



PLAN COMMISSION AGENDA

March 13, 2025 – 6:00 pm
Village Hall
235 Hickory Street, Pewaukee, WI 53072

To view the meeting: <https://www.youtube.com/watch?v=DglkOY9RU4U>

1. Call to Order, Roll Call, Pledge of Allegiance, & Moment of Silence.
2. Public Hearings.
 - a. Conditional Use Grant request to allow a new restaurant / tavern as part of a custom personal scent mixing use located at 145 W. Wisconsin Avenue – Suite 1. A restaurant / tavern use is only permissible through the issuance of a Conditional Use Grant (Section 40.265(2)). This request is located at 145 W. Wisconsin Avenue – Suite 1/ PWV 0898001003, is zoned B-2 Downtown Business District. Property owner is Joseph Grasc Development LLC. (Joseph Grasc, owner) and Applicant is Myxn Lakeside LLC. (Tim Steidl, owner/agent)
 - b. Conditional Use Grant request of applicant Tim Steidl d/b/a Myxn Lakeside LLC, to develop a seasonal outdoor dining/seating area accessory to the proposed restaurant/tavern 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 – Suite 1. Building/property owner is Joseph Grasc Development LLC. Right-of-way is owned by the Village of Pewaukee. Property is Zoned B-2 Downtown Business District.
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 – January 9, 2025
5. Old Business.
 - a. None
6. New Business.
 - a. Review, discussion, and possible action on a Conditional Use Grant request to allow a new restaurant / tavern as part of a custom personal scent mixing use located at 145 W. Wisconsin Avenue – Suite 1. A restaurant / tavern use is only permissible through the issuance of a Conditional Use Grant (Section 40.265(2)). This request is located at 145 W. Wisconsin Avenue – Suite 1/ PWV 0898001003, is zoned B-2 Downtown Business District. Property

owner is Joseph Grasc Development LLC. (Joseph Grasc, owner) and Applicant is Myxn Lakeside LLC. (Tim Steidl, owner/agent)

- b. Review, discussion, and possible action on a Conditional Use Grant request of applicant Tim Steidl d/b/a Myxn Lakeside LLC, to develop a seasonal outdoor dining/seating area accessory to the proposed restaurant/tavern 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 – Suite 1. Building/property owner is Joseph Grasc Development LLC. Right-of-way is owned by the Village of Pewaukee. Property is Zoned B-2 Downtown Business District.
 - c. Review, discussion, and possible action on the proposed business site plan to construct a 5,300 sq. ft. UW Credit Union. This 1.102-acre parcel, located at 1267 Capitol Drive/ PWV 0902991, is zoned B-1 Community Business District. Property owner is UW Credit Union (Applicant Aden Sayers, KEE Architecture).
 - d. Review, discussion, and consultative feedback to applicant MSI General regarding a concept to construct a 4,300 sq. ft. automobile service use (car wash) located at 120 Simmons Avenue. This 1.08-acre, B-2 Downtown Business District zoned property is owned A A M investments LLC.
 - e. Review, discussion, and direction to staff regarding amendment to Village of Pewaukee Zoning Code for Reasonable Accommodations.
 - f. Review, discussion, and direction to staff regarding amendment to Village of Pewaukee Zoning Code for administrative approval of minor setback waivers.
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: March 5, 2025

**Plan Commission Meeting
January 09, 2025 – 6:00 pm
Village Hall
235 Hickory Street, Pewaukee, WI 53072**

<https://www.youtube.com/watch?v=J-sh8LR6iHc>

1. Call to Order and Roll Call, Pledge of Allegiance, & Moment of Silence

President Knutson called the meeting to order at approximately 6:02 p.m.

Plan Commission members present: Comm. Mark Grabowski; Comm. Sam Liebert; Comm. Katie Jelacic; Comm. Theresa Hoff; Trustee Bob Rohde; and President Jeff Knutson.

Excused: Comm. Brian Belt

Also present: Village Attorney, Matt Gralinski; Village Planner, Mark Lyons; Village Administrator, Matt Heiser; and Deputy Clerk, Mackenzie Quigley.

2. Public Hearings –

- a. **Conditional Use Grant request to allow a modular handicap ramp. The ramp is proposed at 3 feet from the setback which is only permissible through the issuance of a Conditional Use Grant (Section 40.209(b). This 0.202-acre parcel, located at 319 Quinlan Drive / PWV0893003, is zoned R-5 Residential Detached District. Property owners are Chris & Cathy Graham and Applicant is DMDZ Inc. (Ryan Dziewik, agent)**
 - No Comments

3. Citizen Comments – No comments.

4. Approval of the Minutes

- a. **Regular Plan Commission Meeting – December 12, 2024.**

Trustee Rohde motioned/seconded by Comm. Hoff to approve the December 12, 2024, Regular Plan Commission Meeting minutes as presented.

Motion carried 6-0.

5. Old Business

- a. **None**

6. New Business

- a. **Review, discussion, and possible action on a Conditional Use Grant request to allow a modular handicap ramp. The ramp is proposed at 3 feet from the setback which is only permissible through the issuance of a Conditional Use Grant (Section 40.209(b). This 0.202-acre parcel, located at 319 Quinlan Drive / PWV0893003, is zoned R-5 Residential Detached District. Property owners are Chris & Cathy Graham and Applicant is DMDZ Inc. (Ryan Dziewik, agent)**

Trustee Rohde shared that this is an item where through ordinance change or through suggestion to Village Board where the Village Administrator should be able to approve items like this without the added expense and time of Plan Commission approval.

Comm. Liebert questioned – if waiving fees or partial fees is an option when the item is needed due to a medical condition.

Village Attorney, Matt Gralinski, shared that this is something that can be discussed at a staff level. Monthly staff development meetings will be starting to take place due to the new planning staff – this is certainly an item that can be discussed at that time and brought to the commission. Gralinski stated that his one concern is that you have to be cautious when opening the door on waivers. At what point do you draw the line on what is minor enough for staff to approve vs what is major enough to need commission approval.

Comm. Grabowski asked for clarification on the lifespan of the project.

Village Planner, Mark Lyons, stated that the CUG is only good for the current owner – if he were to sell the house, the new owner would need to reapply for a new CUG.

Village Planner Recommendations:

The Village of Pewaukee Plan Commission recommends Approval of the Conditional Use Grant Request for Chris and Cathy Graham for the property located at 319 Quinlan Drive, subject to the following conditions:

1. That this conditional use allows a new modular handicap ramp on the above referenced property to be as close as three (3) feet from the eastern property line.
2. That all conditions made by the Plan Commission at their meeting of January 2025 are met.
3. That the modular ramp structure meets all building and zoning codes.
4. The reduction in building setback for the proposed ramp is requested as a reasonable accommodation for circumstances unique to the applicant and the current property owner. The Village acknowledges that the circumstances necessitating this accommodation may no longer be present in the event the property is sold or no longer occupied by the applicant and current property owner. The Village explicitly finds a change in ownership or occupation of the property by someone other than the applicant and current property owner constitutes a change in the nature and/or character of the permitted conditional use. To that end, and pursuant to authority found in Wisconsin Statute Section 66.23(7)(de) 4. and Village Municipal Code Section 40.154(3), this Conditional Use Grant shall terminate and be null and void upon the sale or conveyance of the property to which this Grant applies, or upon the date on which the current property owner no longer occupies the property as a primary residence, whichever occurs first. The Plan Commission may, after application by owner, applicant, or a bona fide transferee of the property, amend this provision or extend the duration of this Grant pursuant to the procedure for conditional use approval found in Chapter 40 Article V of the Village Municipal Code.”
5. The proposed modular ramp is in close proximity to the properties water service, should the water line or curb stop need to be serviced, It shall be the property owners responsibility to move the ramp in order for the necessary work to be completed.
6. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission, Village Engineer and Village Planner for the site plan, and other documentation.

7. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of structural integrity or safety of any structure on the property, or as proof of compliance with any particular construction standard that would apply to new construction. The petitioner shall independently determine the suitability of all structures on the property for the petitioner's intended uses.
8. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new conditional use approval with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.
9. The Property Owner shall allow Village of Pewaukee representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.
10. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.
11. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Pewaukee for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.

Comm. Grabowski motioned/seconded by Trustee Rohde to approve the Conditional Use Grant and Site Plan as presented with the planner recommendations.

Motion carried 6-0.

7. Citizen Comments – No comments.

8. Adjournment

Comm. Liebert motioned/seconded by Comm. Grabowski to adjourn the January 09, 2025, Regular Plan Commission meeting at approximately 6:08 p.m.

Motion carried 6-0.

Respectfully submitted,

Mackenzie Quigley
Deputy Clerk

TO: Village of Pewaukee Plan Commission
CC: Jenna Peter - Clerk
FROM: Mark Lyons, Village Planning Consultant
RPT DATE: March 5, 2025
MTG DATE: March 13, 2025
RE: Conditional Use Grant request to allow a new restaurant / tavern as part of a custom personal scent mixing use located at 145 W. Wisconsin Avenue – Suite 1

BACKGROUND:

1. Petitioner: Timothy Steidl, Myxn Lakeside LLC.
2. Property Owner: Joseph Grasc Development LLC.
3. Location/Address: 145 W. Wisconsin Avenue, Suite 1
4. Tax Key Number: PWV 0898001003
5. Area: 1.34 acres
6. Existing Zoning: B-2 Downtown Business District
7. Proposed Zoning: N/A
8. Future Land Use: Community Commercial
9. Proposed Future Land Use: N/A

OVERVIEW:

The Petitioner is requesting approval of a Conditional Use Grant to allow a new restaurant / tavern as part of a custom personal scent mixing business. The applicant presently operates the business in Suite 3 of the same multi-tenant building. There is also an existing CUG on the subject site for a prior restaurant / tavern use. The applicant intends to move, expand and rebrand their business from Suite 3 to Suite 1.

SUBMITTAL:

The enclosed submittal includes the Applications, Site Plan, and Narrative.

PLANNER COMMENTS:

1. **Conditional Use Grant.** The Village Code permits restaurant/tavern uses by the issuance of a Conditional Use Grant in the B-2 Downtown Business District.
2. **Site Plan.** The site plan indicates an approximately 1,800 square foot tenant space in a multi-tenant building. Along with this request the applicant is seeking an additional Conditional Use for seasonal outdoor seating/dinning along with a hotdog cart. That will be considered as a separate item. The applicant indicates they intend to operate the facility in conjunction with the adjoining outdoor patio which is located at 145 W. Wisconsin Avenue. This is consistent with the previously approved use of Suite 1 and adjoining patio.
3. **Zoning Requirements:** The proposed restaurant use is a conditional use under the B-2 Downtown Business District.

- a. Parking to support the multi-tenant building was preplanned as part of the original Beachscape project.
4. **Site Improvements:**
 - a. **Uses and activities:** The applicant is proposing minor modification to the interior of the suite only. No exterior modifications are proposed currently.
 - b. **Signage:** The applicant has not provided sign changes currently, but any new signage will need to be code compliant.
5. **Department of Public Works:** The Department of Public Works reviewed the plans and additional conditions have been included below.

STAFF RECOMMENDATION:

Depending on confirmation by the Village of Pewaukee Plan Commission of the above-described comments, the Village of Pewaukee Plan Commission may take the following actions listed below.

CONDITIONAL USE REQUEST TO ALLOW A NEW RESTAURANT / TAVERN AS PART OF A CUSTOM PERSONAL SCENT MIXING BUSINESS.

The Village of Pewaukee Plan Commission **Approves** the Conditional Use Request for a new restaurant/tavern as part of a custom personal scent mixing business for the property located at 145 W. Wisconsin Avenue, Suite 1 (PWV 0898001003), subject to the following conditions:

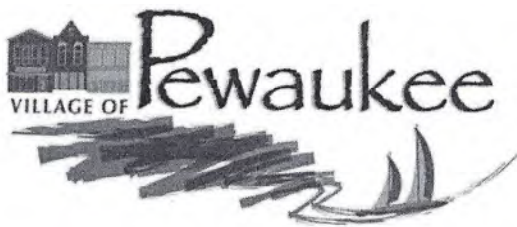
1. Any conditions made by the Plan Commission at their meeting of March 13, 2025.
2. Full execution and recording of the Conditional Use Grant prior to the start of alcohol sales, service, or consumption in this space.
3. Prior to the start of alcohol sales, service, or consumption in this space, the applicant shall secure, and at all times going forward, maintain, the necessary liquor/alcohol licensure needed to operate this tavern use in this space.
4. Signage plans be presented to the Village Zoning Administrator and approval by Staff prior to building occupancy.
5. Provide televising video showing Sanitary sewer lateral from basement to the main. The lateral needs to be reviewed for structural integrity and potential infiltration. The Village staff or designated representative will review the sewer lateral video and check if the lateral condition is adequate or needs rehabilitation. If the work cannot be completed prior to issuance of permit or occupancy, then posting a \$5,000 financial

guarantee is acceptable to allow applicant to proceed. This includes costs for televising and potential work on sewer lateral.

6. Schedule and conduct appointment with the Water Utility Department staff to identify the water service pipe material prior to issuance of permit. If service material is lead, the Applicant will be required to replace the water service from building to the curb stop.
7. This approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission. The existing plans shall remain in effect, except as further restricted or modified herein.
8. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission and Board, Village Engineer and Village Planner for the site plan, and other documentation.
9. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of structural integrity or safety of any structure on the property, or as proof of compliance with any particular construction standard that would apply to new construction. The petitioner shall independently determine the suitability of all structures on the property for the petitioner's intended uses.
10. Fire Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village of Pewaukee Fire Department Chief (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village of Pewaukee Fire Department Chief (or designee), if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of fire safety of any structure on the property, or as proof of compliance with any particular fire safety standard that would apply to new construction. The petitioner shall independently determine the fire safety and suitability of all structures on the property for the petitioner's intended uses. Fire department approval following review to ensure any additional fire access requirements for the parking lot as proposed is required prior to building occupancy.
11. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Business Site Plan approval with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.
12. The Property Owner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.
13. The Property Owner shall allow Village of Pewaukee representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.
14. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.
15. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Pewaukee for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.

EXHIBIT:

- A. Petitioner Applications, Site Plan & Narrative



CONDITIONAL USE GRANT APPLICATION FORM

235 Hickory St, Pewaukee WI 53072—villagehall@villageofpewaukee.gov— 262-691-5660

PROPERTY / PROPERTY OWNER INFORMATION

Property Address: 145 W. Wisconsin Ave #1 Tax Key: PWV _____
Pewaukee, WI 53072
 Property Owner Name: Joseph Grasz Zoning of Property: _____

APPLICANT INFORMATION

Applicant Name: Timothy Steidl Applicant Phone #: 414-303-8585 cell
562-696-8100
 Applicant Address: 1931 N. Waterville Rd #2 Summit, WI 53066 Applicant Email: myxnscentwi@gmail.com
 Applicant Email: _____

DESCRIPTION OF REQUEST (Please be thorough and attach additional pages if needed)

Business Name, If applicable: Myxn Lakeside LLC
 FEIN, if applicable: 33-3172761

Description of Proposed Use (Restaurant/Retail/Office) Bar/Cafe We will be serving craft non-alcoholic cocktails, full liquor, wine, beer & seltzers. We will serve alcohol inside and outside on patio & parking spots. You must be 21 or with parents to enter our bar. Food is going to be cold sandwiches, hand made soups and fresh made salads and appetizers. We also will have retail wine sales.

DIRECTIONS / NOTES—See page 4 for specific items required

NOTE: As this is for consultative purposes only, an engineering review will not take place at this time. An engineering review will take place if/when a formal application for approval is submitted.

Please include the following required items with this application:

- ☐ 1. One paper copy of the submittal, including plans/drawings/applicable attachments in a size 11x17 page size or less. Also provide one full size scale copy if larger than 11x17.
- ☒ 2. One digital copy of the submittal, including plans/drawings/applicable attachments. (USB/Email)
- ☐ 3. Completed Professional Services Reimbursement Form
- ☐ 4. Signatures on page 3
- ☐ 5. Conditional Use for Restaurant/Night Club must be attached if applicable

For Office Use Only

Staff Initials: _____

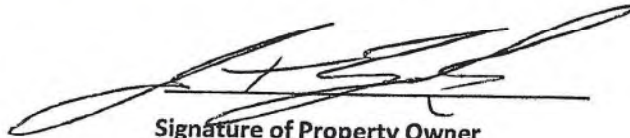
Date/Time Received: _____

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 Grasc

Property Owner Printed Name



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.

Timothy Steidl

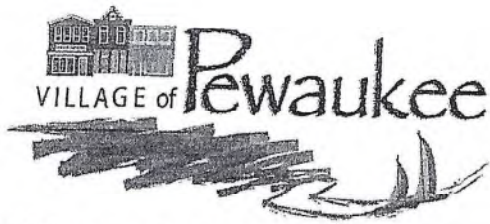
Applicant's Printed Name



Signature of Applicant

Return the completed application forms along with the required attachments, \$190 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 AGREEMENT

235 Hickory St, Pewaukee WI 53072—villagehall@villageofpewaukee.wi.gov—262-691-5660

PROPERTY INFORMATION ☐

Property Address: 145 W. Wisconsin Ave #1 Tax Key: PWV
 Property Owner's Name: Pewaukee WI 53072
Joseph Grasz Phone Number: 414-406-2001

RESPONSIBLE PARTY INFORMATION - All invoices will be mailed to this address. ☐

Business Name: Myx'n Lake Side FEIN: 33-3172761
 Person Responsible for Payment / Business Contact Name: Timothy Steidl
 Mailing Address: 145 W. Wisconsin Ave #1 Pewaukee, WI 53072
 Responsible Party / Contact Phone Number: 414-303-8585
 Responsible Party / Contact Email Address: myxnscentstwi@gmail.com

AGREEMENT / SIGNATURES - Property Owner signature is required. ☐

Pursuant to the Village of Pewaukee Code of Ordinances Sec 40.116(b), 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.

Property Owner Signature: [Signature] Printed Name: Joseph Grasz Date: 1-30-25

Applicant Signature: [Signature] Printed Name: Timothy Steidl Date: 1/30/25

For Office Use Only

Staff Initials: _____

Date Received: _____

Village of Pewaukee

Myxn Lakeside-Beach Bar 145 W. Wisconsin Ave #1

Myxn Lakeside is going to be a unique and happening place to be. We are going to be a beachy vibe bar/restaurant with sandwiches, handmade soups, fresh salads and appetizers. We are going to have live acoustical music a couple times a month until 11pm. Once it gets nice out, we have our patio open for seating and will pipe out light background music for our patron's enjoyment. We have additional seating with the 3 parking stalls we will be fencing in so people can sit outside and watch the sunsets while having a fresh appetizer and a beverage. We are going to serve Craft Non-alcoholic cocktails, Craft cocktails for a visual and tasty experience along with our full beverage menu. We will also keep wine in the forefront with samplings, retail sales, wine club discounts and keep a great selection on hand that people love. This is going to be the place to stop for a fun drink, reasonably priced cocktail and an overall fun experience!

We can't wait to have our Hot Dog cart out on our patio for the beach goers that want options of reasonably priced food deals. The big part of this is they don't have to go into a restaurant and worry about putting shoes and shirts on they can come right up to our fence line and order a hot dog and go right back to the beach.

Myxn Scents the custom mixing bar will be in a segregated area for private parties but will be visibly through glass for patrons that come in to have a drink and are interested in mixing while having lunch or just coming in for drinks. We have many parties already booked for 3 to 45 people so that is why we needed the extra space moving to this unit from unit #3.

We are so excited and people in the community have expressed that this is what this Village needs something fun, inviting and interactive!

Thank you

Tim Steidl

1

[illegible]

100

PARTITION TYPES



ss pretable

fridge
freezer

fridge
freezer in one

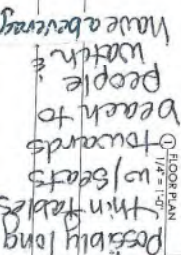
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Figure 1. The location of the study area in the north of Iran.

7

Add sun shades

No umbrellas
like lights are
our raftly being
suspended.



possibly long
thin fabric
140/160
140/160
towards
beach to
people
water
Have a beverage

Hot Dog Stand

building on
dependants
critical but
modern

domelight
eight takes

Barn Doors
Small wall
Retail shelves

the
Cabinets
King station

WQSU-TV

TO: Village of Pewaukee Plan Commission
CC: Jenna Peter - Clerk
FROM: Mark Lyons, Village Planning Consultant
RPT DATE: March 5, 2025
MTG DATE: March 13, 2025
RE: Conditional Use Grant request to allow a seasonal outdoor dining/seating area accessory to the proposed restaurant/tavern 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 – Suite 1.

BACKGROUND:

1. Petitioner: Timothy Steidl, Myxn Lakeside LLC.
2. Property Owner: Joseph Grasch Development LLC.
3. Location/Address: 145 W. Wisconsin Avenue, Suite 1
4. Tax Key Number: PWV 0898001003
5. Area: 1.34 acres
6. Existing Zoning: B-2 Downtown Business District
7. Proposed Zoning: N/A
8. Future Land Use: Community Commercial
9. Proposed Future Land Use: N/A

OVERVIEW:

The Petitioner is requesting approval of a Conditional Use Grant to use three existing, on-street parking stalls for a seasonal outdoor seating/dining area. Within the area the applicant is also proposing a seasonal hotdog cart that would be removed daily and stored within the primary business located at 145 W. Wisconsin Avenue, Suite 1. The applicant has proposed to use similar barriers with fencing that was approved for the previously approved adjoining stalls by Beach House Bistro.

SUBMITTAL:

The enclosed submittal includes the Applications, Site Plan, and Narrative.

PLANNER COMMENTS:

1. **Conditional Use Grant.** The Village Code permits seasonal outdoor dining areas within the public right-of-way with an approved Conditional Use Grant. This application is consistent with similar approved applications in the area.

In addition, the Village code only allows concession sales/vending to the general public for more than two consecutive days by a Conditional Use Grant. The applicant is proposing to operate a hotdog cart within the seating area.
2. **Site Plan.** The site plan indicates utilizing three existing on-street parking stalls located in front of 145 W. Wisconsin Avenue, Suite 1 (applicant primary location) and the adjoining outdoor patio. The applicant is

proposing to enclose the seasonal dining area with the same barriers approved for other seasonal seating area. The proposed area would adjoin the similarly approved seasonal area for Beach House Bistro. The proposed area is also consistent with the original proposal considered in this area. Similar conditions to the prior approval should be considered when evaluating this application.

3. **Zoning Requirements:** The proposed use is a conditional use under Village of Pewaukee code.
 - a. Overall impact on parking should be considered as part of the request. From approximately March 1 through October 31, six total (three previously approved for Beach House Bistro and three as part of this request) on-street parking stalls would be unavailable in this immediate area. Beach House Bistro was required to allocate parking elsewhere to compensate for their on-street reduction. A similar requirement for this request would help compensate for the loss of on-street stalls.
4. **Site Improvements:**
 - a. **Uses and activities:** The applicant is proposing temporary improvements that would be in place from March through the end of October.

STAFF RECOMMENDATION:

Depending on confirmation by the Village of Pewaukee Plan Commission of the above-described comments, the Village of Pewaukee Plan Commission may take the following actions listed below.

CONDITIONAL USE REQUEST TO ALLOW A NEW RESTAURANT / TAVERN AS PART OF A CUSTOM PERSONAL SCENT MIXING BUSINESS.

The Village of Pewaukee Plan Commission **Approves** the Conditional Use Request for a new restaurant/tavern as part of a custom personal scent mixing business for the property located at 145 W. Wisconsin Avenue, Suite 1 (PWV 0898001003), subject to the following general conditions:

1. Any conditions made by the Plan Commission at their meeting of March 13, 2025.
2. 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.
3. 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.
4. This grant is subject to amendment and termination in accordance with the provision of the Zoning Code of the Village.
5. 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.
6. 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.

7. 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.
8. This Grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
9. Failure to allow reasonable and routine inspections of the property constitutes grounds for revocation of the Conditional Use Grant.

Specific Conditions on the Use/Operations:

10. Annual renewal of this CUG is not a condition of the approval but that is based upon the continued willingness of the applicant to work cooperatively with the Village on adjustments to the site/operating plans as the use goes along in the event unforeseen issues or concerns as to safety or suitability should arise.
11. When these three stalls are in use for street dining, the underlying property owner of 145 W. Wisconsin Avenue agrees to allocate and mark three additional (i.e., in addition to those already required to be so marked as a condition of other/similar use approvals previously granted), one-hour parking stalls in their private lot at 145 W. Wisconsin Avenue (or, if the neighbor gives permission, lots located in the immediate area) to offset the parking being lost to this specific street dining use on W. Wisconsin Ave.
12. The permitted seasonal period of use for the right-of-way shall be March 1 to October 31 annually.
13. Outdoor music and/or PA may be permitted as a part of this outdoor dining/seating area use. The hours for such music and/or PA shall be limited to the actual open hours of the principal use and no later than 11pm daily.
14. Days/Hours of use for this right-of-way dining/seating area shall be limited to days/hours that the principal use Myxn Lakeside Bar is actually open but in no case later than 1 am daily.
15. Manner of enclosing the space for safety of patrons shall be in accordance with Exhibit "A" attached hereto and made a part hereof by reference.
16. As to both seasonal and permanent cessation of operations, the right-of-way area shall be immediately returned to its original state by the applicant - as it was before the street dining use was approved and implemented.
17. All parts of the proposed right-of-way dining appurtenances shall be bound within the approved area as depicted in Exhibit "A" and shall not spread onto the street, sidewalk or curbs surrounding.
18. The enclosure/barrier separating the dining area from the sidewalk(s) and the vehicle accessible part(s) of the right-of-way shall be as set forth in Exhibit "A".
19. The public markings on the surface of the right-of-way (i.e. the stall striping) shall not be washed away or permanently covered over in the course of this use.

20. Director of Public Works approval, prior to installation, as to the manner of attachment of anything that is proposed to be affixed to any public object and/or the public way.
21. Electric and/or water service to the outdoor dining area may not be run on grade across the sidewalk. Any alternate plans for electric and/or water service to the outdoor dining area shall be subject to review and approval by Village Staff prior to implementation.
22. 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.
23. Village Staff final review and approval, prior to placement, of all appurtenances (such as but not necessarily limited to tables, chairs, umbrellas, planters, heaters, fire tables, trash receptacles, serving tables,... and similar) proposed to be placed in the right-of-way area(s) ref Exhibit A attached.
24. The only food and/or beverage that may be consumed within this specific right-of-way seating space shall be limited to that emanating from the adjacent, approved use, Myxn Lakeside Bar.
25. A clear public sidewalk aisle-way not less than 5 feet wide shall be maintained at all times throughout the frontage of this lot.
26. The right-of-way dining area shall comply fully with any/all applicable requirements attendant to handicapped accessibility and ADA requirements.
27. The final placement/location of the proposed ADA accessible ramp shall be subject to review/approval of the Village's Engineer.
28. Recording of the Conditional Use Grant (CUG) prior to the start of any right-of-way occupancy.
29. Village Board approval of a right-of-way access/occupancy/use permit and agreement prior to recording of the Conditional Use Grant Amendment – the date and terms of such approval to be memorialized in the Village's CUG record/file for this property for the duration of time that this use is permitted.
30. Prior to recording the CUG, execution of a hold harmless and indemnity agreement satisfactory to the Village Attorney and approved by the Village Board for construction and operation of the use herein granted, the date and terms of such agreement to be memorialized in the Village's CUG record/file for this property for the duration of time that this use is permitted.
31. Prior to occupying the public right-of-way for this street dining use, provision of general liability and property damage insurance naming the Village of Pewaukee as an additional insured shall be provided to the Village Attorney for review and approval as to adequacy – evidence of the final and approved insurance documents to be retained on file in the Village's CUG record for this property for the duration of time this use is permitted.
32. Any new/extra lighting proposed for this right-of-way seating area use shall be subject to review and approval by Village Staff prior to implementation.
33. No signage is requested or approved as a part of this CUG. Any future signage shall be subject to review under the Village Sign Code prior to placement at the site.

34. The Village Board shall make the final determination as to who has precedence in terms of the right-of-way use on any dates/times where use of this specific right-of-way space may have been requested by multiple parties/special events. During special events in the downtown area, the permit holder shall refer to the Village Administrator for the priority determination as may have been set forth by the Village Board in regard to this specific rightof-way space and shall abide by those specific instructions.

EXHIBIT:

- A. Petitioner Applications, Site Plan & Narrative



PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT

235 Hickory St, Pewaukee WI 53072—villagehall@villageofpewaukee.wi.gov—262-691-5660

PROPERTY INFORMATION

Property Address: 145 W Wisconsin Ave #1 Tax Key: PWV
 Property Owner's Name: Pewaukee WI 53072
Joseph Grisch Phone Number: 414-406-2001

RESPONSIBLE PARTY INFORMATION - All invoices will be mailed to this address.

Business Name: Myxn Lake side FEIN: 33-3172761
 Person Responsible for Payment / Business Contact Name: Timothy Steidl
 Mailing Address: 145 W. Wisconsin Ave #1 Pewaukee, WI 53072
 Responsible Party / Contact Phone Number: 414-303-8585
 Responsible Party / Contact Email Address: myxnscentswi@gmail.com

AGREEMENT / SIGNATURES - Property Owner signature is required.

Pursuant to the Village of Pewaukee Code of Ordinances Sec 40.116(b), 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.

Property Owner Signature: [Signature] Printed Name: Joseph Grisch Date: 1-30-25

Applicant Signature: [Signature] Printed Name: Timothy Steidl Date: 1/30/25

For Office Use Only

Staff Initials: _____

Date Received: _____



CONDITIONAL USE GRANT APPLICATION FORM

235 Hickory St, Pewaukee WI 53072—villagehall@villageofpewaukee.wi.gov— 262-691-5660

PROPERTY / PROPERTY OWNER INFORMATION

Property Address: 145 W. Wisconsin Ave #1 Tax Key: PWV _____
Pewaukee, WI 53072
 Property Owner Name: Joseph Grusch Zoning of Property: _____

APPLICANT INFORMATION

Applicant Name: Timothy Steidl Applicant Phone #: 414-303-8585 cell
262-696-8100
 Applicant Address: 1931 N. Waterville Rd #2 Summit, WI 53066 Applicant Email: myxnscentawi@gmail.com
 Applicant Email: _____

DESCRIPTION OF REQUEST (Please be thorough and attach additional pages if needed)

Business Name, if applicable: Myxn Lakeside LLC
 FEIN, if applicable: 33-3172761

Description of Proposed Use (Restaurant/Retail/Office) Seasonal Outside parking spots
in front of our location. March 1st to October 31st, we will have
Outdoor music at times but will play no later than 11pm. We will install barriers
on 3 sides with railings with a ramp from curb. We will have a Hot Dog
Cart in this spot with 3 tables to eat at. The Cart will be wheeled in
every night.

DIRECTIONS / NOTES—See page 4 for specific items required

NOTE: As this is for consultative purposes only, an engineering review will not take place at this time. An engineering review will take place if/when a formal application for approval is submitted.

Please include the following required items with this application:

- ☐ 1. One paper copy of the submittal, including plans/drawings/applicable attachments in a size 11x17 page size or less. Also provide one full size scale copy if larger than 11x17.
- ☒ 2. One digital copy of the submittal, including plans/drawings/applicable attachments. (USB/Email)
- ☐ 3. Completed Professional Services Reimbursement Form
- ☐ 4. Signatures on page 3
- ☐ 5. Conditional Use for Restaurant/Night Club must be attached if applicable

For Office Use Only

Staff Initials: _____

Date/Time Received: _____

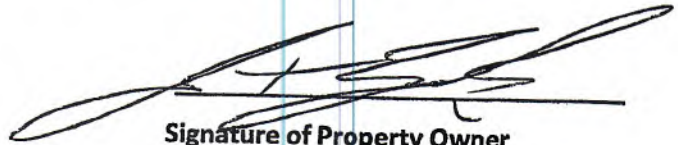
Provide detailed information with your application that addresses the following:

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 Grasc

Property Owner Printed Name

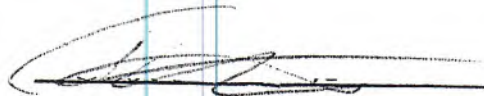


Signature of Property Owner

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.

Timothy Steidl

Applicant's Printed Name



Signature of Applicant

Return the completed application forms along with the required attachments, \$190 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.

Village of Pewaukee

Myxn Lakeside-Beach Bar 145 W. Wisconsin Ave #1

Myxn Lakeside is going to be a unique and happening place to be. We are going to be a beachy vibe bar/restaurant with sandwiches, handmade soups, fresh salads and appetizers. We are going to have live acoustical music a couple times a month until 11pm. Once it gets nice out, we have our patio open for seating and will pipe out light background music for our patron's enjoyment. We have additional seating with the 3 parking stalls we will be fencing in so people can sit outside and watch the sunsets while having a fresh appetizer and a beverage. We are going to serve Craft Non-alcoholic cocktails, Craft cocktails for a visual and tasty experience along with our full beverage menu. We will also keep wine in the forefront with samplings, retail sales, wine club discounts and keep a great selection on hand that people love. This is going to be the place to stop for a fun drink, reasonably priced cocktail and an overall fun experience!

We can't wait to have our Hot Dog cart out on our patio for the beach goers that want options of reasonably priced food deals. The big part of this is they don't have to go into a restaurant and worry about putting shoes and shirts on they can come right up to our fence line and order a hot dog and go right back to the beach.

Myxn Scents the custom mixing bar will be in a segregated area for private parties but will be visibly through glass for patrons that come in to have a drink and are interested in mixing while having lunch or just coming in for drinks. We have many parties already booked for 3 to 45 people so that is why we needed the extra space moving to this unit from unit #3.

We are so excited and people in the community have expressed that this is what this Village needs something fun, inviting and interactive!

Thank you

Tim Steidl

EXHIBIT "A" to CUP - Myxn Lakeside Street Dining/
Seating Page 1 of 5

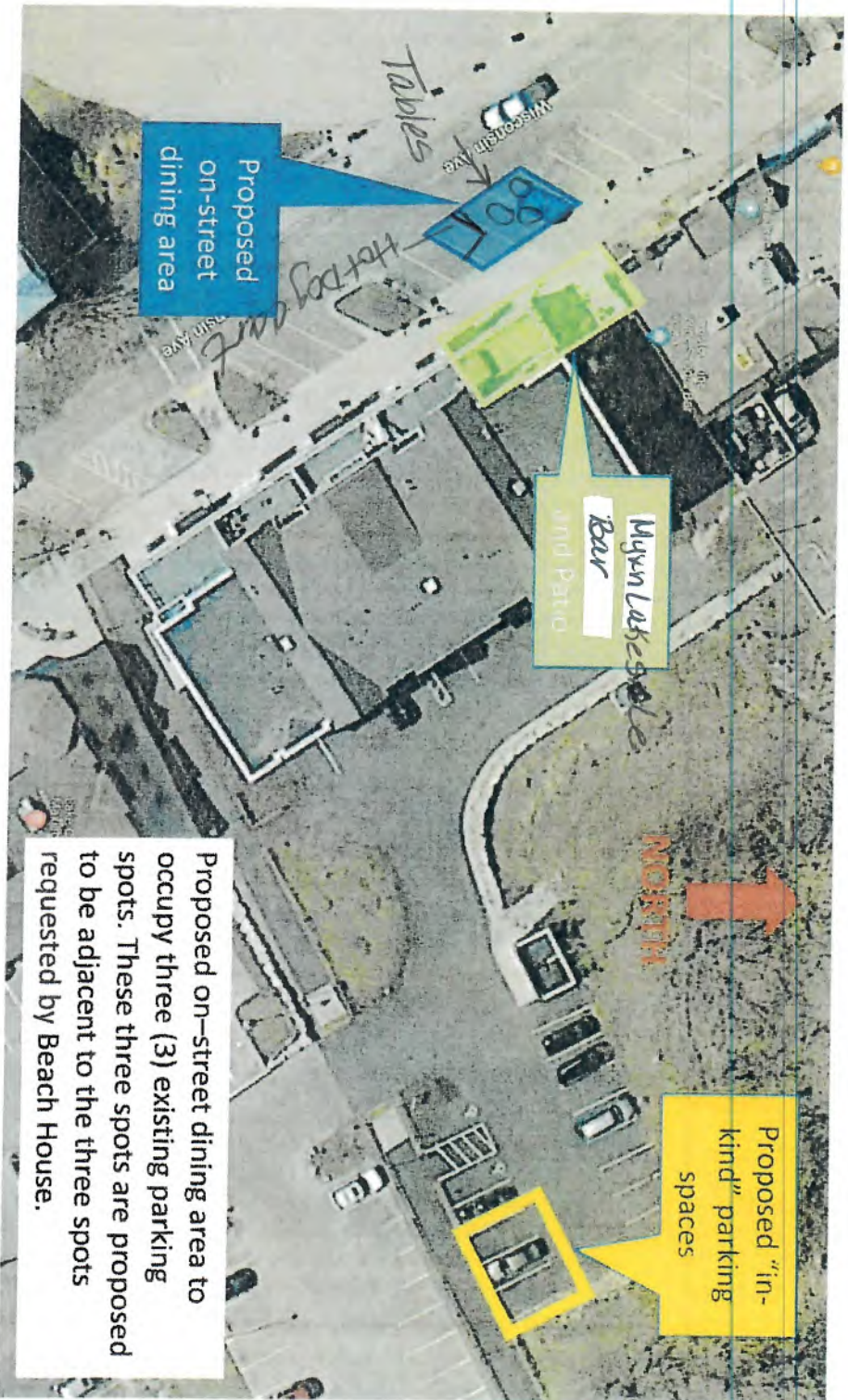
Myxn Lakeside

On-Street Dining Proposal
Owner: Brendan Moore
Address: 145 W. Wisconsin
Timothy Steidl



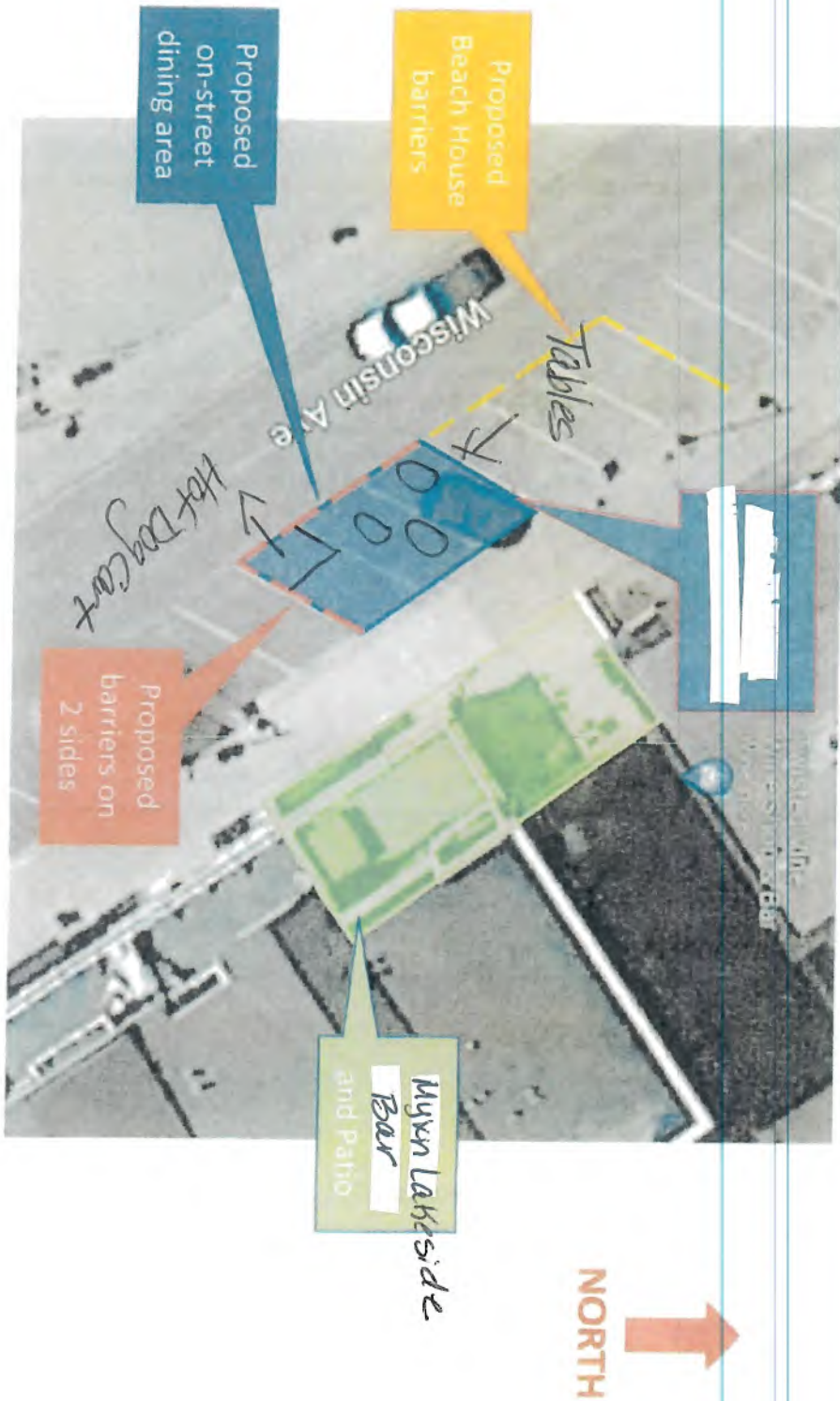
Myxn Lakeside LLC

Myxn Lakeside
On-Street Dining Proposal
Owner: ~~Brendan Moore~~ *Timothy Steidl*
Address: 145 W. Wisconsin



Myxn lakeside

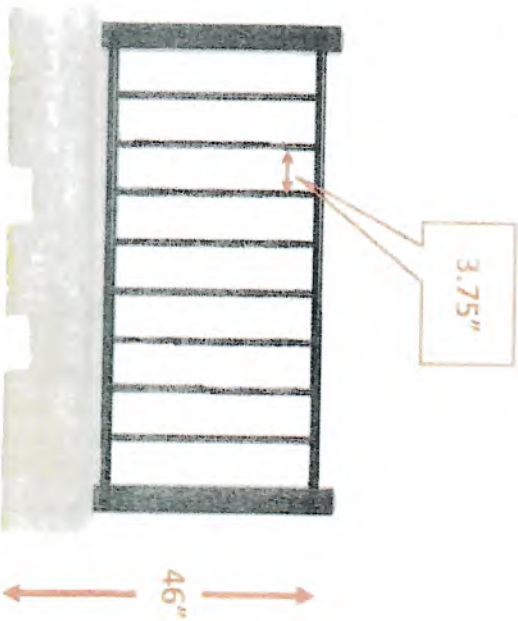
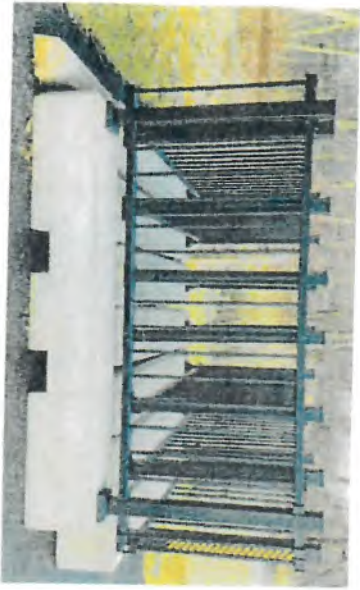
On-Street Dining Proposal
Owner: ~~Brendan Moore~~ Timothy Steidl
Address: 145 W. Wisconsin



Myyn Lakeside

On-Street Dining Proposal
Owner: Brendan Moore
Address: 145 W. Wisconsin
Timothy Steel

Railings to be consistent with existing temporary delineation structures at Handlebar, Artisan 179, and Chocolate Factory. Structure will consist of a black metal picket-style rail mounted to a concrete curb block. Any gaps greater than 4" between structures will be filled with complimentary material.

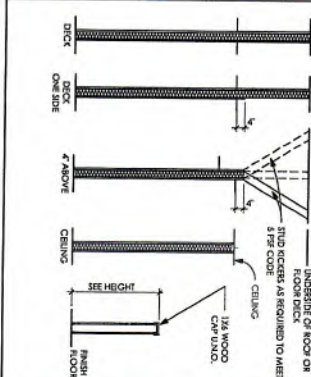


Myx'n Lakeside
On-Street Dining Proposal
Owner: ~~Brendan Moore~~ *Timothy Steidl*
Address: 145 W. Wisconsin



PARTITION KEY

SECTION AT METAL STUD PARTITION



METAL STUD PARTITION NOTE

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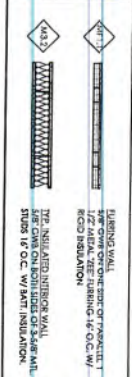
DESCRIPTION OF LANDLORD'S WORK

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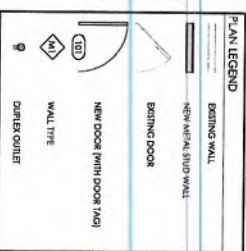
SCOPE DRAWING-MEP

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

PARTITION TYPES



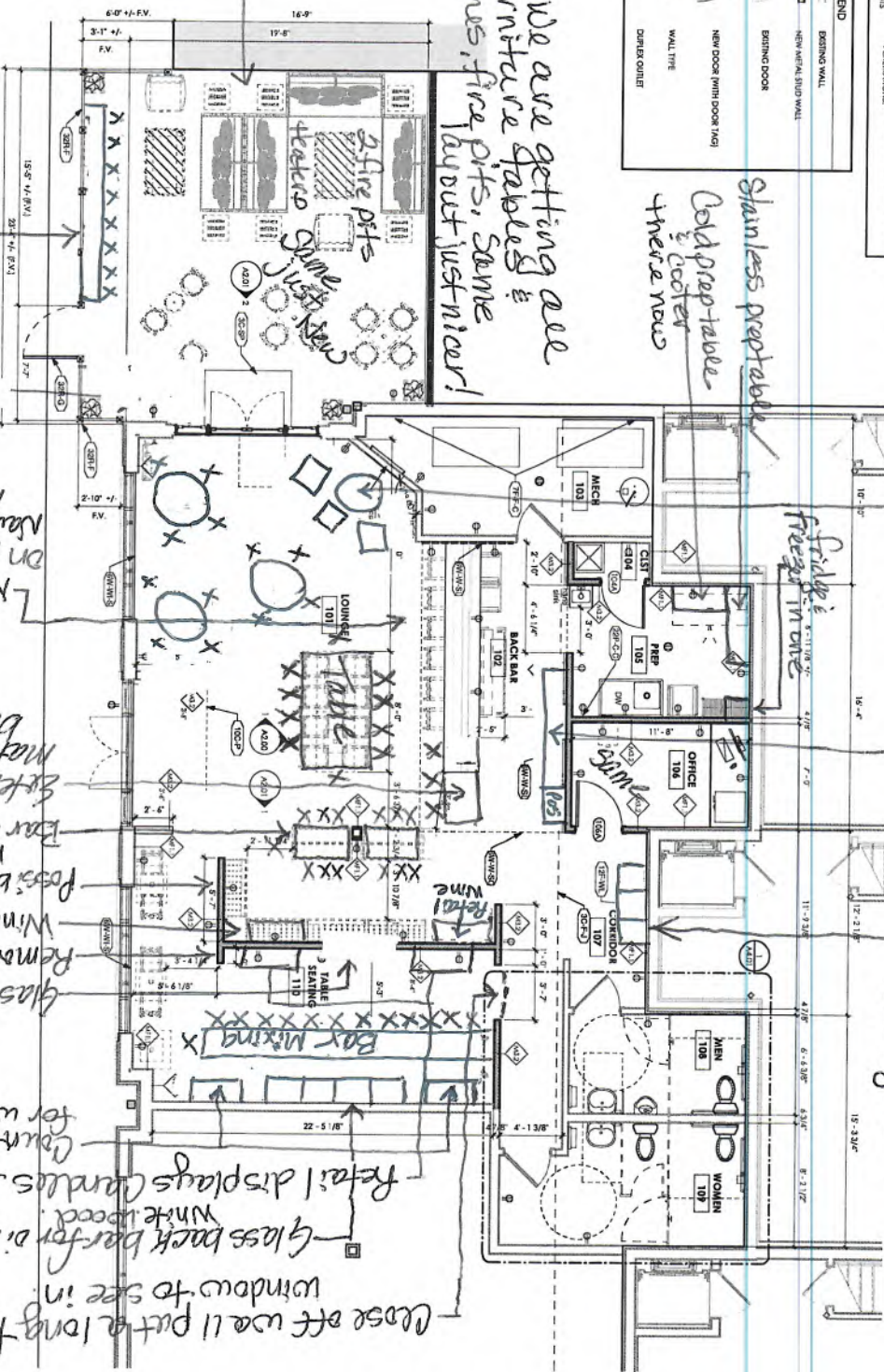
PLAN LEGEND



Stainless prepa
Cold prep table
+ cooler
there now

Add sun shades —
No umbrellas —
like lights are
currently being
suspended.

Out doors we are getting all new furniture tables & couches, fire pits, stone patios just nice



possibly long
thin tables
w/ seats
towards
beach to
people
north?
Have a beverage

New lighting
 on pendants
 modern but
 mathematical

Plush chairs, swivel for 3
and a cocktail table by fireplace

New Backbar, light up shelves for 600 3c bottles

Video games

TO: Village of Pewaukee Plan Commission
CC: Jenna Peter - Clerk
FROM: Mark Lyons, Village Planning Consultant
RPT DATE: March 5, 2025
MTG DATE: March 13, 2025
RE: UW Credit Union – Business Site Plan approval

BACKGROUND:

1. Petitioner: KEE Architecture
2. Property Owner: University of Wisconsin Credit Union
3. Location/Address: 1267 Capitol Drive
4. Tax Key Number: PWV 0902991
5. Area: 1.102 AC
6. Existing Zoning: B-1 Community Business
7. Proposed Zoning: N/A
8. Future Land Use: Community Commercial
9. Proposed Future Land Use: N/A

OVERVIEW:

The Petitioners are requesting approval of a business site plan for locating a 5,300 square foot financial institution and ancillary uses on an existing 1.102-acre lot, currently zoned as B-1, Community Business District. The site contains an existing building which would be razed. The building was previously used as an Applebee's.

SUBMITTAL:

The enclosed submittal includes the Applications, Site Plan, (and associated landscaping, lighting, stormwater, infrastructure plans).

PLANNER COMMENTS:

1. **Site Plan.** The site plan shows a 5,300 gross single story credit union building in the center of the property, with the associated parking lot on the eastern portion of the site and drive-thru facilities on the western portion of the property. No details as to hours of operations have been provided at this time. The application indicates up to eight (8) employees.
2. **Zoning Requirements:** The proposed financial institution use is a permitted use in the B-1 District per section 40.248(4) of the village code.
 - a. The proposed lot size of just over 1 acre is within the code requirements.
 - b. There is a 65% maximum impervious area requirement, and this proposal comes in at 49.8%, and that is satisfactory. This is also a reduction from the prior 62.9% existing presently.
 - c. There is a building height maximum of 4 stories or 55 feet in height and the proposed building is one story and 21 feet, 3 inches to the top of roof.

- d. There is a building setback minimum of 50 feet from the right of way in the B-1 district. The subject parcel has right of way setbacks requirements on the south, east and north sides. The primary structure satisfies the setback requirements. Code additionally requires a side and rear offset of 20' for primary structure and 10' for accessory structures. The proposed drive thru canopy is classified as an accessory structure and meets the code required offset.
- e. There are 25 onsite parking spaces proposed, with two ADA accessible parking spaces shown near the front entrance of the building. 19 additional parking spaces are provided per an easement north of the subject site. Code requires one (1) space per 300 gross sq. ft. of area and one (1) per employee for a total of 26 required stalls. Section 40.426(c) requires the provided stalls be located on site unless approved by Plan Commission. In this situation staff would recommend the Plan Commission approve the plan as proposed.

3. **Site Improvements:**

- a. **Uses and activities:** The improvements will include a new building and associated access drive, parking lot, drive-thru canopy and landscaping plantings.
- b. **Site:** The proposed changes include development of an approximately 5,300 sq. ft. building in the center, associated parking lot and access drive on the east side, and drive-thru facility on the west side.
- c. **Design Requirements:** There are no extra general design requirements for uses/structures as B-1 District has a set of "General Requirements" for uses/structures in the B-1 zoning codes. Section 40.447 pertains to other architectural requirements.

Section 40.447 states:

(2)Building rooflines and roof shapes. The visual continuity of roofs and their contributing elements (parapet walls, gables, coping, cornices, etc.) shall be maintained in building development or redevelopment. Heating, ventilation, air conditioning and other rooftop mechanical equipment must be appropriately screened from view.

(3)Materials. New retail and office building construction shall consist of quality materials such as brick, wood, stone and glass.

The proposed building will be of primarily brick, stone and glass. Grey brick makes up the majority of the architecture with additions of stone and glass. The structure includes a flat roof.

Staff finds these items meet the criteria and standards of the Village of Pewaukee, subject to the review and recommendation of the Planning Commission.

- d. **Traffic, Circulation and Access:** Access to the site will be on the north side of the lot from George Town Drive. Two access drives are proposed, an eastern 26' wide two-way traffic access drive and an out only 16' wide on the west. A Pedestrian sidewalk access is located on the eastern side of the development.
- e. **Landscaping:**

Planting of trees for new development is proposed. Section 40.445 requires: *(a)Street trees. The developer shall provide for the planting or retention of street trees on both sides of all new roadways and, where deemed appropriate by the plan commission for aesthetic purposes, along existing roadways adjacent to the development. Such trees shall have an average trunk dimension of 2.5 inches at a point one foot above the grade. To ensure proper planting and growth, the trees shall be balled, burlapped and staked. Such trees shall be provided at a rate of not less than one tree every 40 feet of new roadway frontage and located within the road right-of-way at a point ten*

feet from the right-of-way line unless otherwise required by the plan commission. The species of trees shall be subject to plan commission approval.

The applicants plans show 2" plantings of Crabapples and Japanese Lilac. As proposed these plantings do not meet the minimum code requirements and will need to be modified.

Landscaping of the interior parking lot and property is proposed. Section 40.445 requires: *(b) Parking lot landscaping. Off-street parking lots with more than ten stalls shall have at least ten percent of the interior parking area landscaped. The species of landscape plantings are subject to plan commission approval.*

The proposal includes landscaping the "end" areas of the parking lot to satisfy this requirement. The proposal includes no interior landscaping islands. It appears based on past approvals, the Planning Commission has reviewed similar requests and will need to determine if the proposed arrangement meets the intentions of the ordinance.

Screening of the parking surface area is proposed. Section 40.445 requires: *(2) A compact landscaping hedgerow or landscaped undulating berm shall be located between parking areas and public roads. Hedges shall be planted at an initial height of two feet and shall be maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after time of planting. This landscaping buffer is intended to screen the view of parked cars and asphalt from pedestrian and motorist view.*

The proposal includes 20 snow white mockorange along the parking area. Staff does not believe this species meets the intent of the compact hedgerow and an alternative planting should be utilized, subject to review by the Planning Commission.

- f. **Exterior Lighting:** New lighting is proposed by the applicant to be downward facing, both servicing the parking lot area and along the building exterior. Section 40.448 governs the lighting standards. Of the standards, no lighting fixture pole shall exceed 25 feet in height.

The applicant has supplied plans that show any poles utilized in the parking lot, however they do not specify a proposed height and will be limited to the 25 feet in height requirement. Applicant has also supplied a photometric plan noting 0 foot candles measured on adjoining roadways, and minimal lighting going onto adjacent northern property.

Hours of operations for the lighting notes that: *Hours of operation. All outdoor light fixtures presently or hereafter installed and maintained upon private property within commercial, institutional, industrial or multifamily zones shall be turned off from close of business to sunrise with the following exceptions:*

- a. *Commercial, industrial and institutional uses which remain open and operational after 11:00 p.m. shall be allowed to keep their approved outdoor lighting on for the period of time they remain open and up to one-half hour after closing.*
- b. *Approved security lighting shall be allowed after 11:00 p.m.*

No information was supplied by the applicant on hours of operation of lighting, and staff will note the Planning Commission will need to weigh in on how they'd like to see lighting standards handled on this property, and to be of similar decisions as made for adjacent properties in the area of this proposal.

- g. **Signage:** The applicant has not proposed new signage at this time and indicates that will be addressed as a separate future request.

- h. **Engineering Plans (Storm/Grading/Utilities):** Engineering plans were supplied and reviewed by the Village Engineer. That report is attached as part of this report. Village Department of public works has also reviewed the proposed plans, and additional conditions have been included below.

STAFF RECOMMENDATION:

Depending on confirmation by the Village of Pewaukee Plan Commission of the above-described comments, the Village of Pewaukee Plan Commission may take the following actions listed below.

SITE PLAN AND PLAN OF OPERATIONS

The Village of Pewaukee Plan Commission **Approves** the Site Plan for a new financial institution, associated parking lot, accessory structures, landscaping and access drive for the property located at PWV 0902991, subject to the following conditions:

1. That all conditions made by the Plan Commission at their meeting of March 13, 2025 pertaining to architecture, site design, landscaping, lighting, grading, parking, or other, are met.
2. The hours of operation of the operations be presented to the Village Zoning Administrator and approval by Staff prior to building occupancy.
3. Street tree and parking screening shall be revised to comply with the Village code and shall be approved by Staff.
4. Landscaping is required to be replaced upon any plants not surviving.
5. Light pole height is limited to 25' and shall be presented to Village Zoning Administrator and approval by Staff prior to building occupancy.
6. Provide televising video showing Sanitary sewer lateral for full extent. The lateral needs to be reviewed for structural integrity and potential infiltration. The Village staff or designated representative will review the sewer lateral video and check if the lateral condition is adequate or needs rehabilitation. If the work cannot be completed prior to issuance of permit or occupancy, then posting a \$5,000 financial guarantee is acceptable to allow applicant to proceed. This includes costs for televising and potential work on sewer lateral.
7. In public right of way, any sidewalk panels with cracks, spalling or missing pieces or misaligned panels must be removed and replaced by Applicant. Village Engineering staff or designated representative to mark panels for removal. Show on drawing for review and approval. Based on initial review, the first 5 sidewalk panels need from the private street need replacement. A right of way permit is needed to remove or replace sidewalk and to follow Village sidewalk specification.
8. This Site Plan/Plan of Operation approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission. The existing site plan/plan of operation shall remain in effect, except as further restricted or modified herein.
9. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission and Board, Village Engineer and Village Planner for the site plan, and other documentation.
10. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of structural integrity or safety of any structure on the property, or as proof of compliance with any

particular construction standard that would apply to new construction. The petitioner shall independently determine the suitability of all structures on the property for the petitioner's intended uses.

11. Fire Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village of Pewaukee Fire Department Chief (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village of Pewaukee Fire Department Chief (or designee), if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of fire safety of any structure on the property, or as proof of compliance with any particular fire safety standard that would apply to new construction. The petitioner shall independently determine the fire safety and suitability of all structures on the property for the petitioner's intended uses. Fire department approval following review to ensure any additional fire access requirements for the parking lot as proposed is required prior to building occupancy.
12. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Business Site Plan approval with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.
13. The Property Owner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.
14. The Property Owner shall allow Village of Pewaukee representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.
15. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.
16. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Pewaukee for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.

EXHIBIT:

- A. Village Engineer report
- B. GIS Property Location Map
- C. Petitioner Application
- D. Proposed Site Plan

Village of Pewaukee Plan Commission Engineer's Report for March 13, 2025

**UW Credit Union
1267 Capitol Drive**

Report

The applicant has applied for a site plan and plan of operation approval for the redevelopment of the former Applebee's site at 1267 Capitol Drive. A full set of engineering plans were provided.

Site Plan: Parking stalls and aisle widths are met on the site. ADA parking stalls and curb ramps are provided as required by law. Sidewalks surrounding the site will be reviewed by the Village Director of Public Works to determine if any sidewalk requires replacement.

Traffic Access: Currently, there are two access points granted to the site off of George Towne Drive. The access points will be in the same location; however, the easterly access point will be an "in/out" access and the westerly access point will be "out" only. Access around the south side of the building that leads to the drive-through will be one-way. Appropriate signage is included in the plan to deter drivers from going the wrong way. The aisle for the parking lot is adequate and meets the Village code for the appropriate width to allow for proper circulation. No direct access is allowed to Westfield Way or Capitol Drive from the parcel.

Site Grading and Drainage: The redevelopment site will have curb and gutter throughout the parking lot and access drives. Stormwater will be collected in catch basins located in the parking and drive areas of the site and directed to a manhole and pipe that connects to the public storm sewer in the northeast corner of the parcel. Stormwater eventually flows to a regional stormwater facility located approximately 1,200 feet north of this parcel. Impervious surfaces will decrease on the site. The owner will be installing a small bioretention system on the north side of the site to capture rainfall and allow for infiltration.

The existing site grade drops from the southwest to the northeast. The proposed grades follow a similar pattern. The new building will be approximately 1.5 feet higher than the existing building's grade. Since all water will be captured within the site, there will not be any negative effects on adjacent properties.

Sanitary Sewer and Water: The existing sanitary sewer lateral and water service will be capped during demolition and reconnected to the new structure. A note indicates that the sewer lateral must be televised to inspect integrity of the pipe. The contractor should contact the Village Water Utility to inspect the water lateral once exposed. Reconnection of the sewer lateral and water service requires a plumbing permit. Applicant should modify Note No. 12 to refer to the Village of Pewaukee (not City of Oconomowoc).

Erosion Control: Silt fence is provided along the east and north perimeter of the site. A stone tracking pad is proposed for the easterly entrance. During construction, the westerly entrance should be closed off (or a separate tracking pad added for that access point). Inlet protection will be provided for all inlets once they are installed. Engineer should update the following Notes:

3. Replace City of Greenfield with Village of Pewaukee
5. Add stormwater inspection reports shall be provided to the Director of Public Works.

Landscape Plan: Trees that are north of the bioretention basin are too close to the storm sewer and to the sewer and water laterals and should be shifted.

Recommendation

I recommend approval of the site civil plans (C100 – C400) subject to the following edits being addressed prior to final staff approval:

1. Sheet C200: During construction, the westerly entrance should be closed off (or a separate tracking pad added for that access point)
2. Sheet C200: Engineer should update the following Notes:
 3. Replace City of Greenfield with Village of Pewaukee
 5. Add stormwater inspection reports shall be provided to the Director of Public Works
3. Sheet C300: Applicant should modify Note No. 12 to refer to the Village of Pewaukee (not City of Oconomowoc).
4. Sheet L100: Move trees that are too close to the storm sewer and sanitary and water laterals.
5. Addition of potential sidewalk replacement.

Tim Barbeau, P.E., P.L.S.
Village Consulting Engineer
March 4, 2025



Village of Pewaukee GIS UW Credit Union



Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072
262-691-5660

DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

The Village of Pewaukee does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1 = 100'

Print Date: 3/5/2025



BUSINESS SITE PLAN APPLICATION FORM

235 Hickory St, Pewaukee WI 53072 - villagehall@villageofpewaukeewi.gov - (262) 691-5660

PROPERTY / PROPERTY OWNER INFORMATION

☐

Property Address: _____ Tax Key: PWV _____

Property Owner Name: _____ Zoning of Property: _____

APPLICANT INFORMATION

☐

Applicant Name: _____ Applicant Phone #: _____

Applicant Address: _____

Applicant Email: _____

DESCRIPTION OF REQUEST (Please be thorough and attach additional pages if needed)

☐

Business Name Corresponding to Site Plan: _____

FEIN, if applicable: _____

Summary of Request (New Construction, Addition, Modification, etc.): _____

- on a future date

DIRECTIONS / NOTES—See page 4 for specific items required

☐

NOTE: As this is for consultative purposes only, an engineering review will not take place at this time. An engineering review will take place if/when a formal application for approval is submitted.

Please return Completed Application Forms along with the following:

- ☐ 1. One paper copy of the submittal, including plans/drawings/applicable attachments in a size 11x17 page size or less. Also provide one full size scale copy if larger than 11x17.
- ☐ 2. One digital copy of the submittal, including plans/drawings/applicable attachments. (USB/Email)
- ☐ 3. Signatures on page 3
- ☐ 4. Completed Professional Services Reimbursement Form
- ☐ 5. Conditional Use for Restaurant/Night Club must be attached if applicable

For Office Use Only

Staff Initials: _____

Date/Time Received: _____

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.
3. Signage shall be determined through a sign permit process and/or a sign plan approved by the Plan Commission. Permits for individual signs may be applied for with the Village's Code Compliance Officer.

Property Owner Printed Name



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.

Aden Sayers

Applicant's Printed Name



Signature of Applicant

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



PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT

235 Hickory St, Pewaukee WI 53072—villagehall@villageofpewaukee.gov—262-691-5660

PROPERTY INFORMATION

☐

Property Address: _____ Tax Key: PWV _____

Property Owner's Name: _____ Phone Number: _____

RESPONSIBLE PARTY INFORMATION - All invoices will be mailed to this address.

☐

Business Name: _____ FEIN: _____

Person Responsible for Payment / Business Contact Name: _____

Mailing Address: _____

Responsible Party / Contact Phone Number: _____

Responsible Party / Contact Email Address: _____

AGREEMENT / SIGNATURES - Property Owner signature is required.

☐

Pursuant to the Village of Pewaukee [Code of Ordinances Sec 40.116\(b\)](#), 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.

Property Owner Signature: PJ Thieren Printed Name: _____ Date: _____

Applicant Signature: Aden Sayers Printed Name: Aden Sayers Date: 1/31/25

For Office Use Only

Staff Initials: _____

Date Received: _____

UW Credit Union Pewaukee Branch

1267 Capitol Drive
Pewaukee, WI 53072

KEE Project ZH09E

FOR SITE PLAN REVIEW ONLY
BY THE VILLAGE OF PEWAUKEE

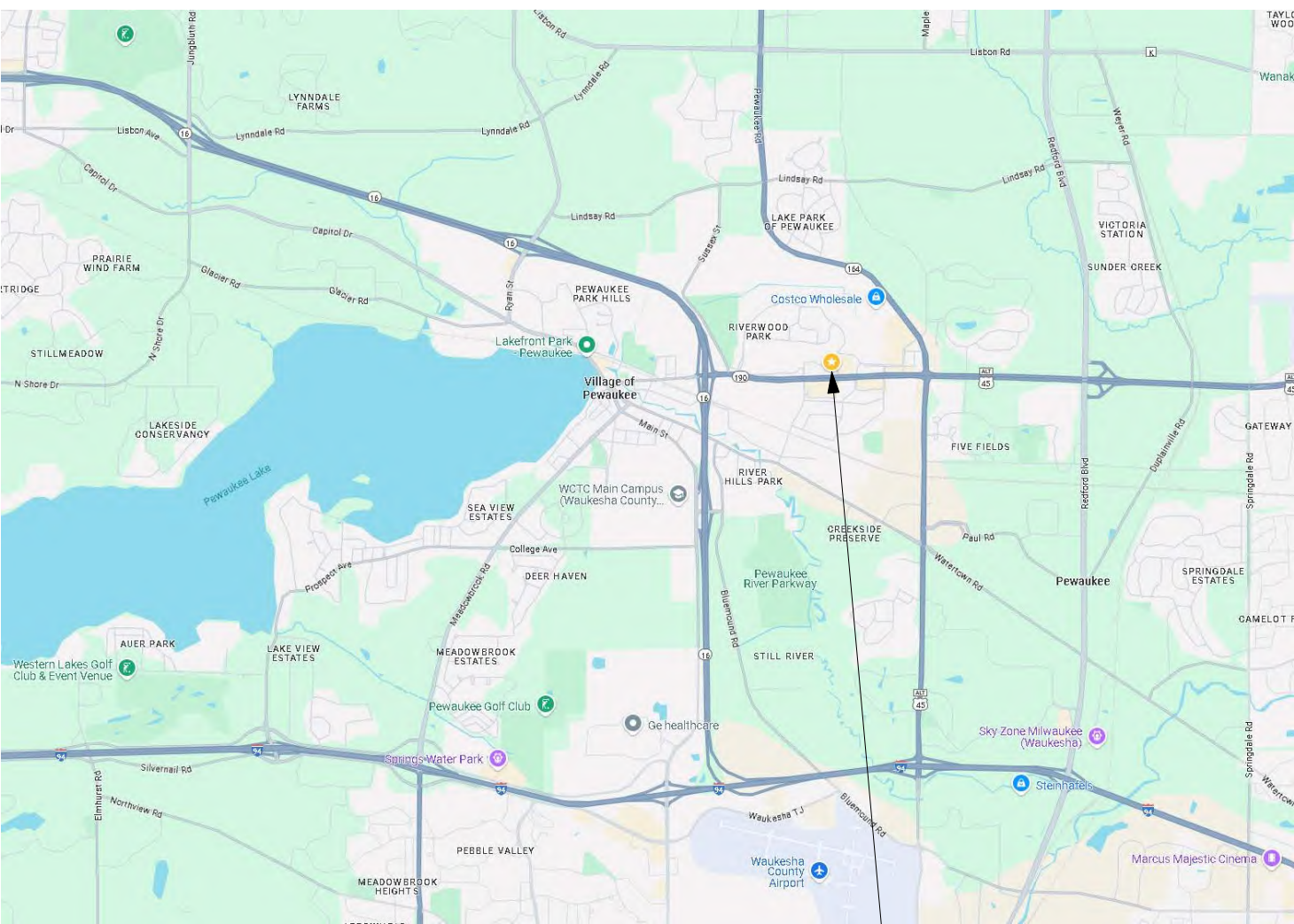
***BUILDING AND SITE SIGN SIZES AND
LOCATIONS ARE SHOWN
CONCEPTUALLY - SIGN CONTRACTOR
TO VERIFY AND SUBMIT SIGN
PACKAGE AT A LATER DATE



Stamps



Location Map



1267 CAPITOL DRIVE

Contact Information:

ARCHITECT:	GENERAL CONTRACTOR:	CONSULTANTS:		
KEE ARCHITECTURE, INC	J.H. FINDORFF & SON, INC.	WYSER ENGINEERING (CIVIL ENGINEERING)	IMEG CORP (STRUCTURAL, PLUMBING, HVAC, ELECTRICAL AND TECHNOLOGY)	BRUCE COMPANY (LANDSCAPE ARCHITECTS)
3220 SYENE RD, #102 MADISON, WI 53713 (608) 255-9202	300 SOUTH BEDFORD STREET MADISON, WI 53703 (608) 257-5321	300 EAST FRONT STREET MOUNT HOREB, WI 53572 (608) 437-1980	2310 CROSSROADS DRIVE SUITE 3000, MADISON WI 53718 (608) 223-9600	2830 PARMENTER STREET MIDDLETON, WI 53562 (608) 836-7041

Materials Legend

PLAN/SECTION CUT			
	Brick		Sand, Grout, Mortar
	Concrete		Solid Surface
	Concrete Masonry Units (CMU)		Stone
	Earth/Compacted Fill		Wood (Rough)
	Glass		Wood (Blocking)
	Gypsum Wall Board (GWB)		Wood (Finish)
	Insulation (Batt/Loose)		
	Insulation (Rigid)	ELEVATION	
	Insulation (Spray Foam)		Concrete, Plaster, EIFS
	Metal		Sheet Metal
	Plastic Laminate (PLAM)		Brick
	Plywood		Glass

Graphic Legend

* FULL (100%) SCALED DRAWINGS ARE 24" X 36"			
	Level Line / Datum Elevation		Callout Reference
	Room Name & Number		Drawing Number (typ.)
	Partition Type Reference		Sheet Number (typ.)
	Keyed Note		Building / Wall Section / Detail Reference
	Door Tag		Exterior Elevation Reference
	Window Tag		Interior Elevation Reference
	Specialty Equipment Tag		Finish Symbol

SITE PLAN
REVIEW
01/31/2025

REV DESCRIPTION DATE



UW Credit Union
Pewaukee Branch

1267 Capitol Drive

Pewaukee, WI 53072

ZH09E

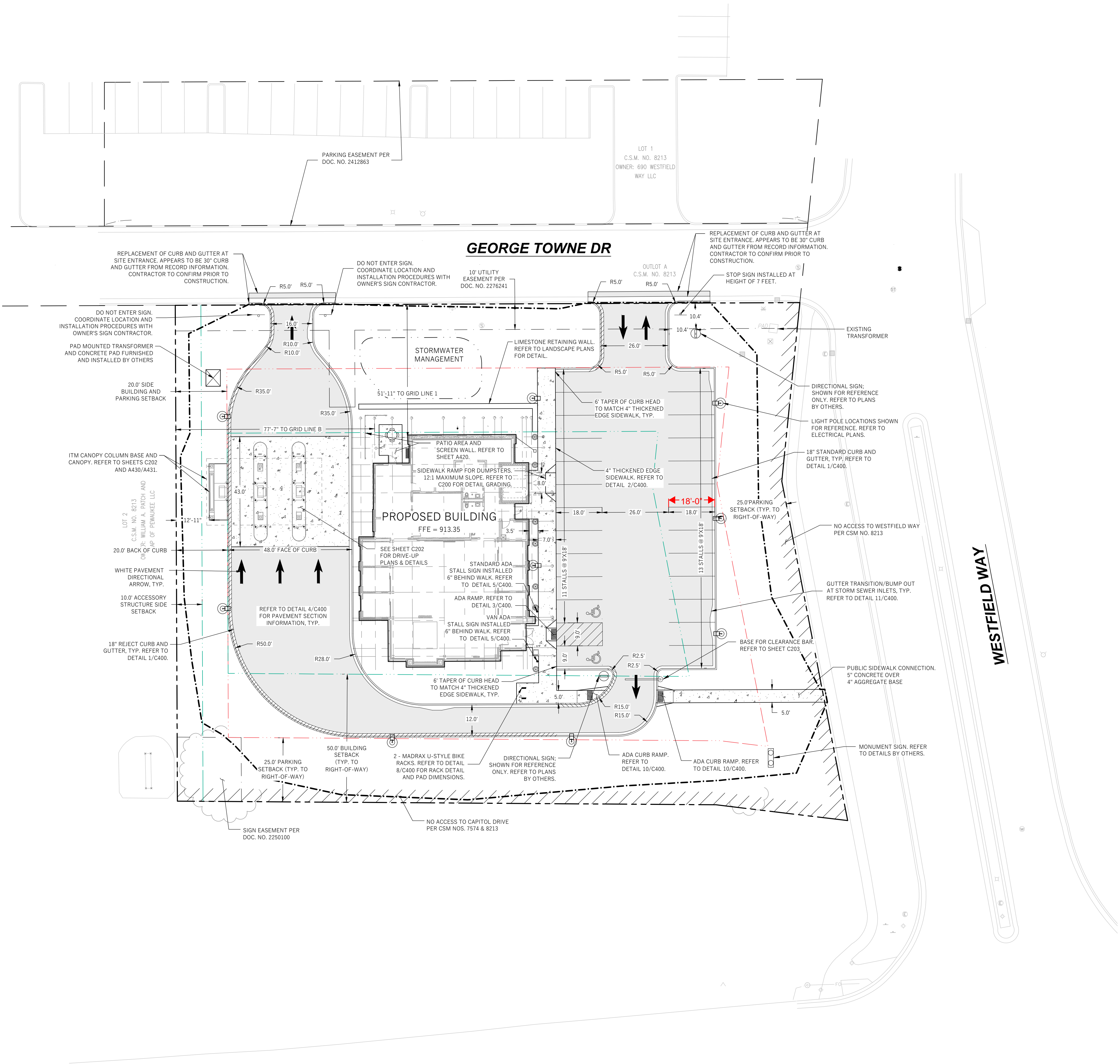
KEE
architecture

3220 SYENE RD #102 | MADISON WI 53713

Findorff

G100

TITLE SHEET



LEGEND (PROPOSED)

- PROPERTY BOUNDARY
- EASEMENT
- DISTURBANCE LIMITS
- BUILDING SETBACK LINE
- PARKING SETBACK LINE
- BUILDING FOOTPRINT
- 18" STANDARD CURB AND GUTTER
- 18" REJECT CURB AND GUTTER
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT

GENERAL NOTES

- UNDERLYING SITE CONTOURS AND INFORMATION BASED ON TOPOGRAPHIC & UTILITY DATA AS PROVIDED TO WYSER ENGINEERING. WYSER ENGINEERING SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY ARISE AS A RESULT OF ERRONEOUS OR INCOMPLETE INFORMATION PROVIDED BY OTHERS. CONTRACTOR TO CONFIRM ALL ELEVATIONS, GENERAL DRAINAGE AND EARTHWORK REQUIREMENTS PRIOR TO CONSTRUCTION.
- REFER TO THE ALTA SURVEY FOR BENCHMARK LOCATIONS. THE BENCHMARKS SHALL BE VALIDATED BY LICENSED LAND SURVEYOR PRIOR TO CONSTRUCTION. CONTRACTOR ASSUMES RISK ASSOCIATED WITH BENCHMARK ELEVATIONS UNTIL CONFIRMED.
- CONTRACTOR TO OBTAIN APPROPRIATE PERMITS FOR STREET OPENINGS & TO WORK WITHIN THE RIGHT OF WAY IF REQUIRED.
- WYSER ENGINEERING SHALL BE HELD HARMLESS AND DOES NOT WARRANT ANY DEVIATIONS BY THE OWNER OR CONTRACTOR FROM THE APPROVED CONSTRUCTION PLANS THAT MAY RESULT IN DISCIPLINARY ACTIONS BY REGULATORY AGENCIES.
- IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS WITHIN THE PLAN BECOME APPARENT, IT SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.

SITE INFORMATION BLOCK:

SITE ADDRESS: 1267 CAPITOL DRIVE
(LOT 3, CERTIFIED SURVEY MAP NO. 8213)
TAX KEY NO: 0902 991
SITE ACREAGE: 48,002 SQ. FT. (1.1020 AC)
USE OF PROPERTY: FINANCIAL INSTITUTION
ZONING: B-1 - COMMUNITY BUSINESS

TOTAL NUMBER OF PARKING STALLS REQUIRED: 26
1 PER 300 GSF (5,240 GSF / 300) = 18
1 PER EMPLOYEE = 8

TOTAL NUMBER OF PARKING STALLS PROVIDED: 25 ON SITE, 19 STALLS IN SHARED PARKING EASEMENT (SEE PLAN FOR LOCATION)
NUMBER OF STALLS ON SITE DESIGNATED ACCESSIBLE: 2

EXISTING IMPERVIOUS SURFACE AREA: 30,197 SQ. FT. (0.693 AC - 62.9%)
ROOFTOP: 4,669 SQ. FT.
PAVED: 25,528 SQ. FT.
EXISTING OPEN SPACE AREA: 17,805 SQ. FT. (0.409 AC - 53.1%)

PROPOSED IMPERVIOUS SURFACE AREA: 23,882 SQ. FT. (0.548 AC - 49.8%)
ROOFTOP: 5,482 SQ. FT.
PAVED: 18,400 SQ. FT.
PROPOSED OPEN SPACE AREA: 24,120 SQ. FT. (0.554 AC - 50.2%)

PROPOSED FLOOR AREA RATIO (FAR): 0.109 (5,240 GSF / 48,002 SITE SQ. FT.)

DISTURBANCE LIMITS: 42,500 SQ. FT.

WYSER
ENGINEERING

SITE PLAN
REVIEW

01/31/2025

REV	DESCRIPTION	DATE
-----	-------------	------



UW Credit Union
Pewaukee
Branch

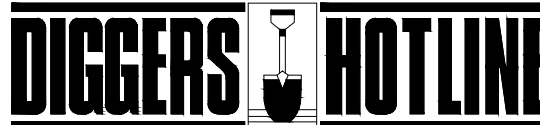
1267 Capitol Drive
Pewaukee,
Wisconsin 53072

ZH09E

KEE
architecture

3220 SYENE RD #102 | MADISON WI 53713

Findorff



Toll Free (800) 242-8511 -or- 811
Hearing Impaired TDD (800) 542-2289
www.DiggersHotline.com

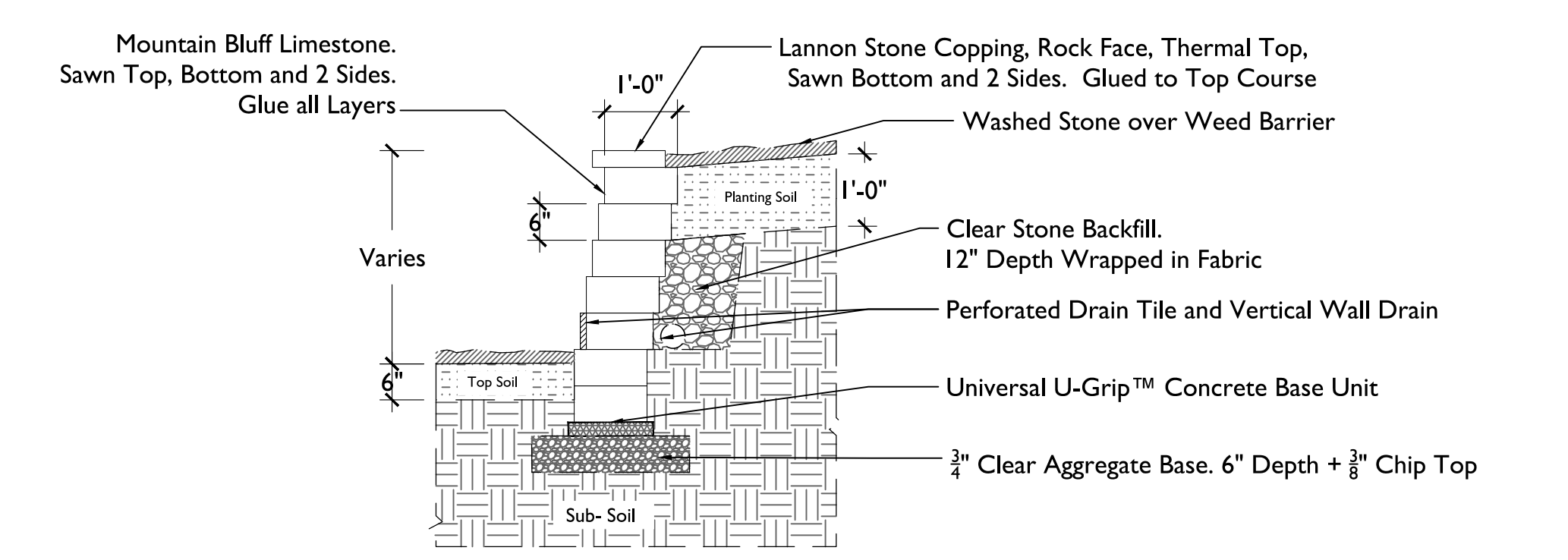
C100

SITE PLAN

Plant Material List				
Broadleaf Deciduous				
Quantity	Code Name	Common Name	Scientific Name	Planting Size
3	FAH	Firespire Musclemwood	Carpinus Caroliniana 'J.N. Upright'	1 3/4" B&B
3	ERBT	Eastern Redbud (tf)	Cercis Canadensis (tf)	2" B&B
5	ADC	Adirondack Crabapple	Malus 'adirondack'	2" B&B
7	RBCA	Red Baron Crabapple	Malus 'red Baron'	2" B&B
7	ISLT	Ivory Silk Japanese Lilac (tf)	Syringa Reticulata 'Ivory Silk' (tf)	2" B&B
Conifer Evergreen				
Quantity	Code Name	Common Name	Scientific Name	Planting Size
10	DAR	Danica Arborvitae	Thuja Occidentalis 'danica'	#3 CONT.
Perennial				
Quantity	Code Name	Common Name	Scientific Name	Planting Size
42	MOO	Millenium Ornamental Onion	Allium 'millenium'	#1 CONT.
82	KFG	Karl Foerster's Feather Reed Grass	Calamagrostis Acutiflora 'karl Foerster'	#1 CONT.
68	GBD	Going Bananas Daylily	Hemerocallis 'going Bananas'	#1 CONT.
23	SSG	Shenandoah Switch Grass	Panicum Virgatum 'shenandoah'	#1 CONT.
Shrub				
Quantity	Code Name	Common Name	Scientific Name	Planting Size
16	BOH	Bobo Hardy Hydrangea	Hydrangea Paniculata 'Ivobo'	#2 CONT.
23	SWM	Snow White Mockorange	Philadelphus 'snowwhite Fantasy'	#3 CONT.
40	MCS	Magic Carpet Spirea	Spiraea Japonica 'walbuma'	#3 CONT.

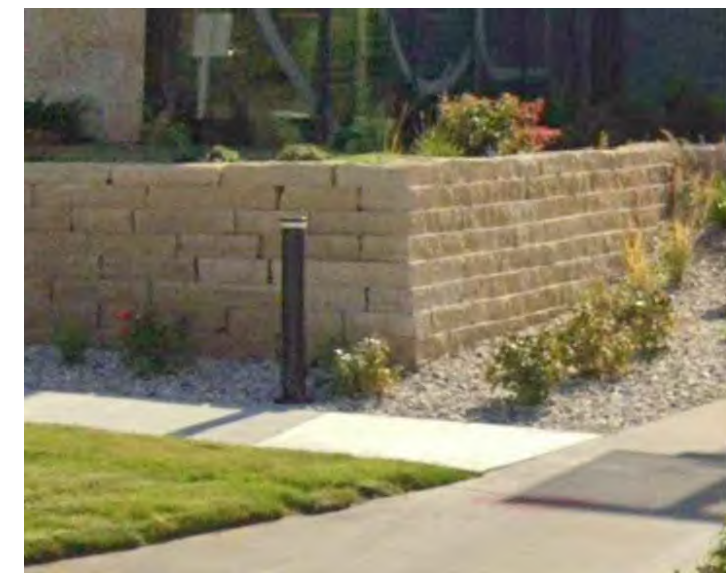
BIO-RETETION / INFILTRATION DEVICE PLANT LIST

Quantity	Common Name	Scientific Name	Planting Size	Plant Spacing
GRASSES AND SEDGES				
64	VIRGINIA WILD RYE	ELYMUS VIRGINICUS	2.5" POT	12" O.C. Rect. Spacing
64	SWITCH GRASS	PANICUM VIRGATUM	2.5" POT	12" O.C. Rect. Spacing
64	LITTLE BLUESTEM	SCHIZACHYRIUM SCOPARIUM	2.5" POT	12" O.C. Rect. Spacing
32	INDIAN GRASS	SORBASTRUM NUTANS	2.5" POT	12" O.C. Rect. Spacing
FORBS				
32	NEW ENGLAND ASTER	ASTER NOVAE-ANGLIAE	2.5" POT	12" O.C. Rect. Spacing
32	PURPLE CONEFLOWER	ECHINACEA PURPUREA	2.5" POT	12" O.C. Rect. Spacing
32	FALSE SUNFLOWER	HELIOPSIS HELIANTHODIES	2.5" POT	12" O.C. Rect. Spacing
32	WILD IRIS	IRIS VIRGINIANA SHREVEI	2.5" POT	12" O.C. Rect. Spacing
32	BERGAMOT	MONARDA FISTULOSA	2.5" POT	12" O.C. Rect. Spacing
32	SWEET BLACK-EYED SUSAN	RUDBECKIA SUBTOMENTOSA	2.5" POT	12" O.C. Rect. Spacing
32	STIFF GOLDENROD	SOLIDAGO RIGIDA	2.5" POT	12" O.C. Rect. Spacing



Wall Detail

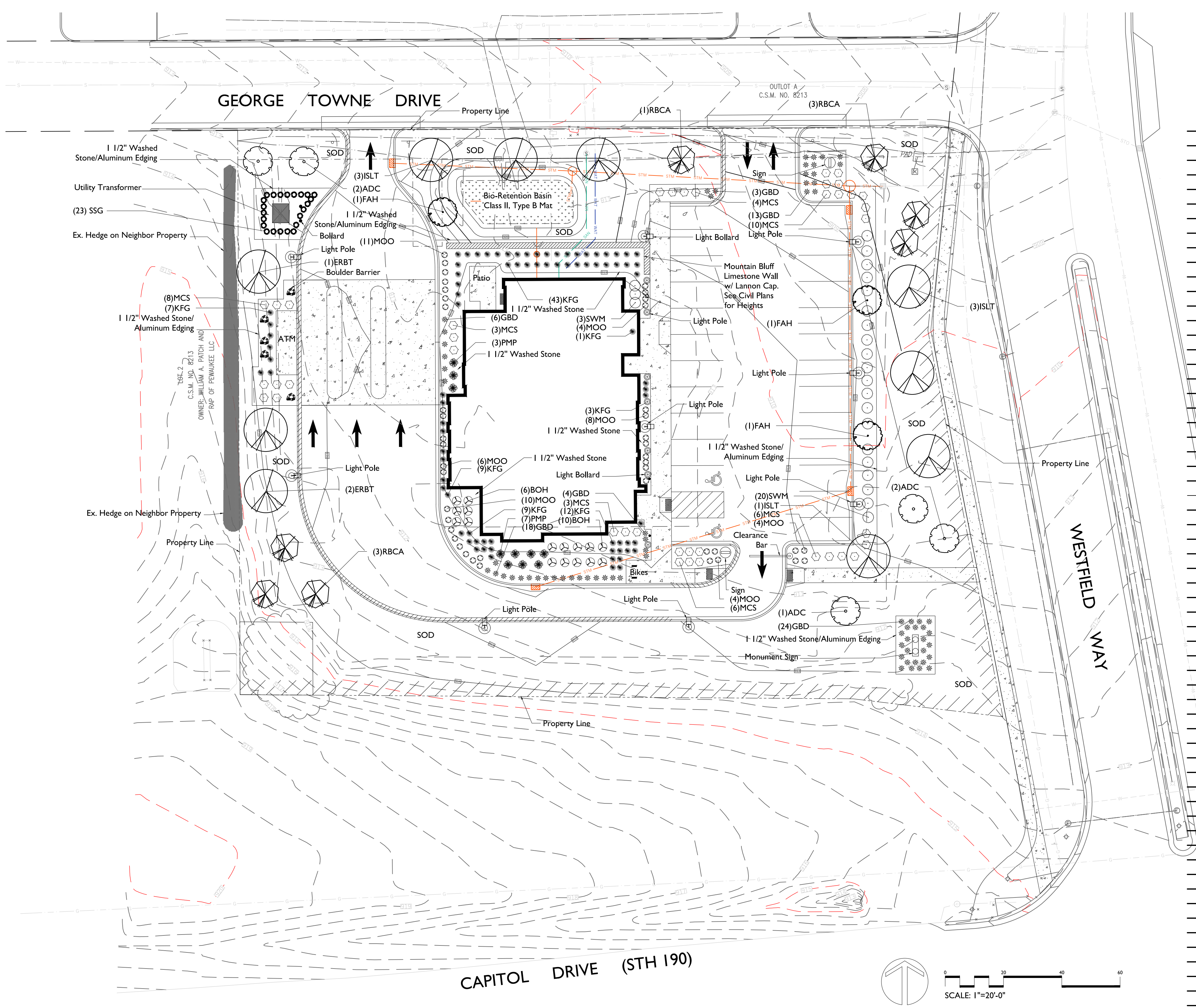
SCALE: 1/2"=1'-0"



Mountain Bluff Wall



Lannon Capping



Pewaukee Municipal Code Sec. 40.445 (d)(2)
At least one tree and two shrubs shall be planted for each 1,000 square feet or portion thereof of the area to be landscaped.

Requirements:
Landscape Area = 24,082 Square Feet
Trees Required = 25 (24,082 square feet ÷ 1,000 = 25)
Shrubs Required = 48 (24,082 Square Feet ÷ 1,000 x 2 = 50)

Solution:
Trees Provided = 25
Shrubs Provided = 89

- GENERAL NOTES**
- A) Individual trees found along perimeter of property as well as those found within lawn areas to receive wood mulch rings (and wood mulch beds) consisting of a mixture of recycled wood mulch, colored brown, spread to a minimum 3" depth (3' wide beds for shrub groupings).
 - B) "Aluminum Edging" to be Curv-Rite 3/16" x 4" Mill Finish Edging or equivalent.
 - C) Areas labeled "washed stone" to receive 1-1/2" washed stone spread to a 3" depth over fabric weed barrier.
 - D) Areas labeled "Sod" shall receive only No. 1 grade nursery-grown bluegrass sod.
 - E) Plant beds adjacent to building foundation to be mulched with 1-1/2" diameter washed stone mulch spread to a 3" depth over fabric weed barrier.



Richard J. Strohmenger

the bruce company
LANDSCAPE ARCHITECTS
LANDSCAPE CONTRACTORS
2830 PARKVIEW STREET
P.O. BOX 620330
MIDDLETON, WI 53562-0330
TEL (608) 836-7041
FAX (608) 831-6266

SITE PLAN
REVIEW

01-31-2025

REV DESCRIPTION DATE



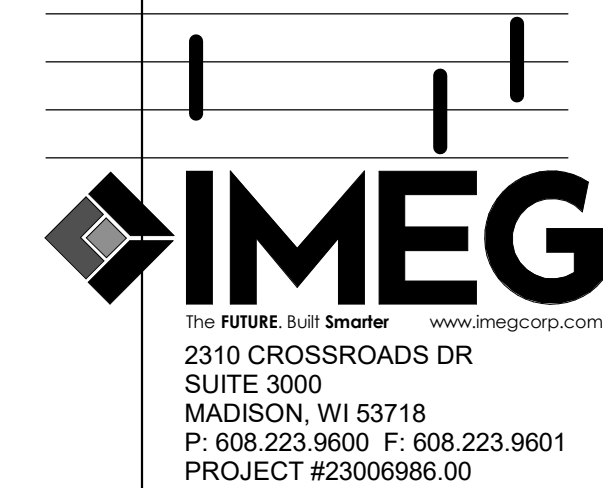
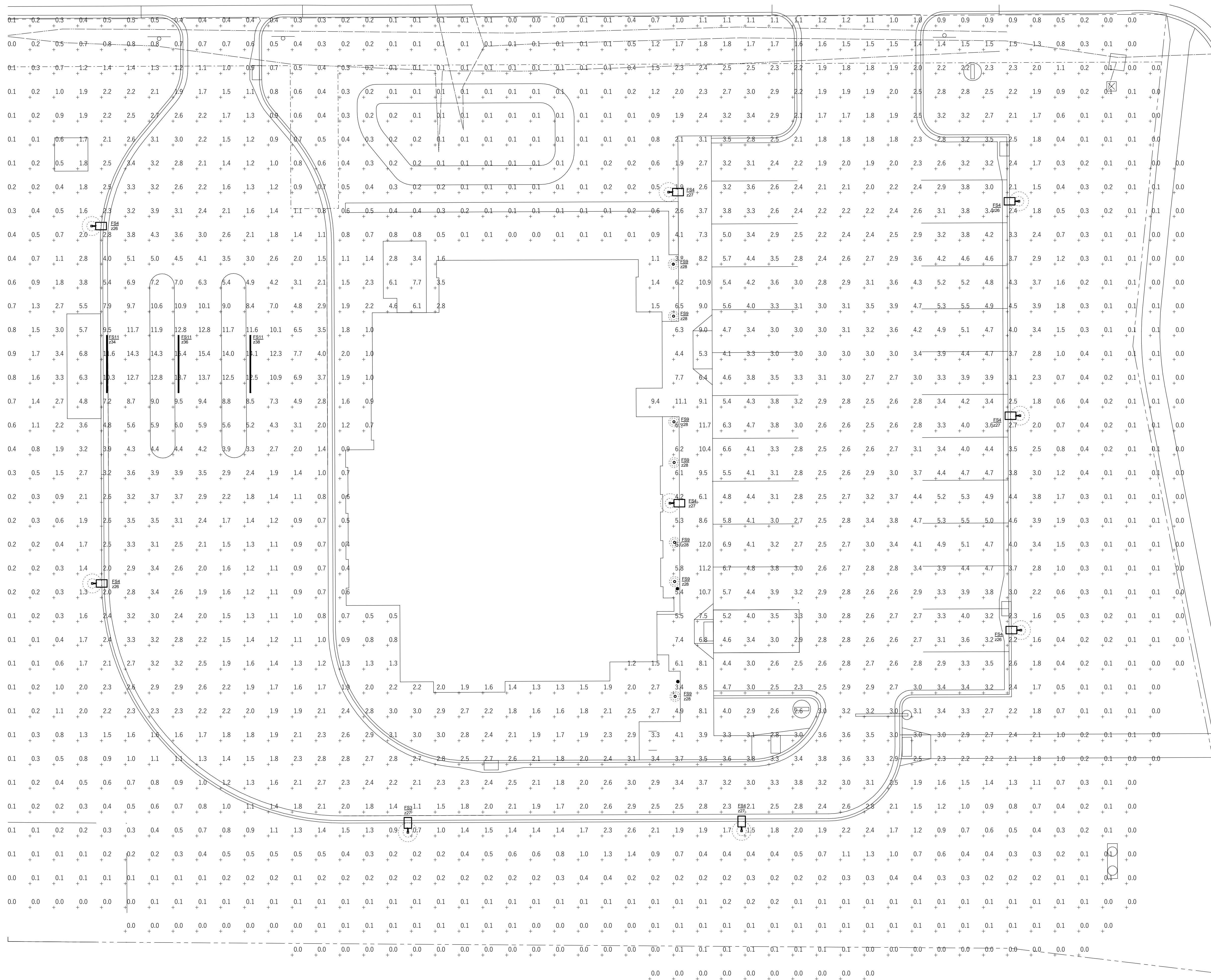
KEE
architecture

3220 SYENE RD #102 | MADISON WI 53713

Findorff

L100

LANDSCAPE PLAN



SITE PLAN REVIEW

01/31/2025

[illegible]

UW Credit Union

	Pewaukee Branch
--	-----------------

1267 Capital Drive

Pewaukee, WI 53072

	ZH09E
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3220 SYENE RD #102 | MADISON WI 53713



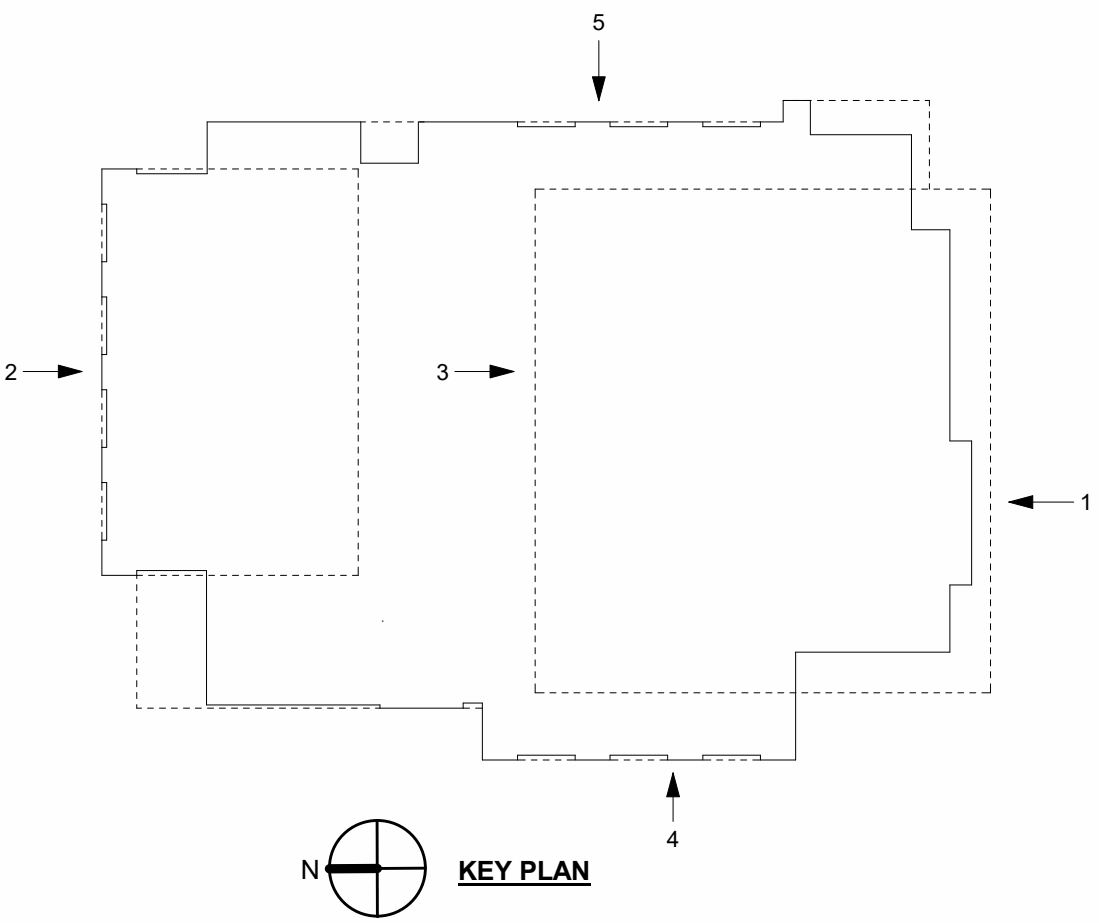
SITE PLAN - VILLAGE
SUBMITTAL
PHOTOMETRICS

EC001





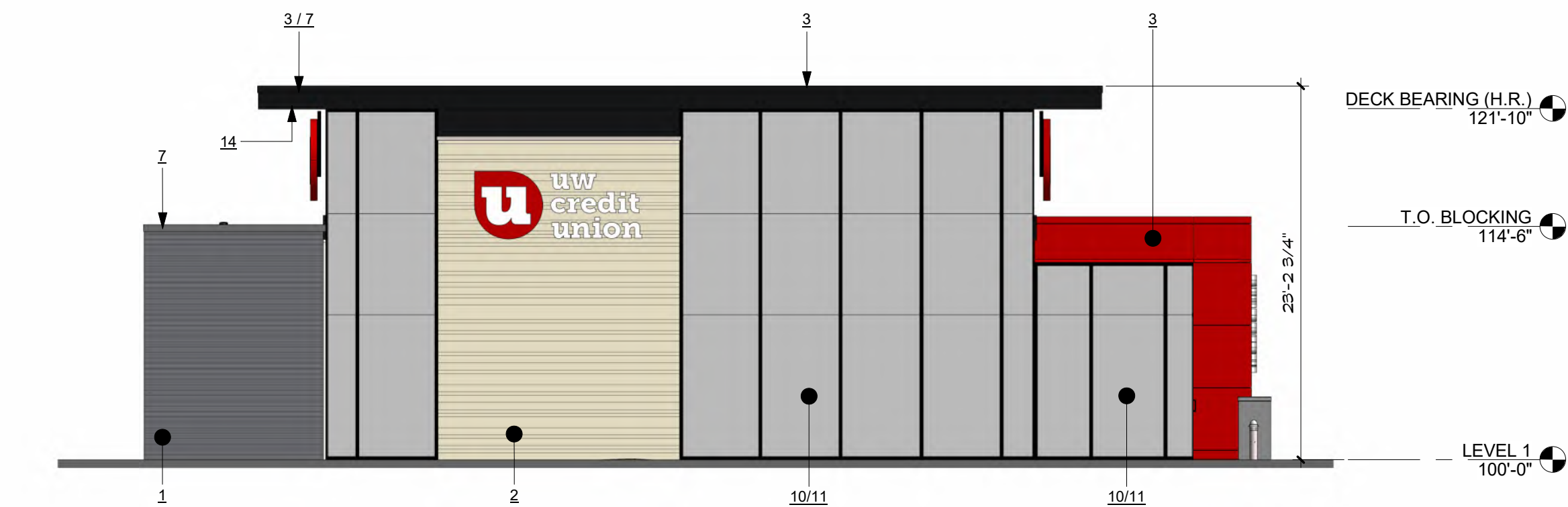
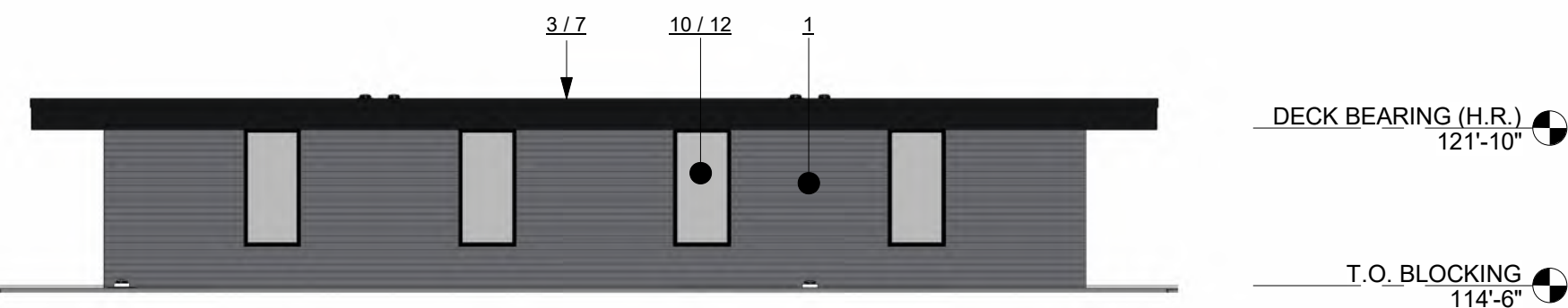
- MATERIAL LEGEND**
1. Brick Veneer Masonry
 2. Stone Masonry
 3. Composite Metal Panel
3a - Type 1
3b - Type 2
 4. Trash Enclosure Door
Signs (By Others)
 5. Concrete (Sandblasted)
 6. Metal Roof Edge
 7. Metal Coping
 8. HPL Panel
 9. Insulated Glazing
10a - Vision - Clear - Glass Type IGU-A
10b - Vision - Tinted - Glass Type IGU-B
10c - Spandrel - Glass Type IGU-C
 11. Aluminum Curtain Wall System
11a - Type 1
11b - Type 2
 12. Aluminum Storefront System - Type 1
 13. Custom Perforated Weathering Steel Panel
 14. Alaskan Yellow Cedar (Soffit)



SITE PLAN
REVIEW
01/31/2025

REV	DESCRIPTION	DATE
-----	-------------	------

3 MATERIAL ELEVATION - PARTIAL NORTH
1/8" = 1'-0"

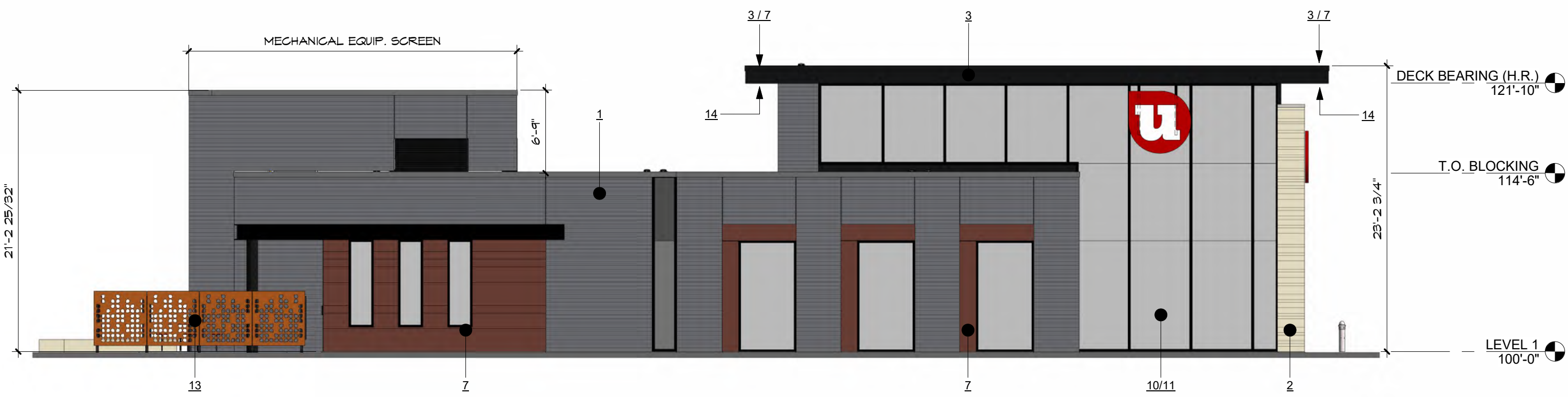


1 MATERIAL ELEVATION - SOUTH
1/8" = 1'-0"



2 MATERIAL ELEVATION - NORTH
1/8" = 1'-0"

4 MATERIAL ELEVATION - WEST
1/8" = 1'-0"



5 MATERIAL ELEVATION - EAST
1/8" = 1'-0"



UW Credit Union
Pewaukee Branch
1267 Capitol Drive
Pewaukee, WI 53072
ZH09E

KEE
architecture

3220 SYENE RD #102 | MADISON WI 53713

Findorff

A200

BUILDING MATERIALS
AND ELEVATIONS



Memorandum

Ballpark Commons Office Building
7044 South Ballpark Drive, Suite 200
Franklin, WI 53132
(414) 336-7900
foth.com

March 5, 2025

TO: Village of Pewaukee Plan Commission

CC: Matt Heiser – Village Administrator, Matt Gralinski- Village Attorney, Jenna Peters – Village Clerk

FR: Mark Lyons – Village Planner

RE: Review, discussion, consultative feedback to applicant MSI General regarding a concept to construct a 4,300 sq. ft. automobile service use (car wash) located at 120 Simmons Avenue. This 1.08-acre, B-2 Downtown Business District zoned property is owned A A M investments LLC.

Zoning requirements for automobile service facilities

The March 13, 2025 Plan Commission meeting includes the above referenced item. The following is the applicable zoning ordinance requirements and potential options should the project move forward. The subject parcel is presently zoned B-2 Downtown Business District and has a Comprehensive Plan land use designation of Community Commercial.

Allowed Districts

Automobile services facilities are only allowed as a Conditional Use Grant in the B-1 Community Business District, B-5 Light industrial District and Planned Unit Development Overlay District.

Surrounding Zoning and Land Uses (Zoning Map attached)

The subject site has B-5 Light Industrial District located to the west and north. State highway 16 is located immediately east of the site. Capitol Drive is located south of the subject site.

Across Capitol Drive is an existing automobile service facility use zoned B-2 Downtown Business District with a Planned Unit Development Overlay District.

Potential land use options

Should the developer pursue approval for the proposed use, two options could be viable for consideration and discussion.

Option 1: Rezoning to B-5 Light Industrial and obtain a CUG for the proposed use.

Option 2: Rezoning to add a PUD overlay and PUD approval for the proposed use.



PLAN COMMISSION CONSULTATION APPLICATION

No Application Fee for Consultative Services
Application due approx. 4 weeks prior to meeting.

235 Hickory St, Pewaukee WI 53072 - villagehall@villageofpewaukee.gov — 262-691-5660

PROPERTY / PROPERTY OWNER INFORMATION

Property Address: _____ Tax Key: PWV _____
Zoning of Property: _____ Property Owner Name: _____
Property Owner Email: _____ Property Owner Phone #: _____

APPLICANT INFORMATION

Applicant Name: _____ Applicant Phone #: _____
Applicant Address: _____
Applicant Email: _____

PROPOSED USE OF PROPERTY

Business Name, If applicable: _____
FEIN, if applicable: _____
Description of Proposed Use (Restaurant/Retail/Office): _____

SIGNATURES

Application will not be processed without the signature of the current property owner.

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 Current Property Owner: _____ Date: _____

Signature of Applicant: _____ Date: _____

DIRECTIONS / NOTES - See Page 2 for Specific Items Required

NOTE: As this is for consultative purposes only, an engineering review will not take place at this time. An engineering review will take place if/when a formal application for approval is submitted.

Please include the following required items with this application:

1. One paper copy of the submittal, including plans/drawings/applicable attachments in a size 11x17 page size or less. Also provide one full size scale copy if larger than 11x17.
2. One digital copy of the submittal, including plans/drawings/applicable attachments. (USB/Email)
3. Completed Professional Services Reimbursement Form
4. Reverse of this form completed

For Office Use Only

Staff Initials: _____

Date/Time Received: _____

DETAILED SITE PLAN - Identify/Illustrate the following on plan, if applicable

- | | | |
|--|---|---|
| <input type="checkbox"/> Engineer Scale | <input type="checkbox"/> Easements | <input type="checkbox"/> Site acreage |
| <input type="checkbox"/> Location/Vicinity Map | <input type="checkbox"/> Setback and offset dimensions | <input type="checkbox"/> Sidewalks/pedestrian walkways |
| <input type="checkbox"/> North Arrow | <input type="checkbox"/> Pond/detention locations | <input type="checkbox"/> Dumpster/recycling area location |
| <input type="checkbox"/> Footprint of dimensioned property lines | <input type="checkbox"/> Floodplain and/or wetland boundary | <input type="checkbox"/> Ground HVAC and/or utility installations |
| <input type="checkbox"/> Existing and proposed buildings | <input type="checkbox"/> Sign location | <input type="checkbox"/> Fence location |
| <input type="checkbox"/> Footprint of adjacent buildings | <input type="checkbox"/> Exterior light location | |
| <input type="checkbox"/> Driveway location | <input type="checkbox"/> Phasing lines | |
| <input type="checkbox"/> Parking stalls | <input type="checkbox"/> Floor area ratio | |
| <input type="checkbox"/> Adjacent public streets | <input type="checkbox"/> Open space ratio | |

DETAILED ARCHITECTURAL PLAN - Identify/Illustrate the following on plan, if applicable

- | | | |
|--|---|---|
| <input type="checkbox"/> Architectural scale | <input type="checkbox"/> Exterior building materials/colors | <input type="checkbox"/> Exposed HVAC equipment |
| <input type="checkbox"/> All building views/elevations | <input type="checkbox"/> Colored rendering | <input type="checkbox"/> Dumpster/recycling area location |
| <input type="checkbox"/> Building height dimensions | <input type="checkbox"/> Dimensioned building façade sign | <input type="checkbox"/> Samples of building materials |
| <input type="checkbox"/> General floor plan dimensions | <input type="checkbox"/> Exterior utility boxes | <input type="checkbox"/> Building mounted lighting fixtures |

DETAILED LANDSCAPING PLAN - Identify/Illustrate the following on plan, if applicable

- | | |
|--|---|
| <input type="checkbox"/> Location of existing/proposed landscaping | <input type="checkbox"/> Species of plantings |
| <input type="checkbox"/> Size of plantings at installation | <input type="checkbox"/> Dumpster/recycling area location |
| <input type="checkbox"/> Calculation confirming Zoning Code compliance | <input type="checkbox"/> Conformance with tree preservation policy manual |

GRADING AND DRAINAGE PLAN - Identify/Illustrate the following on plan, if applicable

- ☐ Existing/proposed two-foot contour lines at local datum (floodplain property should be identified at USGS datum)
- ☐ Pond/detention location
- ☐ Storm-water and erosion control devices

NOTE: Meet with Village Engineer for further direction

SIGNAGE PLAN - Identify/Illustrate the following on plan, if applicable

- ☐ Scaled design drawing of freestanding and/or façade signs
- ☐ Sign specifications and colors (wattage, materials, dimensions)

EXTERIOR LIGHTING PLAN - Identify/Illustrate the following on plan, if applicable

- ☐ Light fixture design and specifications
- ☐ Iso foot-candle lighting dispersion plan (recommended)



PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT

235 Hickory St, Pewaukee WI 53072—villagehall@villageofpewaukee.gov—262-691-5660

PROPERTY INFORMATION

☐

Property Address: _____ Tax Key: PWV _____

Property Owner's Name: _____ Phone Number: _____

RESPONSIBLE PARTY INFORMATION - All invoices will be mailed to this address.

☐

Business Name: _____ FEIN: _____

Person Responsible for Payment / Business Contact Name: _____

Mailing Address: _____

Responsible Party / Contact Phone Number: _____

Responsible Party / Contact Email Address: _____

AGREEMENT / SIGNATURES - Property Owner signature is required.

☐

Pursuant to the Village of Pewaukee [Code of Ordinances Sec 40.116\(b\)](#), 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.

Property Owner Signature: _____

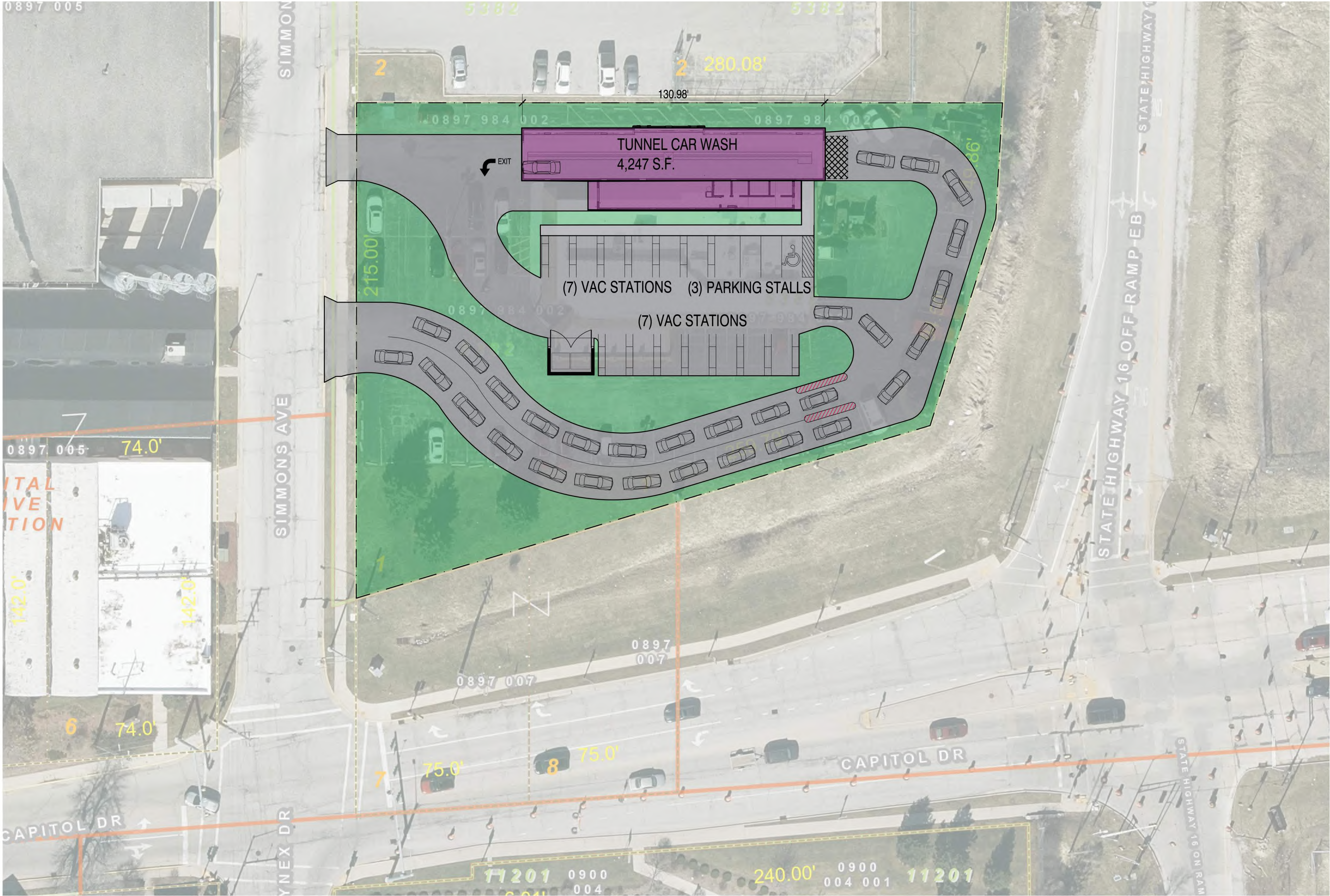
Printed Name: _____ Date: _____

Applicant Signature: _____ Printed Name: _____ Date: _____

For Office Use Only

Staff Initials: _____

Date Received: _____



MSI GENERAL CORPORATION
W215 E. WISCONSIN AVE.
NASHOTAH, WI 53058
262.367.3661 | MSIGENERAL.COM

SINGLE SOURCE RESPONSIBILITY
DESIGNING EXCELLENCE. BUILDING TRUST TM

MILESTONE ISSUE DATES

PRELIMINARY SET:
BUDGET SET:
PLAN COMMISSION SET:
PROPOSAL SET:
CONSTRUCTION SET:
RECORD DRAWING SET:

REVISIONS:

KEY PLAN

PROJECT NAME:
BUBBLES FOAM FARM - PEWAUKEE

PROJECT DESCRIPTION:
NEW FACILITY

ALL WORK TO BE COMPLETED AS SHOWN, AND
IN ACCORDANCE WITH THE LATEST EDITION OF
THE MSI GENERAL MASTER SPECIFICATION

PROJECT ARCHITECT XXX	STRUCTURAL ENGINEER XXX	LANDSCAPE DESIGN XXX
DESIGN ARCHITECT XXX	CIVIL ENGINEER PEB	REVIEWED BY XXX

SHEET TITLE:
ARCHITECTURAL
SITE PLAN

SHEET NUMBER:
C-101
PROJECT NUMBER:
P13761



GRAPHICAL SCALE (FEET)
0 1" = 20' 40'



5 NORTH ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"



4 EAST ELEVATION
1/8" = 1'-0"



3 WEST ELEVATION
1/8" = 1'-0"



DESIGNBUILD

MSI GENERAL CORPORATION
W215 E. WISCONSIN AVE.
NASHOTAH, WI 53058
262.367.3661 | MSIGENERAL.COM

SINGLE SOURCE RESPONSIBILITY
DESIGNING EXCELLENCE. BUILDING TRUST TM

MILESTONE ISSUE DATES

PRELIMINARY SET:
BUDGET SET:
LOCAL DESIGN REVIEW SET:
PROPOSAL SET:
PERMIT SET:
CONSTRUCTION SET:
RECORD DRAWING SET:

REVISIONS:

PROJECT NAME:
BUBBLES FOAM FARM -
PEWAUKEE

PROJECT DESCRIPTION:
NEW CAR WASH

ALL WORK TO BE COMPLETED AS SHOWN, AND
IN ACCORDANCE WITH THE LATEST EDITION OF
THE MSI GENERAL MASTER SPECIFICATION

PROJECT ARCHITECT TNK	STRUCTURAL ENGINEER XXX	LANDSCAPE DESIGN XXX
DESIGN ARCHITECT TNK	CIVIL ENGINEER XXX	REVIEWED BY XXX

SHEET TITLE:
FIRST FLOOR PLAN

SHEET NUMBER:
A-111
PROJECT NUMBER:
P13761

LEADERS

ENGINEERS

CONTRACTORS

ARCHITECTS



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NOT FOR CONSTRUCTION

RENDERINGS ARE CONCEPTUAL AND REPRESENT THE FINISHED DESIGN. ACTUAL INFORMATION ABOUT THE DESIGN IS IN THE CONSTRUCTION DOCUMENT.



DESIGNBUILD

MSI GENERAL CORPORATION
W215 E. WISCONSIN AVE.
NASHOTAH, WI 53058
262.367.3661 | MSIGENERAL.COM

SINGLE SOURCE RESPONSIBILITY
DESIGNING EXCELLENCE. BUILDING TRUST TM

MILESTONE ISSUE DATES

PRELIMINARY SET:

BUDGET SET:

PLAN COMMISSION SET:

PROPOSAL SET:

CONSTRUCTION SET:

RECORD DRAWING SET:

REVISIONS:

PROJECT NAME:
**BUBBLES FOAM FARM -
PEWAUKEE**

PROJECT DESCRIPTION:
NEW CAR WASH

ALL WORK TO BE COMPLETED AS SHOWN, AND
IN ACCORDANCE WITH THE LATEST EDITION OF
THE MSI GENERAL MASTER SPECIFICATION

PROJECT
ARCHITECT
TNK

STRUCTURAL
ENGINEER
XXX

LANDSCAPE
DESIGN
XXX

DESIGN
ARCHITECT
TNK

CIVIL ENGINEER
XXX

REVISIONS BY
XXX

SHEET TITLE:
EXTERIOR RENDERINGS

SHEET NUMBER:
A-202

PROJECT NUMBER:
P13761

LEADERS

ENGINEERS

CONTRACTORS

ARCHITECTS

Ballpark Commons Office Building
7044 South Ballpark Drive, Suite 200
Franklin, WI 53132
(414) 336-7900
foth.com

February 27, 2025

TO: Village of Pewaukee Plan Commission

CC: Matt Heiser – Village Administrator, Matt Gralinski- Village Attorney, Jenna Peters – Village Clerk

FR: Mark Lyons – Village Planner

RE: Review, discussion, and direction to staff regarding amendment to Village of Pewaukee Zoning Code for Reasonable Accommodations.

Possible ordinance amendment for Reasonable Accommodations

During the January 9, 2025 Plan Commission meeting, the Plan Commission heard a Conditional Use request to allow a modular handicap ramp. During the meeting it was noted that the current ordinance did not include provisions for making a reasonable accommodation for ADA matters. During the hearing, Plan Commission members noted they would like to see potential ordinance changes allowing reasonable accommodations to be approved administratively. Since that time staff has been evaluating potential options. During our research we encountered three primary categories when it comes to reasonable accommodations.

1) No reference or considerations.

The majority of ordinances reviewed included no reference or considerations for reasonable accommodations. This would be consistent with the Village of Pewaukee's present ordinance.

2) Plan Commission approval.

Staff found examples of ordinances which included language specifically allowing the Plan Commission to grant special exceptions for setbacks or offsets to allow for a reasonable accommodation. Example: Village of Waukesha.

3) Code provision with requirements.

Staff also evaluated examples which included a provision for allowing reasonable accommodations after specific conditions or requirements have been satisfied. Example: City of Oshkosh.

Based on these findings, staff has proposed the following for Plan Commission discussion.

The proposed draft contemplates a special zoning permit waiver for provisions regulating building/structure location, setbacks, offsets, height or open space requirements. Highlights of the draft include the following:

- 1) Procedure includes an application and review by the Village administrator or designee.
- 2) Procedure includes the administrator consulting with staff.
- 3) Application would be required to include a written statement explaining the reason for the accommodation, including a statement from a physician or medical professional verifying the need.
- 4) Village administrator to provide written approval or denial, including any conditions.
- 5) Approval automatically expires upon the termination of occupancy of the person specified in the application.

Following feedback from the March 13, 2025 Plan Commission meeting staff anticipates bringing an ordinance amendment forward at the April meeting.

Attachment – conceptual ordinance

Sec. 40.109. Responsibility and authority of village administrator.

- (a) *Responsibilities.* Unless otherwise specified, the Village of Pewaukee Administrator, or his designee, shall generally be responsible for administering this chapter. The village administrator, or his designee, is designated as the primary enforcement agency for the provisions of this chapter. The duty of the village administrator, or his designee, among other things, shall be to interpret and administer this chapter and to authorize issuance of all permits required by this chapter.
- (b) *Authority.* In the enforcement of this chapter, the village administrator, or his designee, shall have the power and authority for the following:
 - (1) To enter upon any private premises to make an inspection subject to approval from the private property owner.
 - (2) Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this chapter. Such revocation shall be in effect until reinstated by the building inspector or the zoning board of appeals.
 - (3) In the name of the village, issue citations necessary to enforce the provisions of this chapter or the building code in accordance with this section.
- (c) *Reasonable Accommodations through Special Zoning Permit Waiver.* For purposes of this subsection, “disability” shall be defined as having the meaning set forth in 42 USC § 12102, Title II of the Americans With Disabilities Act, and all regulations pertaining thereto, as amended from time to time.
 - 1. The Village Administrator shall use a zoning permit which waives any provisions of Chapter 40 setting forth regulations on building/structure location, setback, offset, or height or open space regulations, if the administrator or his designee determines, in the administrator’s or designee’s sole reasonable discretion, that all of the following conditions have been met
 - i. The requested waiver of a provision or provisions under this chapter is a reasonable accommodation which is necessary to afford a person with a disability equal housing opportunity or equal access to public accommodations; and
 - ii. The waiver is the minimum accommodation that will give the person with a disability adequate relief; and
 - iii. The accommodation granted by the waiver will not unreasonably undermine the basic purposes of this Chapter 40.
 - 2. The Village Administrator, prior to making the determination required under subsection (c) 1., shall require the following from an applicant
 - i. An application for a special zoning permit waiver on a form created by the Village which includes a written statement from the applicant explaining the reasons for the requested waiver and a statement from a physician or medical professional verifying the need for the requested accommodation.
 - 3. The Village Administrator, prior to making the determination required under subsection (c)1., may request a written report from Village staff including, but not limited to, the Village Planner, the Village Engineer, the Director of Public Works, and the Village Attorney, with such report reviewing the proposed application and setting forth any reasonable conditions which respective staff members

determine, in their sole discretion, are necessary to mitigate to the greatest extent possible any detrimental impact to the basic purposes of Chapter 40 posed by the requested waiver.

4. The Village Administrator shall take care to document and affix to any zoning permit and waiver considered under this section a statement summarizing the basis on which any requested waiver has been granted or denied; and, further, any conditions which are attached to such approval.
5. In the event a request under this section is not granted by the Village Administrator, the applicant shall retain the right to pursue a special exception, variance, or conditional use grant, as the case may be, and as otherwise allowed by the Village of Pewaukee Municipal Code for a waiver or exception to the requirements of Chapter 40.
6. A waiver granted under this subsection shall automatically expire upon the termination of the occupancy of the property by the person with a disability named in the application.
7. Any waivers considered or granted under this subsection shall be strictly limited to waivers of regulations of building location, setback, offset, or height or open space regulations as set forth in Chapter 40.



Memorandum

Ballpark Commons Office Building
7044 South Ballpark Drive, Suite 200
Franklin, WI 53132
(414) 336-7900
foth.com

March 5, 2025

TO: Village of Pewaukee Plan Commission

CC: Matt Heiser – Village Administrator, Matt Gralinski- Village Attorney, Jenna Peters – Village Clerk

FR: Mark Lyons – Village Planner

RE: Review, discussion, and direction to staff regarding amendment to Village of Pewaukee Zoning Code for approval of minor setback waivers.

Possible ordinance amendment for Reasonable Accommodations

During the November 14, 2024 Plan Commission meeting, the Plan Commission heard a Conditional Use request to allow a reduced accessory structure setback. During the hearing, Plan Commission members noted they would like to see a future discussion about allowing the Village Manager the authority to administratively approve some setback waivers. Since that time staff has been evaluating potential options. During our research we found very limited ordinances which allow something of this nature. Wisconsin Statue 62.23(7)(e) specifically prescribes the powers of a board of appeals, including 62.23(7)(e)(7)(b)

The board of appeals shall have the following powers:to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

1) Not permitted

Most ordinances reviewed included no allowance or consideration for administrative approval of variances. Most ordinances only permitted variances via a Zoning Board of Appeals, Plan Commission Conditional Uses or the establishment of a Planned Unit Development. This would be consistent with the Village of Pewaukee's present ordinance.

2) Code provision with requirements.

Staff was able to find one very specific example of an ordinance that included a minor administrative waiver. The Village of East Troy's ordinance allows an administrative approval of minor variations of up to 10% as long as the spirit and intent of the ordinance is preserved.

Based on these findings, staff would caution the Plan Commission on considering ordinance changes to allow minor variances, but the subject does warrant a discussion as staff was able to find one example.