to each other. Mr. Sean Maher explained some of the lighting on the building and other features of the building. Planner Jon Censky stated that a 15 foot variance will be required for filling in the floodplain and Mr. Maher is aware of this. The Village Board and the DNR will have to approve this. This variance request will also have to be approved by the Zoning Board of Appeals.

Jon Censky commented that more landscaping needs to be created in the front and whatever can be done in the parking lot area. There will need to be a dumpster enclosure also that will be located on the northeast area of the lot. The exterior will be cement board siding and cultured stone. With these new plans there will be two retailers on the first floor instead of three because one of the retailers wants more space.

Chairman Mobley commented that there are restrictions as to when the Village can do work along the creek and work can be done up until March 15, 2014 and then after May 15, 2014 because the DNR requires that the fish are not disturbed during this time period. There was discussion regarding lighting of the walking bridge and the idea was to maybe have lighting at both ends of the bridge. Signage will come at a later date when they know exactly what the names will be of the tenants.

The following is the report from Planner Jon Censky:

Proposal/Analysis:

Commissioners are reminded that Dr. Lewis's proposal was one of several received by the Village Board in response to the Board's RFPs for the vacant site located directly north of Fiddleheads. Following a presentation of individual developers and an extensive review of the plans, the Board unanimously chose Dr. Lewis's proposal with the understanding that he present and secure approval of detailed plans based on the concept presented. He has been working on those plans ever since and has now submitted them for your review and action.

You will recall that at your December 3rd 2013 meeting, the applicant presented plans that showed the building situated on the north half of the property with their parking lot to the south. That layout resulted in a discussion about what is an appropriate development pattern for this area of Main Street. The concern was that the large gap between buildings separated by a mass of parking did not seem appropriate for this area as it was inconsistent with the pedestrian feel you had in mind. Accordingly, you asked that the applicant revise the plans to shift the building to the south and place the parking lot to the north.

Other than reversing the building footprint, the building plans remain pretty much the same as those presented in December. Dr. Lewis is proposing a three-story, 15,089 square foot building with 4,893 square feet of retail space on the first floor, a 5,098 square foot medical clinic on the second floor and 5,098 square feet of office space on the third floor. The building will stand 38 feet high to the mean height of the roof line which is within the 45 foot height maximum allowed by code. It will be setback 6 feet 6 inches from the front sidewalk, 15 feet from the south property line and 37 feet from the east line and will have a 15 foot dry land access around the back of the building.

With respect to the required building setback from the Main Street right-of-way, a zoning code interpretation is needed. More specifically, **Section 17.0308 F. (1) Central Business District** states: **When remodeling existing buildings, the setback from the street right-of-way will be at the discretion of the Plan Commission as necessary to maintain or enhance the architectural and/or historical character of the building concerned.**

Since the code is silent to setback requirements for new construction, Commissioners will need to interpret this section to mean that you have discretion to determine the setback requirement on a case-by-case basis for new development as well as for remodeling projects. For interpretations **Section 17.0106** states: **In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be a limitation or repeal of any other power now possessed by the Village of Thiensville.**

Parking

By moving the building to the south, the applicant is able to realize three additional stalls and is now proposing to support this building with a 20 stall parking lot. The parking lot will be setback 5 feet from the front side walk and that setback area is intended to be landscaped with plantings which will be shown on their landscaping plan when that is designed. My calculation indicates that a building of this size with the division of uses as proposed, 31 stalls are needed and therefore they are 11 parking stalls short. The code does, however, allow for some off-site parking spaces to be counted in the B-1 District. Specifically, **Section 17.0503 E. states Location to be on the same lot as the principal use or not over 400 feet from the principal use and shall be a minimum of 10 feet from an adjoining street right-of-way or lot line.** With the construction of the new public parking lot south of the Reuter's building coupled with available street parking within four hundred feet of this project, there is sufficient offsite parking to support this project.

With respect to landscape requirements for the interior parking lot, **Section 17.0503 G. Landscaping**, which is applicable to all off street parking areas in all business districts, states that **all public off-street parking areas which serve five (5) vehicles or more shall be provided with accessory landscape areas totaling not less than ten (10) percent of the surfaced area. There shall be 1 landscaped island for each 10 parking spaces and the location and plant material shall be subject to Plan Commission approval.** Accordingly, the applicant will need to address this requirement with the design of their landscape plan when submitted. Furthermore, the code requires that the parking lot be screened in all business districts and while it does suggest that a masonry wall be constructed at the sidewalk, those parking lots that are adjacent to residential uses or a public right-of-way shall be screened with evergreen/deciduous plantings. Accordingly, I would suggest that a low grown hedge be shown on their landscape plan within the 5 foot parking setback area.

Architecture

The applicant has submitted colored renderings for each elevation which show an attractive building that will fit well in this area of Thiensville. At your December meeting you asked that more attention be given to the north elevation as it lacked architectural interest and was void of windows. These plans address that concern by adding windows to the north elevation and bumping out the mid-section of windows on the second and third floor elevations to provide architectural interest. The plans, however, continue to lack sufficient detail to determine type of building material and specific color being proposed. The applicant will therefore need to provide further details for approval at a later date. As noted at the December meeting, the HAVC units will be located on the roof out of view from the public. The electric, gas and water meters are proposed to be at the south side of the east elevation and a transformer will be adjacent to the south elevation.

Comments:

The applicant presents an attractive building for this critical area of Thiensville and upon addressing the following stipulations approval will be recommended:

- Submittal of a detailed landscaping plan showing all site and parking lot landscaping including location, size, species, initial and anticipated full growth height. This plan should show a low growth hedge to screen the parking area.
- Submittal of detailed architectural plans showing building materials and colors. (Sample materials shall be submitted for Commission review)
- Submittal of a detailed exterior lighting plan showing, location, style, height and intensity of all fixtures.
- A parking count of off-site stalls within 400 feet of this project indicates that there is sufficient offsite parking available for use by this project.
- Submittal of a detailed sign plan showing location, size, material and style of all proposed signs.
- Village Engineer to review the grading, drainage, storm water retention and erosion control plans prior to issuance of a permit.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Kucharski to approve the revised building design conditioned upon getting variance approval from the Zoning Board of Appeals and that lighting and landscaping plans come back to the Plan Commission. **MOTION CARRIED UNANIMOUSLY.**

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- D.** Review and approval of 3rd revision for the residential addition to 715 Riverview Drive, Liebau residence

Mr. Bruce Stern, the Architect from Inland Companies was present representing the Liebau's. This new plan is about 700 square feet smaller than the original plan with an exposed lower level that will remain unfinished. This will be a three bedroom home. This plan complies with the flood plain regulations.

The following is the report from Planner Jon Censky:

Proposal:

Mr. Liebau was before you twice in 2013 with plans to renovate/reconstruct the existing home at 715 Riverview Drive which would have resulted in a two-story 4,333 square foot home with a 1,623 square foot garage. He is now before you with scaled back plans that show the elimination of the second-story addition and a slight reduction in the size of the garage. Instead, he proposes to expand the foot print of the home to the rear and to enlarge the garage to the north.

These changes will bring the livable area of the home to 3,704 square feet in size and the garage to 1,570 square feet. To accomplish this, the existing home will be completely demolished to the foundation and the foundational walls will only be used if they are found to be in good condition. The new home will then be constructed from the foundation up. The plans are code compliant with respect to the 40 foot front setback, the 10 foot side yard and the 25 foot rear yard requirements.

Architecturally, the plans now show a single-story ranch home with an expanded footprint off the back side toward the river. The new home will now be 23 feet in height well within the 35 foot maximum height limit. The roof will be covered with architectural grade asphalt shingles and the siding will be of long lasting cement board material. A decorative stone veneer is proposed on the front elevation highlighting the entrance area which gives a quality look to that facade.

As previously reported, this property is located at a bend in Riverview Drive and fronts on the Milwaukee River where a good portion of the rear yard is in the Floodway District. This District is highly restrictive in that no building encroachment is allowed in the floodplain area during and/or after construction and my review indicates that the site designer has taken that into consideration and avoids any encroachment thereof all together.

Planners Comments:

The plans before you are code compliant and consistent with the Comprehensive Land Use Plan. Furthermore, in my opinion, the design of this home is in keeping with the character of the neighborhood. Accordingly, I find no reason to object subject to:

- The applicant securing a building permit prior to construction.
- Village Engineer review and approval of the grading, drainage and erosion control plans.
- No construction activity is allowed in the floodplain area.
- Storage of construction material and equipment shall be located outside the floodplain area.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Cabaniss to approve the 3rd revision for the residential addition to 715 Riverview Drive, Liebau residence with conformance to all stipulations by the Village Planner. **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.

The Thiensville Business Association is interested in putting up a temporary structure for bands in the park for the Farmer's Market. This structure will be moved for Lion's Fest and Family fun Before the Fourth. The Plan Commission was receptive to the idea.

Commissioner Luedtke brought up the fact the pole sign at Natural Cleaners that was supposed to be taken down by October 10, 2014 is still up. Planner Censky replied that there is a proposal to use the pole, which will be brought to the Plan Commission for consideration. Also, Bay Nails at 161 S. Main Street and B-1 Burger on Freistadt Road have a flashing sign again as does Natural Cleaners.

V. ADJOURNMENT

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Luedtke to adjourn the meeting at 6:37 PM.
MOTION CARRIED UNANIMOUSLY.

Submitted by,

Approved by,

Susan R. Conway
Administrative Assistant

Dianne S. Robertson
Village Clerk