



City of Waukesha
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Committee: Plan Commission	Date: 7/27/2022
Common Council Item Number: PC22-0267	Date: 7/27/2022
Submitted By: Doug Koehler, Principal Planner	City Administrator Approval: Click here to enter text.
Finance Department Review: Click here to enter text.	City Attorney's Office Review: Click here to enter text.
Subject: Conditional Use Permit – The Tap Yard Waukesha, 1150 W. Sunset Drive	

Details: In March of 2021 the Tap Yard received a Conditional Use Permit for an outdoor beer garden at the Shoppes at Fox River for one year only. At the time the use was new to the City, so the Plan Commission wanted an opportunity to see how it would fit into the neighborhood before approving it on a permanent basis. The applicant either didn't realize at the time that it was not a permanent approval, or forgot over the course of the year, and the beer garden re-opened at the beginning of this season without a renewed Conditional Use Permit. He applied as soon as staff noticed the error and contacted him. We are not aware of any significant complaints regarding noise, trash, or other similar concerns.

The Tap Yard's setup is essentially unchanged from last year. It is located on the only remaining outlot in the Shoppes at Fox River property which does not have a building on it, and it takes up the entire space. The bar is a converted shipping container, with VIP seating on the roof. The building code and city ordinances currently have no provisions for regulating these types of shipping container structures, but the applicant has stated that the it is specially designed and reinforced to ensure structural integrity. The remainder of the space has woodchip flooring and picnic table seating, and several porta-potties are located in the southwest corner. A temporary stage can be placed at the south end of the yard, facing away from the nearby residences on the south side of Sunset Drive.

The beer garden operates five days per week, from Wednesday through Sunday, during the summer season from May 1st through November 1st. It has varying hours throughout the week, with the latest closing time on Fridays and Saturdays at 10:00 PM. From November 27th through January 31st it will operate on a much more limited winter schedule. Tables will be available on Thursday, Friday, and Saturday by reservation only, under "igloo" structures. The Chief Building Inspector has stated that more permanent restrooms would be required if the operations were extended beyond 180 days per calendar year. The dates of the season extend beyond 180 days, but due to off days the business will only be open 157 days total, so permanent restrooms are not required.

One of the requirements of the 2021 approval was to provide ADA access to the space. This was done with mats from the entrance to the bar area and to the restrooms. The applicant has been unable to obtain similar mats so far this year, but he has stated that he is open to other ADA solutions. One of the porta potties is ADA accessible.

The applicant has requested approval of a permanent Conditional Use Permit. He notes that the business has a fifteen-year lease, and he plans to be in the space as long as he can. Staff is recommending that this permit be approved through the end of the 2023 season only, meaning January 31st of 2024. It would certainly be appropriate and beneficial for the use to continue

after that and remain on a permanent basis, with more permanent structures. The applicant has stated that the landlord will not allow permanent structures on the site in order to keep it available for potential future development.

Options & Alternatives:

[Click here to enter text.](#)

Financial Remarks:

No financial impact to the City.

Staff Recommendation:

Staff recommends approval of a Conditional Use Permit for The Tap Yard at 1150 W. Sunset Dr. with the following conditions:

- All signs will comply with the Waukesha Sign Ordinance. The applicant will obtain Sign Permits as required.
- ADA accessibility will be re-instated. Any alteration from the standard that was in place in 2021 must be approved by staff.
- The approval should be through January 31st, 2024 only. After that the applicant will need to install more permanent buildings or find a new location.
- Fire Department comments will be addressed.