

**VILLAGE OF THIENSVILLE
PLAN COMMISSION
MINUTES**

DATE: Tuesday, November 13, 2018

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
	Rick Gattoni	Dan Luedtke
Asst. Administrator:	Colleen Landisch-Hansen	
Planner:	Jon Censky	

III. PUBLIC HEARING

- A.** The applicant, Suburban Motors Harley Davidson, is seeking Conditional Use approval to have inside storage, a used car lot as well as motorcycle sales and rental at 525 North Main Street, Tax Parcel ID No. 12-050-02-07-004, Description: 1801/758 PART OF LOT 7 & 9 BLOCK 2 COMM 144 FT W 1971 FT NW & 33 FT SW OF SEC COR SEC 15 BEING #2585 CSM LOT 1 VOL 18/392 ASSESSOR'S PLAT

1. Motion to Open Public Hearing

MOTION by Commissioner Dyer, **SECONDED** by Commissioner Kucharski to Open the Public Hearing at 6:01 PM. **MOTION CARRIED UNANIMOUSLY.**

2. Assistant Administrator to read and explain Notice

Assistant Administrator Colleen Landisch-Hansen read and explained the Notice. Conditional Use is being sought from Suburban Motors Harley Davidson at 525 North Main Street to have inside storage, a used car lot as well as motorcycle sales and rental at this address.

3. Comments from anyone present requesting to be heard

Wayne Houpt, owner of Suburban Motors Harley Davidson explained that at their current address, they are running out of room. Use of 525 North Main Street would be used as an extension of their current site at 139 North Main Street for rental of motorcycles and used cars.

Chairman Mobley stated that Bill Conley, who owns the lot next to 525 North Main Street submitted a letter with his views regarding granting the Conditional Use Permit. Chairman Mobley stated that the Village loves having Mr. Houpt and his business in the Village. Mr. Houpt owns the old lumberyard and uses that space for storage as well. Chairman Mobley inquired if the old lumberyard could be used as something other than storage and has heard concerns regarding adding to the buildings on Main Street used as storage.

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Mr. Houpt explained that the old lumberyard is being used for storage of eBay sales of clothing and are working out of it all the time. During the 115th celebration the back of the lumberyard was used to park vehicles temporarily.

Chairman Mobley also stated that another concern pertains to repair and if 525 North Main Street will be used as a repair site. Mr. Houpt stated that at this time it is not planned to be used as a repair site but only for sales primarily. If at some point there is a need, they would like to use the site for that purpose. Concern has been expressed to Chairman Mobley that this site may become a speed shop. Mr. Houpt shared that he has a speed shop in the back of 139 North Main Street.

4. Assistant Administrator reads any correspondence received related to the request

Assistant Administrator Landisch-Hansen read a letter received from Bill Conley dated November 8, 2018 expressing concern regarding having another motorcycle/storage facility being allowed in downtown Thiensville setting the tone and quality of nearby development into the future. As this pertains to his adjacent property, this business will limit his development opportunities. The original and accepted concept proposal for Mr. Conley's parcel was residential condominiums. Mr. Conley does not believe that if approval is given for this Conditional Use that no meaningful residential development will occur.

If approved, Mr. Conley asked that the Commission adequately address building aesthetics, maintenance, use of shipping containers now and into the future, trailers and longer term vehicle parking as well as sufficient buffers and screening as to not diminish property development possibilities on his adjacent site.

No other correspondence was received.

Planner Jon Censky indicated that the zoning on this proposed site is the same as Suburban Harley's existing site at 139 North Main Street (B-4 Highway Business District). The use itself, the sales of motorcycles, is a permitted use by rite. The conditional use is for the outdoor display of his vehicles. The Conditional Use Permit is used to govern the use and sets forth conditions of approval.

Mr. Houpt explained that he would be leasing the space but the property may be purchased at a later date.

The Plan Commission is charged with the decision to allow conditional use and setting conditions in regards to the display of vehicles and motorcycles outside which may include screening the site. Planner Censky believes that the former use of Suburban Rentals had a similar use for the front of the site.

Steve Shallock, owner of the site at 525 North Main Street did previously have a Conditional Use Permit for his business, Suburban Rentals which is no longer in business.

The amount of storage was not addressed, only the location for the current request from Suburban Motors which is the front area of the site. Commissioner Gattoni inquired if currently there is any restriction on the number of motorcycles at 139 North Main Street and at times does see other types of vehicles at Suburban i.e. trucks, cars. Mr. Houpt did state sometimes trucks, RV's or cars are taken in as a trade. Suburban Motors Harley Davidson in Thiensville is the largest dealership in Wisconsin of motorcycles and will take anything in as a trade.

Sales and service is already a Permitted Use at the proposed site. The Conditional Use and number of items is to be considered. Planner Censky explained the Conditional Use Permit which establishes hours of operation, water supply which is a private well and addressed the site which is described "as is" as of this date. If the intent is to improve on this site, then plans will need to be submitted which will then be an exhibit to this document. If the Commission wishes to limit the number of vehicles displayed at any given time, that can be included in this Permit.

Planner Censky suggested conditionally approving this request subject to Suburban Motors submitting a plan showing where the motorcycles will be parked, where the vehicles will be parked and the number displayed. This can be reviewed at a future meeting. Mr. Houpt explained that their business is seasonal. Planner Censky suggested dividing the site identifying specific areas designated for the items displayed. There are no restrictions to the site for Suburban Harley at 139 North Main Street. Commissioner Gattoni also inquired about parking.

Commissioner Kucharski stated that Suburban Harley's site at 139 North Main Street is neat and orderly, organized and taken care of and does not ever remember seeing things out of order and does not support restricting the proposed site at 525 North Main Street because Suburban Harley knows the business. Mr. Houpt shared that Harley Davidson has their standards to follow as well. Planner Censky suggested writing exactly what their anticipated monthly business is; this statement would be an exhibit to the Conditional Use Permit.

Chairman Mobley's concern is that there may be a vehicle/truck parked that does not move. Mr. Houpt stated that hundreds of cars and bikes move every month and that inventory is moved quickly. Chairman Mobley expressed that the Village would like to see retail on Main Street and not to have just storage. It is hoped to use the space as a showroom to sell bikes.

Planner Censky suggested adding the word "attractive" to the Conditional Use Permit when referring to "the outdoor display of new and pre-owned motorcycles, RVs and pre-owned automobiles". This could be used as a judgement call when reviewed in the future. Outdoor storage is not permitted.

Another issue brought forth by Chairman Mobley was in regard to the back side of the building and the interest in keeping it neat and orderly because of the view from the bike path.

There may be a sales office in the building as well and will keep the same hours as the site at 139 North Main Street. Only used bikes would be sold; permission would need to be granted by Harley Davidson for new bike sales. There probably will not be someone at this location all day. Chairman Mobley suggested staffing the site as an active retailer and not strictly storage.

The bikes would be brought in every evening. There is ample lighting for the entire parking lot. If the lighting changes or a new sign is planned, plans must be submitted to the Village.

Also, there is a security system with nine active cameras at this site.

5. Motion to Close Public Hearing

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Dyer to Close the Public Hearing at 6:34 PM. **MOTION CARRIED UNANIMOUSLY.**

IV. BUSINESS

- A. Approval of Minutes**
 - 1. October 2, 2018

Commissioner Gattoni indicated a correction to the October 2, 2018 Minutes noting his absence from the meeting.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Dyer to approve the October 2, 2018 Minutes with the Correction Indicating Commissioner Gattoni's Absence. **MOTION CARRIED UNANIMOUSLY.**

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- B.** Review and approval of a Conditional Use Permit for Suburban Motors Harley Davidson, 525 North Main Street, for Inside Storage, a Used Car Lot as well as Motorcycle Sales and Rental

MOTION by Commissioner Kucharski, **SECONDED** by Commissioner Luedtke to approve the Conditional Use Permit for Suburban Motors Harley Davidson, 525 North Main Street for Inside Storage, a Used Car Lot as well as Motorcycle Sales and Rental with the Addition of the Word “Attractive” When Referring to the Outdoor Display of New and Pre-Owned Motorcycles, RVs and Pre-Owned Automobiles to the Conditional Use Permit and submission of a plan showing where motorcycles and vehicles will be displayed. **MOTION CARRIED UNANIMOUSLY.**

- C.** Review and approval of Residential Front Elevation Change, Alice Bush, 410 Green Bay Road

Alice Bush is remodeling the residence at 410 Green Bay Road. The contractor hired for the remodel suggested the proposed elevation change for aesthetics.

There are no zoning issues reported by Planner Censky.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Kucharski to approve Residential Front Elevation Change, Alice Bush, 410 Green Bay Road. **MOTION CARRIED UNANIMOUSLY.**

- D.** Trish Ullrich Seeks Concept Approval of Plans for the Corner of North Main Street and Freistadt Road

In attendance this evening are Trish Ullrich, her sister Maggie Beach and Greg Uhen, CEO and Design Partner with Design at Eppstein Architects Inc. Ms. Ullrich presented plans for the vacant lot located at Freistadt Road and North Main Street. David B. Jennings and Lee Jennings built the original shopping center on this site roughly 40 years ago. The shopping center at that time had a Kohl’s, hardware store, Holiday Liquor, Ben Franklin and Boy Blue. This was razed about 20 years and has been vacant ever since.

Lee Jennings is eager to do a development at this site. The goal for this site is to create a community centric, pedestrian friendly inviting development where visitors would be in place to linger and enjoy the unique features planned.

Mr. Uhen shared that this is a great parcel totaling about 7 acres; the Walgreens site is about 1.2 acres, the apartments include a little over 2 acres plus the vacant parcels. Combined this is being looked at as one unit utilizing the Walgreens and the residential tying it all together. Mr. Uhen will present a series of schematic diagrams and some exterior concept drawings as well as some ideas of some of the materials planned. This is still very early in the concept and feasibility stage. No construction numbers have been acquired yet. This evening is purely for information – no approvals are being sought at this time.

The site plan was shared which includes four new buildings that would be situated on the site. Two “L” shaped buildings would be three story residential buildings. Two buildings in the front would be a combination of residential and retail with the retail on the first floor. One of these buildings, Building C, is two stories with about 10,000 square feet of retail on the first floor and 8-9 apartments above. The other building, Building D, is a free-standing retail building and is relatively small and is anywhere between 4,000-6,000 square feet. The total between the two buildings is about 15,000 square feet of retail that would tie in with Walgreens. Building A is about 40 units of residential and Building B is about 50 units of residential. Proposed is about 98 units of apartments and about 15,000 square feet of retail.

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The idea behind this development is to try to integrate this into a walkable community with a town square feel. The apartments will have access to underground parking off Green Bay Road with additional visitor parking. The apartments will also have common areas at the first floor that would face green space and access the sidewalk system and plaza system inside the site with private roads.

The residential units will be 1, 2 and 3 bedroom units with some common areas to be used as workout areas and meeting rooms. The buildings will have the feel of a building that does not necessarily have a service back to them and open up on both ends to potential outdoor seating.

The concept sketch was shared indicating plans to preserve a substantial amount of green space. The Jennings' family is committed to making this a great public space. Planned are 160-180 surface parking stalls including the Walgreens space and is broken up in order to not create a sea of parking.

Thinking about the architecture, proposed are sloped roofs. Materials will be reminiscent of the buildings from the past with a bit of a modern twist, simplicity of the use of stone, simple forms and simple shapes and also want to consider the notion of making it fresh and of today so the detailing would be simplified to provide a modern interpretation of some of the old buildings. Heavy mortared fieldstone, a darker clapboard siding, dark gray or even black as a painted accent to the stone, Zink lower roofs for the retail and different tones of brick pavers are planned - texture with a nod to history with the fresh look of today.

Sketches of the scale of the buildings were provided as well as aerial views. The units are to grade with parking underground.

Commissioner Luedtke inquired about parking and expressed that enough parking for the residents and guests should be considered and does not want guests to have to park too far. Mr. Uhen shared that the number of parking per square foot of retail space has been considered; the parking count is there.

Chairman Mobley inquired how this works with the existing code regarding density. Planner Censky shared that a number of different zonings will have to be considered for this site and will result in at least two base zoning districts plus the PDO overlay district. For the multi-family portion, the base zoning district will be the R-5 District. In that District 14 units per acre are allowed. These are things that have to be worked out through the zoning process. This will require rezoning and a number of zoning districts will be introduced to the site.

Planner Censky stated that the reason you have a base zoning district is to establish the requirements based on that district. The base zoning district for the residential portion is really going to follow the multi-family units. The other districts will be the business district and the overlay ties that project together. Discussions will have to be held on how to apply the density for the project and whether that is going to be to use the entire area of the project to establish a density.

Commissioner Gengler stated that it is exciting to think about development on this site and really likes what is proposed and inquired about the 98 units stating that this may be adding 200 more people. Mr. Uhen stated that the units are mostly 1 and 2 bedroom units with a very small amount of 3 bedroom units.

Commissioner Gattoni believes that the retail is the most exciting part.

Commissioner Kucharski inquired about possible retailers and stated that this area needs a quality grocer and is concerned about parking. Mr. Uhen feels that it is a bit too early for tenant pursuit as this is the beginning stages of the project. A certain amount of density to support the retail will be considered.

Commissioner Dyer likes the proposal and shared concern regarding the flow in and out of the Village with this development.

Chairman Mobley likes the 2 and 3 story staggering of buildings, the old and simple but solid and quality styling, indoor parking and the parking in front of the retail and understands the need for the density. In regards to retail, the Village would want the best possible type of retail. In regards to density, any request within the code is reasonable and supports looking at the site as a whole.

The concept of being walkable is really important according to Commissioner Kucharski. This ties into the feel of the Village.

Rob Holyoke, Village Trustee, 300 West Street was in attendance. Trustee Holyoke likes the proposal and echoed Commissioner Kucharski in regards to the interest in having a small grocery store similar to a small Sendik's and asked if more retail was considered for Building A to take away some of the density. Another thought is a small hotel. Chairman Mobley likes the idea of a grocery store as well. Ms. Jennings stated that Building C is designed with the thought for a small grocery store with the ease of zipping in and out and are trying to be creative in their thinking.

Planner Censky stated that if thinking about a grocery store, generally a massive parking lot is needed to support it. Deliveries and trucks will need to be considered as well. Mr. Uhen will give this thought.

Ms. Bush, 410 Green Bay Road, shared concerns regarding having enough people for the units and who will be attracted in relation to the amount of rent due. Mr. Uhen indicated that a market study has been conducted. Ms. Bush also referred to a conversation regarding the Town Center development and how it was lacking in 3 bedroom units.

Chairman Mobley thanked Ms. Ullrich and Mr. Uhen.

E. Discussion regarding Ordinance for Airbnb

Planner Censky stated that at the September Plan Commission discussion was held in regards to limiting Airbnb's to the Central Business District. That recommendation was considered at the Committee of the Whole meeting, and while the Board felt these uses should be regulated, they did not want them restricted to the Central Business District only. The Village Board sent the proposed Ordinance back to the Plan Commission for further discussion.

As an alternative to regulating these uses through zoning, Commissioners may wish to simply defer to the New Wisconsin Vacation Rental Law and allow Airbnb's to pop up in any of our Districts subject to State regulations. If the Village wishes to have some control, each zoning district could be amended to list it as a Conditional Use. By doing that, they would be brought through an approval process and then conditions would be put on the use on a case-by-case basis. If this idea is supported, a recommendation would be made to the Village Board. If the Village Board supports the recommendation, then the necessary steps would be taken to amend each zoning district.

Chairman Mobley stated that the Village Board was not entirely sure they wanted to restrict them to the Business District. Commissioner Gattoni stated that Thiensville is a residential community and there are rental properties long-term. Commissioner Luedtke inquired if there is anything in the Code that restricts how many individuals can live in a house unrelated. Planner Censky shared that there is language in the Code. Airbnb's are used generally for a short period of time.

Planner Censky referred to mother-in-law suites and how they are restricted; they are allowed but cannot be rented.

Rob Holyoke, Village Trustee, 300 West Street, indicated that there is a house in his neighborhood that is strictly used as an Airbnb. This house would be grandfathered in. This is not a problem in the Village. If it does become a problem, then an Ordinance could be introduced to tie them to a Conditional Use Permit so the approval process would have to be gone through.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Luedtke to send the Ordinance back to the Village Board to be Reconsidered Restricting Airbnb's to the Central Business District.

Commissioner Gattoni stated that if a residence is not used for a period of 12 months as an Airbnb, then it has to revert back to a single family home and then would be no longer grandfathered in. The home in Thiensville that is listed as an Airbnb would still be grandfathered to operate as an Airbnb because the law that restricts them was created after it existed and would be classified as legal non-conforming because it is assumed that it was conforming prior to the adoption of the Ordinance. If the property was not operated as an Airbnb for 12 months or it changes ownership, then it would have to follow the new Code.

Planner Censky indicated that typically room taxes go to the Village. Assistant Administrator Landisch-Hansen stated that we currently do not collect any room taxes; room taxes go to the local tourism organization which is the Chamber of Commerce or the Ozaukee Tourism Council.

If an Airbnb that is not in the Business District opens, a series of enforcement letters will be sent.

Commissioner Dyer would like to make a friendly amendment to make Airbnb's be required to acquire a Conditional Use Permit for all Districts in the Village.

Planner Censky clarified that this friendly amendment is a recommendation to the Village Board to amend the zoning districts to include Airbnb's as a Conditional Use. Conditions would need to be set which would help guide the approval process. Each zoning district has a series of uses, permitted uses by right which are automatic uses and conditional uses.

The three options are to 1) pass an Ordinance that does not allow it anywhere but the Business District; 2) do nothing; or 3) require a Conditional Use Permit to be acquired to operate an Airbnb. Part of this approval process involves a Public Hearing which requires neighbors to be notified.

Commissioner Dyer suggested that a density restriction be set to only allow a set number of people in the structure at any one time. Another example of a restriction could be that no outdoor activity may occur after a certain time. Director of Public Works Andy LaFond indicated a third idea/condition that there may be no outstanding code compliant issues with the property.

Commissioner Kucharski shared that Airbnb's are operated strictly and are rated by those that visit.

Ron Heinritz, Village Trustee, 202 Grand Avenue, was in attendance and shared that there will be some that want Airbnb's and other than do not want Airbnb's.

Amendment to the original motion- MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Luedtke to Respectfully Send the Ordinance Back to the Village Board to be Reconsidered Restricting Airbnb's to the B-1 Business District.

Ayes: Commissioners Dyer, Gattoni, Kucharski, Luedtke and Chairman Mobley

Naes: Commissioner Gengler

MOTION CARRIED.

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

V. BUSINESS FROM THE FLOOR

Commissioner Dyer inquired in reference to Suburban Motors and the items outside for a long period of time and questioned if this should be considered for the Conditional Use Permit. Planner Censky indicated that outside storage is not permitted at the site at 525 North Main Street. If there is, enforcement will be taken. Concern was expressed in regards to enforcement of RV's and trucks parked for an extended time in the Village.

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 Luedtke, **SECONDED** by Commissioner Dyer to adjourn the meeting at 7:44 PM.
MOTION CARRIED UNANIMOUSLY.

Submitted by,



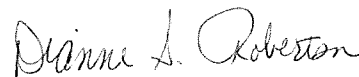
Amy L. Langlois
Village Clerk

Signed by,



Colleen Landisch-Hansen
Assistant Administrator

Approved by,



Dianne S. Robertson
Administrator