

**VILLAGE OF THIENSVILLE  
PUBLIC HEARING BEFORE THE PLAN COMMISSION  
MINUTES**

**DATE:** Tuesday, July 12, 2016

**LOCATION:** 250 Elm Street  
Thiensville, WI

**TIME:** 6:00 PM

**I. CALL TO ORDER**

Chairman Mobley called the hearing 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
Asst. Administrator:	Colleen Landisch-Hansen	
Planner:	Jon Censky	

**III. PUBLIC HEARING FOR REQUEST TO SEEK PUBLIC COMMENTS AND WRITTEN COMMENTS REGARDING CONDITIONAL USE PERMIT APPLICATION FOR VICTORIA BRENNER GERARD, IVANA'S TRUNK, 227 NORTH MAIN STREET, TO PLACE PATIO FURNITURE ON THE EXTERIOR OF STORE ON SIDEWALK FROM 4/1/16 THROUGH 11/1/16**

**A.** Clerk or secretary to read and explain notice.

Assistant Administrator Colleen Landisch-Hansen read and explained the notice. The notice was published on June 21, 2016 and June 28, 2016. Current zoning requires a Conditional Use Permit for any outdoor display of merchandise.

**B.** Comments from anyone present requesting to be heard.

Mr. Jim Wilke of McNabb & Risley, 215 N. Main Street, addressed the Plan Commission. Mr. Wilke stated that he has no problem with this request from Ms. Gerard to some extent. There is some history with Ivana's Trunk. The last time Ivana's Trunk was at this location there was outdoor display of items. At times there were so many items that a person would need to walk into the parking lot to get past the store front. The other problem that occurred is that it was never clean and dirt and debris would collect as well as snow; it was very dirty and unsightly. When Ivana's Trunk moved to Mequon, there were a lot of things laying around. Mr. Wilke believes that items should only be out during normal business hours. Having the site dirty and cluttered does not promote Thiensville in a positive light. Enforcing this is also a concern.

Also, Mr. Wilke stated that moving trucks should not be displayed in the front of the business. The last time Ivana's Trunk was in the Village, the truck was parked in the back of the building. Signage belongs in the form of a sign, not by using a truck.

Mr. Wilke does not have a problem with this request, but believes that merchandise should not be out during non-business hours.

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Ms. Judy Aigner was also in attendance. Ms. Aigner owns the strip mall where Ivana's Trunk is currently located and has already expressed to Ms. Gerard her support of the outdoor display but emphasized that it is a sidewalk and adequate space needs to be available. There is also a staircase that needs to be accessible. The area must be kept clean as well. Ms. Aigner is in support of the request providing the area is kept clean. Also, Ms. Aigner agrees that the delivery truck should be parked in the back of the business and should not be used as signage.

Ms. Victoria Gerard addressed the Plan Commission and stated that Mr. Frank Aigner allowed furniture to be displayed between April and November. As of November 1<sup>st</sup>, nothing could be outside. The busy season for Ivana's Trunk is April through June for outdoor furniture. The furniture has never obstructed the sidewalk and there has always been ample room to access the stairs. The furniture displayed is expensive wrought iron patio sets. There are some smaller tables but are of high quality and very popular.

Ms. Gerard also stated that the only time the truck is in the front of the store is when there is a delivery or pick-up scheduled which amounts to about an hour every week and believes that when that truck is parked in the parking lot that it obstructs the view of the front of the store. Ms. Gerard believes that Ivana's Trunk is a destination store and pulls many customers to Thiensville and is asking for the Plan Commission to have an open mind and help a small business. Ms. Gerard would very much like to stay in the Village.

Mr. Wilke expressed for the record that he is not exaggerating and is telling the truth. The truck has been parked in the parking lot every night and every Saturday and Sunday since Ms. Gerard moved her business to Thiensville.

**C. Clerk or secretary reads any correspondence received related to the request.**

No written or verbal correspondence has been received.

**D. Comments from the Plan Commission.**

Commissioner Kucharski stated that having an outside sign for any business is extremely important and should be a priority. Also, Commissioner Kucharski is concerned about the safety of customers on the sidewalk i.e. the handicapped, elderly or visually impaired.

Commissioner Gattoni feels that the truck parked in the parking lot is unattractive and is being utilized as signage.

Village Planner Jon Censky explained the rationale behind the Zoning Code and how permitted uses are handled. Each zoning district has two types of principle uses that are permitted. The first is the Principle Use by Right and then the Conditional Uses. Principle Uses by Right are processed simply through staff reviewing site plans to determine if they comply with the dimensional requirements of the zoning district. Conditional Uses are handled differently because they are Uses that can be more impactful on the neighborhood in general. Because of that, a Public Hearing is held to solicit public comments. These comments are used to generate conditions to put in the actual Conditional Use document.

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Planner Censky suggested that if approved, the following should be considered as conditions of approval:

- A clear path for pass through pedestrian traffic shall be maintained at all times.
- Any unanticipated problems that may result from this display shall be corrected immediately upon notification.
- The display shall be maintained on the sidewalk only and shall not spill over into the parking lot.

After hearing the comments from those that spoke this evening, other conditions could be added when granting this Conditional Use Permit.

If the Conditional Use Permit is granted and violations continue to occur, the Plan Commission would address this request again for consideration.

Ms. Gerard explained that the store is made up of all women so moving the furniture in at the end of the day would not be possible. The patio table in front of the store at this time is quite large and heavy and in the evening only one individual is closing. If Ms. Aigner has any concerns, she will certainly contact Ms. Gerard.

Ms. Gerard is aware that the Village is concerned about the truck being parked in the parking lot and is asking for a little more time. A sign will cost between \$3-\$4,000 and is asking for more time to be able to park her truck in the parking lot so her customers can find her. Ms. Gerard claims there are still old customers that cannot find the store.

Commissioner Gengler inquired as to how much room on the sidewalk there is for people to walk with a table and chairs displayed. Ms. Gerard stated that the available space on the sidewalk is about a person and a half and that the sidewalk has never been obstructed. The liability for the items left outside lies with the business and not the Village.

Commissioner Gengler also stated her concern regarding junk, wrappers and leaves collecting. This area needs to be clean. Ms. Gerard did agree that this is an issue in the fall. Also, the delivery truck for Ivana's Trunk should not be used as signage.

Planner Censky shared that the Police Department has been in contact with Ms. Gerard regarding the parked truck in the front of the store. Code does not permit trucks or vehicles to be used as signage.

Commissioner Dyer is concerned about adequate passage on the sidewalk for pedestrians without any detours.

**IV. ADJOURNMENT**

**MOTION** by Commissioner Dyer, **SECONDED** by Commissioner Luedtke to adjourn the Public Hearing at 6:33 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,



Amy L. Langlois  
Village Clerk

Approved by,



Colleen Landisch-Hansen  
Assistant Administrator

Signed by,



Dianne S. Robertson  
Administrator