

**VILLAGE OF THIENSVILLE
PLAN COMMISSION
MINUTES**

DATE: Tuesday, February 6, 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 (excused)
Asst. Administrator:	Colleen Landisch-Hansen	
Planner:	Jon Censky	

III. BUSINESS

- A. Approval of Minutes**
1. January 9, 2018

MOTION by Commissioner Kucharski, **SECONDED** by Commissioner Gattoni to approve the January 9, 2018 Minutes. **MOTION CARRIED UNANIMOUSLY.**

- B. Consultation and Request for Feedback on Outdoor Beer Garden Plans,
Jesse Daily and Matthew Buerosse, 107 Buntrock Avenue**

Jesse Daily, 107 Buntrock Avenue provided to the Commission an explanation of plans to open an outdoor beer garden. The plan is to use storage containers that are converted into a beer tap room with another container to be a food prepping area for serving sausages and other sandwiches. There will also be an awning.

This is a separate entity from the cheel restaurant.

Chairman Mobley inquired about how the liquor license will be handled. Assistant Administrator Landisch-Hansen stated that the liquor license for the cheel has been amended to include serving at 107 Buntrock Avenue. Because these properties are adjoining and owned by the same owner, the license can be used on both parcels.

Chairman Mobley then asked why there was a need to have Public Hearings regarding allowing the beer garden. Village Planner Jon Censky indicated that the use of the property is controlled by the Zoning Code, and this is what the Public Hearings will be addressing. The first step by the Village Board will be to amend the Zoning Code to address the use and list as a Conditional Use. The next Public Hearing by the Plan Commission will be to approve the Conditional Use.

The question was asked by Chairman Mobley of how is this request different than just having a patio to serve? Planner Censky indicated that this site is on a lot that is separate from the principal structure. Because this is a different lot, this could not be identified as an accessory use because the principal use is not in place on this site. A decision had to be made as to how to handle this request. The ideal solution to this is to list it as a conditional use in the B-1 District. This is what the applicant is pursuing through the Village Board and Plan Commission.

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Planner Censky indicated that each of these two lots are treated differently in the Zoning Code. With each lot you are allowed a principal use which is either permitted by right or conditional use and then accessory uses. For an accessory use to be allowed, principal use must first be established. It is because this accessory use is on a different lot, that these steps must be taken.

Commissioner Gattoni inquired about the food prep and safety. Mr. Daily indicated that the cheel will prepare the food and the storage container at 107 Buntrock will essentially be a holding station. They will not be preparing the food at the outdoor beer garden – only serving. The grilling and cooking will occur at the cheel. Mr. Daily indicated that he will have to get a separate license from the Health Department to ensure compliance.

Commissioner Kucharski questioned if this outdoor beer garden will be a separate entity from the cheel. Mr. Daily stated that the beer garden will have a different EIN, tax identification number. Commissioner Kucharski clarified that this will be a different business. Mr. Daily confirmed. It was then stated that the cheel liquor license may not be able to be used if using a different EIN and then if a beer garden license is taken out, only beer and wine would be able to be served. Having a separate entity would not allow for liquor to be served. Mr. Daily then stated that this could be combined with the cheel. Commissioner Kucharski indicated that there are State laws that must be followed and suggested looking into the liquor license. Mr. Daily would like to have the cheel liquor license used at both properties.

Chairman Mobley shared that there are no more liquor licenses to issue so it would be in the best interest of the cheel to be able to use their liquor license at the beer garden if possible and questioned if an outdoor patio could be approved. Planner Censky stated that this could be approved if the lot lines were adjusted and the back portion of 107 Buntrock Avenue became part of the cheel.

Planner Censky believes that listing this as a conditional use is the way to go. This zoning is being considered only for the B-1 District. Listing outdoor beer gardens as a conditional use must be permitted by anyone applying for this use in the B-1 District as long as the conditions for the use are abided by. If we are not dealing with an adjoining lot but actually part of the lot, this would be listed as an accessory use.

Commissioner Kucharski stated that every time there is an event held at Skippy's and the serving of alcohol is outside the building, Village Board approval has been requested.

Mr. Daily inquired as to if he could obtain a catering license to serve at 107 Buntrock. Assistant Administrator Landisch-Hansen will inquire if this is an option.

Planner Censky did discuss this proposal with Village Attorney Tim Schoonenberg. The recommendation was made at the last Plan Commission meeting to classify this as a conditional use. The intent here is that once the decision is made at the Board level, Mr. Daily will then apply for a conditional use permit. Mr. Daily wanted some degree of comfort that when he comes back for the conditional use that the Plan Commission will be on board with the idea.

The storage containers are 8' x 20' metal storage containers like something you see on the back of a trailer. Commissioner Gattoni indicated that this is something seen in third world countries because they are inexpensive and water tight. Mr. Daily indicated that he would be using the containers because they are modular and can be moved and stressed that they are not permanent structures. The look is industrial.

Plans are to have the outdoor beer garden open seasonally, however, the containers would be there year round. The awning will be permanent. It will be similar to what was just installed at the cheel. The containers will sit on a concrete slab and are not on wheels. The rest of the back yard will be some grass as well as some turf bond.

The back yard will be enclosed by a fence for some privacy in the event there is a private party.

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Chairman Mobley questioned why a more permanent structure is not considered. Mr. Daily stated that a permanent structure would be more involved as far as permits and fire protection compared to the storage containers that are ready to go and just need to be dropped into place. There is no need for plumbing. There is a large water container that will be inside of the container. Mr. Daily already inquired with We Energies and got approval to put in service similar to what is used for an RV and has also gotten approval from Mr. Houpt to cut through their lot to get the electrical. This is a temporary/permanent concept. If this does not work, the containers could be picked up and removed.

Mr. Daily indicated that the containers are about \$3,000 each.

Commissioner Gengler stated that if this is successful, maybe a more permanent structure could be built.

The containers will be dropped in with a crane or by a truck. Commissioner Kucharski questioned that even though this is not a permanent structure, is this considered new construction? Mr. Daily stated that it is not because it is built off site. Chairman Mobley suggested contacting North Shore Fire to inquire if any permits are required. A Class B Kitchen License will be applied for which is essentially for a food stand.

Planner Censky indicated that there is a 15' side yard setback and 25' rear yard setback for an accessory structure. These are not really structures so the question is are they subject to this setback requirement. Commissioner Gattoni indicated that this is similar to a shed in which setbacks must be met.

Chairman Mobley inquired that if at the end of the season, the containers are would be required to be picked up and moved similar to boats and RV's which must be moved off the property November through April. Commissioner Dyer stated that to his recollection the Village has an Ordinance limiting a storage structure to 30 days (example: Pod Storage Container).

Planner Censky explained that if this is ultimately approved, these containers would be part of the conditional use and approval would be approving these containers being used as proposed.

Commissioner Gattoni inquired as to why a pavilion is not built with an open bar. Mr. Daily would like a secure unit for safety and shared that the Fermentarium in Cedarburg has a container. This will also save time having to go through the building process, and the containers will be equipped with coolers, a serving area, hot plates, etc. The containers have a garage door type opening similar to the octagons in the Park.

Chairman Mobley understands the desire to save costs but also expressed that the Village has interest in having nice structures.

Commissioner Kucharski indicated that the setbacks and the open fire pit are still at question. The Village does not allow fires to be open in back yards. The fire pit is an above-ground fire pit and must have a mesh cover. Commissioner Dyer expressed concern about the Port-a-John.

Mr. Daily stated that he would like to do this in Thiensville or he would look to going to Milwaukee.

C. Review and approval of Sign Plan Approval, Thrive Wholistic Veterinary Care, LLC
Sue Howell, 188 South Main Street

Mary Witkowski shared sign plans for Thrive Wholistic Veterinary Care, LLC at 188 South Main Street. There is a slight change to the plans submitted to the Plan Commission based on meeting with the Historic Preservation Commission. The addition of some slight color around the green lettering helps for the letters to stand out more.

Planner Censky indicated that this sign fully complies with the Sign Code.

Commissioner Kucharski asked for clarification on what type of material the sign is constructed out of. Ms. Witkowski clarified that the sign will look like wood but is a hardened plastic.

MOTION by Commissioner Cabaniss, **SECONDED** by Commissioner Gattoni to approve the Sign, Thrive Wholistic Veterinary Care, LLC, Sue Howell, 188 South Main Street. **MOTION CARRIED UNANIMOUSLY.**

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

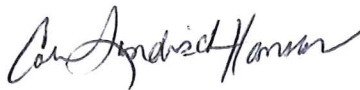
MOTION by Trustee Dyer, **SECONDED** by Trustee Kucharski to adjourn the meeting at 6:50 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,



Amy L. Langlois
Village Clerk

Signed by,



Colleen Landisch-Hansen
Assistant Administrator

Approved by,



Dianne S. Robertson
Administrator