

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

SPECIAL BOARD OF TRUSTEES MEETING
Wednesday, November 14, 2018 * 6:00 PM * Parkview Room

AGENDA

1. Bring meeting to order and roll call
2. Public Hearing - Creation of Chapter 335.21.1 Rm-2 Multiple Family of the Code of Ordinance
3. Review and act on creation of Chapter 335.21.1 Rm-2 Multiple Family of the Code of Ordinance

Documents:

[*335-21.1 rm-2 multiple family - creation draft 101818.pdf*](#)

4. Review and act on Resolution 111418 Downtown Master Plan Implementation Moratorium Extension

Documents:

[*moratorium resolution 111418 extension.pdf*](#)

5. Review and act on new alcohol license for The Gingerbread Farmhouse LLC dba The Gingerbread House
Tharasa Bohrer, agent

Documents:

[*gingerbread house memo.pdf*](#)
[*gingerbread house ltr, plan of operation.pdf*](#)

6. Other Business

7. Adjourn

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk, Mary S. Stredni, at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM Friday prior to the meeting so that any necessary arrangements can be made to accommodate your request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the

Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice.

CHAPTER 335-21.1
THE VILLAGE OF ELM GROVE CODE OF ORDINANCES
RM-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

THE VILLAGE BOARD OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

Section 1: §335-21.1 RM-2 Multiple-Family Residential District of the Village of Elm Grove Code of Ordinances is hereby created.

§335-21.1 Rm-2 Multiple-Family Residential District.

The Rm-2 Residential District contains multiple-family residential development for Independent Senior Living Dwellings in which all residents are over the age of 62 years as defined by 24 CFR §100.303, as amended from time to time.¹ Such Independent Senior Living Dwellings must be served by municipal sanitary sewers and municipal water.

A. Permitted principal uses.

1. Multiple-family Independent Senior Living Dwellings with densities not to exceed 16 dwelling units per net acre.
2. Essential services

B. Permitted accessory uses.

¹ 24CFR § 100.303 (April 1, 2015) 62 or Over Housing.

(a) The provisions regarding [familial status](#) in this part shall not apply to housing intended for, and solely occupied by, [persons](#) 62 years of age or older. Housing satisfies the requirements of this section even though:

(1) There are [persons](#) residing in such housing on September 13, 1988 who are under 62 years of age, provided that all new occupants are [persons](#) 62 years of age or older;

(2) There are unoccupied units, provided that such units are reserved for occupancy by [persons](#) 62 years of age or over;

(3) There are units occupied by employees of the housing (and family members residing in the same unit) who are under 62 years of age provided they perform substantial duties directly related to the management or maintenance of the housing.

(b) The following examples illustrate the application of [paragraph \(a\)](#) of this section:

Example (1):

John and Mary apply for housing at the Vista Heights apartment complex which is an elderly housing complex operated for persons 62 years of age or older. John is 62 years of age. Mary is 59 years of age. If Vista Heights wishes to retain its “62 or over” exemption it must refuse to rent to John and Mary because Mary is under 62 years of age. However, if Vista Heights does rent to John and Mary, it might qualify for the “55 or over” exemption in [§ 100.304](#).

Example (2):

The Blueberry Hill retirement community has 100 dwelling units. On September 13, 1988, 15 units were vacant and 35 units were occupied with at least one person who is under 62 years of age. The remaining 50 units were occupied by persons who were all 62 years of age or older. Blueberry Hill can qualify for the “62 or over” exemption as long as all units that were occupied after September 13, 1988 are occupied by persons who were 62 years of age or older. The people under 62 in the 35 units previously described need not be required to leave for Blueberry Hill to qualify for the “62 or over” exemption.

Accessory structures and uses customarily incident to the above uses, including private garages when located on the same lot and not involving the conduct of a business; provided, however, that no principal structure shall be erected unless a garage with a minimum of one parking space per dwelling unit is erected simultaneously with the principal structure; and carports shall not be permitted in such district. Each required indoor parking space shall be a minimum of 240 square feet in area. Every garage so erected for a two-family dwelling shall be directly connected with the main structure, either by common wall, portico, porch or similar connection, roofed over, said roof to be connected to the roof or walls of the main structure. The Plan Commission may allow the required garage for a multifamily development containing three or more dwelling units to be a detached structure.

C. Conditional uses.

1. Utility substations.
2. Multiple-family Independent Senior Living Dwellings as part of a Residential Planned Development Overlay District project under §335-30. Densities of up to 38 dwelling units per net acre may potentially be granted subject to the adjustments provided for in §335-30F (3) and (4).
3. Home Occupations.
4. Driveways, patios, walkways or other hardscape constructed using a permeable surface to exceed the allowable percentage of maximum impervious surface area as defined within this chapter.

D. Lot area and width.

1. Lots shall not be less than one acre (43,560 square feet) in area.
2. Lots shall not be less than 120 feet in width at the front building line.

E. Building height and area.

1. Height
 - a. The building height for principal structures (including any part thereof) shall not exceed 36 feet; provided, however, that the building height for a principal structure may be increased by one foot for every two feet added to all side yard and the rear setback requirements for the district in which the structure is located. A maximum of five feet of additional building height may be added under this subsection.
 - b. For principal structures having exposed foundations on the side or rear yards, the vertical height at that location shall not exceed 46 feet; provided, however, that the vertical height at that location may be increased by one foot for every two feet added to all side and rear setback requirements of the district up to a maximum of five feet of additional vertical height.
 - c. The building height of accessory structures, other than garages, shall not exceed 10 feet.
 - d. The building height of detached garages shall not exceed 24 feet.
2. No multiple-family structure shall be less than 3,500 square feet in area, excluding the garage area.
3. No dwelling unit shall contain less than 700 square feet in living area.

F. Yards

1. There shall be a minimum building setback of 25 feet from each abutting street right-of-way.
2. There shall be a minimum side yard building setback of 20 feet.
3. There shall be a rear yard building setback of not less than 25 feet.

G. The maximum building footprint area shall be 30% of the lot area.

H. The maximum impervious surface shall be 65% of the lot area.

Section 2: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Section 3: This ordinance shall take effect and be in full force from and after its passage.

VILLAGE OF ELM GROVE

Dated this

Neil H. Palmer, Village President

Mary S Stredni, Village Clerk

RESOLUTION 111418

VILLAGE OF ELM GROVE DOWNTOWN MASTER PLAN IMPLEMENTATION MORATORIUM RESOLUTION

WHEREAS, the Village of Elm Grove Board of Trustees with Resolution 052118 declared and established a moratorium until November 20, 2018 on the issuances of building permits for new commercial structures located within the Central Business District (CBD) by Village agents where they are not sought as part of a rezoning, approving of a subdivision or other division of land by plat or certified survey map as for by Wis. Stats. §66.1002(1)(b); and

WHEREAS, This moratorium may be terminated earlier than November 20, 2018 or extended, depending on the adoption of the anticipated Downtown Master Plan (DMP) and its related zoning code amendments; and

WHEREAS, the 2018 Downtown Master Plan has not been completed.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Elm Grove Board of Trustees hereby extends the moratorium until February 28, 2019 when it is anticipated that the Downtown Master Plan will be completed.

Approved this 14th day of November 2018.

Neil H. Palmer, Village President

Mary S. Stredni, Village Clerk



DATE: November 9, 2018
TO: Village of Elm Grove Board of Trustees
FROM: Village Clerk Mary S Stredni
RE: New alcohol license application

New Alcohol license

Tharasa Bohrer owns The Gingerbread House in Muskego. She is opening another restaurant/bakery at 13320 Watertown Plank Road (previously La Cakery) and is applying for a Combination Class B license which would allow for the service of beer, wine, and liquor. If that is not approved she would like a Class B – Beer and a Class C – Wine license.

For your information and discussion; The La Cakery had both a Class B – Beer and Class C – Wine license. The Village is limited to the number of Combination Class B licenses (which allow for beer, wine, and liquor). There is one available. In the past this license was issued to restaurants which were located in the 890 Building. The Village also has three Reserve Combination Class B licenses.

It is up to the discretion of the Village Board as to what license if any to approve.

Attached is a note from Ms. Bohrer and a copy of her Plan of Operation.



COFFEE • BAKERY • BOUTIQUE

To whom it may concern,

I am presently applying for a liquor license in the community of Elm Grove Wisconsin as I am trying to fulfill a niche within the community, which you presently do not have.

I have been a business owner in Muskego with a full license and have found that similar to pastry shops across the globe they are filled with delicious pastry both sweet

customer patronage a place to enjoy. Being in business and especially the present business I have owned and operated for the last 12 years I have listened and watched what has been a positive for my much success and business growth and development. I've offered and maintained my liquor license in the Muskego community and Specialty coffee drinks, mimosa's, Bloody Mary's and Old fashions which in most businesses now have become old school craft cocktails. Niche business. Not just another bakery, not just another coffee shop or another bara staple in your community to grow and enhance business within Elm Grove and long term success for both the community and the Gingerbread House.

I hope you will at least consider the business plan and allow me to acquire the licensing for the property, as it will also be additional revenue to Elm Grove.

Thank you

*Tracy Bohrer
The Gingerbread House*

VILLAGE OF ELM GROVE
Application for Plan of Operation and
Change in Use/Amendment to Existing Operation

This document is a matter of public record and may be reviewed upon request.

Business Contact Information

\$25.00 Application Fee due at time of submission

Property Information	Business/Tenant Information
Property Tax Key #: EGV 1106 004	Business Name: The Gingerbreadfarmhouse LLC / DBA: The Gingerbread House
Property Address: 13320 Watertown Plank Road Elm Grove WI 53122	Business Owner: Tharasa M. Bohrer (Tracy)
Property Owner and Mailing Address (City/State/ZIP): Tony & Julie Quebemann	Business Owner Mailing Address (City/State/ZIP): W180S6683 Muskego Drive Muskego WI. 53150
Property Owner Business Phone and Fax #: 847-650-0981	Business Owner Business Phone and Fax #: 414-422-9601
Property Owner Cell Phone #: same as above	Business Owner Cell Phone #: 414-403-9551
Property Owner E-mail Address: edenapple@aol.com	Business Owner E-mail Address: gbh1885@icloud.com
After Hours Emergency Contact Name and Phone #: 847-650-0981	After Hours Emergency Contact Name and Phone #: Dennis Bohrer 414-940-9847 Tracy Bohrer 414-403-9551

Business Use Information (attach additional sheets if required)

1. Explanation of Proposed Business (e.g. use of building/property):

Store front Bakery/Custom Cake Shop/Specialty Beverages and Espresso Coffee

small dine in or outside bistro table setting and walk up grab and go retail setting

2. Total Number of Employees/Number of Employees on Largest Work Shift:

Total Number of Employees: 6 (both full and part time)

Total Number of Employees on Largest Work Shift: 8

3. Hours of Operation (for each day of the week):

Monday: Closed Wednesday: 7 am- 6 pm ** Friday: 7 am-6 pm ** Sunday: 7 am- Noon

Tuesday: 7 am- 6 pm Thursday: 7 am- 6 pm ** Saturday: 7 am- 6 pm

** Possibly 8 pm for summer hours

Thursday:

4. Customer Load: 25-50

Daily Average: _____

Daily Peak: 20

5. Will you be submitting for signage? If yes, your proposal must meet Building Board specifications - see Zoning Administrator.

Yes

No Change of name only on canopy with Naegele awning company (Dan Hodges)

6. If a dumpster is located on the property, is it screened from the street and all neighboring properties? Dumpsters must be screened per Village Ordinance - see Zoning Administrator.

Yes

No

7. Expected Date of Occupancy:

Business start date Approximately 10/21/18

- > **Site Plan Information** (Provide representation of the following: ingress; egress; parking arrangement; landscaping; loading docks/stalls; refuse/recycling receptacle storage; equipment/materials storage; accessory structures. *If a site plan has been previously filed with the Village, please indicate below and reference the date of submittal.*)
- > **Floor Plan Information** (Provide identification of offices, conference rooms, display areas and storage areas). List all other occupants within the building, their business and parking requirements (may be provided by building owner).

Approval of the Plan of Operation and Site Plan Review will NOT be granted without receipt of this completed form at least 20 business days prior to a regularly scheduled Plan Commission meeting (first Monday of each month).

*Applicant's Signature: Tharasa M Bohrer Date: 9/25/18

*Signature of Property Owner or Registered Agent: Anthony D. Pull Date: 9-25-18

*Signature of this document denotes review of and agreement to the content of this form and the requirements of Section 335-85 - Plans of Operation.

Conditions of Approval:

APPROVED
VILLAGE OF ELM GROVE
ZONING ADMINISTRATOR
 DATE 10/9/18 INITIAL TCH

Copies provided to:

- Building Inspector
- Police Chief
- Fire Chief
- Fire Inspector
- Assessor
- Village Clerk