

**VILLAGE OF THIENSVILLE
PLAN COMMISSION
MINUTES**

DATE: Tuesday, April 11, 2017

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. March 7, 2017

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Gattoni to approve the March 7, 2017 Minutes. **MOTION CARRIED UNANIMOUSLY.**

- B.** Discussion with the Commission to hear Conceptual Thoughts Regarding Whether They Would Recommend Possible Zoning Change Request by Pastor Tom Ebert for 200 Green Bay Road to Include All Uses of I-1

Pastor Tom Ebert informed the Commission that his church was founded about 5½ years ago and does not own a building. Initially the church met at the Logemann Center until it was taken down, then at a Catholic church for about 6 months and then at a hotel in Brown Deer. The church will meet at River Barn Park for the month of April and then will be moving to the Brown Deer Community Center. Pastor Ebert has contacted MSP Real Estate regarding 200 Green Bay Road and is contemplating the possibility of rezoning the property, any code changes as well as the church's finances. The building at 200 Green Bay Road would have to be remodeled.

Village Planner Jon Censky stated that the parcel as it sits now is zoned B-3 so for this to go forward, two things need to be obtained: Land Use Amendment to change the classification and have a Land Use Plan from Commercial to Institutional, and following that a rezoning from B-3 to I-1. The intent tonight is a consultation/feedback to make a determination as to whether or not to move forward by the church. The Commission should take into consideration whether or not both requests would be supported.

Chairman Mobley stated that the lot is currently owned by MSP Properties and the Village is cooperating with MSP Properties in seeking a potential buyer. Chairman Mobley, as well as Trustee Ronald Heinritz, Chairman of the Thiensville Historical Preservation Commission, have been tasked to find a potential buyer and find a use for the building. MSP Properties had requested a demolition permit in October of 2016. The Historical Preservation Commission denied this request and Ordinance states a 10-month waiting period before granting this request.

The ultimate decision regarding a zoning change lies with the Village Board after a Public Hearing.

Pastor Ebert confirmed that the building would not be demolished and would only remodel the inside.

Commissioner Gengler inquired if any of the interested parties wanted to demo the property if acquiring it. Chairman Mobley stated that only MSP is interested in demolition. This property is in the Historic District.

Pastor Ebert stated that the church membership is about 35-55 people, including children, so traffic would not be heavy; maybe 10-15 vehicles. There is a mid-week service and occasional meetings.

Planner Censky inquired if the entire building would be occupied. Pastor Ebert confirmed that the church would occupy the entire building.

Chairman Mobley stated that the Historical Preservation Commission is very interested in maintaining the exterior and inquired as to if there were any plans to alter the outside of the building. Pastor Ebert confirmed that the exterior would be maintained and suggested putting a door by the drive-thru and believes the interior does need some work. The bathrooms would need to be larger, carpets taken up, counters that need to be removed and electrical changes.

Commissioner Gattoni inquired as to if a pre-school or day care has been considered as a source of revenue. It has been considered; it is not feasible at this time but possibly in the future.

Some concerns shared by Chairman Mobley are that the primary interest in the zoning change would be to save the building. If the building were not there, zoning of Institutional may not be favorable. If zoned Institutional, can the Village lock in the building staying. Planner Censky stated that this would be contract zoning which is not a legal form of zoning. So, if rezoned to Institutional, that would lock in that zoning.

The site is actually a historical landmark site; the building is not historical. The building was built in 1962. One of the criteria for landmark designation is that the building has to be at least 50 years old. Planner Censky stated that a site without a building does not constitute much.

Chairman Mobley addressed the Zoning Code and inquired if the Commission was comfortable with all the uses of I-1. Commissioner Luedtke inquired as to how actively the Historic Preservation Commission is in wanting to keep the building. Chairman Ronald Heinritz has been very active in seeking out potential buyers and working with them to save the building.

If rezoned to Institutional, demolition could be approved. Planner Censky suggested if the Commission is comfortable with what Pastor Ebert is proposing, then rezoning would be pursued. If simply rezoning for an anticipated future use by the Historic Preservation Commission, this is not advised.

Chairman Mobley stated that the Historical Preservation Commission wants the building to stay and inquired that if rezoned, can payment be made in lieu of taxes from a non-profit institution. Planner Censky indicated that the church is likely tax exempt and that, yes, a program would be entered into to get an annual payment in lieu of taxes.

Planner Censky asked if Pastor Ebert felt comfortable that financing could be acquired for all the needs. Pastor Ebert did share that a closer look should take place with some experts. If indeed the interest is in support of Pastor Ebert, before the idea of entertaining rezoning, the Village would like to see confirmation that financing was possible. Commissioner Gattoni encouraged Pastor Ebert to look into the costs associated with the renovations.

In order to give meaningful feedback, confirmation of financial backing would be helpful to the Commission. Commissioner Luedtke would like to see financing confirmation before moving forward with any zoning change.

Pastor Ebert has also looked into the Lumen Christi site but indicated that the price was high and said it may have worked if a Christian school merged with the church.

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Commissioner Gengler is not opposed to the idea of the church moving forward. Chairman Mobley believes that if the current building was not on this site that the I-1 zoning might not be the appropriate zoning.

Payment in lieu of taxes means that the church would have to write a check to the Village for services – it is an agreement between the Village and the tax exempt church where there is an agreement to a certain annual payment for use of the building in lieu of taxes. It is a negotiation for services provided by the Village i.e. fire, police, ambulance, etc. Pastor Ebert will consult with his church regarding this.

It was questioned if there was any classification of the activities of the church that could potentially fall under the current B-3 zoning or by Conditional Use. After further review of the Zoning Code, the church would need rezoning to occupy 200 Green Bay Road.

Chairman Mobley summarized by stating that any rezoning would go through the process of public hearing, nearby residents would be notified, approval by Plan Commission and then by the Village Board. Typically, the notice requirement is three weeks.

Pastor Ebert thanked the Plan Commission.

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

Mark Hammond of MSP Real Estate, Inc. is requesting another extension to have the “For Sale” sign on the corner of Green Bay Road and Riverview Drive for the sale of 200 Green Bay Road. MSP is continuing to gain interest in the building and believes it to be beneficial to keep the sign.

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

**D. Review and approval of Garbage Enclosure Fence for cheel, llc., Jesse Daily,
105 South Main Street**

Jesse Daily presented plans for a garbage enclosure for the dumpsters at the cheel, 105 South Main Street. This is a six-foot fence and will match the other fencing on the property. This has been approved by the Historic Preservation Commission.

Planner Censky indicated that the Plan Commission will have to make a determination that the fence enhances or maintains the historic value of the building. This style of fence is proposed because it matches the existing fence between 105 South Main and 107 Buntrock Avenue. If approved, because it is right up to the public sidewalk, the doors should open to the interior, should be properly installed and is straight (no leaning).

Commissioner Gengler believes it will be a great improvement. The plantings will remain with the fence being installed on the existing concrete.

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Gattoni to approve the Garbage Enclosure Fence for cheel, llc., Jesse Daily, 105 South Main Street. **MOTION CARRIED UNANIMOUSLY.**

E. Review and approval of Sign for Dr. Karin Flodstrom, Psy.D., 151 Green Bay Road

Karin Flodstrom explained that the proposed sign will fit in the existing structure at 151 Green Bay Road for her practice. The plan is to use colors to match the building with a few exceptions; the forest green flange that holds the sign is proposed to be white to blend in better with the sign and to paint the finials gold to match the logo. The Historic Preservation Commission did approve the sign but expressed the concern that the lights not be too bright and that there not be any side glare. Ms. Flodstrom's sign is designed by the same company that did Shully's sign and will be of the same quality.

Planner Censky shared that this fully complies with the Sign Code.

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Dyer to approve the Sign for Dr. Karin Flodstrom, Psy.D., 151 Green Bay Road. **MOTION CARRIED UNANIMOUSLY.**

F. Review and approval of Pergola for Chris Weiss, 520 Crescent Lane

Chris Weiss, 520 Crescent Lane, presented plans for a pergola in the back yard.

Planner Censky explained that the Code does not necessarily address every structure. Historically, pergola's are viewed as accessory structures. This fully complies.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Dyer to approve the Pergola for Chris Weiss, 520 Crescent Lane. **MOTION CARRIED UNANIMOUSLY.**

G. Review and approval of Fence for Marty Peterson, 408 Vernon Avenue

Martin Peterson presented plans for a fence at 408 Vernon Avenue. The proposed fence is a 4' high bronze aluminum fence extending around their backyard with two access gates.

This fence fully complies.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Dyer to approve the Fence for Marty Peterson, 408 Vernon Avenue. **MOTION CARRIED UNANIMOUSLY.**

**H. Review and approval of Sign Code Variance for Boucher Real Estate,
121 North Main Street**

Richard Kos of Midwest Sign & Lighting indicated that Gordie Boucher would like approval for a new wall sign to be installed on the east facing fascia of the building. The sign will consist of two words "GORDIE" and "BOUCHER". The letters will be blue mounted on a red fascia background.

Planner Censky explained that because the applicant is proposing two signs on this building, Commissioners must grant a waiver to approve this request. The Sign Code permits one wall sign not to exceed .5 feet in area for every one linear foot of building front width or 60 square feet, whichever is smaller. This proposed sign along with the existing roof sign exceeds this maximum by 12.3 square feet. Typically, for a waiver to be considered, justification must be made on the part of the petitioner.

Mr. Kos questioned if a sign could be removed to allow this proposed sign as this sign is required by Ford so the dealer will be forced to make a decision on what signs to keep. Planner Censky suggested approving the proposed sign as it is nicer than the roof mounted sign.

Planner Censky clarified this by stating that this can be approved with the condition that the dealership remove the roof mounted sign, then the waiver is not needed and will fully comply with the Sign Code.

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Luedtke to approve the Proposed “GORDIE BOUCHER” Sign with the Condition that the Roof Mounted Sign is Removed. **MOTION CARRIED UNANIMOUSLY.**

I. Review and approval of Fence for Robert Neese, 210 Riveredge Court

Robert Neese, 210 Riveredge Court, would like to put up a 6’ high curved top Cedar wood fence around an existing patio.

Planner Censky stated that this fully complies.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Dyer to approve the Fence for Robert Neese, 210 Riveredge Court. **MOTION CARRIED UNANIMOUSLY.**

J. Review and approval of Parking Pad for Meridith Wagner, 326 Riverview Drive

Meridith Wagner, 326 Riverview Drive submitted plans for a parking pad as well two patios.

Planner Censky stated that the patios do not require Plan Commission approval. Plans can move forward on those. The parking pad does require approval and must be at least three feet off the property line.

Ken Kucharski is a neighbor of Ms. Wagner and submitted a letter of support for this project.

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Luedtke to approve the Parking Pad for Meridith Wagner, 326 Riverview Drive. **MOTION CARRIED UNANIMOUSLY.**

K. Review and approval of Fence and Utility Shed for Mr. & Mrs. Nickerson, 604 Park Crest Drive

Mr. and Mrs. Nickerson were represented by a neighbor as they were unable to attend the meeting. Both neighbors to each side of the property at 604 Park Crest have a fence. The proposed fence will connect the two and is 2½’ high wrought iron.

The shed measure 8’ x 10’ and will be wood framed covered with SmartSide siding material. The shingles and colors will match those of the home.

Planner Censky stated that after review, both the fence and shed comply with Code.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Dyer to approve the Fence and Utility Shed for Mr. & Mrs. Nickerson, 604 Park Crest Drive. **MOTION CARRIED UNANIMOUSLY.**

L. Review and approval of Sign for Great Lakes Pool & Spa, 400 North Main Street

Assistant Administrator reported that Great Lakes Pool & Spa was unable to attend this evening’s meeting and will attend the May Plan Commission meeting.

- M.** Review and recommendation to the Village Board Regarding Land Use Plan Amendment to Rezone the Property Just South of 201 North Main Street from B-4 Highway Business District to I-1 Institutional District

Verizon Wireless has proposed installing a monopole for Village use as well as Verizon use for a cellular antenna on Village property. The only zoning that allows cell towers is the Institutional zoning. Because this Institutional zoning does not comply with the existing Land Use Plan which classifies this site as Commercial, both the Land Use Amendment and Rezoning to the I-1 District must take place.

This evening, the Plan Commission is being asked for a recommendation to the Village Board for Rezoning. This will be a two-step process. First there will be a public hearing for the Land Use Amendment and another one for the Rezoning and then back to the Plan Commission for Conditional Use.

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Gattoni to recommend to the Village Board a Land Use Plan Amendment to Rezone the Property Just South of 201 North Main Street from B-4 Highway Business District to I-1 Institutional District. **MOTION CARRIED UNANIMOUSLY.**

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

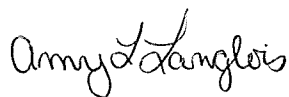
IV. BUSINESS FROM THE FLOOR

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

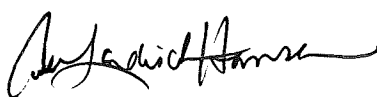
MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Gattoni to adjourn the meeting at 6:57 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,



Amy L. Langlois
Village Clerk

Approved by,



Colleen Landisch-Hansen
Assistant Administrator

Signed by,



Dianne S. Robertson
Administrator