



PLAN COMMISSION AGENDA

July 13, 2023 – 6:00 pm
Village Hall
235 Hickory Street, Pewaukee, WI
53072

To view the meeting: <https://www.youtube.com/live/7QI0pq-1svc?feature=share>

1. Call to Order and Roll Call
2. Public Hearings:
 - a. On the Conditional Use Grant Request of Cansas Steidl, d/b/a Myxn Bar LLC, to have a small tavern space set aside within the footprint of her proposed specialty retail and custom scent mixing business tenant space located at 145 W. Wisconsin Ave. This property is zoned B-2 Downtown Business District. The property owner is Joseph Grasch Development LLC.
3. Citizen Comments: *This is an opportunity for citizens to share their opinions with Commission Members on any topic they choose. However, due to Wisconsin Open Meeting laws, the Commission is not able to answer questions or respond to your comments. All comments should be directed to the Commission. Comments are limited to 3 minutes per speaker. Speakers are asked to use the podium and state their name and address.*
4. Approval of the Minutes:
 - a. Regular Plan Commission Meeting – June 8, 2023
5. Old Business:
6. New Business.
 - a. Review, discussion, and possible recommendation to the Village Board regarding an ordinance to amend Section 40.471 of the Village Code regarding the regulation of transient commercial lodging uses in residential districts. Village initiated item.
 - b. Review, discussion, and consultative feedback to applicant Matthew Backhaus, d/b/a Streetworks, on his request for the Village to introduce a means through which he could gain a ‘conditional approval’ that would allow Backhaus/Streetworks to hold his Motor Vehicle Dealer License based at a B-5 Light Industrial zoned site (i.e., 600 Hickory Street). The applicant represents that there would be no outside display area for vehicles available for sale. This property is owned by Road Runner Venture LLC in c/o Matthew Backhaus.
 - c. Review, discussion, and possible action/recommendation to the Village Board to release an existing Pedestrian Easement in effect at 321 Riverside Drive. The applicant/property owner is Riverside 321 Partners LLC in c/o Christian Hlavinka.
 - d. Review, discussion, and possible action/recommendation to the Village Board to approve

the Final Plat of Riverside Preserve – a 36-lot (+4 outlots), single-family residential subdivision. This 13-acre site, located at 321 Riverside Drive, is zoned R-5 Single-Family Residential with Residential Infill Redevelopment Overlay (RIRO). The property owner/applicant is Riverside 321 Partners LLC in c/o Christian Hlavinka.

- e. Review, discussion, and possible action on the Conditional Use Grant Request of Cansas Steidl, d/b/a Myxn Bar LLC, to have a small tavern space set aside within the footprint of her proposed specialty retail and custom scent mixing business tenant space located at 145 W. Wisconsin Ave. This property is zoned B-2 Downtown Business District. The property owner is Joseph Grsch Development LLC.
- f. Review, discussion, and possible action/recommendation to the Village Board, on the request of Senior Housing Partners, in c/o Anne O'Connor as Development Manager for Senior Housing Partners & Owner's Rep. for Kirkland Crossing, LLC, to modify Section 40.400.1. of the Village Code, increasing the percentage of units that may be used for senior independent living within a project developed under the Elderly Housing Overlay (EHO) zoning district.

- 7. Citizen Comments. – *This is an opportunity for citizens to share their opinions with Commission Members on any topic they choose. However, due to Wisconsin Open Meeting laws, the Commission is not able to answer questions or respond to your comments. All comments should be directed to the Commission. Comments are limited to 3 minutes per speaker. Speakers are asked to use the podium and state their name and address.*

8. Adjournment

Note: It is possible that members and/or possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; action will not be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in the notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. To request such assistance, contact the Village Clerk at 262-691-5660.

Dated: July 7, 2023

PLAN COMMISSION MINUTES

June 8, 2023 – 6:00 pm

Village Hall

235 Hickory Street, Pewaukee, WI 53072

<https://www.youtube.com/live/8YtIVp-1CBk?feature=share>

DRAFT-DRAFT-DRAFT-DRAFT

1. Call to Order and Roll Call

President Knutson called the meeting to order at approximately 6:00 p.m.

Plan Commission members present: Comm. Mark Grabowski, Comm. Theresa Hoff, Comm. Ryan Lange, Comm. Cheryl Mantz, Comm. Brian Belt, Trustee Craig Roberts and President Jeff Knutson.

Also present: Village Planner, Mary Censky; Village Engineer, Tim Barbeau; Village Attorney, Matt Gralinski; Village Administrator, Scott Gosse; and Village Deputy Clerk/Treasurer Jenna Peter.

2. Public Hearings –

a. On the Conditional Use Grant request of tenant applicant Brendan Moore, d/b/a Twisted Vine, to develop a seasonal outdoor dining/seating area accessory to his existing wine shop and wine bar use, using three of the public parking stalls situated in the W. Wisconsin Avenue right-of-way directly in front of the business located at 145 W. Wisconsin Avenue – Unit/Suite #1. Building/Unit owner is Joseph Grasc Development LLC. Right-of-way is owned by the Village of Pewaukee. Property is Zoned B-2 Downtown Business District.

Jon Siepmann – W29735 S Woodfield Rd Hartland - Owner of 161 W Wisconsin. – Mr. Siepmann has no objections but asks that the Conditional Use Grant be tied to the lease on the property because the patio area that they lease from Siepmann is off of Grasc's property and those three parking spots are partly in front of the Siepmann property. If there is a change in the lease, they would like to be able to control that and make sure that the leaser can operate on those three parking spots.

b. On the Conditional Use Grant request to locate a restaurant/tavern use (i.e. Pewaukee Lake Bistro) on the first floor of the existing building located at 115 W. Wisconsin Avenue. The applicant is Pewaukee Lake Bistro LLC. The property owner is Joseph Grasc Development LLC. The property is Zoned B-2 Downtown Business District. – No Comments

3. Citizen Comments –

Llazar Konda – Owner of Beach House Bistro @ 161 W Wisconsin Ave. – Mr. Konda has been operating Beach House Bistro for two years. He stated he has been waiting two years for a full liquor license and is the only restaurant that does not have one. He loses business because he cannot offer certain kinds of liquor to his patrons. He wanted to make the Commission aware of that.

4. a. Approval of the Minutes – Regular Plan Commission Meeting – May 11, 2023.

Comm. Grabowski motioned, seconded by Comm. Belt, to approve the May 11, 2023, Regular Plan Commission Meeting minutes as presented.

Motion carried 7-0.

The items below were not presented in order.

5. Old Business

a. Review, discussion, and possible action/recommendation to the Village Board to amend Sections 40.268, 40.301, 40.319, 40.221, 40.229, and 40.400.1(2)(b) of the Village Code regarding building height regulations, and Section 40.426(j)(1) of the Village Code regarding Residential Parking regulations. This item is Village initiated.

Planner Censky indicated in the Commission's agenda packet what is shown in red and crossed out on her staff report are the changes the Plan Commission has made through the course of several previous meetings on the subject.

Comm Mantz motioned, seconded by Comm. Hoff to recommend the changes to the Village Board.

Motion carried 7-0.

6. New Business

a. Review, discussion, and possible action on the Conditional Use Grant request of tenant applicant Brendan Moore, d/b/a Twisted Vine, to develop a seasonal outdoor dining/seating area accessory to his existing wine shop and wine bar use, using three of the public parking stalls situated in the W. Wisconsin Avenue right-of-way directly in front of the business located at 145 W. Wisconsin Avenue – Unit/Suite #1. Building/Unit owner is Joseph Grasc Development LLC. Right-of-way is owned by the Village of Pewaukee. Property is Zoned B-2 Downtown Business District.

Censky stated she does not have the precise details of furniture or accessories they plan to put in the dining/seating area so that will need to be a condition of approval to be reviewed by Village staff before the applicant could put anything inside of the spaces they are requesting. The three parking stalls about the three stalls that have already been approved for use by the Beach House Bistro. The Village Engineer wants to weigh in on where the ADA ramp would be placed because there is a storm water grate there and he does not want the ramp blocking that.

Jon Siepmann would like to see that if for some reason Twisted Vine is no longer occupying that location, those spaces are set aside for his building since they are partly in front of his property. Discussion followed regarding conditional use grant language and explanation.

Village Planner Recommendations:

- 1) Applicant to return to the Planning Commission (or defer to Staff) for review and approval of the detailed plans explaining how they will close the gaps between barrier panels and what the plans are for tables, chairs, umbrellas, ADA ramping, ... are for the interior of the allocated space
- 2) Approval is subject to the terms of the attached DRAFT CUG document and related exhibits.

Comm. Grabowski motioned, seconded by Comm. Lange to approve with the Village Planner's recommendations, adjusting to defer to staff for review of items listed in the first recommendation, requiring the addition of conspicuous signage at the three parking stalls behind the Beachscape building that will be made available for public use in lieu of the street stalls being used for this dining/seating area, and the requirement of annual staff review for renewal. If the Grasc lease for the outdoor seating space between Siepmann and Grasc buildings changes in the future, staff will reevaluate, with the Planning Commission, if/how to proceed with future permission to utilize these stalls for on-street dining/seating.

Motioned carried 6-1, Comm. Mantz Nay.

b. Review, discussion, and possible action on the Conditional Use Grant request to locate a restaurant/tavern use (i.e. Pewaukee Lake Bistro) on the first floor of the existing building located at 115 W. Wisconsin Avenue. The applicant is Pewaukee Lake Bistro LLC. The property owner is Joseph Grash Development LLC. The property is Zoned B-2 Downtown Business District.

Censky explained the existing building is 2 stories; commercial use on the first floor, residential use on the second floor, and it is currently vacant. The proposed new restaurant/tavern use would have seating for up to 65 patrons – 15 at the bar and the remainder in general dining space. No outdoor dining use is proposed at this time, and no restaurant/tavern related use on the second floor of this existing building is proposed at this time. The applicant has seven onsite parking stalls available to support the use and suggests he will be able to lease an additional 10 stalls from an adjoining neighbor whose stalls are typically only occupied during the off-hours of the proposed new restaurant use.

Village Planner Recommendations:

1) Applicant to provide the following plans and details for review, consideration and possible approval by the Planning Commission prior to drafting, execution, and recording of the Conditional Use Grant document:

- Full four-sided architectural plan or rendering set depicting the existing building in all elevations so the Commission can properly review the current circumstances and determine if any changes would be required
- Proposed location and manner of screening for dumpster(s) to be stored on this site
- A summary of the staffing demands expected to occur during the busiest shift as well as a summary of current/ongoing second floor use of the building and any parking demands it raises.
- A copy of the signed agreement for shared parking access to at least 10 additional Stalls adjacent to this site, and including a statement of the days/hours during which the Pewaukee Lake Bistro will have exclusive use of them
- An exterior lighting plan detailing the existing lighting proposed to remain as is and/or any changes to be made
 - A landscaping plan detailing the existing landscaping proposed to remain as is and/or any changes to be made.

2) Applicant to secure all necessary sign, building and/or electrical permits prior to the start of construction or installation in support of the proposed Pewaukee Lake Bistro use at this site.

Comm. Lange motioned, seconded by Comm. Mantz to approve with the Village Planner's recommendations.

Motion carried 7-0.

c. Review, discussion, and possible action on the request of applicant Jim Forester, d/b/a Good Eats Restaurant, 1405 Capitol Drive, Unit F, to place a 40 square foot, changeable copy/electronic messaging wall sign on the building façade in front of this tenant space. This B-1(PUD) zoned property is owned by Chestnut Limited Partnership.

Village Planner Recommendations:

1) The type and intensity of sign lighting shall be subject to review and approval by the Village Staff prior to issuance of a Sign Permit

2) Applicant agrees that any substantiated adverse/nuisance issues arising with respect to this sign in the future, such as but not necessarily limited to noise, type, intensity, or hours of illumination,

and similar, ... are the applicant's responsibility to correct timely upon written notice from the Village

3) Applicant to secure all necessary permits, such as but not limited to Sign Permit, Building Permit, Electrical Permit,... prior to placement/installation of the sign at the site.

Comm. Belt motioned, seconded by Comm. Mantz to approve with the Village Planner's recommendations.

Motion carried 7-0.

d. Review, discussion, and possible site plan approval for a proposed 484 square foot accessory storage building to be constructed/added to the property at 161 W. Wisconsin Avenue. The applicant/property owner is Siepmann Development Company, LP in c/o Chris Siepmann. This property is zoned B-2 Downtown Business District.

Censky explained the site plan amendment was originally approved in 2019 but was not implemented by the applicant within the 12-month period, therefore expired. Censky also stated the proposed location of the building will result in the loss of one existing paved parking stall on the site plus approximately 300 sq.ft. of green space.

Village Planner Recommendations:

- 1) Colored samples of all the proposed building materials shall be submitted for Planning Commission review and approval
- 2) Any new/modified lighting attendant to this project shall be submitted to Village Staff for review and approval as to fixture type and dispersion plan prior to implementation at the site
- 3) No signage is considered or approved as a part of this review/action
- 4) Issuance of all required building, construction and related permits prior to the start of any work on the proposed project
- 5) Village Engineer review and approval of all grading, drainage, utility, erosion control and related plans prior to start of any work on the proposed building project.

Engineer Barbeau stated the proposed building will not be placed in wetland, floodway or the flood fringe and therefore, is not subject to floodplain code requirements. There will be a silt fence along the low end of the site area for erosion control.

Comm. Grabowski motioned, seconded by Comm. Belt to approve with the Village Planner and Engineer's recommendations adjusting to defer review/approval of the colored samples of proposed building materials to Village staff – such approval to be received by applicant prior to start of construction of the new building.

Motion carried 7-0.

7. Citizen Comments –

Sarah Stephens– Owner of Beach Bum Bakery @ 161 W Wisconsin – Stated there is no signage indicating to the public where the additional parking spots are downtown in lieu of the three new street dining stalls approved tonight.

8. Adjournment

Comm. Hoff motioned, seconded by Comm. Grabowski to adjourn the June 8, 2023, Regular Plan Commission meeting at approximately 7:08 p.m.

Motion carried 7-0.

Respectfully submitted,

Jenna Peter
Deputy Village Clerk/Treasurer

DRAFT



To: Jeff Knutson, President
Plan Commission

From: Scott A. Gosse
Village Administrator

Date: June 7, 2023

Re: Agenda Item 6a, Review and possible recommendation regarding an ordinance to amend Section 40.471 of the Village Code regarding the regulation of transient commercial lodging uses in residential districts

BACKGROUND

Attached for your review and consideration please find a draft amendment to the transient lodging ordinance prepared by Village Attorney Mark Blum based on the direction of the Village Board. The Village Board is seeking the proposed ordinance and has referred this draft language to the Plan Commission for review and consideration on a recommendation to the Village Board.

As noted in the attached cover letter from Attorney Blum, the draft amendments include an expansion of the definition of transient commercial lodging uses to include any residential use including “legally non-conforming, conditional uses, mixed uses or as authorized as part of a Planned Unit Development Ordinance”, whether or not the uses are located in a residentially zoned district.

ACTION REQUESTED

The action requested of the Plan Commission by the Village Board is to review the proposed zoning code amendment and forward a recommendation to the Village Board for consideration.

Attachments

**HIPPENMEYER, REILLY, BLUM,
SCHMITZER, FABIAN & ENGLISH S.C.**

MARK G. BLUM
THOMAS G. SCHMITZER
LORI J. FABIAN
RONALD E. ENGLISH III

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May 19, 2023

Via Email (sgosse@villageofpewaukee.com)

Mr. Scott Gosse
Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072

Re: Transient Lodging Ordinance


Dear Scott:

Enclosed is a draft of an Amendment to Section 40.471 of the Village Code dealing with transient short-term lodging within Residential Districts. As you may recall, Trustee Rohde posed a question as to whether the Ordinance applied to all residential uses or simply those properties that are zoned for residential purposes. I have looked at the Ordinance and it is my opinion that because there are some references in the Ordinance to Residential Districts, this would be construed as referring simply to those properties which are located within areas zoned residential under the Village Code. Since it is my understanding the Village Board would like a more expansive definition, I have redrafted the Ordinance to refer to residential uses, which would be inclusive of properties within areas zoned residential along with properties that are legally, non-conforming or for which residential use is allowed by way of a Conditional Use Permit, Mixed Use properties or Planned Unit Development Ordinances.

Please let me know if you find this to be acceptable and if so, then my belief is this should go to the Village Board for its review and then referred back to the Plan Commission for consideration of the change.

Sincerely,

HIPPENMEYER, REILLY, BLUM,
SCHMITZER, FABIAN & ENGLISH, S.C.



Mark G. Blum

MGB/jb
Enc.

ORDINANCE NO. ____

**ORDINANCE TO AMEND SECTION 40.471 OF VILLAGE CODE OF
VILLAGE OF PEWAUKEE REGARDING THE REGULATION OF
TRANSIENT COMMERCIAL LODGING USES IN RESIDENTIAL DISTRICTS**

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin do ordain as follows:

SECTION I

Section 40.471, (a), (2) of the Village Code of the Village of Pewaukee is amended to read as follows:

Section 40.471(a)(2) – Transient commercial lodging uses: The use by any person of ~~residential~~ property residential purposes including for bed and breakfasts, hostels, hotels, inns, lodging, motels, resort or other similar uses. For purposes of this section, properties used for residential purposes shall include properties that are zoned for residential purposes, as well as those which allow for residential use because they are authorized for use based upon being legally non-conforming, conditional uses, mixed uses or as authorized as part of a Planned Unit Development Ordinance.

SECTION II

Section 40.471, (b) of the Village Code of the Village of Pewaukee is amended to read as follows:

Section 40.471(b) – Transient lodging uses: Transient lodging uses for remuneration are prohibited in the residential zoning districts of the Village or where legal residential uses are occurring including legal non-conforming property, conditional uses, mixed use, or residential uses allowed as part of a Planned Unit Development Ordinance, where the period of each individual use is less than three (3) days. Any person acting as an agent, real estate broker, real estate sales agent, property manager, reservation service or arranges or negotiates for the use of ~~residential~~ property for residential purposes or transient lodging uses, or any person who uses or allows the use of ~~residential~~ property for residential purposes in this manner shall be considered in violation of this Section. Each day in which such residential ~~property-use~~ is used or allowed to be used in violation of this Section shall be considered a separate offense. Any rental of single-family property for camping purposes is prohibited.

SECTION III

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION IV

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION V

This Ordinance shall take effect upon passage and publication as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Pewaukee, and shall indicate the date and number of this amending Ordinance therein.

Passed and adopted this _____ day of _____ 2023 by the Village Board of the Village of Pewaukee.

APPROVED:

Countersigned:

Jeff Knutson, Village President

Cassie Smith, Village Clerk

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky
Date Prepared: July 13, 2023

General Information:

Agenda Item: **6.b.**

Applicant/Property Owner:

Matt Backhaus d/b/a StreetWorks Exotics
with consent of underlying property owner
Road Runner Venture LLC

Requested Action:

Discussion and feedback from the Village about introducing a means through which he could gain a 'conditional approval' that would allow Backhaus/Streetworks to hold his Motor Vehicle Dealer License based at a B-5 Light Industrial zoned site (i.e., 600 Hickory Street).

Existing Zoning:

B-5 Light Industrial District

Proposed Zoning:

Same

Surrounding Zoning/Land Use:

North: Railroad tracks
South: B-5 Light Industrial use and zoning
East: B-5 Light Industrial use and zoning
West: WEPCO transformer substation

Existing Master Plan Classification:

Industrial-Business Park

Proposed Master Plan Classification:

Same

Location:

600 Hickory Street

Lot Size:

1.88 acres

Discussion:

The Village Code does not list new or used vehicle/automobile sales as a use, either by right or through conditional use, in any of our zoning districts. This applicant currently holds a Wisconsin Motor Vehicle Dealers License using his business address in Waukesha. His principal place of business moved to the Village of Pewaukee back in early/mid 2022.

The applicant indicates that he would like to Village to open a path toward allowing him to have his dealers license, and to practice motor vehicle sales, based at his B-5 Light Industrial zoned property. He has indicated that he would be satisfied with an approval to permit this *without* any outdoor vehicle display space(s) being permitted as a part of the approval.

Any Code changes made to this effect would be applicable district-wide and could not be limited uniquely to one-off sites on a case-by-case basis.

Application is due three weeks prior to meeting date.



**Planning Commission Consultation
Application Form**

Address/Parcel No. of Property Involved: 600 HICKORY ST.

Zoning of Property: B-5

Current Owner of Property: MATTHEW BACHHAUS / ROADRUNNER VENTURE LLC

Applicant - Name: MATTHEW BACHHAUS

Address: 600 HICKORY ST PEWAUKEE WI 53072

Phone: 262-547-0052

Fax: _____

Email: STREETWORKS HOT RODS @ GMAIL.COM

Name of Business that Consultation is for: STREETWORKS

Describe Nature of Business (Restaurant, Retail, Office, etc.):

CAR RESTORATION / REPAIR

Signature of Property Owner as listed on this Application:

[Handwritten Signature]

Application will not be processed without the Owner's Signature regardless of who is listed as the Applicant. This signature authorizes the Village of Pewaukee to process the Consultation Application proposed for my property and further authorizes the Village or its representatives to conduct reasonable and routine inspections of my property for the purposes of evaluating this application.

Signature of Applicant (if different than Owner):

**** For Consultation Purposes, an Engineering Review will not take place. Engineering Reviews will begin if and when an Application for Final Approval is processed.***

***Please submit eleven sets of any applicable attachments as well as a digital copy of any attachments submitted.**

Application is due three weeks prior to meeting date.



PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

Pursuant to the Village of Pewaukee Code of Ordinances, the Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Planner or any other of the Village's professional staff results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Clerk shall charge that service for the fees incurred by the Village. Also, be advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are the responsibility of the property owner or responsible party.

I, the undersigned, have been advised that, pursuant to the Village of Pewaukee Code of Ordinances, if the Village Attorney, Village Engineer, Village Planner or any other Village professional provides services to the Village because of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred by the Village. In addition, I have been advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are my responsibility.

The Village will place fees from unpaid invoices on the real estate tax bill of the property that corresponds to the incurred services.

RESPONSIBLE PARTY & MAILING ADDRESS

MATHEW BACHMANS
Name of Company and/or Individual

600 HICKORY ST PEWAUKEE WI 53072
Street City State Zip

Phone: 262-547-0082 Fax: _____ E-Mail: STREETWORKS_HUTCH@GMAIL.COM

[Signature] 6/6/23
Signature of Applicant & Date

Signature of Property Owner & Date

Village Official Accepting Form & Date

SEND ALL PROFESSIONAL SERVICES INVOICES TO:
(Check One)
 Property Owner
 Applicant

To:

Pewaukee Village Plan Commission

Regarding:

600 Hickory St. B-5 Zoning status

Streetworks has been incredibly happy with our move to Pewaukee. We thank you again for welcoming us to the area with open arms, it has truly been a great transition. Currently, we hold an automobile dealer license in the state of Wisconsin that is based at our address in Waukesha. This dealer use is for vehicles we have in our inventory, but that are not on display for sale indoors or outdoors. We currently sell only through other dealers and auction sites (We have used Kearns, Cassandra's Motorsports, Bring a Trailer, etc) and we have no vehicles publicly available for sale. This is an integral part of our business, and we are hoping to gain permission to move the address to our new Pewaukee location. We are asking for a conditional approval that will allow Streetworks to hold our license based at this 600 Hickory Street location, but with the understanding that there will be no vehicles for sale outside nor inside the property.

Please consider our proposal along with our written request that has been sent in to discuss this with the commission in person.

Thank you for your time.

Matthew Backhaus

Streetworks

600 Hickory St.

Pewaukee, WI 53072

(262) 547-0052

MOTOR VEHICLE DEALER TWO YEAR LICENSE APPLICATION

MV2186 3/2021 Ch. 218 Wis. Stats.

Submit in Duplicate

Wisconsin Department of Transportation
Dealer and Agent Section
PO Box 7909, Madison, WI 53707-7909

FOR OFFICE USE ONLY	
Issued	Expires

Check this box if This is a Buyout Application
 Amending Current License Information

Legal Business Name		FEIN	Dealer License Number
Trade Name(s) or DBAs		(Area Code) Telephone Number	
Business Address	PO Box	City	State ZIP Code
Email Address	County (Business Location)		<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Name:
State of Incorporation or Organization	If Corporation or LLC, Date Licensed in Wisconsin	Business Entity: <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> LLC <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Association	
Types of Vehicles to be Sold (<i>check all that apply</i>) <input type="checkbox"/> Autos <input type="checkbox"/> Trucks <input type="checkbox"/> Motorcycles <input type="checkbox"/> Other (<i>specify</i>):		List Makes of New Vehicles to be Sold	
Address of Secondary Sales Location in Same Municipality Branch: Sublot:			
Name and Title of Owners, Partners, Association Members, Corporate Officers or Shareholders, LLC Members or Managers (Complete form MV2844 Entity / Owners Statement for each individual)			
Completely Describe Other Business, Engaged in by Your Firm	Same Location <input type="checkbox"/> Yes <input type="checkbox"/> No	Dealer License Numbers of Additional Dealerships	
Was there a licensed dealer at this same location previously this year? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Dealer Name:	Do you own and operate your own service department? <input type="checkbox"/> Yes <input type="checkbox"/> No – Attach Completed Service Agreement		
Have you, as an individual and your above named firm, been licensed as a dealer before? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Same Location: <input type="checkbox"/> Yes <input type="checkbox"/> No	Complete ONE of the Following (<i>whichever applicable</i>) Is Business Real Estate Owned by: <input type="checkbox"/> Yes <input type="checkbox"/> No – Owner of Sole Proprietorship <input type="checkbox"/> Yes <input type="checkbox"/> No – One Partner of Partnership <input type="checkbox"/> Yes <input type="checkbox"/> No – Corporate Dealership <input type="checkbox"/> Yes <input type="checkbox"/> No – LLC <i>If No, Send Copy of Lease</i>		
Has your motor vehicle dealer license ever been denied, suspended or revoked? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, When and what state:			
Are you licensed as a motor vehicle salvage dealer at the same location? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, List License Number:			
Will you be named as the lessor on any vehicle title? Check a box: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, submit MV2509 – Lessor Bond, and include the required lessor bond in the amount of \$60,000 per Wis. Stat. §344.51		Sales Tax Seller Permit Number	
Check Only ONE Box (<i>applicable to your dealership</i>) <input type="checkbox"/> 1. During the next two years our dealership will sell ALL vehicles on a <i>Cash Only</i> basis. Fee due is \$20. <input type="checkbox"/> 2. Our dealership originates retail installment sales contracts and/or consumer leases: <input type="checkbox"/> a. All of the contracts or leases we originate are sold or transferred to a third party. Fee due is \$100. <input type="checkbox"/> b. Some or all of the contracts or leases are retained by our dealership. Fee due is \$100. <input type="checkbox"/> 3. The total amount of installment contracts and/or consumer leases originated and retained in the last 12 months was \$____, which is \$100,000 or less. Fee due is \$100. <input type="checkbox"/> 4. The total amount of installment contracts and/or consumer leases originated and retained in the last 12 months was \$____, which is greater than \$100,000. Do not submit a fee. You will receive a separate bill.		Dealer License – Required Fee (\$40) \$ <u>40</u> Branch License (\$40) \$ _____ Sublot License (\$2) \$ _____ Salesperson License(s) (\$8) (<i>if test required, pay examiner</i>) # _____ x \$8 \$ _____ WI Buyer License(s) (\$12) # _____ x \$12 \$ _____ Buyer ID Card(s) (\$12) # _____ x \$12 \$ _____ Dealer License Plates – Required (<i>first 2 plates</i>) \$ <u>150</u> Number of Additional Plates (\$10) # _____ x \$10 \$ _____ List letters of All Missing Plates: _____ Replacement License Plates for Lost, Damaged, or Illegible Plates (\$4 each) \$ _____	
<input type="checkbox"/> Yes <input type="checkbox"/> No Does your dealership write credit insurance?		<i>In the event of plate increase or decrease, recalculate fees.</i>	
Check Payable To: Department of Financial Institutions Total \$ _____		Check Payable To: Registration Fee Trust Total \$ _____	

I, the undersigned, certify under penalty of s.345.17 Wisconsin Statutes, that (1) a lease agreement covering at least the licensing year has been executed, if premises are not owned by applicant, and (2) the answers and statements on this application are true and correct to the best of my knowledge.

X

(Signature of Authorized Dealership Agent)

(Title)

(Date – m/d/yyyy)

MOTOR VEHICLE DEALER TWO YEAR LICENSE APPLICATION *(continued)*

Wisconsin Department of Transportation MV2186

First time dealer applicant or application for amended license because of business relocation or ownership change.

Proper local officials must sign below, BEFORE submitting this application. All applicants complete Section A.

If business is located in a township, complete both Sections A and B.

Attention Zoning Authorities: The requirements for a retail motor vehicle dealer are as follows:

1. A permanent building, not a residence, tent, or temporary stand.
2. An office within the building.
3. A minimum 12 x 20 foot area accessible for automobile display, repair and preparation within the building.
4. A repair shop on the premise or a service agreement with a nearby repair shop.
5. An outdoor vehicle display lot for at least one vehicle adjacent to the building or all vehicles kept indoors.
6. An exterior sign with business name as it will appear on the license certificate and any other name used to do business under. The lettering of the sign must be a minimum of 4 inches high, unless smaller dimensions are required by local zoning or sign ordinance.
7. A sign posted on or adjacent to the entrance door describing business hours.

SECTION A

Legal Business Name

Business Address PO Box City State ZIP Code

1. Operation of this dealer business at the location(s) stated above is in accordance with local zoning, building code and permit requirements.

Print Name Municipality

X

(Signature) (Official Title) (Date – m/d/yyyy)

2. Check only ONE and sign below: A local permit or license is required and has been issued.

A local permit or license is not required.

Print Name Municipality

X

(Signature) (Official Title) (Date – m/d/yyyy)

SECTION B

Legal Business Name

Business Address PO Box City State ZIP Code

County Zoning Approval – Required only if business is located in a township.
Operation of this dealer business at the location(s) stated above is in accordance with local zoning regulation.

Print Name County

X

(Signature) (Official Title) (Date – m/d/yyyy)

If business address above does not include a specific street number, furnish directions to your business location, including highway numbers or letters and distances.



To: Jeff Knutson, President
Plan Commission

From: Scott A. Gosse
Village Administrator

Date: June 30, 2023

Re: Agenda Item 6c, Review, discussion, and possible action/recommendation to the Village Board to release an existing Pedestrian Easement in effect at 321 Riverside Drive. The applicant/property owner is Riverside 321 Partners LLC in c/o Christian Hlavinka.

BACKGROUND

Attached for your review and consideration please find a Release of Recorded Easement related to a pedestrian easement dating back to the original and underlying subdivision plat for River Hills Park. As you are aware, this subdivision was never developed as the nursing home was developed at this location. Additionally, the underlying subdivision plat and the pedestrian easement was not released or vacated. Two attachments are provided to illustrate the location of the pedestrian easement.

ACTION REQUESTED

The action requested of the Plan Commission is to recommend to the Village Board the approval of the attached Release of Recorded Easement.

Attachments

RIVERSIDE PARTNERS, LLC

By: _____
Its: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Personally came before me, this ____ day of _____, 2023, the above-named _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission is permanent/expires: _____

VILLAGE:
Village of Pewaukee

VILLAGE:
Village of Pewaukee

By: _____
Jeff Knutson, President

By: _____
Cassie Smith, Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

Personally came before me, this ____ day of _____, 2023, the above-named Jeff Knutson and Cassie Smith, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission is permanent/expires: _____

This document was drafted by

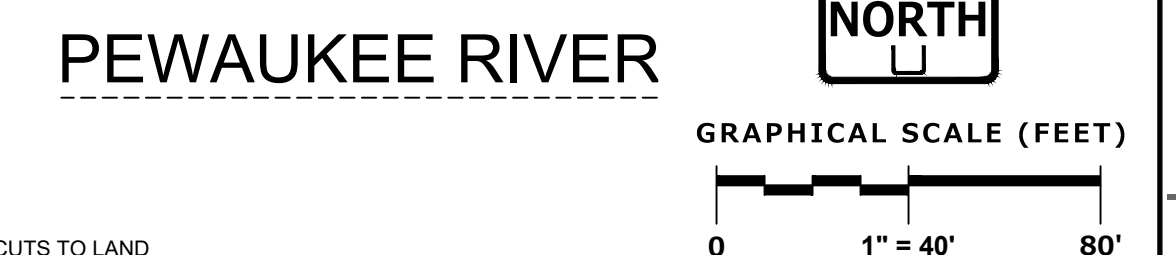
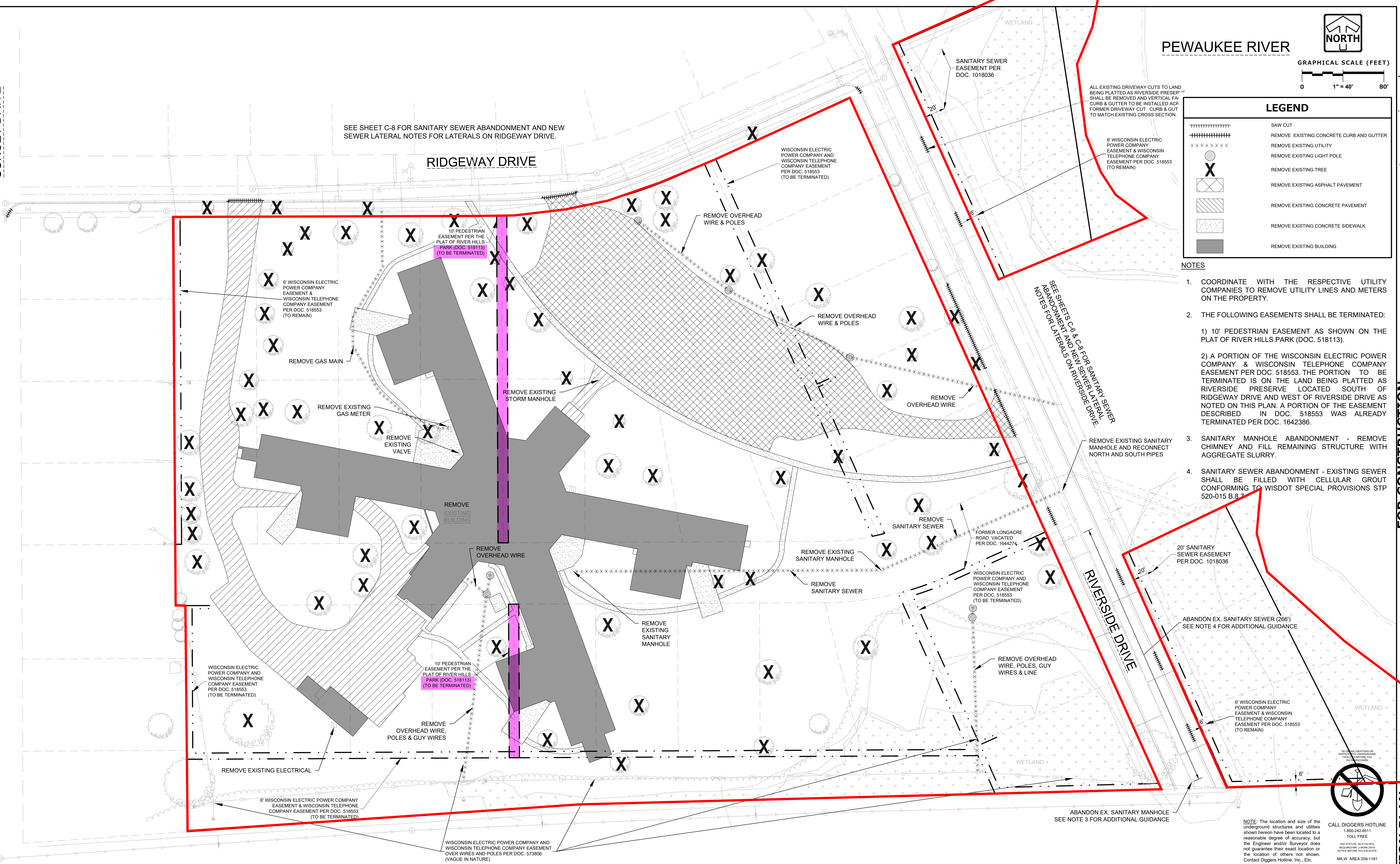
Ajay Kuttemperoor
AVK Law, LLC
117 N. Jefferson Street, Suite 201
Milwaukee, WI 53202

EXHIBIT A – PROPERTY LEGAL DESCRIPTION

Lots 9 through 14 in Block 3 and Lots 2 through 21 in Block 4 and Lots 3 through 14 in Block 5 and all that part of vacated Longacre Road lying between the described Lots in Blocks 4 and 5, and a part of Outlot 15, in Block 5, all being in River Hills Park, a subdivision recorded as Document No. 518113, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 15 and the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 7 North, Range 19 East, in the Village of Pewaukee, County of Waukesha, State of Wisconsin, bounded and described as follows:

Commencing at the northwest corner of the Northwest 1/4 of said Section 15; thence South 00°21'51" East along the west line of said Northwest 1/4, 761.10 feet to a point of curvature on the north right-of-way line of Ridgeway Drive and the Point of Beginning; thence northeasterly 110.55 feet along said south right-of-way line and the arc of said curve to the left, whose radius is 459.89 feet and whose chord bears North 72°37'14" East, 110.28 feet; thence North 65°44'04" East along said south right-of-way line 180.00 feet to the west right-of-way line of Riverside Drive; thence South 24°15'56" East along said west right-of-way line 741.21 feet to the south subdivision line of said River Hills Park; thence North 88°31'34" East along said south subdivision line, 65.08 feet to the east right-of-way line of Riverside Drive; thence North 24°15'56" West along said east right-of-way line 796.41 feet; thence North 66°12'01" East 168.05 feet to a point on a meander line along the Pewaukee River; thence South 08°46'20" East along said meander line, 261.95 feet; thence South 67°22'10" West 98.11 feet to a point on the east right-of-way line of Riverside Drive; thence South 24°15'56" East along said east right-of-way line, 295.53 feet; thence North 64°23'47" East 110.85 feet to a point on a meander line along the Pewaukee River; thence South 26°47'56" East along said meander line, 305.00 feet to the south subdivision line of said River Hills Park; thence South 88°31'34" West along said south subdivision line, 769.80 feet; thence South 86°00'34" West along said south subdivision line 383.81 feet to the east line of Certified Survey Map No. 381; thence North 00°15'56" West along said east line, 221.10 feet; thence South 89°44'04" West along said east line, 10.00 feet; thence North 00°15'56" West along said east line and east line extended, 380.00 feet to a point on the south right-of-way line of Ridgeway Drive; thence North 89°44'04" East along said south right-of-way line 309.80 feet to a point of curvature; thence northeasterly 82.09 feet along said south right-of-way line and the arc of said curve to the left, whose radius is 459.89 feet and whose chord bears North 84°37'14" East, 81.98 feet the Point of Beginning. Containing 567,086 square feet (13.0185 acres) of land to the meander line of the Pewaukee River and 598,357 +/- square feet (13.7365 +/- acres) of land more or less to the water's edge.

DESIGNED: MRC
CHECKED: ASZ
REVIEWED: ASZ
DATE: 07/27/22



LEGEND

	SAW CUT
=====	REMOVE EXISTING CONCRETE CURB AND GUTTER
XXXXXXX	REMOVE EXISTING UTILITY
○	REMOVE EXISTING LIGHT POLE
X	REMOVE EXISTING TREE
▨	REMOVE EXISTING ASPHALT PAVEMENT
▩	REMOVE EXISTING CONCRETE PAVEMENT
▧	REMOVE EXISTING CONCRETE SIDEWALK
■	REMOVE EXISTING BUILDING

- NOTES**
- COORDINATE WITH THE RESPECTIVE UTILITY COMPANIES TO REMOVE UTILITY LINES AND METERS ON THE PROPERTY.
 - THE FOLLOWING EASEMENTS SHALL BE TERMINATED:
 - 10' PEDESTRIAN EASEMENT AS SHOWN ON THE PLAT OF RIVER HILLS PARK (DOC. 518113).
 - A PORTION OF THE WISCONSIN ELECTRIC POWER COMPANY & WISCONSIN TELEPHONE COMPANY EASEMENT PER DOC. 518553. THE PORTION TO BE TERMINATED IS ON THE LAND BEING PLATTED AS RIVERSIDE PRESERVE LOCATED SOUTH OF RIDGEWAY DRIVE AND WEST OF RIVERSIDE DRIVE AS NOTED ON THIS PLAN. A PORTION OF THE EASEMENT DESCRIBED IN DOC. 518553 WAS ALREADY TERMINATED PER DOC. 1642386.
 - SANITARY MANHOLE ABANDONMENT - REMOVE CHIMNEY AND FILL REMAINING STRUCTURE WITH AGGREGATE SLURRY.
 - SANITARY SEWER ABANDONMENT - EXISTING SEWER SHALL BE FILLED WITH CELLULAR GROUT CONFORMING TO WISDOT SPECIAL PROVISIONS STP 520-015 B.8.7.

NOTE: The location and size of the underground structures and utilities shown hereon have been located to a reasonable degree of accuracy, but the Engineer and/or Surveyor does not guarantee their exact location or the location of others not shown. Contact Diggers Hotline, Inc., Etc.

CALL DIGGERS HOTLINE 1-800-242-8511 TOLL FREE

WE STRIVE FOR EXCELLENCE. RESOURCES ARE: PROFESSIONAL ENGINEERS, SURVEYORS, LANDSCAPE ARCHITECTS, PLANNERS, DESIGNERS.

MILW. AREA 259-1181

PLAN | DESIGN | DELIVER
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PINNACLE ENGINEERING GROUP
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WISCONSIN OFFICE:
20725 WATERTOWN ROAD
BROOKFIELD, WI 53186
(262) 754-8888
CHICAGO | MILWAUKEE | NATIONWIDE

RIVERSIDE PRESERVE
VILLAGE OF PEWAUKEE, WAUKESHA CO., WISCONSIN

DEMOLITION PLAN

REVISIONS

1	FOR REVIEW	05/11/22
2	PER VILLAGE COMMENTS	07/11/22
3	PER VILLAGE COMMENTS	07/27/22

PEC JOB No. 2025.00
ASZ
START DATE 04-22-21
SCALE 1" = 40'

SHEET C-2 OF C-21

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FOR CONSTRUCTION
DEMOLITION PLAN
www.pinnacle-engr.com

OWNER'S CERTIFICATE OF DEDICATION

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THE PLAT, I ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY S. 236.10 OR S. 236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION. "VILLAGE OF PEWAUKEE, WAUKESHA COUNTY PARK AND PLANNING COMMISSION, AND THE STATE DIRECTOR OF REGIONAL PLANNING.

WITNESS THE HAND AND SEAL OF SAID OWNER THIS DAY OF December 1959.

IN THE PRESENCE OF: Anna M. Nardi, Kathryn Oswald, Mabel C. Reinhart, OWNER

RIVER HILLS PARK

BEING A SUBDIVISION IN PART OF THE S.E. 1/4 OF SECTION 9 AND PART OF THE N.W. 1/4 OF SECTION 15 AND PART OF THE N.E. 1/4 OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 19, EAST. VILLAGE OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN.

OWNER'S CERTIFICATE OF DEDICATION CONT'D.

STATE OF WISCONSIN) S.S. COUNTY OF WAUKESHA) PERSONALLY CAME BEFORE ME THIS 7th DAY OF December 1959, THE ABOVE NAMED MABEL C. REINHART, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

H.A. BARRY, NOTARY PUBLIC, Waukesha County, Wis. 518113, MY COMMISSION EXPIRES May 5-1963

SURVEYOR'S CERTIFICATE

I, RAYMOND THOMAS CULL, SURVEYOR, HEREBY CERTIFY: THAT I HAVE SURVEYED, DIVIDED AND MAPPED "RIVER HILLS PARK" IN THE VILLAGE OF PEWAUKEE, COUNTY OF WAUKESHA, AND STATE OF WISCONSIN. THAT I HAVE MADE SUCH SURVEY, LAND-DIVISION AND PLAT BY THE DIRECTION OF RIVER HILLS ENTERPRISES INC., OWNER OF SAID LAND.

ALL THAT PART OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SECTION NINE (9) AND PART OF THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF SECTION FIFTEEN (15), AND PART OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION SIXTEEN (16), TOWNSHIP SEVEN (7) NORTH, RANGE NINETEEN (19) EAST, VILLAGE OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION FIFTEEN (15) AND RUNNING THENCE 154.84 FEET ON THE CENTERLINE OF EAST WISCONSIN AVENUE ALONG A CURVE (THE CHORD OF WHICH BEARS NORTH 89 DEGREES 55 MINUTES 30 SECONDS EAST 154.42 FEET) TO A POINT IN THE CENTERLINE OF PEWAUKEE RIVER; THENCE RUNNING IN A SOUTHEASTERLY DIRECTION ALONG THE CENTERLINE OF PEWAUKEE RIVER; THENCE AT A POINT 104.42 FEET NORTH 89 DEGREES 55 MINUTES 30 SECONDS EAST OF SAID NORTHWEST CORNER AND RUNS SOUTH 03 DEGREES 14 MINUTES WEST 313.74 FEET TO A POINT ON A MEANDER LINE; THENCE ALONG SAID MEANDER LINE, SOUTH 70 DEGREES 16 MIN. 34 SEC. EAST 386.40 FEET TO A POINT; THENCE ALONG SAID MEANDER LINE SOUTH 08 DEGREES 05 MINUTES EAST 361.84 FEET TO A POINT; THENCE ALONG SAID MEANDER LINE SOUTH 26 DEGREES 07 MINUTES EAST 593.10 FEET TO A POINT, SAID POINT BEING SOUTH 89 DEGREES 12 MINUTES 30 SECONDS WEST 255.76 FEET OF THE CENTERLINE OF PEWAUKEE RIVER, SAID POINT BEING ON THE SOUTH BOUNDARY LINE OF THIS PARCEL; THENCE CONTINUING SOUTH 89 DEGREES 12 MINUTES 30 SECONDS WEST 769.80 FEET TO A POINT ON THE WEST LINE OF SAID NORTHWEST ONE-QUARTER (N.W. 1/4); THENCE SOUTH 86 DEGREES 41 MINUTES 30 SECONDS WEST 754.80 FEET TO A POINT; THENCE NORTH 00 DEGREES 25 MINUTES EAST 1321.28 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION SIXTEEN (16); THENCE NORTH 00 DEGREES 38 MINUTES 30 SECONDS WEST 398.10 FEET TO A POINT IN THE CENTERLINE OF EAST WISCONSIN AVENUE; THENCE SOUTH 63 DEGREES 17 MINUTES 30 SECONDS EAST ALONG SAID CENTERLINE 564.37 FEET TO THE POINT OF CURVATURE OF A CURVE, THENCE 263.95 FEET ALONG SAID CURVE (THE CHORD OF WHICH BEARS SOUTH 72 DEGREES 59 MINUTES 30 SECONDS EAST 262.70 FEET) TO THE POINT OF BEGINNING, CONTAINING 39.49 ACRES OF LAND, WITHIN MEANDERLINE. THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF MADE. THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE VILLAGE OF PEWAUKEE IN SURVEYING, DIVIDING AND MAPPING THE SAME.

Raymond Thomas Cull, LAND SURVEYOR, NO. S-114

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

RIVER HILLS ENTERPRISES INC., A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED AND MAPPED AND DEDICATED AS REPRESENTED ON THIS PLAT. RIVER HILLS ENTERPRISES INC. DOES FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY S. 236.10 OR 236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: "VILLAGE OF PEWAUKEE, WAUKESHA COUNTY PARK & PLANNING COMMISSION, STATE DIRECTOR OF REGIONAL PLANNING AND STATE BOARD OF HEALTH."

IN WITNESS WHEREOF, THE SAID RIVER HILLS ENTERPRISES HAS CAUSED THESE PRESENTS TO BE SIGNED BY NORBERT C. REINHART, ITS PRESIDENT AND COUNTERSIGNED BY HARRY E. SAMSON, ITS SECRETARY AT Waukesha, WISCONSIN, AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED ON THIS 8th DAY OF December 1959.

IN THE PRESENCE OF: H.A. BARRY, NOTARY PUBLIC, Waukesha County, WISCONSIN. MY COMMISSION EXPIRES May 5-1963

CONSENT OF CORPORATE MORTGAGEE

PEWAUKEE SAVINGS AND LOAN ASSOCIATION, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE ABOVE DESCRIBED LAND, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF "RIVER HILLS PARK", MABEL C. REINHART, OWNER.

IN WITNESS WHEREOF THE SAID PEWAUKEE SAVINGS AND LOAN ASSOCIATION, HAS CAUSED THESE PRESENTS TO BE SIGNED BY H.F. BUNTRUCK, ITS PRESIDENT, AND COUNTERSIGNED BY M.D. BARRY, ITS SECRETARY, AT Waukesha, WISCONSIN, AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 7th DAY OF December, 1959.

IN THE PRESENCE OF: S.W. SHARP, PEWAUKEE SAVINGS AND LOAN ASSOCIATION, H.F. BUNTRUCK, PRESIDENT, M.D. BARRY, SECRETARY, Kathryn Oswald

CONSENT OF MORTGAGEE

I, ISABEL MARX, MORTGAGEE OF SAID DESCRIBED LAND, DO HEREBY CONSENT TO THE SURVEYING, DIVIDING AND MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND I DO HEREBY CONSENT TO THE AFORESAID CERTIFICATE OF RIVER HILLS ENTERPRISES INC., OWNER. WITNESS THE HAND AND SEAL OF ISABEL MARX, MORTGAGEE, THIS 8 DAY OF December 1959.

IN THE PRESENCE OF: Norbert C. Reinhart, NORBERT C. REINHART, Isabel Marx, ISABEL MARX, MORTGAGEE, Carroll E. Wolfgram, CARROLL E. WOLFGRAM

STATE OF WISCONSIN) S.S. COUNTY OF WAUKESHA) PERSONALLY CAME BEFORE ME THIS 8th DAY OF December 1959, THE ABOVE NAMED ISABEL MARX, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

VILLAGE BOARD RESOLUTION

RESOLVED, THAT THE PLAT OF "RIVER HILLS PARK" IN THE VILLAGE OF PEWAUKEE, WISCONSIN, RIVER HILLS ENTERPRISES INC., OWNER, IS HEREBY APPROVED BY THE VILLAGE BOARD. DATED Feb. 10, 1960

I HEREBY CERTIFY THAT THE FORGOING IS A COPY OF A RESOLUTION ADOPTED BY THE VILLAGE BOARD OF THE VILLAGE OF PEWAUKEE, WISCONSIN. DATED Feb. 10, 1960

CERTIFICATE OF VILLAGE TREASURER

STATE OF WISCONSIN) S.S. COUNTY OF WAUKESHA) I, JOSEPH G. CONWAY, BEING THE DULY APPOINTED, QUALIFIED AND "ACTING" VILLAGE TREASURER OF THE VILLAGE OF PEWAUKEE, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF January 1st 1960 ON ANY OF THE LAND INCLUDED IN THE PLAT OF "RIVER HILLS PARK". DATED Feb. 11, 1960

COUNTY TREASURERS CERTIFICATE

STATE OF WISCONSIN) S.S. COUNTY OF WAUKESHA) I, LESLIE P. ROCKTEACHER, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF WAUKESHA, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNREDEEMED TAX SALES AND NO UNPAID TAXES OR SPECIAL ASSESSMENTS AS OF 1948-1958 Inclusive AFFECTING THE LANDS INCLUDED IN THE PLAT OF "RIVER HILLS PARK". DATED Feb. 19, 1960

CERTIFICATE OF VILLAGE CLERK

STATE OF WISCONSIN) S.S. COUNTY OF WAUKESHA) I, JOSEPH G. CONWAY, BEING THE DULY ELECTED, QUALIFIED AND ACTING VILLAGE CLERK OF THE VILLAGE OF PEWAUKEE, DO HEREBY CERTIFY THAT COPIES OF THIS PLAT WERE FORWARDED AS REQUIRED BY S. 236.12 (2) ON THE 30th DAY OF December 1959, AND THAT WITHIN THE 20 DAY LIMIT SET BY S. 236.12 (3) ALL OBJECTIONS TO THE PLAT HAVE BEEN MET. DATED Feb. 11, 1960

STATE OF WISCONSIN) S.S. COUNTY OF WAUKESHA) PERSONALLY CAME BEFORE ME THIS 7th DAY OF December 1959 H.E. BUNTRUCK, PRESIDENT AND M.D. BARRY, ITS SECRETARY OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH PRESIDENT AND SECRETARY OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY. DATED Feb 4-1963

LEO A. HEINZELMANN, NOTARY PUBLIC, Waukesha, WISCONSIN. SHEET 2 OF 2 SHEETS

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: July 13, 2023

General Information:

Agenda Item: **6.d.**

Applicant/Property Owner:

Riverside 321 Partners LLC in c/o
Christian Hlavinka

Requested Action:

Review, discussion and possible recommendation to the Village Board for approval of the 36-lot (+4 outlots), single-family residential subdivision Final Plat of Riverside Preserve.

Current Zoning:

R-5 Single-Family Residential District with Residential Infill-Redevelopment (RIR) Overlay District

Current Master Plan Classification:

Single-Family Residential

Requested Master Plan Classification:

Single Family Residential

Surrounding Zoning/Land Use:

North: R-5 Single Family Residential
South: County owned open space in City of Pewaukee
East: Pewaukee River
West: R-5 Single Family Residential

Lot Size:

13 acres

Location:

321 Riverside Drive

Discussion:

This final plat is substantially consistent with the preliminary plat approved by the Village back in May 2021. As such, the Planner raises no specific objections to the request as presented provided the following conditions are considered for attachment to any recommendation for approval which the Planning Commission may advance to the Village Board:

Recommendation:

- 1) Applicant to comply fully with any/all requirements as set forth by the Wis DOA in their review of this plat;
- 2) Applicant to comply fully with any/all requirements as set forth by the Waukesha County in their review of this plat;
- 3) Applicant to comply fully with any/all requirements as set forth by the Villages

- Consulting Engineer and/or Director of Public Works in their review of this plat;
- 4) Applicant to fulfill all obligations of the Development Agreement associated with this plat, which obligations may be pre-requisites to the final plat approval, and/or to placement of Village signatures onto and recording of the final plat.

Village of Pewaukee Plan Commission
Engineer's Report for July 13, 2023

Riverside Preserve Final Plat

Report

The final plat for the 36-lot Riverside Preserve has been submitted. The plat is in general conformance with the preliminary plat. Lots, public road and outlot locations have not changed. A public road on the previous plat (River Hills Park) was vacated by the Village on April 16, 1991 (per note No. 10). The portion of the previous subdivision that is being used for this subdivision does not need to be vacated. Instead, Wisconsin Statutes allows the new subdivision to be a "replat" of the lots that are in this subdivision. A review of the plat resulted in several technical comments which are enumerated below.

1. The first line of the land description under the subdivision name should begin with "A replat of Lots 9 through 14..." (both sheets).
2. Signatures are required prior to recording the plat
3. The plat should indicate 100-year elevations for the floodplain
4. The plat notes a "30' wide water main easement" between Lots 19 and 20. The Village will require a separate easement document to be recorded with the final plat that includes detailed easement rights and restrictions.
5. The reference to drainage easements in Note 7 should not include that they are granted to the Village of Pewaukee. Although the easements are required for drainage purposes and have restrictions noted on the plat, the Village should not be responsible for the maintenance of them.
6. A note should be added stating that snow storage from the public roads shall be allowed in Outlot 1; however, the Homeowners Association shall maintain that Outlot.
7. A note shall be added that states that winter snow plow operations may result in snow being plowed into driveways and onto front lawns of homes, especially in the cul-de-sacs.
8. A Stormwater Maintenance Agreement shall be provided for approval by the Town Board prior to execution of the final plat.

Recommendation

I recommend approval of the final plat prepared by Pinnacle Engineering dated June 15, 2023 subject to the surveyor and developer addressing all technical comments noted above prior to execution of the document.

Tim Barbeau, P.E., P.L.S.
Village Consulting Engineer
June 30, 2023

Application is due 3 weeks prior to the Meeting Date.



**Planning Commission
Miscellaneous Approval Application Form**

Return Completed Form along with 13 copies of all materials to be reviewed as well as a digital copy of any attachments submitted.

Address/Parcel No. of Property Involved: **321 Riverside Drive / PWV 0925038**

Zoning of Property: **R-5 residential detached district with redevelopment district overlay and FC and FW**

Current Owner of Property: **Riverside 321 Partners LLC**

Applicant – Name: **Riverside 321 Partners LLC Attn: Christian Hlavinka**

Address: **PO Box 752, Arlington Heights, IL 60006**

Phone: **414-699-4326**

Fax: **---**

Email: **rhinvestments04@yahoo.com**

Type of Request: Check All That Apply

Sign Plan Approval:

Prelim. Plat Approval:

Final Plat Approval:

Developer's Agreement:

Certified Survey Map:

Other (Describe Below):

Signature of Property Owner as listed on this Application:

DocuSigned by:

Christian Hlavinka

6/14/2023 | 09:49:08 PDT

D296B3776FFF456...

Application will not be processed without the Owner's Signature regardless of who is listed as the Applicant. This signature authorizes the Village of Pewaukee to process the Application as it pertains to my property and further authorizes the Village or its representatives to conduct reasonable and routine inspections of my property for the purposes of evaluating this Application.

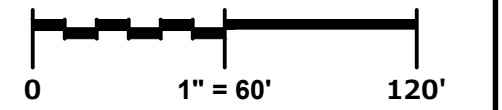
Signature of Applicant (if different than Owner):

RIVERSIDE PRESERVE

Being Lots 9 through 14 in Block 3 and Lots 2 through 21 in Block 4 and Lots 3 through 14 in Block 5 and all that part of vacated Longacre Road lying between the described Lots in Blocks 4 and 5, and a part of Outlot 15, in Block 5, all being in River Hills Park, a subdivision recorded as Document No. 518113, being a part of the Northwest 1/4 of Section 15 and the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 7 North, Range 19 East, in the Village of Pewaukee, County of Waukesha, State of Wisconsin



GRAPHICAL SCALE (FEET)



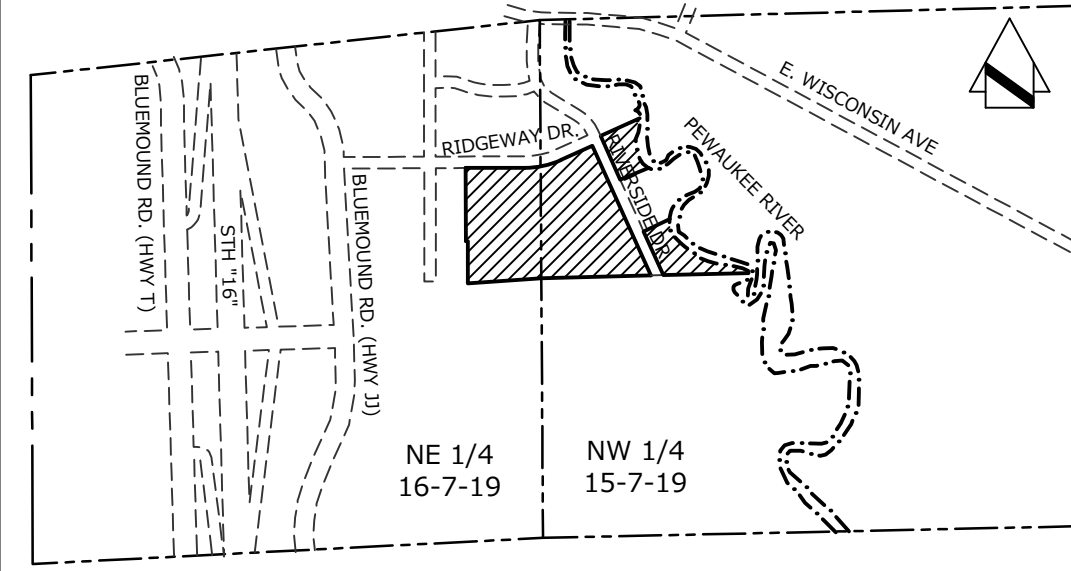
NE CORNER, NE 1/4 SEC. 16, T7N, R19E
(NW CORNER, NW 1/4 SEC. 15, T7N, R19E)
(FOUND CONC. MON. W/ BRASS CAP)
N=397.114.82; E=2437.290.08
(WISCONSIN STATE PLANE CO-
ORDINATE SYSTEM, SOUTH ZONE)
REFERENCE BENCHMARK: EL.=848.45

Prepared by:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888
WWW.PINNACLE-ENGR.COM

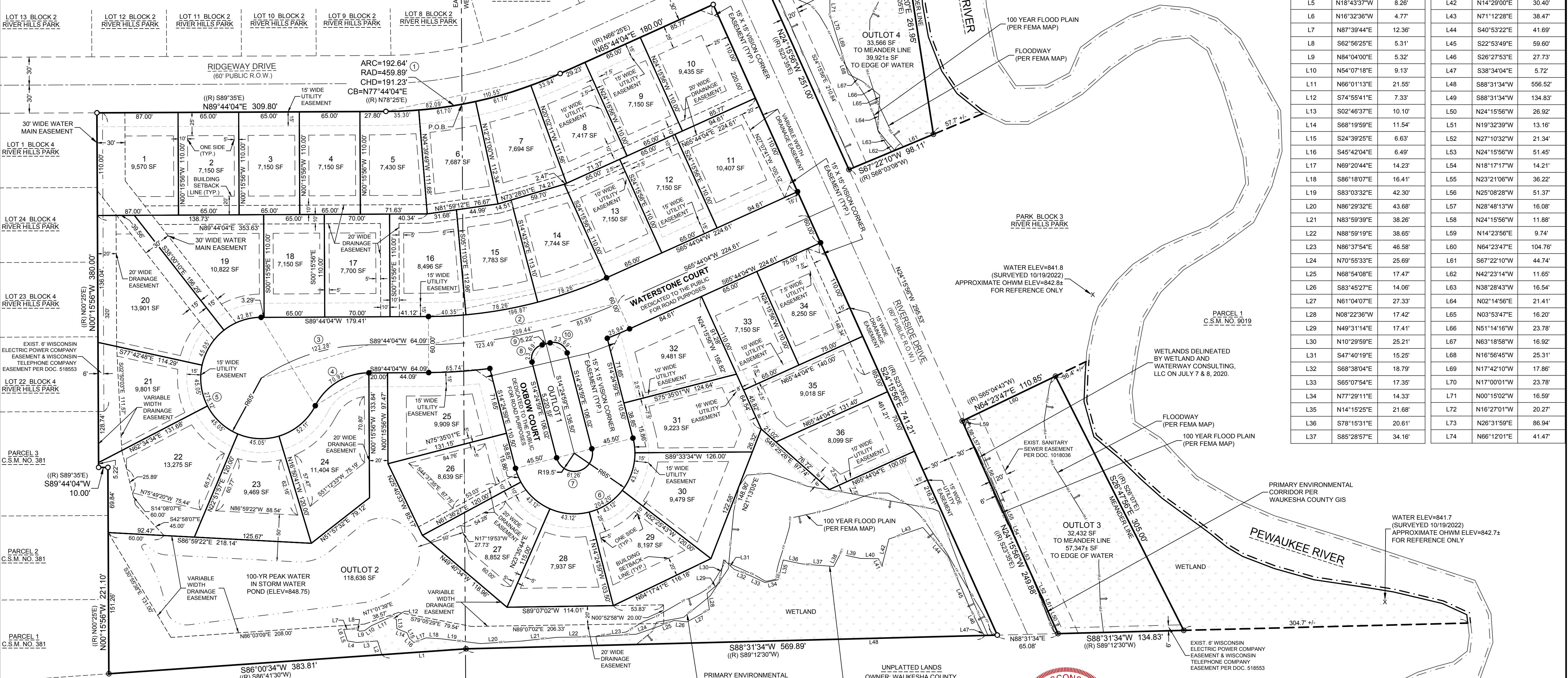
Owner/Subdivider
RIVERSIDE 321 PARTNERS, LLC
ATTN: CHRISTIAN HLAVINKA
PO BOX 510894
NEW BERLIN, WI 53151
PHONE: (414) 699-4326

- LEGEND:**
- - Denotes Found Concrete Monument
 - - Denotes Found 1" O/D Iron Pipe
 - - Denotes Found 3/4" Iron Rebar
 - - Denotes Set 1-1/4" X 18" Iron Rebar, 4.3 LBS./FT.
 - - Denotes Set 1-1/4" X 18" Iron Rebar, 15 LBS./FT.
 - - Denotes lot areas to the nearest square foot.
 - SF - Recorded As
 - (R) - Recorded As
 - WET - Wetlands
 - FP - 100 Year Floodplain (per FEMA Map)
 - FW - Floodway (per FEMA Map)
 - PEC - Primary Environmental Corridor (per Waukesha County GIS)
 - FW - 100-Year Peak Water in Storm Water Pond

All distances computed to the nearest 0.01'
All angles computed to the nearest 00°00'00.5" and measured to the nearest 00°00'00.1"



VICINITY MAP
NW 1/4 SEC. 15, T7N, R19E
NE 1/4 SEC. 16, T7N, R19E
SCALE: 1" = 1000'



WETLAND LINE TABLE			WETLAND LINE TABLE		
LINE NO.	BEARING	DISTANCE	LINE NO.	BEARING	DISTANCE
L1	S86°00'34"W	90.39'	L38	N27°00'59"E	14.85'
L2	N17°31'16"W	15.49'	L39	S78°01'45"E	22.36'
L3	S85°45'27"W	22.30'	L40	S89°07'46"E	19.37'
L4	N80°49'12"W	10.13'	L41	S22°50'15"E	9.05'
L5	N18°43'37"W	8.26'	L42	N14°29'00"E	30.40'
L6	N16°32'36"W	4.77'	L43	N71°12'28"E	38.47'
L7	N87°39'44"E	12.36'	L44	S40°53'22"E	41.69'
L8	S62°56'25"E	5.31'	L45	S22°53'49"E	59.60'
L9	N84°04'00"E	5.32'	L46	S26°27'53"E	27.73'
L10	N54°07'18"E	9.13'	L47	S38°34'04"E	5.72'
L11	N66°01'13"E	21.55'	L48	S88°31'34"W	556.52'
L12	S74°55'41"E	7.33'	L49	S88°31'34"W	134.83'
L13	S02°46'37"E	10.10'	L50	N24°15'56"W	26.92'
L14	S68°19'59"E	11.54'	L51	N19°32'39"W	13.16'
L15	S24°39'25"E	6.63'	L52	N27°10'32"W	21.34'
L16	S45°42'04"E	6.49'	L53	N24°15'56"W	51.45'
L17	N69°20'44"E	14.23'	L54	N18°17'17"W	14.21'
L18	S86°18'07"E	16.41'	L55	N23°21'06"W	36.22'
L19	S83°03'32"E	42.30'	L56	N25°08'28"W	51.37'
L20	N86°29'32"E	43.68'	L57	N28°48'13"W	16.08'
L21	N83°59'39"E	38.26'	L58	N24°15'56"W	11.88'
L22	N88°59'19"E	38.65'	L59	N14°23'56"E	9.74'
L23	N86°37'54"E	46.58'	L60	N64°23'47"E	104.76'
L24	N70°55'33"E	25.69'	L61	S67°22'10"W	44.74'
L25	N68°54'08"E	17.47'	L62	N42°23'14"W	11.65'
L26	S83°45'27"E	14.06'	L63	N38°28'43"W	16.54'
L27	N61°04'07"E	27.33'	L64	N02°14'56"E	21.41'
L28	N08°22'36"W	17.42'	L65	N05°53'47"E	16.20'
L29	N49°31'14"E	17.41'	L66	N51°14'16"W	23.78'
L30	N10°29'59"E	25.21'	L67	N63°18'58"W	16.92'
L31	S47°40'19"E	15.25'	L68	N16°56'45"W	25.31'
L32	S68°38'04"E	18.79'	L69	N17°42'10"W	17.86'
L33	S65°07'54"E	17.35'	L70	N17°00'01"W	23.78'
L34	N77°29'11"E	14.33'	L71	N00°15'02"W	16.59'
L35	N14°15'25"E	21.68'	L72	N16°27'01"W	20.27'
L36	S78°15'31"E	20.61'	L73	N26°31'59"E	86.94'
L37	S85°28'57"E	34.16'	L74	N66°12'01"E	41.47'

UNPLATTED LANDS OWNER: WAUKESHA COUNTY

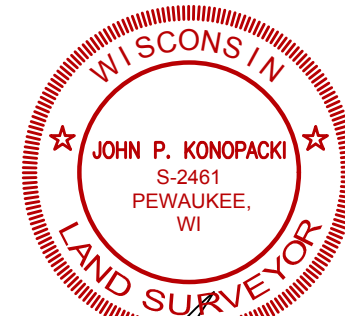
SE CORNER, NE 1/4 SEC. 16, T7N, R19E
(SW CORNER, NW 1/4 SEC. 15, T7N, R19E)
(FOUND CONC. MON. W/ BRASS CAP)
N=394.419.05; E=2437.307.21
(WISCONSIN STATE PLANE CO-
ORDINATE SYSTEM, SOUTH ZONE)

REFERENCE BEARING: THE EAST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 16, TOWN 7 NORTH, RANGE 19 EAST WAS USED AS THE REFERENCE BEARING AND HAS A BEARING OF S 00°21'51" E BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (N.A.D. 1983/2011).

REFERENCE BENCHMARK: 848.45 (N.G.V.D. 29) THE TOP OF A CONCRETE MONUMENT WITH BRASS CAP MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 16, TOWN 7 NORTH, RANGE 19 EAST.

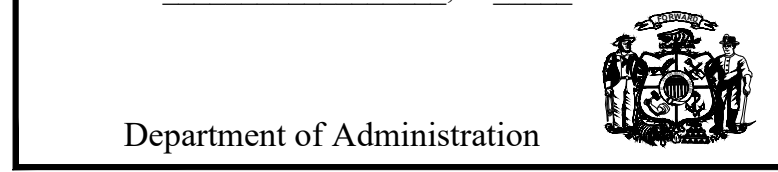
NOTES:
1. SEE CURVE DATA ON SHEET 2.
2. SEE ADDITIONAL NOTES ON SHEET 2.

DATE: JUNE 15, 2023



There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20____



This instrument drafted by John P. Konopacki, PLS-Registration No. 5-2461
PINNACLE ENGINEERING GROUP

RIVERSIDE PRESERVE

Being Lots 9 through 14 in Block 3 and Lots 2 through 21 in Block 4 and Lots 3 through 14 in Block 5 and all that part of vacated Longacre Road lying between the described Lots in Blocks 4 and 5, and a part of Outlot 15, in Block 5, all being in River Hills Park, a subdivision recorded as Document No. 518113, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 15 and the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 7 North, Range 19 East, in the Village of Pewaukee, County of Waukesha, State of Wisconsin

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped that part of Lots 9 through 14 in Block 3 and Lots 2 through 21 in Block 4 and Lots 3 through 14 in Block 5 and all that part of vacated Longacre Road lying between the described Lots in Blocks 4 and 5, and a part of Outlot 15, in Block 5, all being in River Hills Park, a subdivision recorded as Document No. 518113, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 15 and the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 7 North, Range 19 East, in the Village of Pewaukee, County of Waukesha, State of Wisconsin, bounded and described as follows:

Commencing at the northwest corner of the Northwest 1/4 of said Section 15; thence South 00°21'51" East along the west line of said Northwest 1/4, 761.10 feet to a point of curvature on the north right-of-way line of Ridgeway Drive and the Point of Beginning; thence northeasterly 110.55 feet along said south right-of-way line and the arc of said curve to the left, whose radius is 459.89 feet and whose chord bears North 72°37'14" East, 110.28 feet; thence North 65°44'04" East along said south right-of-way line 180.00 feet to the west right-of-way line of Riverside Drive; thence South 24°15'56" East along said west right-of-way line 741.21 feet to the south subdivision line of said River Hills Park; thence North 88°31'34" East along said south subdivision line, 65.08 feet to the east right-of-way line of Riverside Drive; thence North 24°15'56" West along said east right-of-way line 796.41 feet; thence North 66°12'01" East 168.05 feet to a point on a meander line along the Pewaukee River; thence South 08°46'20" East along said meander line, 261.95 feet; thence South 67°22'10" West 98.11 feet to a point on the east right-of-way line of Riverside Drive; thence South 24°15'56" East along said east right-of-way line, 295.53 feet; thence North 64°23'47" East 110.85 feet to a point on a meander line along the Pewaukee River; thence South 26°47'56" East along said meander line, 305.00 feet to the south subdivision line of said River Hills Park; thence South 88°31'34" West along said south subdivision line, 769.80 feet; thence South 86°00'34" West along said south subdivision line 383.81 feet to the east line of Certified Survey Map No. 381; thence North 00°15'56" West along said east line, 221.10 feet; thence South 89°44'04" West along said east line, 10.00 feet; thence North 00°15'56" West along said east line and east line extended, 380.00 feet to a point on the south right-of-way line of Ridgeway Drive; thence North 89°44'04" East along said south right-of-way line 309.80 feet to a point of curvature; thence northeasterly 82.09 feet along said south right-of-way line and the arc of said curve to the left, whose radius is 459.89 feet and whose chord bears North 84°37'14" East, 81.98 feet the Point of Beginning.

Containing 567,086 square feet (13.0185 acres) of land to the meander line of the Pewaukee River and 598,357 +/- square feet (13.7365 +/- acres) of land more or less to the water's edge.

That I have made such survey, land division and map by the direction of RIVERSIDE 321 PARTNERS, LLC, owner of said land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the requirements of Chapter 236 of the Wisconsin State Statutes, the Village of Pewaukee Land Division and Platting Ordinance and the Land Division Ordinance of Waukesha County in surveying, mapping and dividing the lands within the subdivision.

Date: JUNE 15, 2023



John P. Konopacki
Professional Land Surveyor S-2461

OWNER'S CERTIFICATE OF DEDICATION

RIVERSIDE 321 PARTNERS, LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

RIVERSIDE 321 PARTNERS, LLC also certifies that this plat is required by s.236.10 or s.236.12 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

- Village of Pewaukee
- Wisconsin Department of Administration
- Waukesha County Parks and Land Use Department

IN WITNESS WHEREOF, the said RIVERSIDE 321 PARTNERS, LLC, has caused these presents to be signed by Christian Hlavinka, its member, at _____ County, Wisconsin, on this _____ day of _____, 20__.

In the presence of: RIVERSIDE 321 PARTNERS, LLC

Christian Hlavinka, Member

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20__, Christian Hlavinka, member, of the above named limited liability company, to me known to be the person who executed the foregoing instrument, and to me known to be such member of said limited liability company and acknowledged that he executed the foregoing instrument as such officer as the deed of said Limited Liability Company, by its authority.

Notary Public
Name: _____
State of Wisconsin
My Commission Expires: _____

CONSENT OF CORPORATE MORTGAGEE

_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said _____, has caused these presents to be signed by _____, its _____, and its corporate seal to be hereunto affixed this _____ day of _____, 20__.

Date _____ Title _____

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 20__, _____, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

Notary Public
Name: _____
State of Wisconsin
My Commission Expires: _____

This instrument drafted by John P. Konopacki, PLS-Registration No. S-2461
PINNACLE ENGINEERING GROUP

VILLAGE PLAN COMMISSION APPROVAL CERTIFICATE

Resolved, that the plat known as RIVERSIDE PRESERVE, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 15 and the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 7 North, Range 19 East, in the Village of Pewaukee, Waukesha County, Wisconsin, is hereby approved by the Village Plan Commission on this _____ day of _____, 20__.

Jeff Knutson, Village President

Cassie Smith, Village Clerk

VILLAGE BOARD APPROVAL CERTIFICATE

Resolved, that the plat known as RIVERSIDE PRESERVE, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 15 and the Northeast 1/4 of the Northeast 1/4 of Section 16, Township 7 North, Range 19 East, in the Village of Pewaukee, Waukesha County, Wisconsin, is hereby approved by the Village Board. The Village of Pewaukee also hereby approves and accepts all dedications shown hereon.

All conditions have been met as of this _____ day of _____, 20__.

Jeff Knutson, Village President

I hereby certify the foregoing is a true and correct copy of a resolution adopted by the Village Board of the Village of Pewaukee this _____ day of _____, 20__.

Cassie Smith, Village Clerk

VILLAGE OF PEWAUKEE TREASURER'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, Kayla Haack, being duly appointed, qualified and acting Treasurer of the Village of Pewaukee, do hereby certify in accordance with the records in my office, there are no unpaid taxes or special assessments as of _____, 20__ on any of the lands included in the plat of RIVERSIDE PRESERVE.

Date _____

Kayla Haack, Village Treasurer

WAUKESHA COUNTY TREASURER'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, Pamela F. Reeves, being duly elected appointed, qualified and acting County Treasurer of the County of Waukesha, do hereby certify that the records in my office show no unpaid taxes and no unredeemed tax sales or special assessments as of _____, 20__ on any of the lands included in the plat of RIVERSIDE PRESERVE.

Date _____

Pamela F. Reeves, County Treasurer

CURVE TABLE								
CURVE NO.	LOT NO.	ARC	RADIUS	DELTA	CHORD BEARING	CH LENGTH	TANGENT IN	TANGENT OUT
1 BOUNDARY	-	192.64	459.89	24°00'00"	N77°44'04"E	191.23'	N89°44'04"E	N65°44'04"E
1 WEST	-	82.09	459.89	10°13'39"	N84°37'14"E	81.98'	N89°44'04"E	N79°30'24"E
1 EAST	-	110.55	459.89	13°46'21"	N72°37'14"E	110.28'	N79°30'24"E	N65°44'04"E
-	5	35.30	459.89	4°23'53"	N87°32'07"E	35.29'	-	-
-	6	61.70	459.89	7°41'11"	N81°29'35"E	61.65'	-	-
-	7	61.70	459.89	7°41'11"	N73°48'24"E	61.65'	-	-
-	8	33.94	459.89	4°13'45"	N67°50'56"E	33.94'	-	-
2 NORTH	-	196.87	470.00	24°00'00"	S77°44'04"W	195.44'	S89°44'04"W	S65°44'04"W
-	14	78.26	470.00	9°32'27"	S70°30'17"W	78.17'	-	-
-	15	78.26	470.00	9°32'27"	S80°02'44"W	78.17'	-	-
-	16	40.35	470.00	4°55'07"	S87°16'31"W	40.33'	-	-
2 C/L	-	209.44	500.00	24°00'00"	S77°44'04"W	207.91'	S89°44'04"W	S65°44'04"W
-	-	85.95	500.00	9°50'57"	S70°39'32"W	85.84'	-	-
-	-	123.49	500.00	14°09'03"	S82°39'32"W	123.18'	-	-
2 SOUTH	32	25.94	530.00	2°48'16"	S67°08'12"W	25.94'	S68°32'20"W	S65°44'04"W
2 SOUTH	25	65.74	530.00	7°06'23"	S86°10'52"W	65.69'	S89°44'04"W	S82°37'41"W
3	-	122.28	207.50	33°45'54"	S72°51'07"W	120.52'	S89°44'04"W	S55°58'10"W
4	24	70.92	65.00	62°30'49"	S58°28'39"W	67.45'	S89°44'04"W	S27°13'15"W
5	-	275.12	65.00	242°30'49"	S31°31'21"E	111.13'	S89°44'04"W	N27°13'15"E
-	19	42.81	65.00	37°44'14"	S70°51'57"W	42.04'	-	-
-	20	45.05	65.00	39°42'38"	S32°08'31"W	44.15'	-	-
-	21	45.05	65.00	39°42'38"	S07°34'07"E	44.15'	-	-
-	22	45.05	65.00	39°42'38"	S47°16'44"E	44.15'	-	-
-	23	45.05	65.00	39°42'38"	S86°59'22"E	44.15'	-	-
-	24	52.11	65.00	45°58'04"	N50°11'17"E	50.73'	-	-
6	-	204.20	65.00	180°00'00"	N75°35'01"E	130.00'	S14°24'59"E	N14°24'59"W
-	26	15.86	65.00	13°58'34"	S21°24'16"E	15.82'	-	-
-	27	43.12	65.00	38°00'43"	S47°23'55"E	42.34'	-	-
-	28	43.12	65.00	38°00'43"	S85°24'38"E	42.34'	-	-
-	29	43.12	65.00	38°00'43"	N56°34'39"E	42.34'	-	-
-	30	43.12	65.00	38°00'43"	N18°33'56"E	42.34'	-	-
-	31	15.86	65.00	13°58'34"	N07°25'43"W	15.82'	-	-
7	OUTLOT 1	61.26	19.50	180°00'00"	N75°35'01"E	39.00'	S14°24'59"E	N14°24'59"W
8	OUTLOT 1	23.69	15.00	90°29'10"	N30°49'35"E	21.30'	N76°04'10"E	N14°24'59"W
9	OUTLOT 1	8.75	515.50	0°58'19"	N75°35'01"E	8.75'	N76°04'10"E	N75°05'51"E
10	OUTLOT 1	23.69	15.00	90°29'09"	S59°39'35"E	21.30'	S14°25'00"E	N75°05'51"E

NOTES:

- All measurements have been made to the nearest one-hundredth of a foot and all angular measurements have been made to the nearest one second.
- Dimensions along curves are arc lengths.
- All roads within this plat are dedicated to the public for road purposes.
- FLOOD ZONE CLASSIFICATION: The property lies within Zone "X", zone "AE" and Floodway of the Flood Insurance Rate Map Community Panel No. 55133C0203G with an effective date of November 5, 2014. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain. Zone "AE" have base flood elevations determined. Floodway is the channel of the stream.
- OUTLOT STATEMENT: Each individual lot owner shall have an undivided fractional ownership in Outlots 1 thru 4. The Village of Pewaukee and Waukesha County shall not be liable for any fees or special charges in the event they become the owner of any Lot or Outlot in the Subdivision by reason of tax delinquency. Outlots 1 and 2 contain a drainage easement. Outlots 3 and 4 are open space. The Riverside Preserve Homeowners Association is responsible for the maintenance of all of the Outlots. Outlot 1 is a grass island area for snow plowing purposes. Outlot 2 contains the storm water management pond.
- All lands within areas labeled "drainage easement" are reserved for storm water collection, conveyance, treatment or infiltration. No buildings or other structures are allowed in these areas. No grading or filling is allowed in these areas that may interrupt storm water flows in any way. There is a separately recorded Storm Water Management Practice Maintenance Agreement that contains specific maintenance requirements for these areas. The Village of Pewaukee or their designee is authorized access in the drainage easements for purposes of inspecting the storm water management practices or enforcing the terms of the Maintenance Agreement.
- All drainage, vision corner and water main easements are granted to the Riverside Preserve Homeowners Association and the Village of Pewaukee. The utility easements are granted per the noted utility easement provisions.
- VISION CORNER RESTRICTIONS: No obstructions greater than three feet in height, except necessary street signs and public utility lines, shall be permitted. This restriction applies to Lots 10, 11, 25, 32 and 34 as identified on the plat.
- Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under Article IX Section 1, of the State Constitution.
- Longacre Road was vacated by resolution on April 16, 1991 and was recorded on April 19, 1991 in Reel 1293, on Images 1069-1072, as Document No. 1644274, Waukesha County Register of Deeds.
- Lands that are part of the Subdivision Plat are located in an area with mapped soils that may contain seasonal high groundwater. Based on existing elevations of adjacent roadways and drainage, not all lower levels of the homes will be above the seasonal high groundwater table. Therefore, sump pumps may run during the year.

WETLAND/FLOODPLAIN/PRIMARY ENVIRONMENTAL CORRIDOR PRESERVATION RESTRICTIONS:

Those areas identified as Wetland/Floodplain/Primary Environmental Corridor on sheet 1 of 2 of this subdivision plat shall be subject to the following restrictions:

- Grading, filling, the removal of topsoil or other earthen materials are prohibited unless specifically authorized by the municipality in which this land is located, and if applicable, the Waukesha County Department of Parks and Land Use-Planning and Zoning Division, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
- The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, except that dead, diseased, dying, and invasive vegetation may be removed, at the discretion of the landowner and with approval from the municipality in which this land is located. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the local municipality shall also be permitted.
- Grazing by domesticated animals, i.e., horses, cows, etc, is prohibited.
- The introduction of plant material not indigenous to the existing environment is prohibited.
- Ponds may be permitted in the wetland subject to the approval of the municipality in which they are located and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
- The construction of buildings is prohibited.

BASEMENT GROUNDWATER RESTRICTION:

Although all lots in the subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some lots contain soil conditions that, due to the possible presence of groundwater near the surface, may require additional soil engineering and foundation design with regard to the basement construction. It is recommended that a licensed professional engineer design a basement and foundation that will be suitable to withstand the various problems associated with saturated soil conditions on basement walls or floors or that other special measures be taken. Soil conditions should be subject to each owner's special investigation prior to construction and no specific representation is made herein.

UTILITY EASEMENT PROVISIONS

An easement for electric, natural gas, and communications service is hereby granted by RIVERSIDE 321 PARTNERS, LLC, Grantor, to

WISCONSIN ELECTRIC POWER COMPANY and WISCONSIN GAS, LLC, Wisconsin corporations doing business as We Energies, Grantee,

WISCONSIN BELL, INC. doing business as AT&T Wisconsin, a Wisconsin corporation, Grantee, and

SPECTRUM MID-AMERICA, LLC By: Charter Communications Inc, its Manager, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to be restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of Grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20__

Department of Administration

Prepared by:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888
WWW.PINNACLE-ENGR.COM

Owner/Subdivider
RIVERSIDE 321 PARTNERS, LLC
ATTN: CHRISTIAN HLAVINKA
PO BOX 510894
NEW BERLIN, WI 53151
PHONE: (414) 699-4326

PEG JOB# 2035.00-01
SHEET 2 OF 2

Riverside Preserve



0 363.35 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

Notes: Riverside Preserve

Printed: 6/30/2023





CONDITIONAL USE GRANT APPLICATION FORM

Complete all items entirely:

Property Address:	143 W. Wisconsin Ave #3 ^{Pewaukee}
Property Tax Key:	PWV
Zoning of Property:	Commercial
Property Owner Name:	Joseph Grasch Development LLC
Property Owner Mailing Address:	W284N3234 Lakeside Rd ^{Pewaukee}
Property Owner Phone:	414-406-2001
Property Owner Email:	jgrasch@hcipropertieswi.com
Applicant - Name:	Cansas Steidl
Applicant Mailing Address:	619 Main St. Delafield, WI 53018
Applicant - Email:	Cansas@myxnscent.com
Applicant - Phone:	414-303-8677
Description of Request (Please be thorough and attach additional pages if needed)	<p>Requesting a Class-B Beer license for our boutique that does custom mixing of peoples scents.</p> <p style="text-align: center;">See attached enclosed separate page of all info.</p>

Myxn Bar LLC Business Operations

143 W Wisconsin Ave #3

Pewaukee, WI 53072

We are a custom mixing bar for your personal or business scents. We hold 12,500 recipes on file now just like a restaurant. We purchased this business in Naples FL and due to the hurricane the traffic was way down this year. It is going to take 3 years at least to rebuild down there. So we live in WI full time and brought it back to WI and Pewaukee will be perfect because my husband sailed for 12 years on Pewaukee and our friends and family are all in Lake Country area.

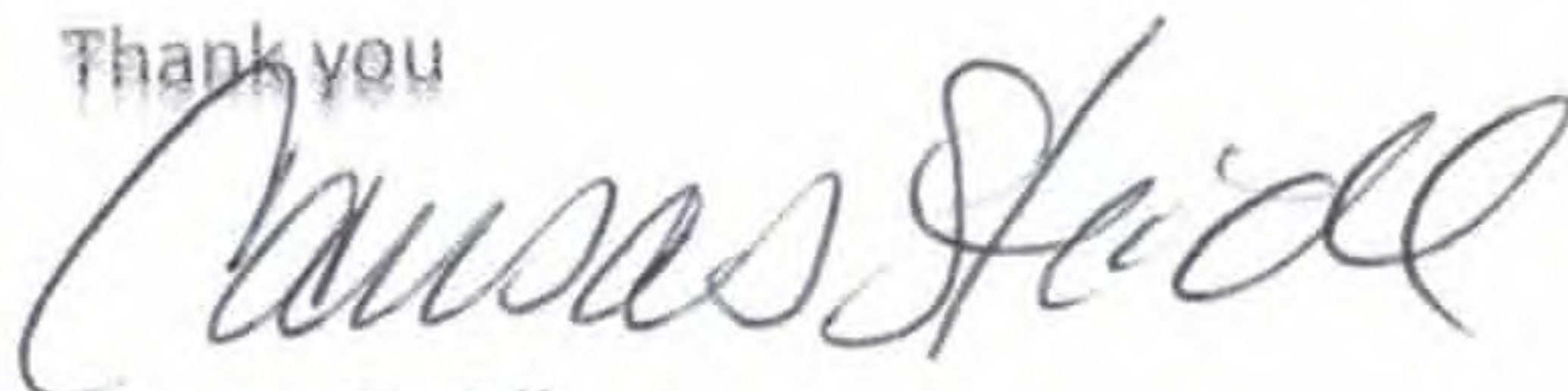
Our mixing boutique will be open Monday through Sunday 10am to Midnight. The reason for Midnight is because we have a lot of custom mixing parties that can go late depending on what time they start and how many people we have to mix with.

We will have 2 bars in our boutique one for the mixing of the scents and one for the consumption of alcohol. The alcohol one will have nautical post and thick nautical rope around it so people can enter one place and they know the alcohol has to stay in that area. (See drawing on blank layout of retail space)

All alcohol receipts will be kept in the locked back room/storage room in a file cabinet. Also our extra beer will be kept back in that locked back room as well. (See drawing on blank layout of retail space)

We will also be serving Charcuterie boards and cold sandwiches eventually just not in the first month. We plan to open 2nd week in July 2023.

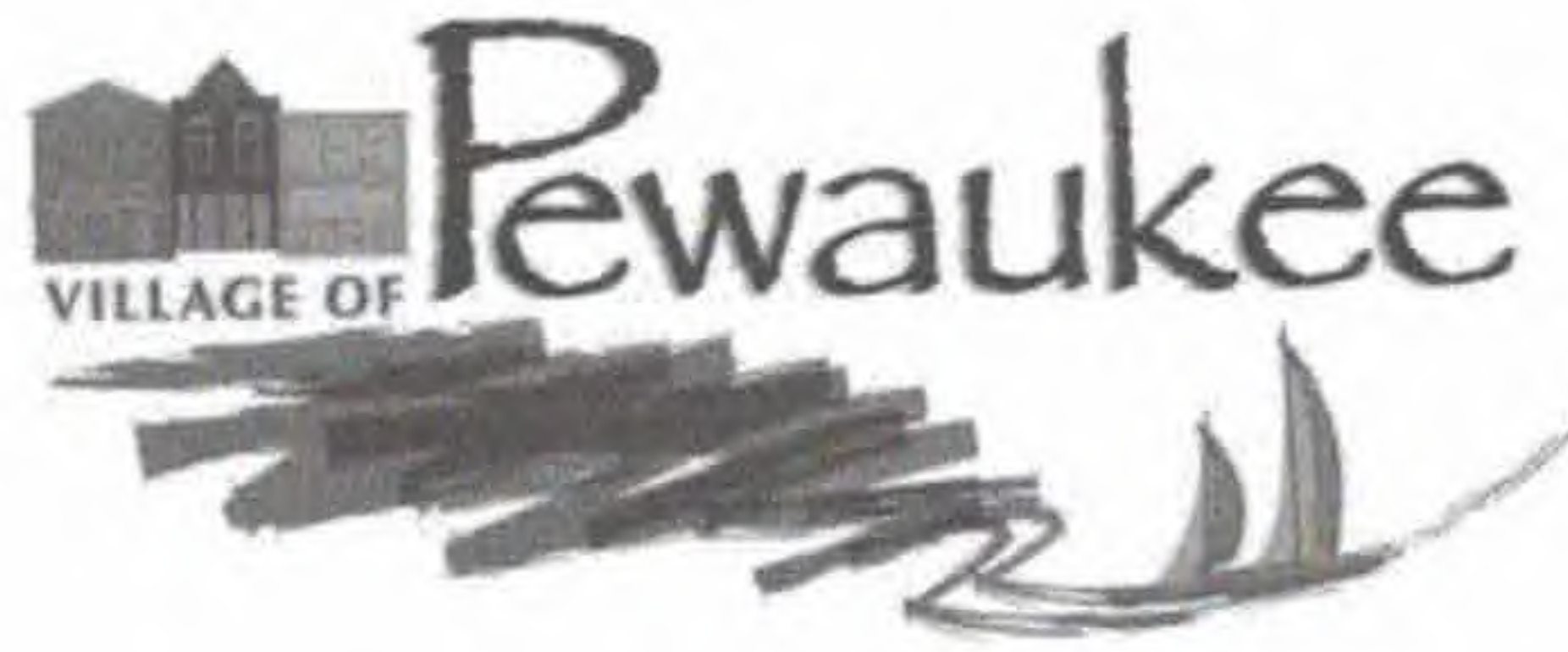
Thank you



Kansas Steidl

Myxn Bar LLC

414-303-8677



Provide detailed information with your application that addresses the following:

1. Development Plans of the proposed use in sufficient detail to enable the Commission to evaluate your application such as architectural & landscape treatment, proper placement of the building(s) on the lot, traffic generation & circulation, provision for parking, site grading and drainage, exterior lighting, dumpster location and screening, outside storage of any sort, and manner of control devices (when necessary) to eliminate noise, dust, odor, smoke or other objectionable operating conditions & ensure general compatibility of the proposed use within its surroundings.
2. It is the responsibility of the applicant/owner to ensure that the proposed project complies with the Village's Land Development Code. It is also highly recommended that the applicant/owner review the Village's adopted Land Use Plan to ensure a proper understanding of the Village's future vision for the area in question.

Joseph T. Grass
Property Owner Printed Name

[Signature]
Signature of Property Owner

The application will not be processed without the Owner's Signature regardless of who is listed as the Applicant. This signature authorizes the Village of Pewaukee to process the Conditional Use Approval Application proposed for my property and further authorizes the Village or its representatives to conduct reasonable and routine inspections of my property for the purposes of evaluating this application.

Cansas Steidl
Applicant's Printed Name

[Signature]
Signature of Applicant

Return the completed application forms along with the required attachments, \$100 application fee, and a digital copy of the submittal (plus paper copies if required) to Pewaukee Village Hall, 235 Hickory Street, Pewaukee, WI 53072.

If you have any questions, please call Village Hall at (262) 691-5660.



PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

Pursuant to the Village of Pewaukee Code of Ordinances Sec 40.116(h), the Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Planner, or any other of the Village's professional staff or other expert consultants are retained by the Village in order to complete a proper project review results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Treasurer shall charge those service fees incurred by the Village to the applicant/property owner. Also, be advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are the responsibility of the property owner or responsible party.

By signing this form, I, the undersigned, have been advised that pursuant to the Village of Pewaukee Code of Ordinances, if the Village Attorney, Village Engineer, Village Planner, or any other Village professional staff or other expert consultants retained by the Village in order to complete a proper project review provides services to the Village because of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred. In addition, I have been advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are my responsibility.

The Village will place fees from unpaid invoices on the real estate tax bill of the property that corresponds to the incurred services.

Complete the information below:

Responsible Party Name	Cansas Steidl / Myxn Bar LLC	ENTER EMAIL TO SEND INVOICES: Unit 3 Cansas@ myxnscents. com
Mailing Address	143 W. Wisconsin Ave	
City, State and Zip	Pewaukee, WI 53072	
Email:	Cansas@myxnscents.com	
Phone:	414-303-8677	

Joseph Cerasch
Property Owner Printed Name

[Signature]
Signature of Property Owner/Date Signed

Cansas Steidl
Applicant Printed Name

Cansas Steidl 6/19/23
Applicant Signature/Date Signed

Village Staff Acceptance - Date

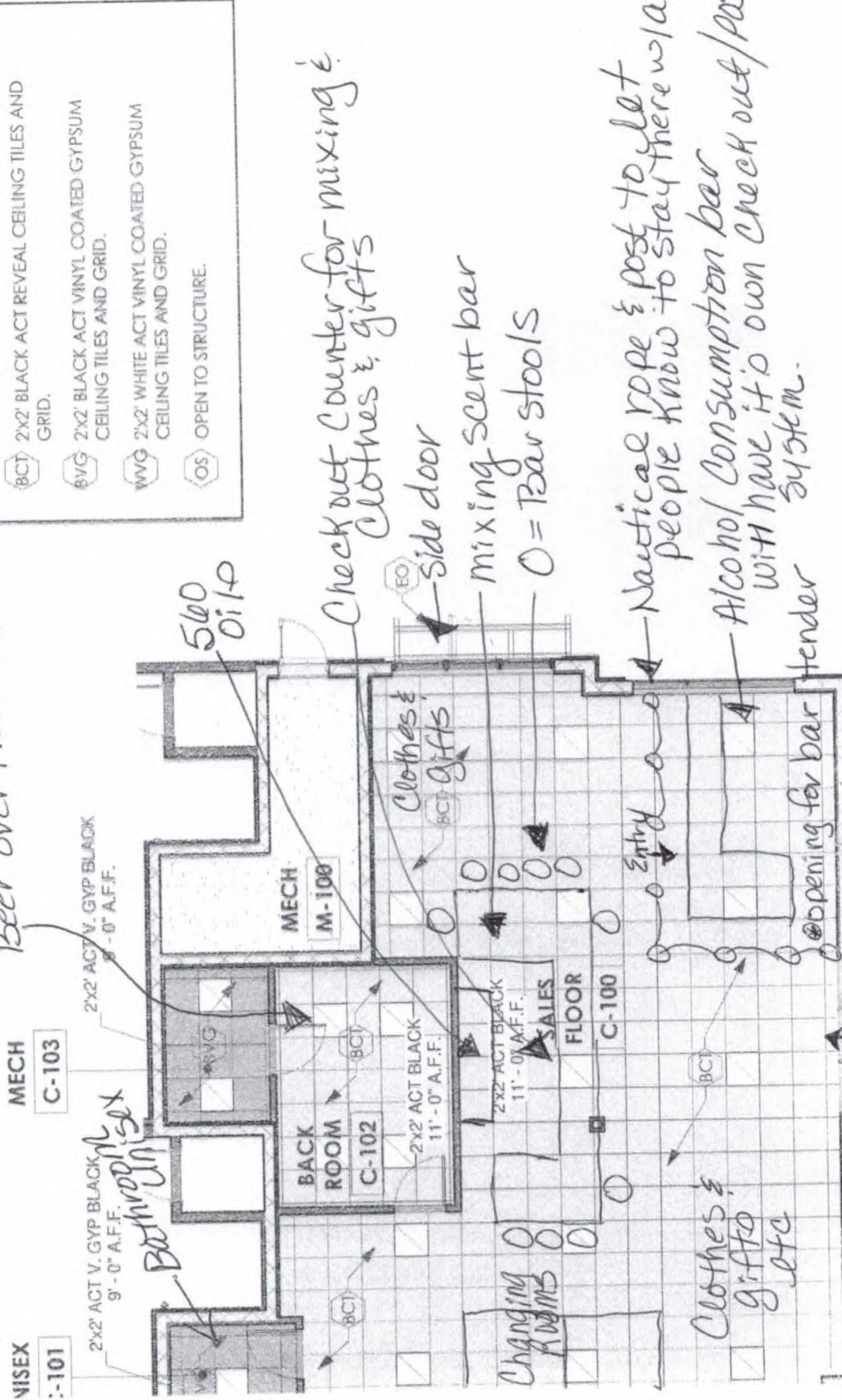
DRAWING-MEP

STATE GENERAL INTENT OF MEP IS, NOT INTENDED FOR BIDDING OR PURPOSES. MEP DESIGN/BUILD RESPONSIBLE FOR DESIGN. VERIFY ALL EQUIPMENT REQUIREMENTS WITH AND EQUIPMENT SUPPLIERS.

REFLECTED CEILING PLAN GENERAL NOTES

- LIGHTING LAYOUT IS APPROXIMATE. VERIFY WITH GC, EC, AND TENANT. FINAL LIGHTING LAYOUT THAT MEETS CODE + 50%.
- HVAC BY OTHERS. COORDINATE WITH GC.
- SPRINKLER LOCATIONS BY OTHERS, COORDINATE WITH GC.
- CEILING GRID TO MATCH COLOR OF INSTALLED TILES PER PLAN. VERIFY WITH GC.

** Locked Back Room
Beer receipts Kept in file
Beer over-flow kept*



KEYNOTES, REFLECTED CEILING PLAN

- EO** EXISTING OVERHANG. PROTECT IN PLACE DURING CONSTRUCTION.
- BCT** 2'X2' BLACK ACT REVEAL CEILING TILES AND GRID.
- BVG** 2'X2' BLACK ACT VINYL COATED GYPSUM CEILING TILES AND GRID.
- WVG** 2'X2' WHITE ACT VINYL COATED GYPSUM CEILING TILES AND GRID.
- OS** OPEN TO STRUCTURE.



MADISEN



MAHER

ARCHITECTS

700 W. VIRGINIA STREET, SUITE 604
MILWAUKEE, WI 53204
P: 414.277.8000
MADISENMAHER.COM

Myx Bar LLC

NEW TENANT BUILD-OUT FOR:

**RYEBO
BOUQUET**

143 W. WISCONSIN AVE.
PEWAUKEE, WI 53072

CLIENT

BEACHSCAPE, PEWAUKEE LLC
10060 W. LOOMIS ROAD
FRANKLIN, WI 53132

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STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: July 13, 2023

General Information:

Agenda Item: 6.e.

Applicant:

Cansas Steidl, d/b/a Myxn Bar LLC

Property Owner:

Joe Grasc Development LLC

Requested Action:

Conditional Use Grant approval to include a small tavern space, set aside within the footprint of her proposed specialty retail and custom scent mixing business tenant space.

Current Zoning:

B-2 Downtown Business District

Current Master Plan Classification:

Community Commercial

Surrounding Zoning/Land Use:

North: B-2 Downtown Business District

South: B-2 Downtown Business District

East: B-2 Downtown Business District

West: Part R-M Multi-Family Residential use & zoning/Part Pewaukee Lake

Lot Size:

1.34 acres

Location:

145 W. Wisconsin Ave

Discussion:

The applicant is taking occupancy of this space with her specialty retail and custom scent mixing business. She would also like to include a small tavern use within this business space. Specifically, the plan calls for 176 sq. ft. of the tenant floor space set aside with a bar and stools. The space is proposed to be cordoned-off from the general retail area and the scent mixing bar by a nautical rope strung from 4-foot tall stanchions. Access to the alcohol bar area is through a single opening in the rope. No direct access to the alcohol bar area is available without first entering the main tenant space (i.e., there is no exterior door leading directly into/out of the alcohol bar area).

The proposed hours of operation are 10 a.m. to midnight daily.

Parking to support this, and similar uses of the nonresidential spaces in this building, was preplanned into the original Beachscape project approval.

Recommendation:

If the Planning Commission is inclined toward an approval of Conditional Use Grant in this case, the Planner recommends the following conditions be considered for attachment thereto:

- 1) Applicant acknowledges and accepts that no open alcohol may be served, carried, or consumed within this Myxn Bar tenant space except within the 176 sq.ft. cordoned of area as depicted in the support materials provided by the applicant in support of this request.
- 2) Applicant to submit, for Village Staff review and approval prior to final collation of Exhibit A to the Conditional Use Grant, a revised plan for cordoning off the alcohol bar area using a more substantial barrier than rope hung from stanchions (i.e., such as 4-foot tall rigid railings permanently fastened into the floor, for example).
- 3) Applicant to secure all necessary sign, building and/or electrical permits prior to the start of any construction or installation in support of the proposed Myxn Bar use at this site.
- 4) Full execution and recording of the Conditional Use Grant prior to the alcohol bar space within this business space being used to conduct sales, service, or consumption of alcohol.

CONDITIONAL USE GRANT

To permit the use “176 sq. ft. alcohol bar”.

Before the Planning Commission of the Village of Pewaukee, Waukesha County, Wisconsin, in regard To Premises located at **145 W. Wisconsin Avenue** in The Village of Pewaukee, Waukesha County, State of Wisconsin, and further defined as follows:

PWV 0898001005

RETAIL UNIT 3 BEACHSCAPE LAKE CONDOMINIUMS & THE PERCENTAGE OF INTEREST IN THE COMMON AREAS AS ASSIGNED AND CREATED UNDER DECLARATION RECORDED AS DOC #4441398 :: LOCATED IN LOT 1 CSM #11786 PT NW1/4 SEC 9 T7N R19E

WHEREAS, the Zoning Code and Zoning District Map of the Village of Pewaukee, pursuant to State Statutes, provide that the premises may not be used of right for purposes hereinafter described but that, upon petition, such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinances; and

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the Village of Pewaukee having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, IT IS GRANTED, subject to compliance with the terms and conditions hereinafter state that the Premises may be used for the purpose of “176 sq. ft. alcohol bar”.

GRANTED by action of the Planning Commission of The Village of Pewaukee this 13th day of July, 2023.

Village Planning Commission Secretary
Cassie Smith

Planning Commission Chairperson
Jeffrey Knutson

Original filed at the Pewaukee Village Hall.

The **GENERAL CONDITIONS** of this Grant are:

- a. This grant shall become effective upon the execution and recording by the owners of the Premises of an acceptance hereof in such form as to constitute an effective covenant that shall run with the land subject to the provisions contained herein.
- b. This grant shall be void unless, pursuant to the building and Zoning Codes of the Village, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of the Planning Commission approval noted above.
- c. This grant is subject to amendment and termination in accordance with the provision of the Zoning Code of the Village.
- d. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and exhibited hereto.
- e. Construction and operation of the use granted shall be subject to full compliance with any other applicable rules/laws as set forth by any other governmental or quasi-governmental departments/entities with jurisdiction over this site, construction and/or operation such as, but not necessarily limited to, the Village's Building Inspections, Public Works, Police and Fire Departments, Waukesha County, Wisconsin DNR, the State of Wisconsin, ... and similar.
- f. Any of the conditions of this Grant which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
- g. This Grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
- h. Failure to allow reasonable and routine inspections of the property constitutes grounds for revocation of the Conditional Use Grant.
- i. **Conditions on the Use/Operations:**
 1. The 176 sq. ft. area permitted to be used for 'alcohol bar' shall be located in the specific place identified in Exhibit "A" to this CUG, which Exhibit is attached hereto and made a part hereof by reference;
 2. Access to/from this alcohol bar area shall be limited to complying expressly with Exhibit "A" to this CUG, which Exhibit is attached hereto and made a part hereof by reference;
 3. Permitted Days/Hours of use for this alcohol bar shall be limited to 10 a.m. to midnight, daily.
 4. The barrier to be placed around this alcohol bar area shall be as depicted in Exhibit "A" to this CUG, which Exhibit is attached hereto and made a part hereof by reference;
 5. Any substantiated material adverse impacts upon surrounding properties or the Village generally resulting from this use (including, though not necessarily limited, to noise, odor, litter, animal infestation, loitering, glare, public safety, illegal activity,...) shall be the responsibility of the owner/applicant to correct timely upon notice from the Village and failure to do so may result in revocation of this conditional use grant amendment or portions thereof.
 6. The applicant shall, at all times that this 176 square foot alcohol bar space is in operation, hold the required beer/liquor licensing as may be required by the State of Wisconsin and/or Village of Pewaukee.
- j. **Conditions on the Existing Structures and Site:**
 - a. All per existing conditions and approvals.
- k. **Other:** None.

SEE EXHIBIT "A" ATTACHED BELOW

DRAFT

DRAWING-MEP

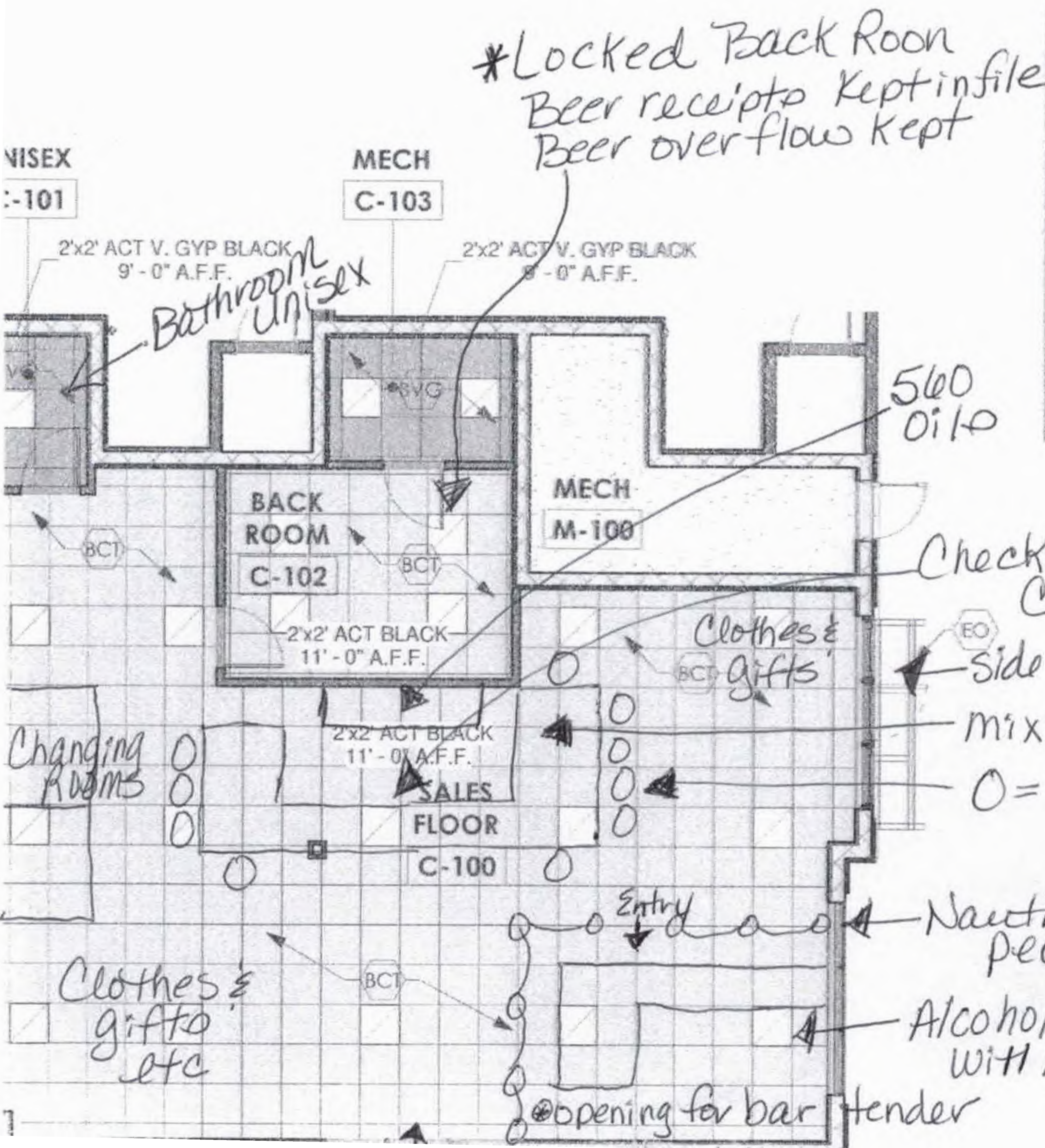
ILLUSTRATE GENERAL INTENT OF MEP SYSTEMS, NOT INTENDED FOR BIDDING OR CONSTRUCTION PURPOSES. MEP DESIGN/BUILD RESPONSIBLE FOR DESIGN. VERIFY ALL EQUIPMENT REQUIREMENTS WITH MANUFACTURER AND EQUIPMENT SUPPLIERS.

REFLECTED CEILING PLAN GENERAL NOTES

1. LIGHTING LAYOUT IS APPROXIMATE. VERIFY WITH GC, EC, AND TENANT. FINAL LIGHTING LAYOUT THAT MEETS CODE + 50%.
2. HVAC BY OTHERS. COORDINATE WITH GC.
3. SPRINKLER LOCATIONS BY OTHERS. COORDINATE WITH GC.
4. CEILING GRID TO MATCH COLOR OF INSTALLED TILES PER PLAN. VERIFY WITH GC.

KEYNOTES, REFLECTED CEILING PLAN

- EO EXISTING OVERHANG. PROTECT IN PLACE DURING CONSTRUCTION.
- BCT 2'x2' BLACK ACT REVEAL CEILING TILES AND GRID.
- BVG 2'x2' BLACK ACT VINYL COATED GYPSUM CEILING TILES AND GRID.
- WVG 2'x2' WHITE ACT VINYL COATED GYPSUM CEILING TILES AND GRID.
- OS OPEN TO STRUCTURE.



ARCHITECTS
 700 W. VIRGINIA STREET, SUITE 604
 MILWAUKEE, WI 53204
 P: 414.277.8000
 MADISENMAHER.COM

Myxn Bar LLC
 NEW TENANT BUILD-OUT FOR:

RYLOO BOUTIQUE

143 W. WISCONSIN AVE.
 PEWAUKEE, WI 53072

CLIENT
 BEACHSCAPE, PEWAUKEE LLC
 10060 W. LOOMIS ROAD
 FRANKLIN, WI 53132

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Notes: Myxn Bar

Printed: 6/30/2023



STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: July 13, 2023

General Information:

Agenda Item: **6.f.**

Applicant/Property Owner:

Kirkland Crossings, Inc. in c/o Anne O'Connor as Development Manager for Senior Housing Partners & Owner's Rep. for Kirkland Crossing, LLC.

Requested Action:

Review, discussion, and possible recommendation to the Village Board to modify Section 40.400.1. (1)a. of the Village Code, increasing the percentage of units that may be used for senior independent living within a project developed under the Elderly Housing Overlay (EHO) zoning district.

Current Zoning:

N/A *Proposed code change is not applicable to a single parcel of land, rather, it is applicable to all parcels within the EHO zoning district.

Proposed Zoning:

N/A

Current Master Plan Classification:

N/A

Surrounding Zoning/Land Use:

N/A

Project Area:

N/A

Property Location:

N/A

Discussion:

'Housing for the elderly as independent living units, assisted living facilities and/or nursing homes', is listed among the conditional uses that can be considered for approval in the EHO zoning district.

Section 40.400.1. of the EHO district specifically provides that:

(1) Development projects which include housing for the elderly:

a. Independent living units shall be permitted only as a subordinate use within a development project that also includes assisted living and/or nursing home units

and in that case, the number of independent living units shall not exceed 50 percent of the combined total number of units in the development.

The applicant proposes that this language be modified to read as follows:

40.400.1.(1) Development projects which include housing for the elderly:

a. Independent living units shall be permitted only as a subordinate use within a development project that also includes assisted living and/or nursing home units and in that case, the number of independent living units shall not exceed ~~50~~ 75 percent of the combined total number of units in the development.

By the definitions set forth in the EHO District, the balance of units (i.e., not less than 25% under this proposed change) would have to be comprised of any combination of :

- **Assisted Living Units.** (i.e., At the time this overlay district was written, the Wisconsin Department of Health Services defined assisted living as facilities for individuals who need some level of care monitoring services but choose to live in a setting without 24-hour access to nursing services and the state regulates four types of these; Adult Daycare, Adult Family Home (AFH), Community-Based Residential Facility (CBRF) and Residential Care Apartment Complex* (RCAC); *and/or*
- **Nursing home Units.** In the Village of Pewaukee, the term nursing home shall mean only those public or private residential institutions providing 24 hour onsite access to skilled nursing services and intended and equipped to provide long term in-patient care for persons unable to look after themselves such as the aged or chronically ill). 'Long term' shall, in this case, be defined as intending to remain in residence at the nursing home for not less than six months. For purposes of this section, skilled nursing services shall have the meaning set forth in Section 50.01(6V) of the Wisconsin Statutes.

The applicant provides, in their supporting application documents, empirical evidence suggesting, among other things, that in the near term (i.e., six years and <), demand is fading for assisted living as of 2021 and for the next five years but rising as for independent/active senior living, particularly so when developed as a part of a campus or community.

Recommendation:

If the Planning Commission should determine that a 75% maximum threshold for independent living units is acceptable, the Planner recommends the following language option be considered:

40.400.1.(1) Development projects which include housing for the elderly:

a. Independent living units shall be permitted ~~only as a subordinate use~~ within a development project that also includes assisted living and/or nursing home units and in that case, the number of independent living units shall not exceed ~~50~~ 75 percent of the combined total number of units in the development.

Application is due 3 weeks prior to the Meeting Date.



**Village of Pewaukee – Planning Commission
Miscellaneous Approval Application Form – Return Completed Form along
with 11 copies of all materials to be reviewed.**

Address/Parcel No. of Property Involved: N/A

Zoning of Property: N/A

Current Owner of Property: N/A

Applicant – Name: Anne O'Connor
Address: 2823 Hamline Ave. N.
Phone: 763-274-9360
Fax: _____

Type of Request: Check All That Apply

Sign Plan Approval:
Final Plat Approval:
Certified Survey Map:
Other (Describe Below):

Prelim. Plat Approval:
Developer's Agreement:

Amend Section Sec. 40.400.1. of the Village Zoning Code to read as follows (see attachment).

Signature of Property Owner as listed on this Application:

DocuSigned by:
Mark Meyer
7E3FF1F95E044C8...

Application will not be processed without the Owner's Signature regardless of who is listed as the Applicant. This signature authorizes the Village of Pewaukee to process the Application as it pertains to my property and further authorizes the Village or its representatives to conduct reasonable and routine inspections of my property for the purposes of evaluating this Application.

Signature of Applicant (if different than Owner):

DocuSigned by:
Anne O'Connor
BA63D79037AB41B...

Presbyterian Homes Kirkland Crossing Phase 2 Elderly Overlay District Ordinance

Applicant: Senior Housing Partners (SHP)
Owner: Kirkland Crossing, Inc
Project Name: Kirkland Crossing Phase 2
Project Address: 700 Quinlan Dr.
 Pewaukee, WI 53072
Date: June 21, 2023

Senior Housing Partners on behalf of Kirkland Crossings, Inc. would like to construct a senior independent living building on the parcel adjacent to the existing Kirkland Crossings campus to expand our mission to offer opportunities for older adults to live well. As we’ve discussed and presented previously, the current and foreseeable trends with how seniors transition through the continuum of care is not consistent with the way in which the ordinance is currently written.

We would be seeking an exception from, or an amendment to, Municipal Code Chapter 40 – Land Development, Article VI. Districts, Division 23. HOUSING FOR THE ELDERLY OVERLAY DISTRICT, Section 40.400.1 (1) a. which requires 50% of the housing units to be higher levels of care than independent housing units. This operational model requiring 50% of units to receive care services is not representative of the current and foreseeable trends with how seniors move through the continuum of care. Our internal data shows that up to 36% of independent living residents either skip assisted living/memory care services and progress directly to a more acute level of 24/7 care or they opt to live their remaining years in their apartment successfully with other supportive services.

Supporting the trend data is a lack of demand for assisted living and memory care services in Pewaukee. Prior to developing a project, we conduct market studies to assess demand in the area in which we hope to build new elderly housing. The data below indicates a negative demand for assisted living as of 2021 and for the next five years but includes positive demand of nearly 200 apartments for independent/active senior living.

Demand Based on Housing Type	2021	2026
Market Rate Assisted Living Net Demand	(107)	(85)
Assisted Living Memory Care Net Demand	(18)	1
High Acuity Assisted Living Net Demand	9	12
Total	(116)	(72)
Demand Based on Housing Type	2021	2026
Congregate Living Demand	105	128
Senior Apartment Net Demand	(52)	13
Total	53	141

The demand is far greater for independent living apartments; however, the desire to be part of a campus is still valuable, even when residents do not move through each phase of the continuum of care. Residents often desire to stay in their apartment for as long as possible to retain their independence. This is a shared goal of long-term care providers as it helps promote residents' rights and maintains a consistent environment which can help delay concerns with cognitive decline.

Our goal with Phase II of Kirkland Crossing would be to develop a senior living model which meets existing demand and acknowledges the changing ways in which the current and future seniors wish to receive their healthcare services. Specifically, we are designing spacious apartments where seniors can age in place or transition elsewhere on our campus when their needs exceed what can be met through preferred methods of in-home care.

Additionally, based on feedback from the Planning Commission and Village Board we have adjusted the project to be an amendment to the current CUG for the existing campus thus combining the parcels into one senior campus and bringing it under the same ownership. Our presence as a senior care provider in Pewaukee is intended to serve seniors for decades, which will include forecasting their wishes and responding accordingly with our building design and campus affiliation.

We appreciate the opportunity to discuss this with the Planning Commission and Village officials and staff.



June 21, 2023

Via Email

Scott A. Gosse
Administrator
Village of Pewaukee
sgosse@villageofpewaukee.gov

Mary Censky
Planner
Village of Pewaukee
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RE: B1 zoning- Elderly Overlay Ordinance Language Modification

This application is submitted by Kirkland Crossings, Inc., a Minnesota corporation (“Kirkland Crossings”), the owner of property located within the Housing for the Elderly Housing Overlay District and follows a series of submissions for land use approvals and discussions with the Village regarding the proposed “Phase 2” of an existing project, which includes in part, independent living units (the “Project”).

In the discussions we have had with the Village, we understand the concern and desire to meet the Village’s needs for ensuring that residents have quality care while aging. As we have outlined, the current language in code language (operating 50% of senior housing units with care services, (no more than 50% independent living units)) governing the Elderly Housing Overlay District is challenging to satisfy based on the actual pattern of the transition of individuals from independent living apartments to a higher level of care, which is rarely in a 1:1 ratio. Based on a large volume of data, we believe this trend will continue. A text amendment to the Code offering flexibility in allowing more independent living units will accomplish the Village’s objectives of providing quality housing options for individuals, ages 62+, while limiting standard multi-family projects.

Per our discussions we submit the following ordinance modification to Sec. 40.400.1(1)(a). for consideration:

- a. Independent living units shall be permitted only as a subordinate use within a development project that also includes assisted living and/or nursing home units and in that case, the number of independent living units shall not exceed 75 percent of the combined total number of units in the development.

This additional language would allow senior housing providers more flexibility to operate within a model that is responsive to market need and choices and staffing availability while continuing to offer choices to seniors.



We look forward to discussing with the Planning Commission on July 13, 2023.

Respectfully,

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