

VILLAGE OF THIENSVILLE
PLAN COMMISSION
MINUTES

DATE: Tuesday, June 5, 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	Carol Gengler
	Mike Dyer	Ken Kucharski
	Rick Gattoni	Dan Luedtke
Asst. Administrator:	Colleen Landisch-Hansen	
Planner:	Jon Censky	

III. BUSINESS

- A.** Approval of Minutes
1. April 10, 2018

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Gengler to approve the April 10, 2018 Minutes. **MOTION CARRIED UNANIMOUSLY.**

- B.** Review and approval of Shed, Matthew Oberndorfer, 323 Washington Court

Matthew Oberndorfer, 323 Washington Court, presented plans for a shed to be located in the backyard. The shed measures 10' wide by 14' deep and will stand 9' 6" high. The shed is from Lowes and has SmartLap exterior lap siding with a complimentary wood sliding door and two windows.

Village Planner Jon Censky indicated that the shed for Matthew Oberndorfer is in full compliance.

MOTION by Commissioner Cabaniss, **SECONDED** by Commissioner Luedtke to approve the Shed for Matthew Oberndorfer, 323 Washington Court. **MOTION CARRIED UNANIMOUSLY.**

- C.** Review and approval of Request from Jesse Daily, baaree, 107 Buntrock Avenue to Extend Hours of Operation Past 10:00 PM for Packer, Brewer and Badger Games Until End of Game

Jesse Daily, baaree, 107 Buntrock Avenue, was in attendance this evening with a request to extend the hours of operation for the baaree that were approved as part of the Conditional Use Permit granted in April of 2018. After doing some research regarding some of the games that are being aired, Mr. Daily realized that some of these games would go until about 10:15 PM – 10:30 PM. In order not to ask people to leave before the game ends, Mr. Daily is asking to extend the hours of operation until end of game.

There are four Packer games (8/9, 8/16, 8/30 and 9/19) that start at about 7:15 PM and would be done about 10:30 PM. Mr. Daily would like to keep customers at the baaree until the end of the game. Mr. Greg Mueller, neighbor of the baaree, expressed that he would like everything shut down by midnight.

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Mr. Daily is willing to forego any request for the Brewer games but may request for extended hours if the Brewers get in the playoffs. The baaree is closed on Mondays. As far as the Badger games, this is still to be determined as to any request from Mr. Daily for extended hours.

There will be television screens at the baaree for viewing the games. There will be one behind the bar and then a couple hanging throughout the garden.

Commissioner Kucharski expressed his understanding about requests for special events (wedding, cheel-abration) and stated that a lot of time and effort had been spent in order to issue a Conditional Use Permit to Mr. Daily with much discussion regarding the times of operation. Planner Censky indicated that one of the conditions of the Conditional Use Permit is that any problems associated with noise or any activity must be corrected immediately. If there appears to be a continuous problem, the request would be brought before the Plan Commission for reconsideration.

Clarification about what Board/Commission extended hour requests go before was requested by Commissioner Gattoni. Planner Censky indicated that anything associated with the baaree is tied to the Conditional Use Permit and, therefore, would go before the Plan Commission.

Chairman Mobley does not believe the Badger games will require a request as they generally start in late morning.

Mr. Daily did indicated that sometimes game schedules get moved based on television schedules so a new request may be made. Assistant Administrator Colleen Landisch-Hansen stated that there is a game on August 24th at 7:30 PM. Mr. Daily does not wish to include this game in his request.

Commissioner Gengler indicated that it would be nice to see how the first year goes.

Chairman Mobley inquired about the initial proposal versus the "sports bar" atmosphere. Mr. Daily indicated that they would like to use this first year to figure out the best use. Commissioner Gattoni mentioned that initially the plans were for a quiet place to go, and the games do not sound like what was originally planned. Commissioner Kucharski indicated that what was originally a beer garden atmosphere has now become a tailgate atmosphere.

Commissioner Gengler inquired about advertising. Mr. Daily stated that there is occupancy that needs to be taken into consideration. It will be a large deterrent to the baaree if guests are told they will have to leave before the end of the game.

Commissioner Cabaniss stated that pre-season games are really not watched until the end of the game.

Commissioner Kucharski's belief is that this request is quite different from the original baaree plans.

It was decided in order to not have to refile this Conditional Use Permit with the Register of Deeds for every request, to have Mr. Daily request of the Plan Commission permission for each special event. Mr. Daily is still subject to all the original Conditional Use Permit terms. The request this evening is to extend the hours of operation for the four Packer games until 10:45 PM. This year could be used as a trial year and possibly amend the Conditional Use Permit next year.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Cabaniss to approve Request from Jesse Daily, baaree, 107 Buntrock Avenue to Extend Hours of Operation Until 10:45 PM for the Packer Games on August 9th, August 16th, August 30th and September 9th, With the baaree to be Closed on Monday's.

Ayes: Commissioners Cabaniss, Dyer, Gattoni, Gengler and Chairman Mobley.

Naes: Commissioners Luedtke and Kucharski

MOTION CARRIED.

JESSE DAILY AND MATTHEW BUEROSSE CONDITIONAL USE PERMIT – BEER GARDEN

To: Thiensville Plan Commission

Prepared by: Jonathan Censky, Planner

Date: April 10, 2018

General Information

Applicants:	Jesse Daily and Matthew Buerosse
Status of Applicant:	Owner/Tenant
Requested Action:	Conditional Use Permit Approval
Existing Zoning:	B-1 Central Business District
Proposed Zoning:	No Change
Location:	103 -107 Buntrock Ave.
Land Use Plan Designation:	Business
Existing Land Use:	Business

Request:

At last month's meeting, Commissioners reviewed and discussed the applicant's plans and provided certain changes to the conditional use document (See attached minutes). While you offered concept approval to allow the applicant to proceed with construction, you asked that the finalized document be brought back for your approval. Also, since the applicant provided revised plans at last month's meeting, you asked that he finalize the details of his plans and resubmit them for your review and approval. Accordingly, included in your packet is the revised conditional use document inclusive of the comments from last month's meeting and the applicant has provided more detailed plans. Those plans will be added to the conditional use document as exhibits as they are intended to reflect your approval.

Commissioners are reminded that your concept approval was subject to:

- The containers and canopy being located no closer to the south and west property line than three feet.
- Removal of the portable outhouse from the plans.
- Submittal of information clarifying the type of sign and materials being used.
- Compliance to the stipulations identified in the Conditional Use Permit Document.

**VILLAGE OF THIENSVILLE
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DATE: Tuesday, April 10, 2018

LOCATION: Village of Thiensville
250 Elm Street

TIME: 6:00 PM

I. CALL TO ORDER

Chairman Mobley called the meeting to order at 6:02 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. BUSINESS

- A.** Approval of Minutes
1. March 6, 2018

MOTION by Commissioner Luedtke, **SECONDED** by Commissioner Kucharski to approve the March 6, 2018 Minutes. **MOTION CARRIED UNANIMOUSLY.**

- B.** Review and approval of Sign Plan Approval for Associated Bank, 208 North Main Street

Deb Burton, Pablocki Sign Company submitted a sign package indicating a new name to the Bank Mutual location which will now be Associated Bank. Proposed are a new free standing identification sign as well as two directional signs.

Village Planner Jon Censky indicated that the freestanding replacement sign indicates full compliance in regards to the setback, dimensional and interior lighting standards of the Sign Code. The directional signs also comply except that the company name on the top of the signs must be removed. Ms. Burton agreed to submit new plans without the company name on the directional signs.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Luedtke to approve the Sign Plan for Associated Bank, 208 North Main Street with the Recommendation from Planner Censky to Remove the Company Name, Associated Bank, on the Directional Signs. **MOTION CARRIED UNANIMOUSLY.**

- C.** Review and approval of a Conditional Use Permit for Jesse Daily and Matthew Buerosse, 107 Buntrock Avenue for an Outdoor Beer Garden

Barkha Daily, cheel restaurant, gave a brief overview of the proposed Outdoor Beer Garden. Mrs. Daily indicated that the main partners will be Jesse and Barkha Daily, Matthew Buerosse and there are a couple private partners that all reside in Ozaukee County. Together, this brings over 100 years of experience in the industry.

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The target market for the Beer Garden includes those with a household income of \$55,000 or more, which equates to about 1.2 million people in Wisconsin. The food will be traditional beer garden items and drinks will be tap beer (8-12 different varieties) and signature cocktails.

Ms. Katie Fedorski addressed the plantings and landscaping. There will be a front entryway garden and a pergola garden space using many native plants and edible flowers. A community board is proposed for the space which will promote various events at the cheel as well as in the community. In the center of the Beer Garden will be a Jens Jensen Council Ring with plenty of seating.

Milwaukee Blacksmith will be making a gate front entryway. The fence will be "trellis like". A concrete artist will also be making some features for the space. The center piece of the Beer Garden will be the metal fire shaped sculpture that was created by Milwaukee Blacksmith. Sail shades are proposed for over the shipping containers. Water features will also be incorporated into the space.

Mrs. Daily shared that amplified music is planned on Tuesdays and Fridays. Open mic sessions are planned for Sunday evenings. When there is no live music there will be acoustic music played from speakers. Hours of operation will be Tuesday through Sunday 11:00 AM to 10:00 PM. Last call will be done around 9:30 PM – 9:45 PM so after 10:00 PM the space will be cleared out. For any special events, approval will be requested from the Plan Commission and neighbors will be informed.

Chairman Mobley inquired as to the capacity of the space. Ms. Fedorski indicated that there are 42 seats plus 2 employees.

Anna Burns, Brookwater Group, shared that the design is a very seasonal type of use and everything was designed to respect the neighbors. There will be low and point-of-use lights so no spotlights or floodlights will be used. The pergolas, a couple trees, solar shades, garage and fully concealed mechanicals inside a solid fence all help to diffuse the sound. Everything on site is a water shed; the far corner in the southwest will be brought up over two feet to create the pitch of the water and the site is over 75% permeable surface. The patio that is around the shipping containers, the patio out in front of the garage and the band stand are the only hard surfaces on the site. Everything will be winterized throughout the winter months.

Chairman Mobley inquired as to the capacity of the cheel restaurant. Mr. Daily indicated that inside capacity is 49 and outside capacity is 36.

It was confirmed that the fire pit is not part of the design any longer.

Planner Censky indicated that at the last meeting there was a lengthy discussion regarding the Beer Garden which resulted in concept approval to allow construction to begin. That approval was granted with the understanding and condition that the Conditional Use Permit be brought back to discuss more detailed plans and hours of operation. Those conditions have been met. These plans will now become an Exhibit to the Conditional Use Permit. This will be signed by the Owners and recorded with the Ozaukee County Register of Deeds office. Amplified music was discussed during the last meeting and again this evening, and Planner Censky issued a word of caution that live music can be loud and that even though immediate neighbors have been contacted, noise does travel. As a condition included in the Permit, the Owners are responsible for making sure the neighbors are not bothered. If approving this Permit, the Commission is also recognizing that most of the parking associated with the Beer Garden will be off-site parking. Other than that, it appears that the requests of the Commission have all been met.

It was noted that the hours of operation for the Beer Garden will be updated on the Conditional Use Permit. Planner Censky will make that amendment and submit for signatures.

Commissioner Kucharski asked for clarification on the hours of operation. Planner Censky indicated that the hours discussed and presented are Tuesday through Sunday 11:00 AM to 10:00 PM. Commissioner Kucharski also inquired about the serving of alcohol and believes that only beer and wine are allowed. Planner Censky indicated that this property is tied to the liquor license for the cheel restaurant. Commissioner Kucharski is requesting that the

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Village Attorney review this license to confirm that the use of the cheel license is legal at this site. Assistant Administrator Colleen Landisch-Hansen will follow up with the Village Attorney.

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Luedtke to approve the Conditional Use Permit for Jesse Daily and Matthew Buerosse, 107 Buntrock Avenue for an Outdoor Beer Garden Noting the Change to the Hours of Operation to Tuesday through Sunday 11:00 AM to 10:00 PM and Verification Regarding the Use of the cheel Liquor License to be Used at This Site from the Village Attorney. **MOTION CARRIED UNANIMOUSLY.**

D. Concept Plan Review and Land Use Plan Amendment Recommendation to Change the Classification for this Property from Institutional to Multi-Family Residential

Concept plan review is being requested by Greg Devorkin for the property at 116 North Orchard Street, 138 Buntrock Avenue and 124 N. Orchard Street; the Lumen Christi property for the development of condominium units.

Mr. Devorkin is seeking feedback for plans presented and also a Land Use Amendment in regards to the Lumen Christi property. This property was acquired about four months ago. Mr. Devorkin has had two or three schools inquire about leasing the property for its current use. Mr. Devorkin is proposing tearing down the school but keeping the church and constructing condominiums. The church will be retained.

Mr. Devorkin's plans submitted to the Plan Commission included 27 units which may or may not be the final count and is working with Planner Censky on some of the details regarding driveways.

Planner Censky indicated that this evening the Commission is being asked for two things: 1) to recommend amending the Land Use Plan for 116 N. Orchard St. and 138 Buntrock Avenue from Institutional to Multi-Family Residential and 124 N. Orchard Street from Single Family Residential to Multi-Family Residential. This recommendation will go to the Village Board with a Public Hearing no sooner than 30 days from today; probably in May or June. This will address the Land Use Plan; and 2) to review and offer feedback on the concept that is before the Commission this evening to give Mr. Devorkin direction to generate some more detailed plans that the Commission can then consider for re-zoning. At this point, we do not know whether we need to pursue a PDO Zoning along with the Residential Zoning and this is why additional information is needed.

Planner Censky indicated that better site survey information is needed along with other information required under Section 17.1208 Site Plan Requirements. At this time, the concept plans show the public sidewalk on the property; a site survey would clarify this. Also, the Zoning Code requires a 24' driveway width. The plans indicate a proposed width of 18', 14' and 12' which is insufficient for fire trucks, garbage trucks or two-way traffic. Planner Censky did suggest eliminating the center drive to make more room. The other issue is setbacks. Code requires a side setback of 15'; indicated on the north side is a 12' setback. It is things such as these that a PDO give flexibility with plans.

At this meeting, Commissioners are encouraged to provide the applicant feedback and direction regarding the three-story building adjacent to single-story homes to aid in drafting more detailed plans to justify rezoning and suggested recommending a Land Use Plan Amendment from the Institutional and Government Service and Single Family Residential classification for these sites to Multi-Family Residential.

Chairman Mobley prefers R-5 or R-4 to the current Institutional Zoning. Mr. Devorkin prefers to have R-5. Chairman Mobley suggested sticking with the maximum height requirements. Planner Censky indicated that the maximum height is 40'; the plans proposed are at 37' from the ground to the top of the elevation. Chairman Mobley also appreciated that the church will be preserved.