

**VILLAGE OF THIENSVILLE
PLAN COMMISSION
MINUTES**

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

III. PUBLIC HEARING

- A.** The applicants, Jesse Daily and Matthew Buerosse, are Seeking Conditional Use Approval to Have an Outdoor Beer Garden at 107 Buntrock Avenue

1. Motion to Open Public Hearing

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Gattoni to Open the Public Hearing at 6:02 PM. **MOTION CARRIED UNANIMOUSLY.**

2. Assistant Administrator to read and explain Notice

Assistant Administrator Colleen Landisch-Hansen read and explained the Notice. The official Notice was published per State Statutes on February 13th and February 20th. On Monday, February 19th the Village Board approved a text amendment to the Village Zoning Code to now allow outdoor beer gardens as a Conditional Use in the B-1 Central Business District. Mr. Daily and Mr. Buerosse are now applying for a Conditional Use Permit for an outdoor beer garden at 107 Buntrock Avenue behind the existing Core Building.

3. Comments from anyone present requesting to be heard

Mr. Daily explained that plans for an outdoor beer garden named Baaree have been in the works for many years. Based on the last meeting with Mr. Daily, Mr. Buerosse and the Plan Commission, the feelings and comments were taken to heart to bring plans back to the Plan Commission. A set of plans was presented to the Plan Commission from collaborations with Wade Construction and Katie Fedorski who has drawn up a landscape design. Hopes are to launch the Baaree in the middle of June of 2018. Positive feedback was given from the Historic Preservation Commission with a little bit of tweaking on the overhang so it does not look like cardboard. Mr. Conley will also be involved on some oversight with the Baaree. Initially, there were two plans submitted. One was a bare bones version and the second was really where they would hope to be.

Mr. Daily introduced Katie Fedorski who will be the landscape designer on the project. Ms. Fedorski shared landscape plans for the Baaree with the Commission. There is a great example of a garden that is similar to the proposed at the Chicago botanic gardens. This is a culinary edible garden. Ms. Fedorski thought this would be an awesome pairing with the cheel because both Mrs. Daily and Gunner, the Head Chef at the cheel, are really passionate about where their food comes from. This is a very big movement in food now and tapping into this will really put Thiensville on the map.

“Baaree” is Nepalese for “garden,” and this will be the garden space for the cheel. The food philosophy for the cheel is “sharing amazing food locally sourced whenever possible.”

The community focus is incorporating many multi-use spaces. There are places where larger groups can come to meet, a space for just two to sit and enjoy an afternoon beer, there are places where there could be educational things for children and places for wheelchair accessible gardening areas. Basically, it is a blank canvas now. There was also an idea of having a community bulletin board within the site (weather protected). There is a mountain water feature with the thought to have it look like a little replica of Mount Everest. There is space for outdoor art on the walls. Being close to the bike path is also a plus.

Ms. Fedorski believes it is important to stay consistent with Thiensville’s modern new developments but still honor and preserve the architectural movements presented in the area. Another architectural feature is a Jens Jensen Council Ring. Jens Jensen is a landscape architect who coined the term Council Ring which is basically a community circle; this is a grouping of chairs in a circle, or a seating element, that all focuses towards the middle which is community based and represents community coming together. Running water features will cut down the traffic noise.

As far as the culinary gardening aspect, there is rain catchment (rain barrels) to catch the rain which can be used to water the gardens. Organic and non-chemical techniques will be used whenever possible. Plans are to mix ornamental, traditional, sculptural, edible and heirloom plants. Feng Shui design technique is also considered and integrated into the plans.

Chairman Mobley inquired if the existing fence would remain. Ms. Fedorski shared that plans are to install a new fence in the front and push it back to create a foyer and possibly keep the rest and repurpose. The entire area would be fenced in, secure and private.

The existing garage will house an ADA accessible bathroom, second restroom and storage area along with a walk-in cooler. Chairman Mobley believes the bathrooms should be top priority and that having the bathrooms would be very helpful.

Commissioner Gattoni inquired as to what the plans were for phasing. Mr. Daily stated that assuming they have enough saved including loans from Ozaukee County Development and from Port Washington State Bank, plans are to be ready to go by June 21st. Landscape proposal, budget to build the storage containers and awning plans are still being finalized. The priorities now are the storage containers and the bathrooms. The mountain water feature can be done at a later phase. The water lines for the water feature could be run now but installed at a later date. The concrete slab currently in front of the Core building to incorporate a bike lane may be pushed off until a later date as well.

Mr. Daily is proposing a concrete foundation under the storage containers with a flagstone or stamped concrete patio.

There will not be a lot of sunlight due to a few large trees and the proposed canopy so selection of the correct type of plants and soil is important. Raised planter boxes are also proposed to be placed behind the storage containers for garnishes and a rare type of kale.

Around the Council Ring there is raised concrete seating. Capacity is about 40-60.

Commissioner Gengler expressed her appreciation of the new plans.

The two storage containers will be connected, will be dark charcoal in color and made by an outside firm. On the exterior, the existing fence will be put along the exterior of the container.

As far as the awning, the idea is to construct an atrium type awning. This design is still in the works.

Chairman Mobley inquired about the fire pit. Mr. Daily indicated that the fire pit is not in the plans any longer. The cheel metal sculpture is proposed now to be used and will transform it into a fire feature.

Mr. Daily has been in contact with the State fire authority regarding how this space can be classified. Any facility that is used 180 days or less does not necessarily have to go through the same stipulations as far as fire codes are concerned, however, it is up to the local municipality about how this space will be classified. Temporary is a vague term and does not necessarily mean the structure must be taken out, but more or less, not being used all the time. From April 15th until October 15th the municipality can grant special exceptions to extend this timeframe.

The hours of operation planned will be Tuesday through Friday, from 11:30 AM until 10:00 PM, Saturday and Sunday from 11:00 AM until 10:00 PM and closed Monday. The only exceptions that may be requested is when there is a Packer game or a wedding to possibly stay open a little later. Notice of these extended hours would be shared with neighbors.

Food will not be prepared in this space, only served. Everything will be prepared in the cheel restaurant. There will be no grills, only Nesco ovens and hot plates to keep food warm. This will not be a commercial kitchen.

Commissioner Gattoni inquired as to what the awning structure will look like. Mr. Daily stated the structure will be “permanent-ish” and could be removed quite simply and feels the roof element is key when dealing with the weather and food. It will measure about 30’ by 20’. It was expressed at the Historic Preservation Commission meeting the hopes that the roof does not look like a carport.

Mr. Daily is confident that this space will be successful.

As far as parking, Mr. Daily identified 108 parking spaces that are within a short walking distance. The cheel uses about 40 when at capacity. The bike path will have a draw as well.

Commissioner Dyer questioned if the space will be flat. Mr. Daily shared that for the most part it will be. Ms. Fedorski will be taking the trees into consideration during the landscape process.

Commissioner Gengler inquired at what height a fence can be installed. Village Planner Jon Censky reported that the fence can be six feet high in a commercial space.

Planner Censky’s report was based on the initial submittal of plans from Mr. Daily. A lot of the issues that Planner Censky indicated in his report have been addressed with the new set of plans submitted this evening. Planner Censky did state that the Commission must understand that a lot of the parking that supports this use will be off-site. Code allows the Commission to consider the parking for the use for the stalls within 400 feet of the use. While a number are indicated out of the area, this does not mean they cannot be used for the use, but the Commission cannot count them for the use. There is no calculation for the number of stalls needed for this use.

The Conditional Use Permit indicates the stipulations of approval. Planner Censky indicated a few stipulations to be aware of. One of these stipulations is that there shall be no amplified music or sound. Mr. Daily is not comfortable with this. This is something that has to be considered and discussed for consideration. Music is definitely in the plans. The Permit must be signed by the owners and will be recorded at the Ozaukee County Register of Deeds office. The plans will be an Exhibit to this Permit and recorded as well.

Planner Censky will need more information in respect to the newly submitted plans: the family style area shows a trellis – plans will need to be submitted for this, indicate how the fence will be located on the site and the mountain water feature design must be submitted. The structures within the landscape plans must be submitted to the Plan Commission – anything that is proposed must be submitted for approval. Commissioner Gattoni indicated that whatever is on the plans is really what the Commission expects to see.

Planner Censky also stated that the Fire Department should be contacted to make sure everything is in compliance.

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

Assistant Administrator Landisch-Hansen indicated that no calls were received, however, one letter from Mr. Greg Mueller of 121 S. Main Street was received. The letter was read to the Commission.

In summary, Mr. Mueller expressed his concern about the noise being enforced after 10:00 PM, the fire pit filling his building with smoke and the appearance of the steel storage containers. This letter is dated March 5, 2018. Mr. Daily stated that there is no way he will agree to the 10:00 PM shut down time for any customer wishing to sit and talk on the patio. The awning will address the concern from Mr. Mueller not wanting to see the storage containers. There are options when it comes to the design of the roof. Mr. Daily did share that Mr. Mueller does visit the cheel on occasion.

Planner Censky did address the issue of the noise. Even though the fact that the Baaree may be open until 10:00PM, Planner Censky cautioned Mr. Daily how loud this music is and stressed a reasonable loudness. Chairman Mobley shared that the way the Ordinance works, is that this is enforced and judged by the Police Department. If noise happens to be a nuisance, a citation is given.

Mr. Daily stated the storage containers that will be used are brand new. Commissioner Dyer inquired if Mr. Daily had any alternative to the storage containers in mind. Mr. Daily responded "no" due to the involvement with the Fire Department and the cost and likes the concept.

Commissioner Gattoni indicated that there is such a thing in the Code as a seasonal building. These requirements are less than a full season building. The fire code was a big concern. Mrs. Barkha Daily indicated that there is great interest among the media in regards to the use of the storage containers.

5. Motion to Close Public Hearing

MOTION by Commissioner Gattoni, **SECONDED** by Commissioner Luedtke to Close the Public Hearing at 7:02PM. **MOTION CARRIED UNANIMOUSLY.**

IV. BUSINESS

A. Approval of Minutes
1. February 6, 2018

Commissioner Luedtke indicated a change to the February 6, 2018 Minutes. The Minutes indicated that "Trustee" Kucharski and "Trustee" Gattoni made motion to approve the February 6, 2018 Minutes. "Trustee" should be corrected to "Commissioner".

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Kucharski to approve the February 6, 2018 Minutes with Correction Made to Section A. Changing "Trustee" to "Commissioner". **MOTION CARRIED UNANIMOUSLY.**

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

Commissioner Kucharski asked for clarification regarding the hours of operation for the Baaree. Mr. Daily confirmed that at this time plans are to be closed on Mondays, Tuesday through Friday will be 11:30 AM to 10:00PM and Saturday and Sunday will be 11:00 AM to 10:00 PM. There will be clean-up after closing. Planner Censky indicated that these hours are for the use, the operation itself, so clean-up can occur after closing. The noise is really the concern.

Mr. Daily wants to have amplified music. Chairman Mobley stressed that the noise Ordinance is enforced by the Police Department. Planner Censky indicated that the last stipulation which reads: "Any substantiated material problems with noise, health, safety, parking capacity limits of the cheel restaurant, etc. associated with the Outdoor Beer Garden shall be the responsibility of the Owners to correct." If left uncorrected, this could result in a partial

or complete revocation of this Permit. Mr. Daily feels this is a very broad statement. Planner Censky indicated that the key issue is "substantiated material problems" which is a judgement call.

Chairman Mobley stated that the music and noise issue enforced by the Police Department ultimately is brought before himself and then the Village Board if needed.

Mr. Daily indicated that this space is not a place that there will be loud music and loud partying going on. It is all about the ambiance. Planner Censky stated that the Village wants this type of activity but does not want it left unchecked.

Commissioner Gattoni inquired as to how the Commissioners make sure that another beer garden falls in line with what to do and what not to do. Planner Censky indicated that each permit is specific to that particular site and request. If there is a beer garden that is adjacent to a residential property, control of the outdoor music will have to be looked into. Relying on the Police Department and neighbors is key to keeping the noise under control.

Mr. Daily indicated that he now provides the PA and amplifier system at the cheel and has a decibel meter to make sure the sound does not exceed levels. Chairman Mobley suggested allowing the amplified music. Planner Censky will state in the Permit that "any amplified music or sound shall be maintained at a responsible level." The Permit will leave the burden on Mr. Daily and Mr. Buerosse to pay attention to the sound levels. There is a noise Ordinance that is enforced by the Police Department. Taking this into consideration, Planner Censky stated that the Permit can read "any amplified sound shall comply with the Village noise Ordinance."

A revised Conditional Use Permit will be drafted and then presented to the Plan Commission for approval. Commissioner Kucharski indicated that the concept could possibly be approved this evening in order not to delay these plans.

Chairman Mobley greatly likes the permanent bathrooms and stated that the containers are not that visible except from Mr. Mueller's residence and from the back and suggested finding a way to mask the containers from those two viewpoints. Plantings on the roof was suggested. Commissioner Dyer inquired as to what phase would the plants be on the roof. Mr. Daily does not think there will be plants on the roof if there is an awning. The awning is still in the planning stage. If the awning is not installed in Phase I, there will be some type of green element on top of the containers. Safety of the employees is a concern.

Commissioner Gattoni feels strongly in having priorities set to present to the Plan Commission before any decision can be made on his part. Mrs. Daily shared that Phase I would include: the containers, the concrete foundation and flagstone, Ms. Fedorski is working on the bathrooms and planning for the plants in her small greenhouse. The roof will be clear, similar to what is at the cheel restaurant or it may have plants on top of the containers.

The bathrooms are a priority, and there will be some type of coverage for the storage containers whether it be an awning or plants. There will be one or the other in Phase I.

Commissioner Luedtke supports having an awning or plants to cover the roof of the containers. If it is too expensive, at least by the end of the season or beginning of next year would be fine, but something should cover it. Mr. Daily does want protection from the rain.

The concern was raised if someone slips and falls off the top of the container. It was indicated that there is no access, but with plants it was stated that someone will have to go up there. The plants planned are short plants. Mrs. Daily assured the Commission that by the time the Baaree opens, the roof will be covered or will have a green space.

Mr. Buerosse believes that the bathrooms alone will cost well over \$50,000 and that a reasonable amount of time to make sure that the bathrooms are built out is a 36 month window to ensure the business is up and running, generating revenue, and putting in the permanent structures.

Another question from Mr. Buerosse was that with Conditional Use granted, what is being put in is permanence. Chairman Mobley stated that this happens all the time.

Mr. Daily stated that the water fountain and bike rack could be in Phase II.

The key work in Phase I will be the grading and ground elements, foundation for the building and bathrooms.

Commissioner Dyer is not a fan of the corrugated metal structures and is more comfortable with the green space on top and is confused by the cover hearing that is clear and not seeing a plan. Mr. Daily indicated that the awning planned is similar to what was installed at the three-season room at the cheel.

Commissioner Gengler inquired if there was a possibility of temporarily using the restroom facility in the Core building. Mr. Daily indicated that the Core bathrooms could be available but are not wheelchair accessible. Commissioner Gengler also shared that she likes the storage containers and the energy of it, the newness, the green on top of the containers and stressed knowing what is capable to achieve the first year.

Mrs. Daily indicated that there is a very tight schedule if approved to open by June 21st. The management team at cheel will all meet to determine priorities and details. The plans will not be drastically different from what is presented this evening. Mrs. Daily invited the Commission to stop by any time and would like to keep things moving along.

Commissioner Kucharski supports either the awning or the green roof. Also, in response to Mr. Buerosse's comment regarding the 36 month time frame, Commissioner Kucharski stated that having the restrooms is a major plus and attraction for the whole concept and thinks 36 months is too far out.

Mr. Buerosse stated that the bathrooms will be completed as quickly as possible.

Planner Censky suggested that if everyone is comfortable with the concept, that action be taken on the concept with the understanding that more detailed plans will be submitted at the next meeting. The Conditional Use Permit will be updated and before the Plan Commission for consideration.

Mrs. Daily indicated that she can also supply the Phases planned. Planner Censky asked that if the canopy is going to be delayed, to indicate in the plans that it is proposed but may take time.

Mr. Daily inquired that if conditional approval is given this evening, can permits begin to get pulled and start moving forward with these plans.

Planner Censky did share that if a Commissioner does not vote to support this evening, it is because there is not enough information to make a decision.

MOTION by Commissioner Gengler, **SECONDED** by Commissioner Kucharski to Extend Conceptual Approval for a Conditional Use Permit for Jesse Daily and Matthew Buerosse, 107 Buntrock Avenue for an Outdoor Beer Garden Based on the Changes Identified and the Understanding that Final Plans Will be Submitted to the Plan Commission for Approval.

Ayes: Commissioners Gengler, Kucharski, Luedtke and Chairman Mobley

Naes: Commissioners Dyer and Gattoni

MOTION CARRIED.

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

V. 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.

VI. ADJOURNMENT

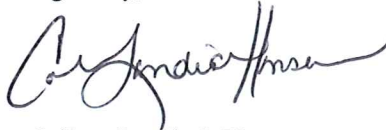
MOTION by Commissioner Dyer, **SECONDED** by Commissioner Gattoni to adjourn the meeting at 7:40 PM.
MOTION CARRIED UNANIMOUSLY.

Submitted by,



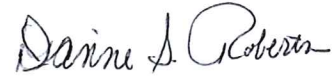
Amy L. Langlois
Village Clerk

Signed by,



Colleen Landisch-Hansen
Assistant Administrator

Approved by,



Dianne S. Robertson
Administrator