

**VILLAGE OF THIENSVILLE  
PUBLIC HEARING BEFORE THE VILLAGE BOARD  
MINUTES**

**DATE:** Monday, February 19, 2018

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

**TIME:** 6:00 pm

**I. CALL TO ORDER**

President Mobley called the Public Hearing to order at 6:00 PM.

**II. ROLL CALL**

President:	Van Mobley	
Trustees:	Kim Beck	Kenneth Kucharski
	Ronald Heinritz	David Lange
	Rob Holyoke	Elmer Prenzlów
Administrator:	Dianne Robertson	
Attorney:	Robert Feind	
Planner:	Jon Censky	
Asst. Administrator:	Colleen Landisch-Hansen	
Clerk:	Amy L. Langlois	
Police Chief:	Scott Nicholson	
Director of Public Works:	Andy LaFond	

**III. PUBLIC HEARING FOR REQUEST TO SEEK PUBLIC COMMENTS AND WRITTEN COMMENTS REGARDING AN ORDINANCE FOR A TEXT AMENDMENT TO VILLAGE CODE SECTION 17.0308 C. TO AMEND CONDITIONAL USES AS CURRENTLY DEFINED PERTAINING TO THE B-1 CENTRAL BUSINESS DISTRICT TO INCLUDE OUTDOOR BEER GARDEN AS AN APPROVED USE**

**A.** Administrator to read and explain Notice

The Public Hearing Notice was read and explained.

**B.** Administrator to give a brief explanation of the Public Hearing

Administrator Robertson stated that to allow this requested use, the Village Code must be amended to include this text in the Zoning Code. Notice was published and posted according to law.

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

Jesse and Barkha Daily and Matthew Buerosse presented their request to the Village Board. Plans are coming along for a proposed beer garden at 107 Buntrock Avenue. Conceptual plans are almost ready for Planner Censky to review. Historic Preservation Commission approval was granted on February 14, 2018.

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The proposed outdoor beer garden will be called “the baaree” (baaree means garden). Mr. Daily shared that two storage containers (nicely painted and classy) are planned to be installed in the back yard of 107 Buntrock Avenue.

This text amendment will open this conditional use up to any business in the B-1 Central Business District.

The type of food being considered at the baaree is sausages and sandwiches, soda, sixteen or so craft beers, wine and liquor. Mrs. Daily shared that the price point at the baaree will be lower than at the cheel which will hopefully open up the destination to other people. The food will be more of an easy concept than the cheel and allow people to enjoy their food more often because the price point will be lower.

Mr. Daily reported that Mr. Greg Mueller, 121 S. Main Street, neighbor to the cheel, has expressed his support. Mr. Daily also reported that Mr. Wayne Houpt has property behind the proposed baaree, that Mr. Houpt is in support as well.

**D. Administrator reads any correspondence received related to the request**

There was no correspondence received relating to this request.

**E. Comments from the Village Board**

Trustee Heinritz inquired if there was a recommendation from the Plan Commission. Village Planner Jon Censky indicated that the zoning text amendment is a two-step process. The first step is for the Plan Commission to review the request, discuss and then make a recommendation. The Plan Commission addressed this request at the January 9, 2018 Plan Commission meeting. After a lengthy discussion, the Commission agreed to recommend to the Village Board approval of this Ordinance for a text amendment. It is before the Board this evening with a positive recommendation for approval. If approved this evening, Mr. Daily and Mr. Buerosse can then pursue their request for conditional use before the Plan Commission.

If approved, this will allow any business in the B-1 Central Business District to apply for this conditional use. A Public Hearing before the Plan Commission would be scheduled, and then the Plan Commission will be charged with establishing the appropriate conditions to alleviate any adverse impacts that this use would have in the neighborhood. These might include noise, hours of operation, parking, etc. There are properties on Green Bay Road that are in the B-1 Central Business District that are more residential. When applying for a conditional use permit, all this is considered.

Trustee Holyoke stated that when reading the January 9<sup>th</sup> minutes from the Plan Commission, Commissioner Luedtke asked the question of what is the difference between a beer garden or a restaurant/bar just serving outside. Planner Censky indicated that typically a beer garden is where beer and food is served separate from the original establishment. In this instance, the cheel is on a separate lot; it is not on the lot the beer garden will be on. This will be identified as a conditional use. It is not accessory to the cheel – it is a stand-alone beer garden. It is a business under the cheel.

The beer garden does not have to be contiguous, however, for the liquor license to be used, the properties must be contiguous.

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Trustee Kucharski suggested indicating that only those holding a liquor license can apply for a beer garden. This will protect the Village from having too many beer gardens. Administrator Robertson shared that the Ordinance can be amended at a future meeting. Planner Censky stated that the language could be changed to state "beer gardens associated with an existing establishment that serves alcohol" so that it is tied to an establishment. This request is for conditional use.

Trustee Heinritz feels more comfortable with these type of requests being tied to an establishment.

The Village Board does not have to grant a request for a beer and wine license just because it has been applied for. Attorney Feind stated that the character of the applicant must be considered.

Administrator Robertson shared that this evening approval could be granted and then the Ordinance could be amended after a future Public Hearing. Language cannot be amended this evening. Planner Censky did clarify that this text amended is only for the B-1 Central Business District.

Parking will be addressed during the conditional use Public Hearing.

**IV. CLOSE OF THE PUBLIC HEARING**


**MOTION** by Trustee Beck, **SECONDED** by Trustee Lange to close the Public Hearing at 6:20 PM. **MOTION CARRIED UNANIMOUSLY.**

Submitted by,



Amy L. Langlois  
Village Clerk

Approved by,



Dianne S. Robertson  
Administrator