



PLAN COMMISSION AGENDA

November 10, 2022 – 7:00 pm

Village Hall

235 Hickory Street, Pewaukee, WI 53072

1. Call to Order and Roll Call
2. Public Hearings:
 - a. On the Conditional Use Grant Amendment request of property owner Pewaukee School District (in c/o John Gahan as Assistant Superintendent/CFO) to reconstruct and light the existing varsity softball diamond located on the 80+/- acre District campus at 472 Lake Street. This property is zoned Institutional & Public Service District (IPS) 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 – October 13, 2022
5. Old Business:
 - a. None.
6. New Business.
 - a. Review, discussion, and possible action on the Conditional Use Grant Amendment request of the Pewaukee School District to reconstruct and light the existing varsity softball diamond located on the 80+/- acre District campus at 472 Lake Street. This property is zoned Institutional & Public Service District (IPS) District. PWV0899235001
 - b. Review, discussion and possible action on the Business Site Plan Amendment request of property owner/applicant Zimmerman & Schwartz Real Estate, LLC, in c/o John Schwartz and Jeff Zimmerman, to relocate the existing, eastern Hickory Street driveway access point on this site further to the east and to abandon/restore the former location. This 3.27+/- acre site is zoned B-5 Light Industrial District. PWV0922997
 - c. Review, discussion and possible action on the Sign Code Waiver Amendment request of applicant/property owner Meadow Creek Limited Partnership to allow three specific, additional geographic locations within the Meadow Creek Market development to participate in sign display on the two existing/approved multi-tenant pylon signs located, one each, along Hwy 164/Pewaukee Road and Capitol Drive. This B-1 Community Business with Planned Unit Development Overlay (PUD) zoned development area is located at the northwest corner of Hwy 164/Pewaukee Road and Capitol Drive.
 - d. Review and discussion regarding possibly establishing density limits for the residential component of mixed-use with multi-family development or straight multi—family

development in the Villages Business Zoning Districts (i.e. B-1 Community Business, B-2 Downtown Business, B-3 Office & Service Business, B-4 Business Park, and B-5 Light Industrial), and to evaluate the existing density limits of the Villages R-M Multi-Family Residential District.

- e. Review, discussion, and possible recommendation to Village Board regarding an amendment(s) to Section 40.471 of the Village of Pewaukee Code of Ordinances regarding Transient Lodging.

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: November 4, 2022

PLAN COMMISSION MINUTES
October 13, 2022 – 7:00 pm
Village Hall
235 Hickory Street, Pewaukee, WI 53072

DRAFT-DRAFT-DRAFT-DRAFT

1. Call to Order and Roll Call

President Knutson called the meeting to order at approximately 7:02 p.m.

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

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

2. Public Hearing

- a. **On the Conditional Use Grant request of Wally Haines, d/b/a Wally's Landscaping & Maintenance, to locate his landscaping contractor's business office and yard as a tenant occupancy in a portion of the building and site located at 462 Hickory Street. This 4.8 +/- acre, B-5 Light Industrial District zoned property is owned by Babi LB Venture LLC in c/o Matthew Quest.**

Mary & Jeff Bublitz - 423 Hickory St. Both expressed their concerns about the hours of operation and the increased traffic in the area. Although they are not opposed to the Conditional Use Grant, they were surprised that there wasn't already permission given to Wally's Landscaping to operate since they already had been.

3. Citizen Comments – None.

4. Approval of the Minutes – Regular Plan Commission Meeting – September 8, 2022
Trustee Roberts motioned, seconded by Comm. Grabowski to approve the minutes of the September 8, 2022, Regular Plan Commission meeting as presented. Motion carried 6-0, Comm. Belt abstained.

5. Old Business – None.

6. New Business

- a. **Review, discussion and possible action on the Conditional Use Grant request of Wally Haines, d/b/a Wally's Landscaping & Maintenance, to locate his landscaping contractor's business office and yard as a tenant occupancy in a portion of the building and site located at 462 Hickory Street. This 4.8 +/- acre, B-5 Light Industrial District zoned property is owned by Babi LB Venture LLC in c/o Matthew Quest.**

Planner Censky discussed the allowed Conditional Uses in the Village's B-5 Light Industrial Zoning District. Censky explained further that the permitted principal use 'business offices' building(s) on the property must be valued at 50% or more of the total (land + improvements) assessed value of the property. The current total assessed value of the property is \$424,100. The value of the improvements is \$179,100 which is 42% of the total, so they do not currently meet that criterion.

The Commission members discussed their concerns with proper storage of the salt and the hours of operation during the winter months with snow removal. Wally's Landscape Business Plan of Operation currently states the hours of operation will be from 6 a.m. to 6 p.m. The village stipulates that working hours may not begin before 7 a.m. and would like to see those hours changed to reflect that. Applicant Wally Haines offered to try and load the skid loader with salt the day before the forecast of snow whenever possible to help alleviate noise in the morning hours.

Village Planner Recommendations:

- 1) If this use is to go forward as proposed, the Planning Commission should specifically determine to waive the requirement 40.316(16) as to minimum value of the improvements on the property and recite the for the minutes.
- 2) Applicant to specifically list, for Village Staff review and approval, the detailed material types and all vehicles/equipment proposed to be parked/stored outdoors on the site, and show where/how each will be located.
- 3) Days/hours of business operation to be limited to Monday through Saturday, 7 am. to 6 pm. During snow plowing season, the applicant may run the plow trucks in/out of the site 7 days a week/24 hours a day.
- 4) The applicants allocated space on this site shall include only that area highlighted in blue on the attached site plan.
- 5) The applicants allocated building space shall include only the southernmost two overhead doors entering on the west side of the building and those garage bays extended straight through to the east wall of the building.
- 6) At this time, this use shall not include any retail sales or direct customer pick-up of materials, equipment or supplies at/from this location.
- 7) Any dumpster(s) needed to service this use shall be located within the fenced/screened area of the site and kept out of the surrounding view at all times.
- 8) No new rooftop or exterior ground placed HVAC and no new exterior lighting or landscaping are considered or approved as a part of this request.
- 9) Any future signage for this use shall be subject to the Village Sign Code. No signage shall be placed at this site/building without prior review, approval and permit issuance.
- 10) Provision in the CUG document that "Any substantiated, material, adverse impacts arising with respect to such things as, (but not necessarily limited to) noise, odor, smoke, light, vibration, litter, tracking, unsightly, unenclosed parking or storage, loitering, glare, health, public safety, and similar... arising as result of this use/operation shall be the responsibility of the property owner and/or business operator to correct timely upon notice from the Village and failure to correct any such problem in a timely manner may result in action to initiate partial or complete revocation or modification of this grant to the extent permitted in accordance with Section 40.154(e)

- of the Land Development Code.”
- 11) Recording of the Conditional Use Grant and related Land Covenant prior to the start of any business operations at this site by the applicant.

Trustee Roberts motioned, seconded by Comm. Lange to approve the operation as presented by the Village Planner and added conditions at the staff level to make sure there is a containment of salt and other materials on the site and that the flow of traffic needs to move towards Forest Grove and Wally’s Landscaping staff will make efforts to control any nighttime noise, and that the Plan Commission waive the 50% valuation condition. Motion carried 7-0.

7. Citizen Comments – None.

8. Adjournment

Comm. Hoff motioned, seconded by Comm. Lange to adjourn the October 13, 2022, Regular Plan Commission meeting at approximately 7:43 p.m. Motion carried unanimously.

Respectfully submitted,

Jenna Peter
Deputy Village Clerk/Treasurer

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: November 10, 2022

General Information:

Agenda Item: **6.a.**

Applicant:

Pewaukee School District in c/o District (in c/o John Gahan as Assistant Superintendent/CFO)

Requested Action:

Conditional Use Grant Amendment approval to reconstruct and light the existing varsity softball diamond.

Existing Zoning:

IPS Institutional and Public Service

Surrounding Zoning/Land Use:

North: IPS and R-5

South: IPS

East: IPS

West: City of Pewaukee

Master Plan Classification:

Institutional

Location:

404 Lake Street (Pewaukee School District Campus)

Discussion:

Reconstruction of the existing field, in essentially the same location it is now, is considered a minor site plan modification for planning review purposes. The Planner has no objections to the proposed field reconstruction in the proposed location, which is nearly the same as preexisting conditions.

Outdoor Lighting in the Village is regulated by Section 40.448 of the Village Code. Specifically, this Section of the Code provides that, among other things:

- “No light structure shall exceed 25 feet in height, or the height of the adjacent building, whichever is less”. **The proposed new lights/structures will range as high as 70 feet.**
- “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”. *and* “Recreational uses shall be allowed to keep their approved outdoor lighting on for the period of time the recreational use continues”.
- “The planning commission may, in its judgment, waive or modify the provisions of this outdoor lighting section where, in their opinion, it would further the public interest”.

Section 40.413 of the Village Code states that “No accessory use or structure shall be permitted that by reason of noise, dust, odor, appearance, lighting, traffic generation or other objectionable factors creates a nuisance or a substantial adverse effect upon the property value or reasonable enjoyment of the

surrounding property”. The iso footcandle dispersion plan submitted in support of this plan suggests that the lighting levels measured on the ground around this field lighting will drop to .5 footcandles or less well within the school district campus property, and, in fact, within a fairly short distance beyond the field itself.

Recommendation:

The Planner supports the Districts request as presented but recommends the following conditions be considered for attachment to any approval as may be granted:

- 1) Village Engineer review and approval of all grading, drainage, utility, stormwater management and erosion control plans attendant to this project and prior to issuance of a building/construction permit;
- 2) Any substantiated adverse impacts arising from the operation of these field lights shall be the responsibility of the property owner to correct timely upon written notice from the Village. Failure on the part of the property owner to make necessary corrections may result in Village action to review, reconsider or terminate this Conditional Use Grant Amendment.
- 3) Applicant to secure all necessary building, electrical, plumbing,... and any other required permits, prior to the start of construction at the site;
- 4) Recording of the Conditional Use Grant Amendment and related Land Covenant, prior to the issuance of a building permit for the project.

Village of Pewaukee Plan Commission
Engineer's Report for November 10, 2022

Pewaukee School District Softball Field Upgrade
472 Lake Street

Report

Public Utilities. The proposed site for the softball field upgrade is generally located in the same area where the existing field is located. There is a 12-inch water main that is located in a north/south direction along the east side of the existing infield extended and another water main that is in an east/west direction that cuts across the outfield. The synthetic turf field is located such that the north/south water main is located outside of the synthetic turf, but is within 1 foot of a proposed dugout and approximately 3 feet from a proposed light pole. Any water main work in the area behind the dugout will be severely hampered by the location of the dugout and light pole. I cannot support the field/dugout/light location as shown on the drawing C400.

The east/west water main that cuts through the outfield is proposed to be re-routed to the south of the outfield fence. The water main relocation concept is acceptable; however, no details have been included on the site plan to fully evaluate proposal. It appears that the water main will pass by a light pole that is 5 feet away from the main. At a minimum, there should be a 10 foot clearance.

Stormwater Management. Based on notes shown on the site plan, the field will drain through the turf and stone base to sub-drains (panel drains) that will direct the water to a storm sewer system located along the inside perimeter of the ballfield. The storm water is collected and directed into a private storm sewer system on school property. No pipe sizing, stormwater calculations, or sizing of the existing storm system piping (to assure that existing pipes can handle the water) have been provided. From a conceptual standpoint, the proposed stormwater system is an acceptable way to address stormwater runoff and storage; however, no stormwater management report or details have been provided to verify that they meet water quantity and quality requirements of the WDNR and Village Stormwater Ordinance. I would also like to know where the water in the existing pipe discharges and what effect the additional runoff will have on any outlet.

Recommendation

I cannot support or recommend that the site plan (sheet C400) provided (dated 11/4/22) be approved. The north/south water main is in conflict with a dugout and light pole and will result in the Village Water Utility being severely hampered to repair/replace/maintain any water main adjacent to the dugout. The concept of re-routing the water main in the outfield is acceptable, subject to getting final details and providing a 10 foot buffer to any light poles or fencing.

I cannot provide a recommendation for the approval of the stormwater management system since no details or report was provided with the site plan. Conceptually, the system appears that

it would work; however, it will be of critical importance to determine how the runoff system will impact the existing storm sewer system and how they will meet WDNR and Village stormwater requirements.

Tim Barbeau, Village Consulting Engineer
November 2, 2022

Pewaukee School District Campus View



0 382.42 Feet

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

Notes: 472 Lake Street

Printed: 10/20/2022





APPLICATION PROCESS FOR CONDITIONAL USE GRANT REQUESTS

Step 1: Read through the Article V of the Village's Development Code regarding the Conditional Use Grant process and regulations.

Step 2: Submit a fully completed application form (see below) along with a digital copy of all attachments you wish to have considered by the Plan Commission as part of your application.

- **11 Paper Copies are only required for documents larger than ledger size (11" x 17").** Any documents larger than 11"x17" are required to be printed on paper (11 copies), folded down to 8.5" x 11" size, and submitted with your original application. The Village will not print your submission. It is your responsibility to ensure the Plan Commission can adequately review your plans.
- Incomplete applications and applications submitted without the required documents and/or payment will not be accepted or processed.

Applications must be submitted to Village Hall by 10:00 a.m. **three weeks + 1 day (22 days) prior** to the scheduled Plan Commission meeting. Plan Commission meetings are held on the second Thursday of each month at 7:00 p.m. at Village Hall. The three-week + 1 day (22 days) submittal requirement allows the Village time to review the application, obtain additional information from you, and set up the required public hearing. All property owners within 300' of the subject property will be sent a notice of the public hearing.

Step 3: Pay a \$100 application fee. The fee is collected to offset the cost of publishing required legal notices in the local newspaper and the cost of sending required mailings to neighboring property owners.

Step 4: Complete and return the Reimbursement Agreement.

The Village Planner, the Village's consulting Engineer, the Village Attorney, and any other professionals engaged by the Village to review/evaluate/comment on your proposal may bill the Village for their services/expenses. These costs will be passed back through for reimbursement to the applicant and/or property owner. Any fees not paid will be placed on the real estate tax bill of the property that corresponds to the incurred services.

Step 4: If your conditional use request is approved, a document will be prepared that contains the approval conditions. That document is required to be signed by the applicant, the property owner, and the Village. It will then be recorded in the Waukesha County Register of Deeds office. The cost for recording will be billed to the applicant.

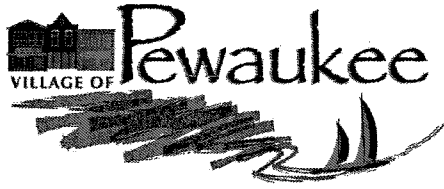
- Please note: Multiple Plan Commission meetings are sometimes required prior to final project approval.



CONDITIONAL USE GRANT APPLICATION FORM

Complete all items entirely:

Property Address:	472 Lake Street
Property Tax Key:	PWV 0899 235 001
Zoning of Property:	Institutional
Property Owner Name:	Pewaukee School District
Property Owner Mailing Address:	404 Lake Street, Pewaukee, WI 53072
Property Owner Phone:	262 695-5038
Property Owner Email:	gahajoh@pewaukeeschools.org
Applicant - Name:	John Gahan
Applicant Mailing Address:	404 Lake Street, Pewaukee, WI 53072
Applicant - Email:	gahajoh@pewaukeeschools.org
Applicant - Phone:	262 695-5038
Description of Request (Please be thorough and attach additional pages if needed)	The Pewaukee School District is requesting CUG approval to complete the reconstruction of the Varsity Softball Diamond located on the school campus. The upgrade will include the installation of an artificial surface for the playing field and the addition of lights to the facility.

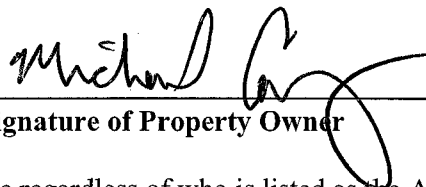


Provide detailed information with your application that addresses the following:

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.

Michael Cady, Superintendent

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.

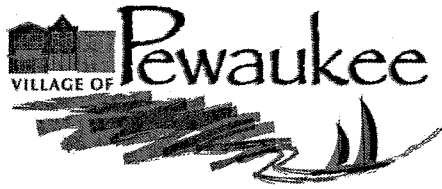
John Gahan, Assistant Sulerintendent / CFO

Applicant's Printed Name


Signature of Applicant

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

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



See the municipal code regarding site structure design criteria for the commercial, industrial, park, institutional, and multi-family residential developments for a complete listing of plan requirements. Additional plan details may be required on a case-by-case basis if the Village's review staff or the Planning Commission finds such information is necessary to complete a full and proper project review.

DETAILED SITE PLAN

engineering scale	floodplain and/or wetland boundary
Location/vicinity map	sign location (may require additional approval)
north arrow	exterior light locations
footprint of dimensioned property lines	phasing lines
existing & proposed buildings	floor area ratio
footprint of existing adjacent buildings	open space ratio
driveway location	site acreage
parking stalls	sidewalks/pedestrian walkways
adjacent public streets	dumpster/recycling area location
easements	ground HVAC and/or utility installations
setback & offset dimensions	fence location
pond/detention location	such other details as may be determined necessary

DETAILED ARCHITECTURAL PLAN

architectural scale	dimensioned building façade sign
all building views/elevations w/scale	exterior utility boxes
detailed materials specifications	
building height dimension	exposed HVAC equipment
general floor plan with dimensions	dumpster/recycling area location and screening
	samples of building materials (for presentation to Planning Commission)
exterior building materials and colors	building mounted lighting fixtures
	such other details as may be determined necessary

DETAILED LANDSCAPING PLAN

existing and proposed two-foot contour lines at the local datum (floodplain property should be identified at USGS datum)

pond/detention location

stormwater and erosion control devices

SIGNAGE PLAN

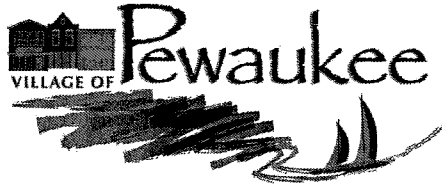
scaled design drawing of freestanding and/or facade signs

sign specifications and color (wattage, material, dimensions)

EXTERIOR LIGHTING

light fixture design detail and specifications

iso footcandle lighting dispersion plan



PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

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.

Complete the information below:

Responsible Party Name	John Gahan
Mailing Address	404 Lake Street
City, State and Zip	Pewaukee, WI 53072
Email:	gahajoh@pewaukeeschools.org
Phone:	262 695-5038


**ENTER EMAIL TO SEND
INVOICES:**

Michael Cady, Superintendent

Property Owner Printed Name

John Gahan, Assistant Superintendent / CFO

Applicant Printed Name

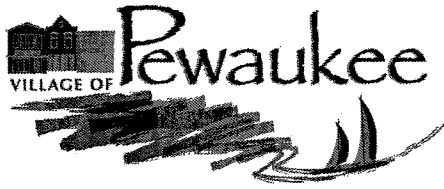


 Signature of Property Owner/Date Signed



 Applicant Signature/Date Signed

Village Staff Acceptance – Date



CONDITIONAL USE GRANT CHECKLIST

*** ALL ITEMS BELOW MUST BE PROVIDED**

Applicant Steps:

1. CONDITIONAL USE GRANT APPLICATION FORM

- Completed Application
- Signature of Property Owner
- Signature of Applicant
- Detailed site, architecture, landscaping, exterior lighting, grading, drainage, stormwater management, utility, and similar plans

2. PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

- Completed Application
- Signature of Property Owner
- Signature of Applicant
- Designation of responsible party
- Email of where bills should be emailed

3. ADDITIONAL INFORMATION REQUIRED

- Digital copy (include application in digital copy)
- 11 Folded paper copies if **large** (i.e., larger than 11" x 17") plans
- \$100 Fee Paid

Office Staff Use Only:

- ___ Ensure all the above has been submitted
- ___ Save the digital file to Shared Drive under the property file
- ___ Create a folder for the application submittal
 - ___ Email to Planner and Engineer
 - ___ Copy into Agenda Packet (Digital Copy)

Receipt number: _____

Date: _____



NOTICE:
 In accordance with Wisconsin statute 182.0175, damage to transmission facilities, excavator shall be solely responsible to provide advance notice to the designated "ONE CALL SYSTEM" not less than three working days prior to commencement of any excavation required to perform work contained on this drawing, and further, excavator shall comply with all other requirements of this statute relative to excavator's work.

DISCLAIMER:
 The underground utilities shown have been located from field survey information and existing drawings. GRAEF makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. GRAEF further does not warrant that the underground utilities shown are in the exact location indicated. GRAEF has not physically located the underground utilities.

X:\MIL\2022\20220354\Design\Civil\B010C_00_C100_Layout_354
 10/13/2022 8:06 AM

PROJECT NAME (EDIT)
PROJECT LOCATION (EDIT)

Lighting System

Pole / Fixture Summary						
Pole ID	Pole Height	Mtg Height	Fixture Qty	Luminaire Type	Load	Circuit
A1-A2	60'	60'	3	TLC-LED-900	2.67 kW	A
				TLC-BT-575	0.58 kW	A
B1-B2	70'	70'	5	TLC-LED-1200	5.85 kW	A
				TLC-BT-575	0.58 kW	A
4			20		19.34 kW	

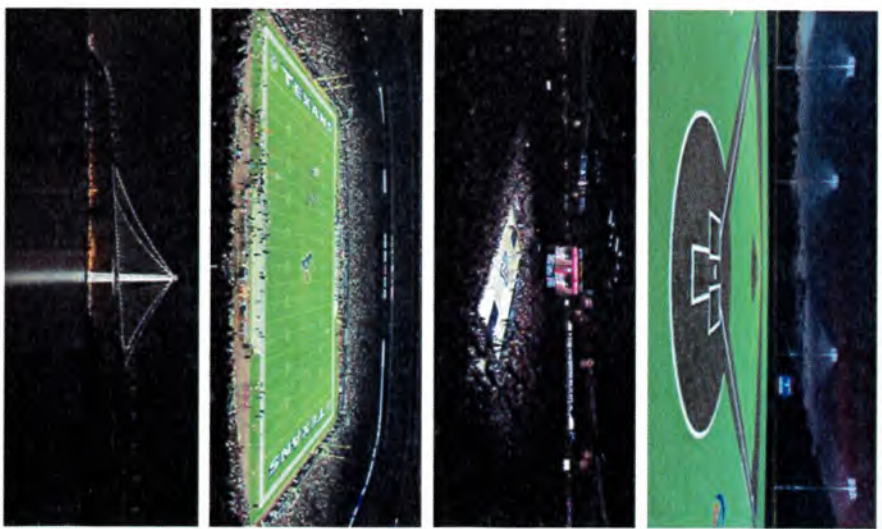
Circuit Summary			
Circuit	Description	Load	Fixture Qty
A	Little League	19.34 kW	20

Fixture Type Summary							
Type	Source	Wattage	Lumens	L90	L80	L70	Quantity
TLC-LED-1200	LED 5700K - 75 CRI	1170W	136,000	>120,000	>120,000	>120,000	10
TLC-BT-575	LED 5700K - 75 CRI	575W	52,000	>120,000	>120,000	>120,000	4
TLC-LED-900	LED 5700K - 75 CRI	890W	89,600	>120,000	>120,000	>120,000	6

Light Level Summary

Calculation Grid Summary									
Grid Name	Calculation Metric	Illumination					Circuits	Fixture Qty	
		Ave	Min	Max	Max/Min	Ave/Min			
150' Spill (Cd)	Max Candela (by Fixture)	1779	8.95	4974	556.04		A	20	
150' Spill	Horizontal Illuminance	0.03	0	0.09	0.00		A	20	
150' Spill	Max Vertical Illuminance Metric	0.08	0	0.26	2513.69		A	20	
Softball (Infield)	Horizontal Illuminance	50	38	59	1.57	1.32	A	20	
Softball (Outfield)	Horizontal Illuminance	32.4	22	41	1.86	1.47	A	20	

From Hometown to Professional



We Make It Happen.

ENGINEERED DESIGN By: · File #SBS3-202020-12-4P_D · 11-Aug-21

Not to be reproduced in whole or part without the written consent of Musco Sports Lighting, LLC. ©1981, 2021 Musco Sports Lighting, LLC.

PROJECT SUMMARY

EQUIPMENT LIST FOR AREAS SHOWN

QTY	LOCATION	SIZE	GRADE ELEVATION	Luminaires				
				MOUNTING HEIGHT	LUMINAIRE TYPE	POLE QTY/ GRID	HIS OTHER GRIDS	
2	A1-A2	60"	-	15.5'	TLC-BT-575	1	1	0
2	B1-B2	70"	-	15.5'	TLC-BT-575	1	1	0
TOTALS						20	20	0

PROJECT NAME (EDIT)

PROJECT LOCATION (EDIT)

GRID SUMMARY

Name: Softball
 Size: 200'x200'/200' - basepath 60'
 Spacing: 20.0' x 20.0'
 Height: 3.0' above grade

ILLUMINATION SUMMARY

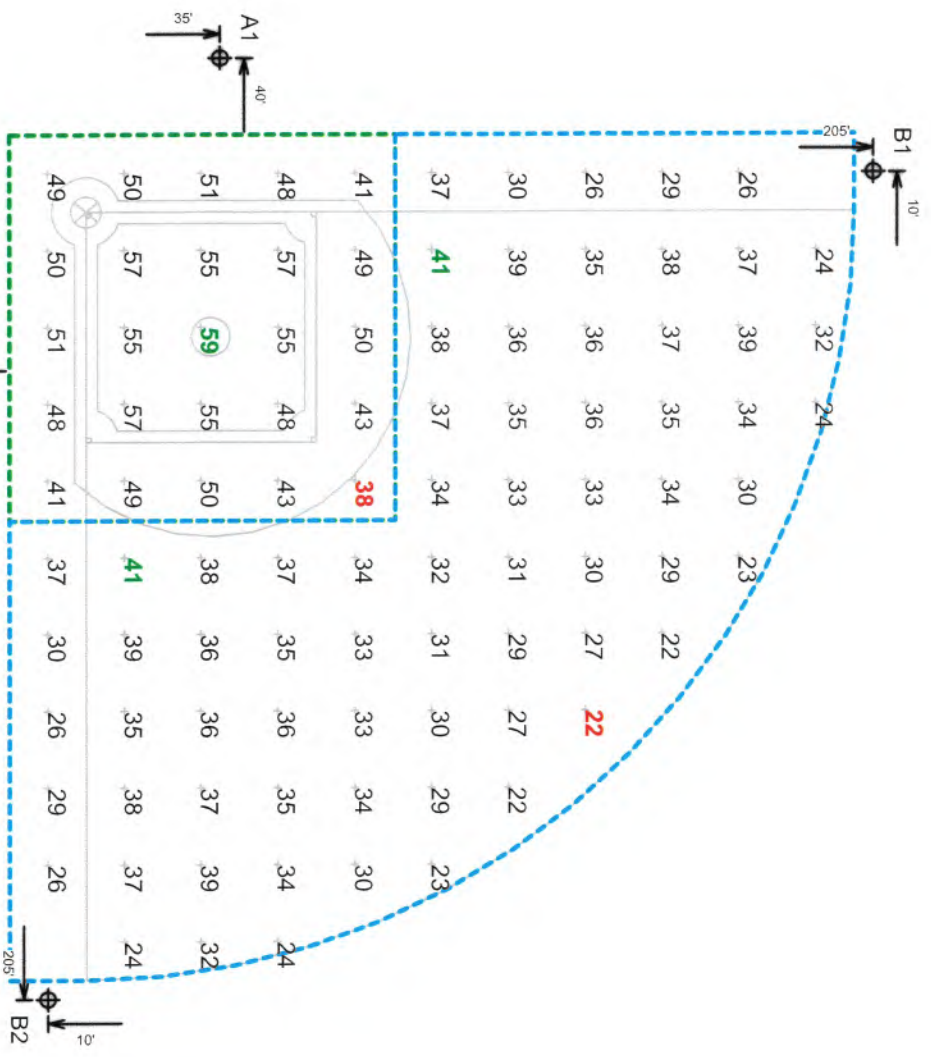
MAINTAINED HORIZONTAL FOOTCANDLES	
Infield	Outfield
Guaranteed Average: 50	30
Scan Average: 50.02	32.40
Maximum: 59	41
Minimum: 38	22
Avg / Min: 1.32	1.46
Guaranteed Max / Min: 2	2.5
Max / Min: 1.57	1.86
UG (adjacent pts): 1.21	1.53
CU: 0.69	
No. of Points: 25	71
LUMINAIRE INFORMATION	
Applied Circuits: A	
No. of Luminaires: 20	
Total Load: 19.34 kW	

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

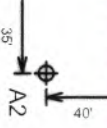
Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.



SCALE IN FEET 1 : 50



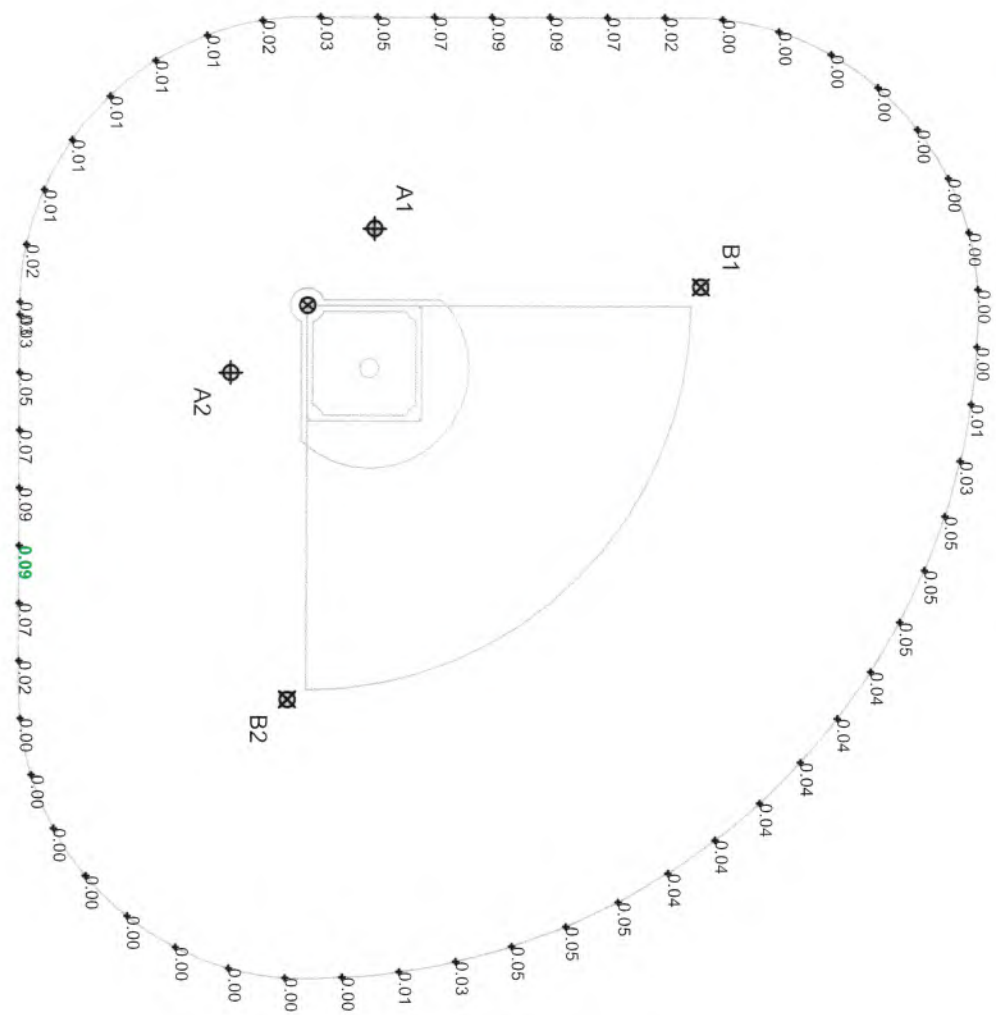
Pole location(s) ⚡ dimensions are relative to 0,0 reference point(s) ⊗



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EQUIPMENT LIST FOR AREAS SHOWN

QTY	LOCATION	SIZE	GRADE ELEVATION	Luminaires				
				MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE GRID	THIS GRID	OTHER GRIDS
2	A1-A2	60"	-	15.5'	TLC-BT-575	1	1	0
2	B1-B2	70"	-	15.5'	TLC-BT-575	3	3	0
				70"	TLC-LED-900	1	1	0
				70"	TLC-LED-1200	5	5	0
TOTALS						20	20	0



Pole location(s) ◆ dimensions are relative to 0.0 reference point(s) ⊗

PROJECT NAME (EDIT)

PROJECT LOCATION (EDIT)

GRID SUMMARY

Name: 150' Spill
 Spacing: 30.0'
 Height: 3.0' above grade

ILLUMINATION SUMMARY

HORIZONTAL FOOTCANDLES	
Scan Average:	Entire Grid 0.0283
Maximum:	0.09
Minimum:	0.00
No. of Points:	56
LUMINAIRE INFORMATION	
Applied Circuits:	A
No. of Luminaires:	20
Total Load:	19.34 kW

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.



ILLUMINATION SUMMARY

EQUIPMENT LIST FOR AREAS SHOWN

QTY	LOCATION	Pole SIZE	GRADE ELEVATION	Luminaires				
				MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE	THIS GRID	OTHER GRIDS
2	A1-A2	60'	-	15.5'	TLC-BT-575	1	1	0
2	B1-B2	70'	-	15.5'	TLC-BT-575	1	1	0
				70'	TLC-LED-900	3	3	0
				70'	TLC-BT-575	1	1	0
					TLC-LED-1200	5	5	0
4	TOTALS					20	20	0

PROJECT NAME (EDIT)

PROJECT LOCATION (EDIT)

GRID SUMMARY

Name: **150' Spill**
 Spacing: 30.0'
 Height: 3.0' above grade

ILLUMINATION SUMMARY

MAX VERTICAL FOOTCANDLES

Entire Grid
 Scan Average: 0.0842
 Maximum: 0.26
 Minimum: 0.00

No. of Points: 56

LUMINAIRE INFORMATION

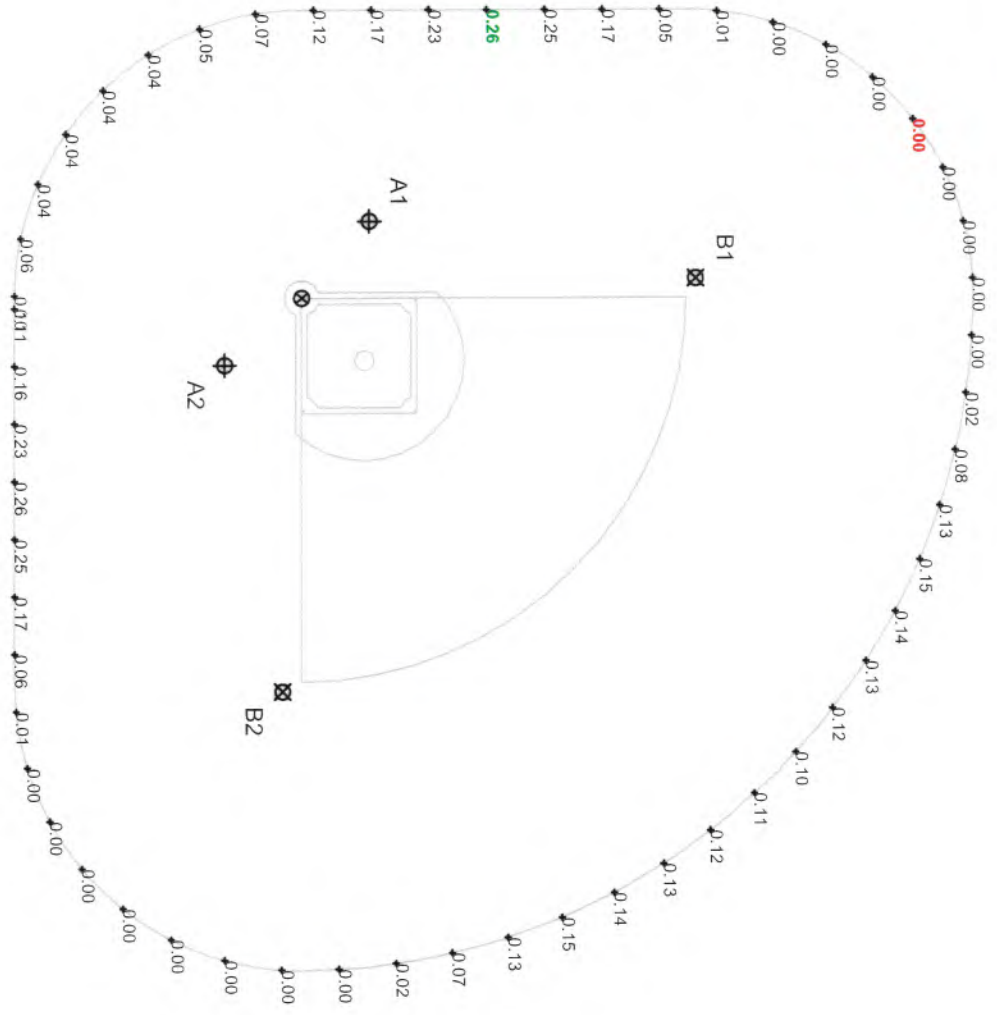
Applied Circuits: A
 No. of Luminaires: 20
 Total Load: 19.34 kW

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.



SCALE IN FEET 1 : 100



Pole location(s) ◉ dimensions are relative to 0.0 reference point(s) ⊗



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EQUIPMENT LIST FOR AREAS SHOWN

QTY	LOCATION	Pole SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	Luminaires		
						QTY / POLE	THIS GRID	OTHER GRIDS
2	A1-A2	60"	-	15.5'	TLC-BT-575	1	1	0
				60"	TLC-LED-900	3	3	0
2	B1-B2	70"	-	15.5'	TLC-BT-575	1	1	0
				70"	TLC-LED-1200	5	5	0
TOTALS						20	20	0

PROJECT NAME (EDIT)

PROJECT LOCATION (EDIT)

GRID SUMMARY

Name: **150' Spill (cd)**
 Spacing: 30.0'
 Height: 5.0' above grade

ILLUMINATION SUMMARY

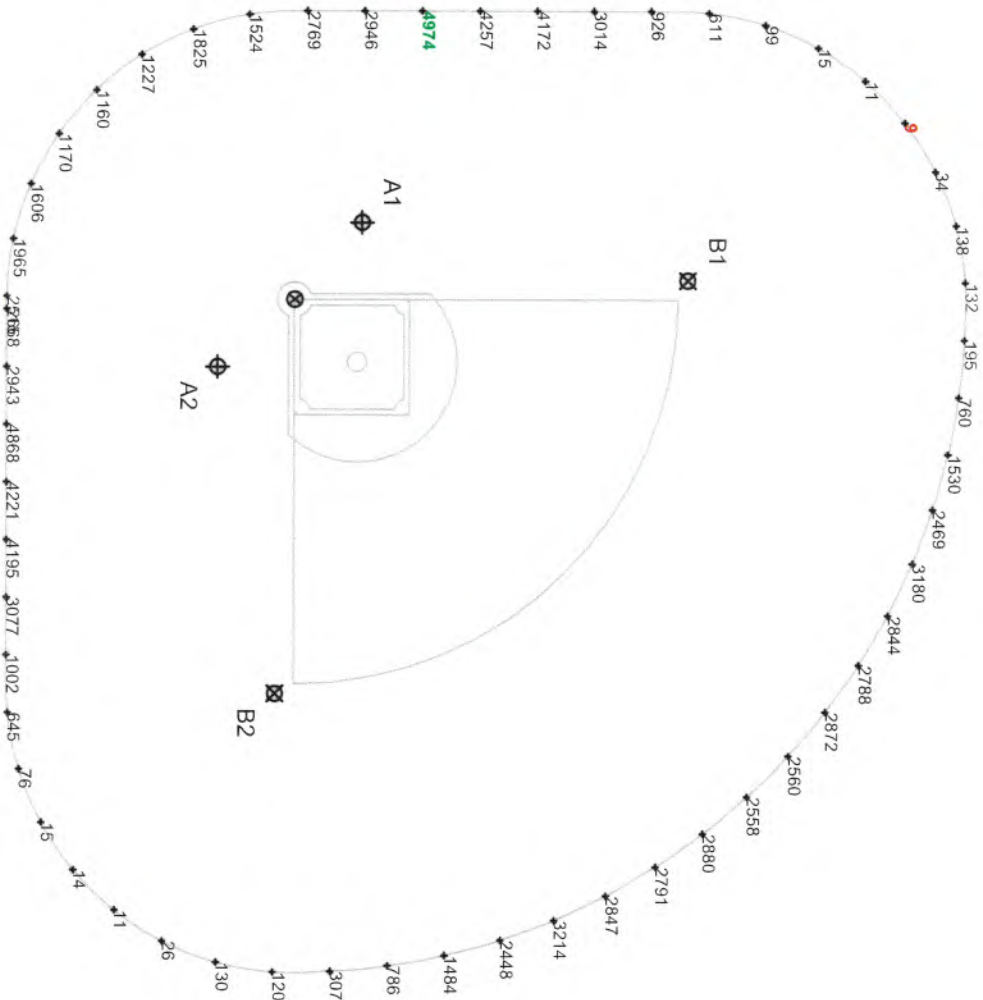
CANDELA (PER FIXTURE)	
Entire Grid	1779.0258
Scan Average:	1779.0258
Maximum:	4974.19
Minimum:	8.95
No. of Points:	56
LUMINAIRE INFORMATION	
Applied Circuits:	A
No. of Luminaires:	20
Total Load:	19.34 kW

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.



SCALE IN FEET 1 : 100



Pole location(s) ⚡ dimensions are relative to 0.0 reference point(s) ⊗



PROJECT NAME (EDIT)

PROJECT LOCATION (EDIT)

EQUIPMENT LAYOUT

INCLUDES:

Softball

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

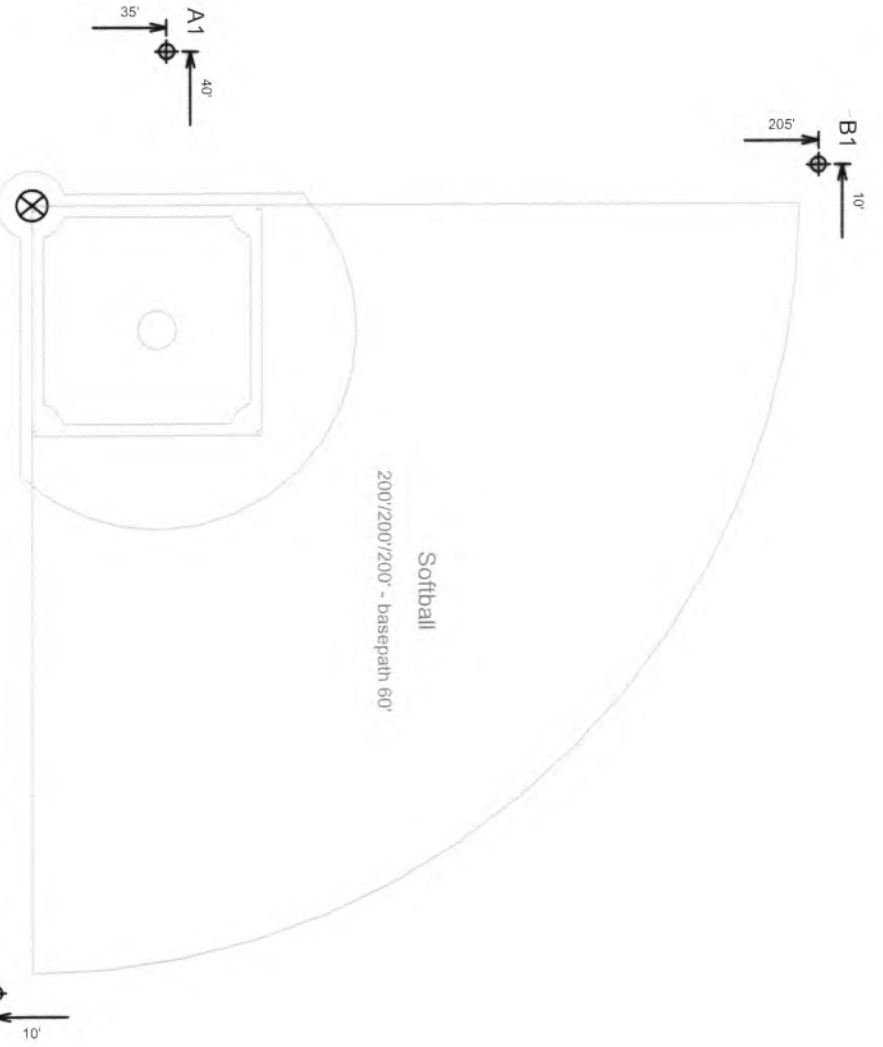
Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

EQUIPMENT LIST FOR AREAS SHOWN

QTY	LOCATION	Pole SIZE	GRADE ELEVATION	MOUNTING HEIGHT	Luminaires		QTY PILE	
					LUMINAIRE TYPE	(60)		
2	A1-A2	60'	-	15.5'	TLC-RT-575	347	1	
				60'	TLC-LED-900	380	3	
2	B1-B2	70'	-	15.5'	TLC-RT-575	380	1	
				70'	TLC-LED-1200	480	5	
TOTALS							20	20

SINGLE LUMINAIRE AMPERAGE DRAW CHART

Ballast Specifications (1.90 min power factor)	Line Amperage Per Luminaire (max draw)				
	208 (60)	220 (60)	240 (60)	277 (60)	347 (60)
Single Phase Voltage	208	220	240	277	347
TLC-LED-1200	7.0	6.6	6.1	5.2	4.2
TLC-RT-575	3.4	3.2	2.9	2.5	2.0
TLC-LED-900	5.3	5.0	4.6	4.0	3.2



SCALE IN FEET 1 : 50



Pole location(s) ⊕ dimensions are relative to 0.0 reference point(s) ⊗





PROJECT TITLE:
PEWAUKEE HIGH SCHOOL VARSITY
SOFTBALL FIELD RECONSTRUCTION

510 LAKE STREET
PEWAUKEE, WI 53072

NO.	DATE	REVISIONS	ISSUE BY

PROJECT INFORMATION:

PROJECT NUMBER: 2022-0354.00
DATE: 11.04.2022
DRAWN BY: BRL
CHECKED BY: BRL
APPROVED BY: JFP
SCALE: AS NOTED

SHEET TITLE:

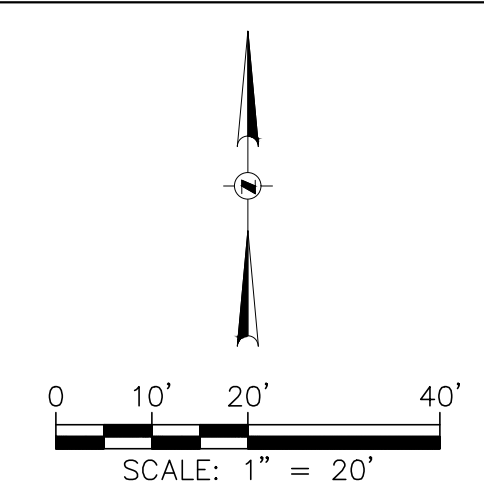
SITE UTILITY PLAN

SHEET NUMBER:

C400

GENERAL NOTES

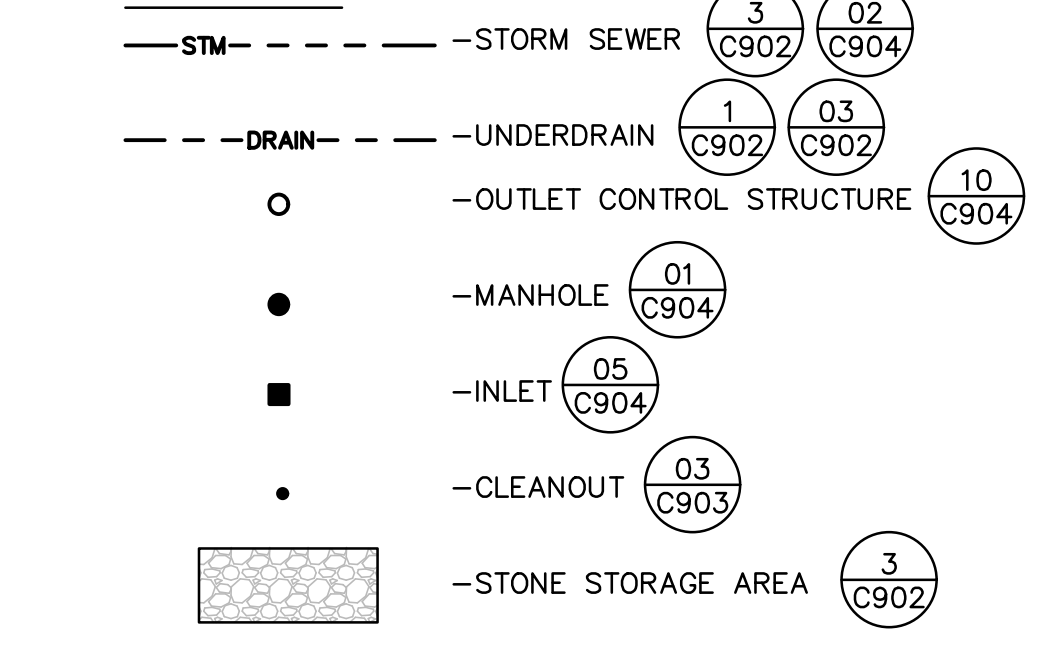
1. THE BASE SURVEY WAS PREPARED BY GRAEF IN 2022. ALL UNDERGROUND UTILITIES AND STRUCTURES HAVE BEEN SHOWN TO A REASONABLE DEGREE OF ACCURACY AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THEIR EXACT LOCATION AND TO AVOID DAMAGE THERETO.
2. REFER TO SHEET C001 FOR BENCHMARKS, DATUM, AND TOPOGRAPHIC ELEMENTS.
3. CONTRACTOR SHALL VERIFY LOCATION OF WORK AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO COMMENCING WORK.



UTILITY NOTES

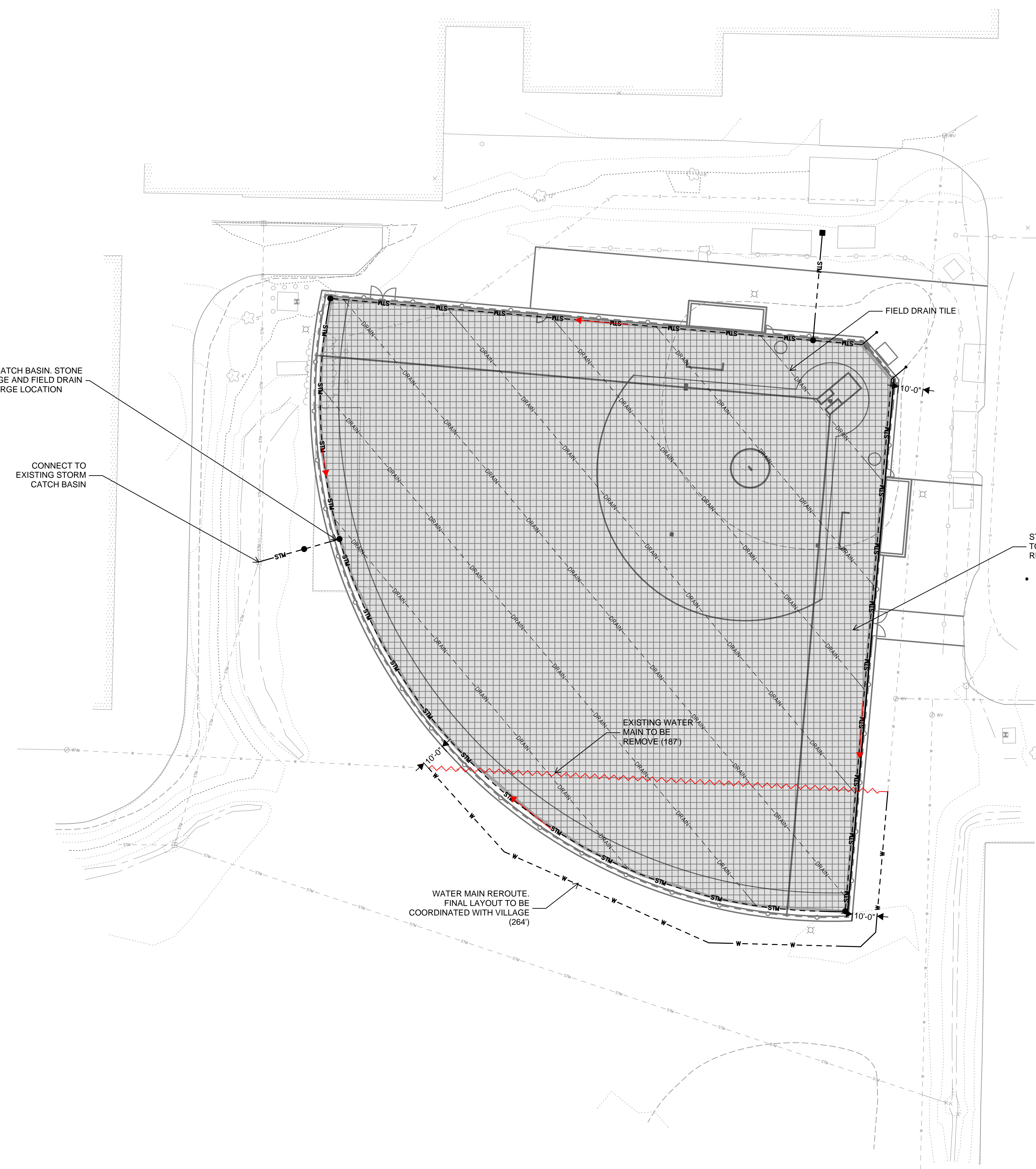
1. PIPE LENGTHS AND INVERTS ARE TO CENTER OF STRUCTURE.
2. ALL MANHOLES SHALL BE 48-INCH DIAMETER UNLESS OTHERWISE NOTED.
3. CONTRACTOR SHALL REFERENCE SHEET C902 FOR ALL ATHLETIC FIELD UNDERDRAIN DISCHARGING TO COLLECTOR PIPE STONE STORAGE AGGREGATE.
4. REFER TO SHEET C300 FOR STONE STORAGE AREA ELEVATION INFORMATION.
5. MH #1001-#1004 LID SHALL BE INSTALLED FLUSH WITH THE TOP OF THE STONE SUBGRADE AND COVERED WITH THE SYNTHETIC TURF SYSTEM. THE LOCATION OF THESE STRUCTURES SHALL BE MARKED WITH A 4" DIA. BLACK CIRCLE.
6. REFER TO ELECTRICAL PLANS FOR CONDUIT ROUTING/ELECTRICAL DESIGN FOR LIGHT POLES.
7. STORM SEWER PIPING SHALL BE EITHER: ASTM D3034, TYPE PSM, POLYVINYL CHLORIDE MATERIAL; OR ASTM F 679, POLYVINYL CHLORIDE MATERIAL, PS 46; OR ASTM F2648 (AASHTO M294), TYPE S, POLYETHYLENE PIPE, ASTM D3350 POLYETHYLENE MATERIAL, AS SPECIFIED IN SECTION 33 41 00 - SITE STORM SEWER SYSTEM.
8. PERFORATED COLLECTOR PIPING SHALL BE: CORRUGATE POLYETHYLENE PIPE: ASTM F667 AS SPECIFIED IN SECTION 33 46 00 - SUBDRAINAGE.
9. FIELD UNDER DRAIN SHALL BE SPORTSEDGE SYNTHETIC TURF - 12 HQ PANEL DRAIN WITH SLEEVE, OR ENGINEER APPROVED EQUAL.

LEGEND



STONE STORAGE UNDER FIELD TO MEET PEAK DISCHARGE REQUIREMENTS

- Regulating Documents
 - WDNR 151: Exempt
 - Peak Discharge: Exempt due to redevelopment
 - TSS: 40% reduction from roads and parking, compared to no controls. If no roads or parking, then exempt
 - Infiltration: Exempt due to redevelopment
 - Village of Pewaukee
 - Peak Discharge: Release rate from the post-development 1, 2, 10, and 100-year, 24-hour storms not to exceed respective predevelopment storms
 - TSS: 40% reduction from roads and parking, compared to no controls. If no roads or parking, then exempt
 - Infiltration: Likely exempt due to in situ soils.



FIELD CATCH BASIN, STONE STORAGE AND FIELD DRAIN DISCHARGE LOCATION

CONNECT TO EXISTING STORM CATCH BASIN

EXISTING WATER MAIN TO BE REMOVE (187)

WATER MAIN REROUTE, FINAL LAYOUT TO BE COORDINATED WITH VILLAGE (264)

NOTICE:
In accordance with Wisconsin statute 182.0175, damage to transmission facilities, excavator shall be solely responsible to provide advance notice to the designated "ONE CALL SYSTEM" not less than three working days prior to commencement of any excavation required to perform work contained on this drawing, and further, excavator shall comply with all other requirements of this statute relative to excavator's work.

DISCLAIMER:
The underground utilities shown have been located from field survey information and existing drawings. GRAEF makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. GRAEF further does not warrant that the underground utilities shown are in the exact location indicated. GRAEF has not physically located the underground utilities.

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: November 10, 2022

General Information:

Agenda Item: **6.b.**

Applicant/Property Owner:

Zimmerman & Schwartz Real Estate, LLC, in c/o John Schwartz and Jeff Zimmerman

Requested Action:

Site Plan Amendment approval.

Current Zoning:

B-5 Light Industrial District

Current Master Plan Classification:

Industrial-Business Park

Surrounding Zoning/Land Use:

North: Railroad tracks
South: B-5 Light Industrial District
East: B-5 Light Industrial District
West: B-5 Light Industrial District

Lot Size:

Approximately 3.27 acres

Location:

1291 Hickory Street

Discussion:

The applicant requests approval to relocate their existing, eastern Hickory Street driveway access point on this site, further to the east and to abandon/restore the former location.

The effect of this change will be a net/net as to greenspace. It does not change the circulation or parking pattern/quantity within the site. The new driveway will be paved-the former driveway will be restored to grass. The proposed new driveway location does comply with the Code required 20-foot offset from the side lot line.

Recommendation:

If the Planning Commission is inclined toward granting an approval in this matter, it is recommended that the following conditions be considered for attachment:

- 1) Village Engineer and Director of Public Works approval of the detailed plans for implementation of the new driveway and abandonment/restoration of the old;
- 2) Applicant to secure, in advance of any work at the site, any permits as may be necessary in support of this project.

Village of Pewaukee Plan Commission
Engineer's Report for November 10, 2022

Zimmerman & Schwartz Real Estate, LLC
1291 Hickory Street

Report

Stormwater Management. It appears that the only site changes will be to remove the existing parking lot entrance and construct a new driveway entrance east of the building. The net effect is no new hard surfaces that would trigger the requirement for on-site storm water management.

Site Drainage. The proposed location of the new driveway entrance is at a high point in the roadside ditch. I do not anticipate that a culvert would be required since water will flow to the east and west from each side of the driveway as it currently does. No other changes are being proposed for the site. I am not aware of any site drainage related issues on this property.

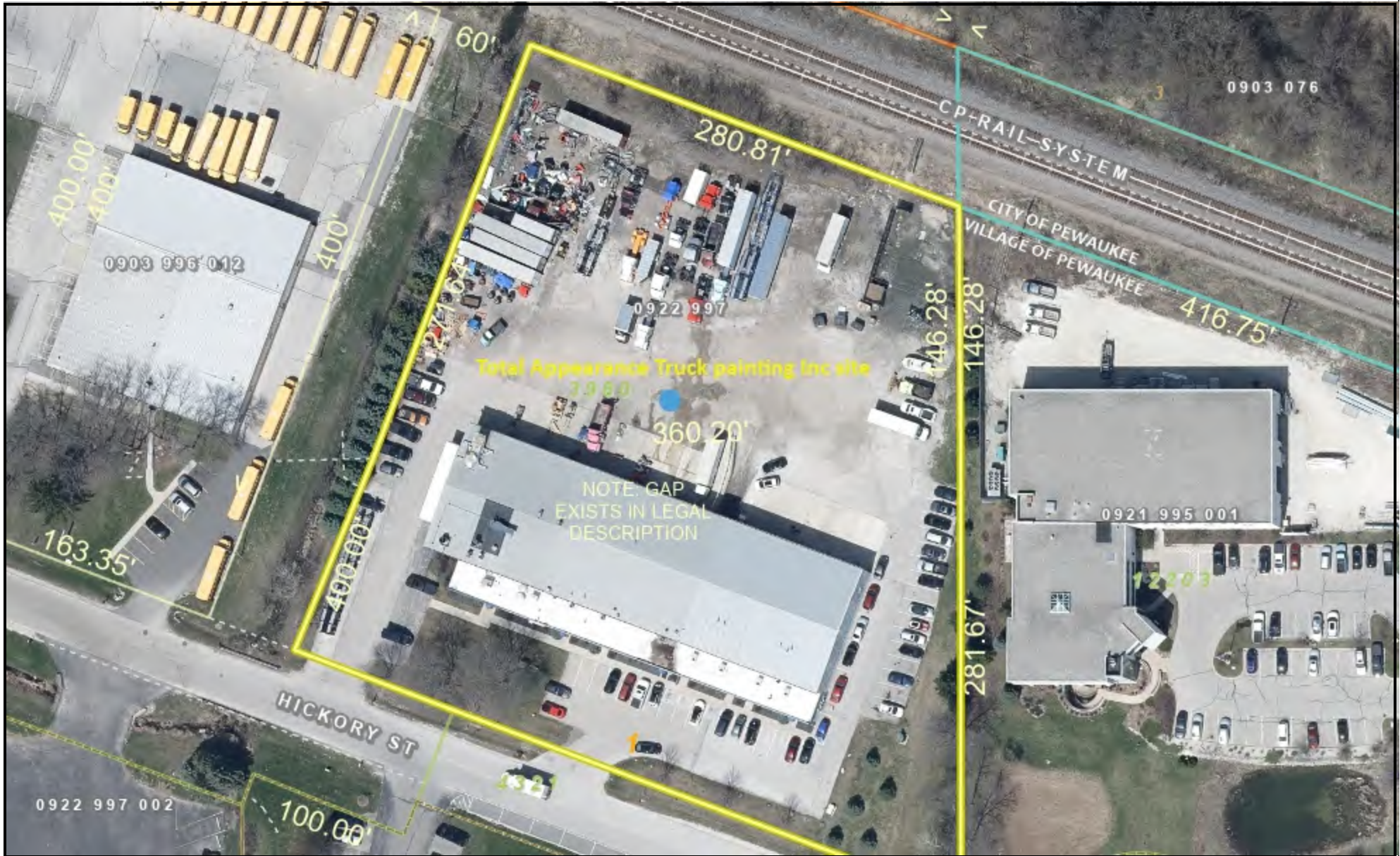
Driveway Location. The location being proposed will not conflict with any other driveway on Hickory Street.

Recommendation

I recommend approval of the proposed driveway entrance location, subject to removal and restoration of the existing driveway to green space. The restored roadside ditch should be graded to follow the existing drainage pattern.

Tim Barbeau, Village Consulting Engineer
October 27, 2022

Total Appearance Truck Painting Inc site view

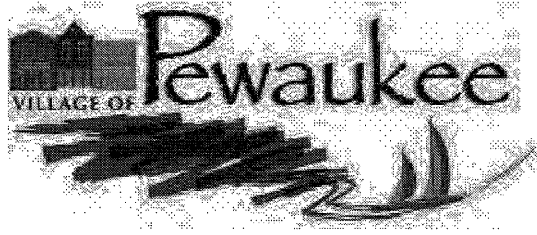


The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys,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

Notes: 1291 Hickory Street

Printed: 10/21/2022





**Business Site Plan
Application Form**

Address/Parcel No. of Property Involved: 1291 HICKORY ST.

Zoning of Property: M2 BUSINESS

Current Owner of Property: ZIMMERMAN/SCHWARTZ REAL ESTATE LLC.

Applicant - Name: JOHN SCHWARTZ / DEFF ZIMMERMAN

Address: 1291 HICKORY

Phone: 262-993-4993

Fax: _____

Email: JOHN@TOTALAPPEAR.COM

Name of Business that Corresponds to Site Plan: URBAN TOOL

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

ADD EAST EXIT, LOOSE CENTER
EXIT, REPAIR WEST EXIT

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 the suitability of architectural & landscape treatment, proper placement of the building(s) on the lot, traffic generation & circulation, provision for parking, drainage, exterior lighting, control devices (when necessary) to eliminate noise, dust, odor, smoke or other objectionable operating conditions & general compatibility of the proposed use with the area in which it is located.

WE WILL BE ADDING GREEN
SPACE BY ELIMINATING CENTER DRIVE

2. It is the responsibility of the applicant/owner to ensure that the proposed project meets the Village's Land Development Code. It is also highly recommended that the applicant/owner review the Village's adopted Land Use Plan.

FT MEETS ALL CODES

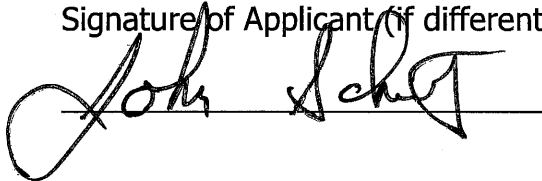
3. Signage shall be determined through a sign permit process and/or a sign plan approved by the Plan Commission. Permits for individual signs may be applied for with the Village's Code Compliance Officer.

Signature of Property Owner as listed on this Application:

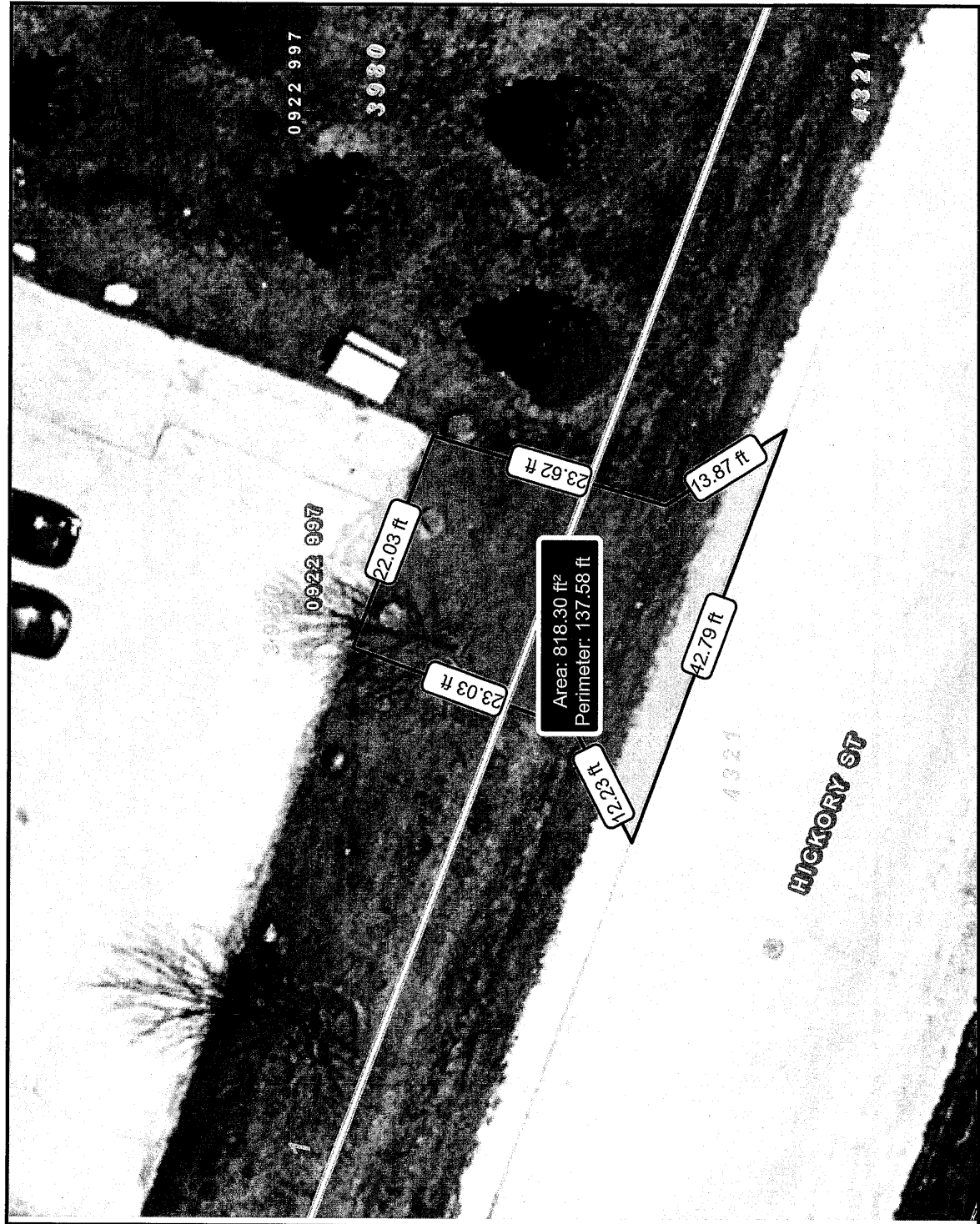


Application will not be processed without the Owner's Signature regardless of who is listed as the Applicant. This signature authorizes the Village of Pewaukee to process the Site Plan Approval Application proposed for my property and further authorizes the Village or its representatives to conduct reasonable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

Signature of Applicant (if different than Owner):



Please return Completed Application Forms along with **11 copies** of all attachments (**as well as a digital copy**) you wish to have considered by the Plan Commission as part of your application to Pewaukee Village Hall, 235 Hickory Street, Pewaukee, WI 53072. If you have any questions, please call Village Hall at (262) 691-5660.



Legend

- Municipal Boundary_2K
- Parcel_Dimension_2K
- Note_Text_2K
- Lots_2K
- Lot
- Unit
- General Common Element
- Outlet
- SimultaneousConveyance
- Assessor Plat
- CSM
- Condominium
- Subdivision
- Cartoline_2K
- EA-Esement_Line
- PL-DA
- PL-Extended_Tie_line
- PL-Meander_Line
- PL-Note
- PL-Tie
- PL-Tie_Line
- <all other values>
- Railroad_2K



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

Notes:

Printed: 9/21/2022



1291 Hickory St

American Truck Parts

1308
58 ft

1308
52 ft

BACK
TO
F.A.A.S.

REMOVE
X

REMOVE

ADD

130

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: November 10, 2022

General Information:

Agenda Item: **6.C.**

Applicant/Property Owner:

Meadow Creek Limited Partnership

Requested Action:

Sign Code waiver amendment to allow three specific, additional geographic locations within the Meadow Creek Market development to participate in sign display on the two existing/approved multi-tenant pylon signs.

Existing Zoning:

B-1 w/ PUD Overlay

Requested Zoning:

Same

Surrounding Current Land Use:

PUD Shopping Center development

Master Plan Classification:

Community Commercial

Lot Size/Project Area:

N/A

Location:

Northwest corner of Hwy
164/Pewaukee Road and Capitol
Drive

Summary :

Back in 2014, this applicant was granted Sign Code waiver approval to expand the previously existing shopping center identification signs into multi-tenant identification signage for the benefit of the shopping center tenants located in the contiguous building area north of and adjacent to the Pick and Save Store. These specific storefronts were/are considered to be very disadvantaged in terms of public visibility given the excessive setback from Hwy 164/Pewaukee Road and Capitol Drive. The conditions of that approval included:

- 1) The space on this sign shall not be used to display "space for lease", or contact information for leasing in the center, rather the space of this sign shall be limited in its scope of use to identifying only existing and operational business occupants of the 27,000 sq ft shopping center that lies attached to and north of the existing Pick 'n Save at 1405 Capitol Drive and the name of the shopping center development (i.e. Meadow Creek market) and the building address(s);
- 2) No single tenant or occupant business shall be permitted to utilize more than 40 sq ft of display area on each face of the signs;
- 3) If any of the changeable "Tenant" panels as depicted on the plan are not in use for

business identification, then that panel(s) shall be maintained as a blank in a bronze colored lexan to match the cabinet and related aluminum trim materials of the sign;

- 4) Applicant to provide Village staff evidence of consent for the proposed signs from the owners of the private properties upon which they (the signs) are located prior to issuance of a sign permit;
- 5) Applicant to provide confirmation to Village staff prior to issuance of sign permit that the signs are/will comply with the 10-foot setback/offset and 250-foot spatial/linear separation requirements of the Sign Code.

Recommendation:

If the Planning Commission is inclined to permit these three other future development areas to display their business identification(s) on these signs, and to allow them to have more than 40 square feet of space per each with Village Staff approval, the following conditions are recommended to be made a part of any approval as may be granted:

- 1) The space on this sign shall not be used to display “space for lease”, or contact information for leasing in the center,... rather the space of this sign shall be limited in it’s scope of use to identifying only existing and operational business occupants of the 27,000 sq.ft. +/- shopping center that lies attached to and north of the existing Pick n Save at 1405 Capitol Drive, businesses or uses located in the three areas identified in Exhibit “C” attached hereto, and the name of the shopping center development (i.e. Meadow Creek Market) and the building address(s);
- 2) No single tenant or occupant business shall be permitted to utilize more than 40 sq.ft. of display area on each face of the signs unless specifically approved otherwise by the Village Staff and/or Planning Commission in review of the unique challenges/circumstances as may be applicable to the particular site or building;
- 3) If any of the changeable “Tenant” panels as depicted on the plan are not in use for business identification, then that panel(s) shall be maintained as a blank in a bronze colored lexan to match the cabinet and related aluminum trim materials of the sign.

Application is due 3 weeks prior to the Meeting Date.



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

Address/Parcel No. of Property Involved: PARCELS within Meadow Creek
MARKET - SEE attached
Zoning of Property: PUD - B-1
Current Owner of Property: MEADOW CREEK LIMITED PARTNERSHIP
Applicant – Name: SAME AS OWNER - JAMES FORESTER
Address: 3190 Gateway Rd. BROOKFIELD, WI 53045
Phone: 262-790-8888
Fax: 262-304-1760

Type of Request: Check All That Apply

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

Prelim. Plat Approval:
Developer's Agreement:

SIGN PLAN AMENDMENT

Signature of Property Owner as listed on this Application:

[Handwritten Signature]

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

Signature of Applicant (if different than Owner):

[Handwritten Signature]



PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

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

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

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

RESPONSIBLE PARTY & MAILING ADDRESS

MEADOW CREEK LIMITED PARTNERSHIP
Name of Company and/or Individual JAMES G. FORESTER
3190 Gateway Rd BROOKFIELD, WI 53045
Street City State Zip
262-790-8888 262-364-1766 E-Mail: jim@forester.com
Phone: Fax: E-Mail:

[Signature] 10-22
Signature of Applicant & Date
[Signature] 10-22
Signature of Property Owner & Date

Village Official Accepting Form & Date

SEND ALL PROFESSIONAL SERVICES INVOICES TO:
(Check One)

Property Owner

Applicant

MEADOW CREEK MARKET

Orion International Corp
3190 Gateway Road, Suite 100
Brookfield, WI 53045
262-790-8888
Fax 262-364-1760

October 2022

Plan Commission
Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072

Re: Pylon Signage
Meadow Creek Market

On April 10, 2014, the Village of Pewaukee Plan Commission approved a modification to the sign plan for Meadow Creek Market. See attached minutes, pages one and two, Exhibit A.

See also attached image of the subsequently constructed signage located at the northwest corner of STH 190(near McDonalds), and southwest corner of STH 164 near PNC Bank., Exhibit B.

This approval limited the signage usage only for those tenants of 1405 Capitol Drive, as highlighted in yellow on Exhibit B.

We desire to expand the limitation of use of these signs to prospective owners or tenants of now vacant internal land within Meadow Creek Market highlighted in green as identified in the attached Exhibit C.

Permanent signage size limitation per business beyond 40 sq. ft. to be subject to staff approval.

Thank you for your consideration.

Very truly yours,

Meadow Creek Market

VILLAGE OF PEWAUKEE
PLAN COMMISSION MINUTES
April 10, 2014

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

President Knutson called the meeting to order at approximately 7:00 p.m. The Pledge of Allegiance and Moment of Silence followed.

Roll call was taken with the following present: Comm. Craig Roberts, Trustee Joe Zompa, Comm. Shane Leveille, Comm. Tom Reilly, Comm. Eric Rogers and President Jeff Knutson.

Also Present: Administrator Scott Gosse, Attorney Mark Blum, Planner Mary Censky and Clerk/Treasurer Nancy J. Zastrow.

President Knutson welcomed the new appointment to Plan Commission Mr. Shane Leveille.

2. Citizen Comments

John Blast – 886 Joshua Street – Mr. Blast addressed the commission regarding the rezoning of 331 Lake Street. He stated the school district has been a good neighbor and he looks forward to Plan Commission keeping a good relationship with the school. He stated they need places for volunteers to park.

Paige Chadwick – 493 Willwood Court – She stated the volunteer base is growing for the school district. She is the current PTA President and explained it would be convenient to have additional parking on that side of the building.

John Gaine – Asst. Superintendent of Schools – He explained the school district revised the plan to meet the comments from last meeting and worked with the neighbors to come up with this plan.

There were no other comments.

3. Approval of the Minutes of the Regular Meeting of February 13, 2014 and Special Meeting of April 3, 2014

Comm. Rogers moved, seconded by Comm. Roberts to approve the February 13, 2014 minutes as presented. Motion carried 6-0.

Trustee Zompa moved, seconded by Comm. Roberts to approve the minutes from the April 3, 2014 Special Plan Commission meeting as presented. Motion carried 6-0.

4. New Business

a. Review and Action on Sign Plan Waiver and Approval for Two Monument Signs at Meadow Creek Market located at NW Corner of STH 164 and STH 190.

Planner Mary Censky explained the principal building at Meadowcreek is in the center of the area and is setback substantially from the road. This makes it difficult for tenants to have adequate signage which is making it difficult to retain tenants and to gain new ones. They want to take the two existing signs and make a multi tenant sign. Tenants would be permitted to retain

the on building signs as well. She explained at the staff level they feel it is reasonable to limit the area the tenant can use on the free standing sign of up to 40' square feet. Staff is also recommending the sign not be allowed to be used for a lease sign and not to leave any areas blank. Staff is recommending conditions so it does not give a sense of vacancy.

Trustee Zompa asked if this sign is located near the Village of Pewaukee signs and if this could be repaired in conjunction with this project. Administrator Gosse pointed out the sign and ownership are privately owned and are not the same project.

Comm. Roberts stated he has concerns about the height and blocking site view. Planner Censky stated there is no new footprint only additional height.

Comm. Robert moved, seconded by Trustee Zompa to approve the request to waive the sign plan and approve two monument signs with the following conditions:

- The space on this sign shall not be used to display “space for lease”, or contact information for leasing in the center, rather the space of this sign shall be limited in its scope of use to identifying only existing and operational business occupants of the 27,000 sq ft shopping center that lies attached to and north of the existing Pick ‘n Save at 1405 Capitol Drive and the name of the shopping center development (i.e. Meadow Creek market) and the building address(s)
- No single tenant or occupant business shall be permitted to utilize more than 40 sq ft of display area on each face of the signs.
- If any of the changeable “Tenant” panels as depicted on the plan are not in use for business identification, then that panel(s) shall be maintained as a blank in a bronze colored laxon to match the cabinet and related aluminum trim materials of the sign.
- Applicant to provide Village staff evidence of consent for the proposed signs from the owners of the private properties upon which they (the signs) are located prior to issuance of a sign permit.
- Applicant to provide confirmation to Village staff prior to issuance of sign permit that the signs are/will comply with the 10 foot setback/offset and 250 foot special/linear separation requirements of the Sign Code.

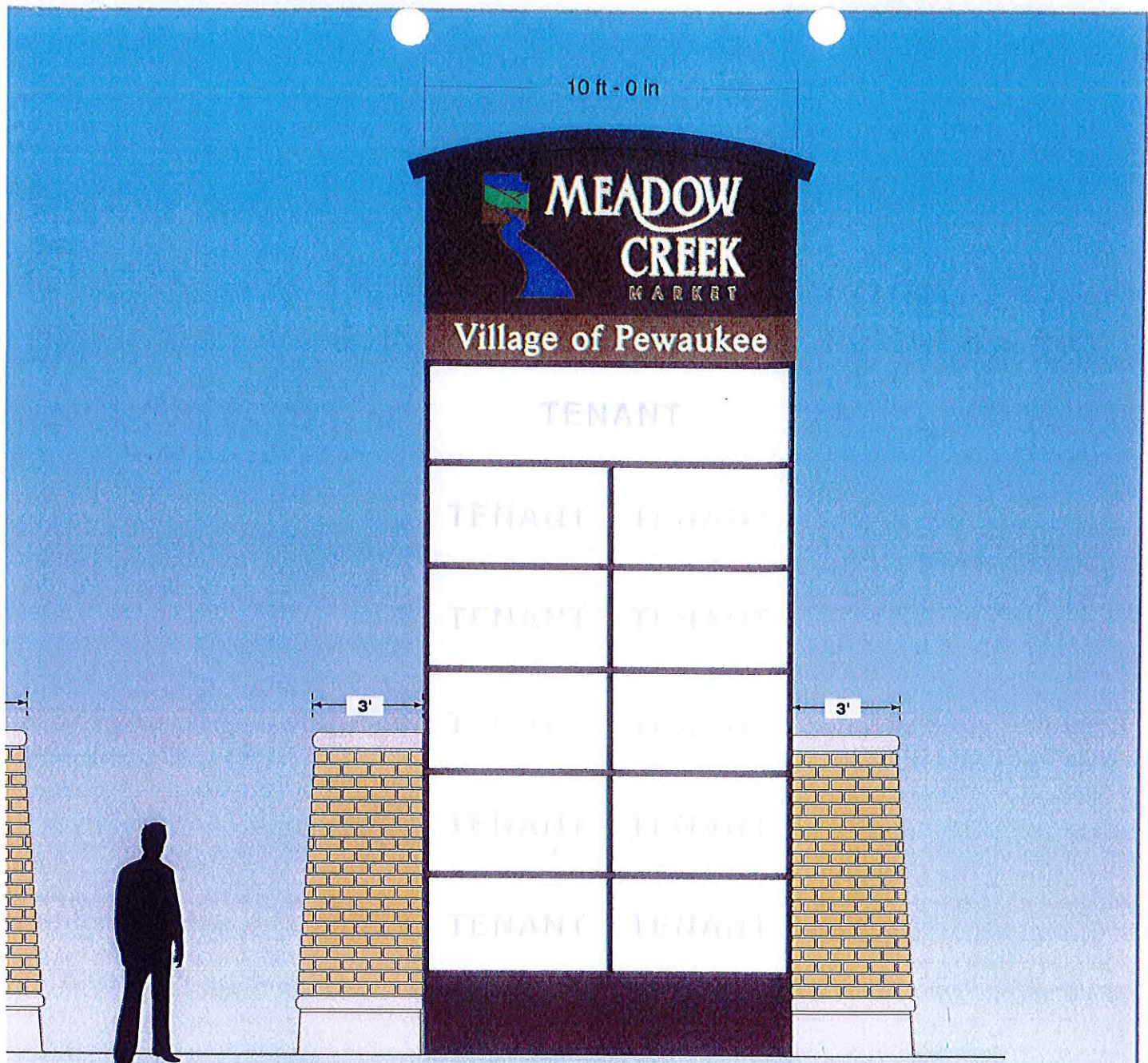
Motion carried 6-0

b. Review and Recommendation to Village Board on Rezoning Petition to rezone 0.1319 acres at 331 Lake Street from R-5 Single-Family Residential to IPS Institutional and Public Service

Planner Censky explained this is the same request as seen before. The School District agreed to modify the lot size and it is identified by a legal description and map. She explained if the Plan Commission reaches consensus on what is being presented they would recommend it to the Village Board where a Public Hearing would be held for the rezoning. She also explained the IPS zoning use and stated it occurs intermittingly in the village where there is a cemetery, schools, hospital – they can occur anywhere and everywhere.

Trustee Zompa stated the facts are the school has a serious parking problem. Fact is the residents do not want the parking lot. Fact is this does not solve the problem and strategically they need to look at growth. He stated he will vote against this proposal.

K871810 B



OPTION B

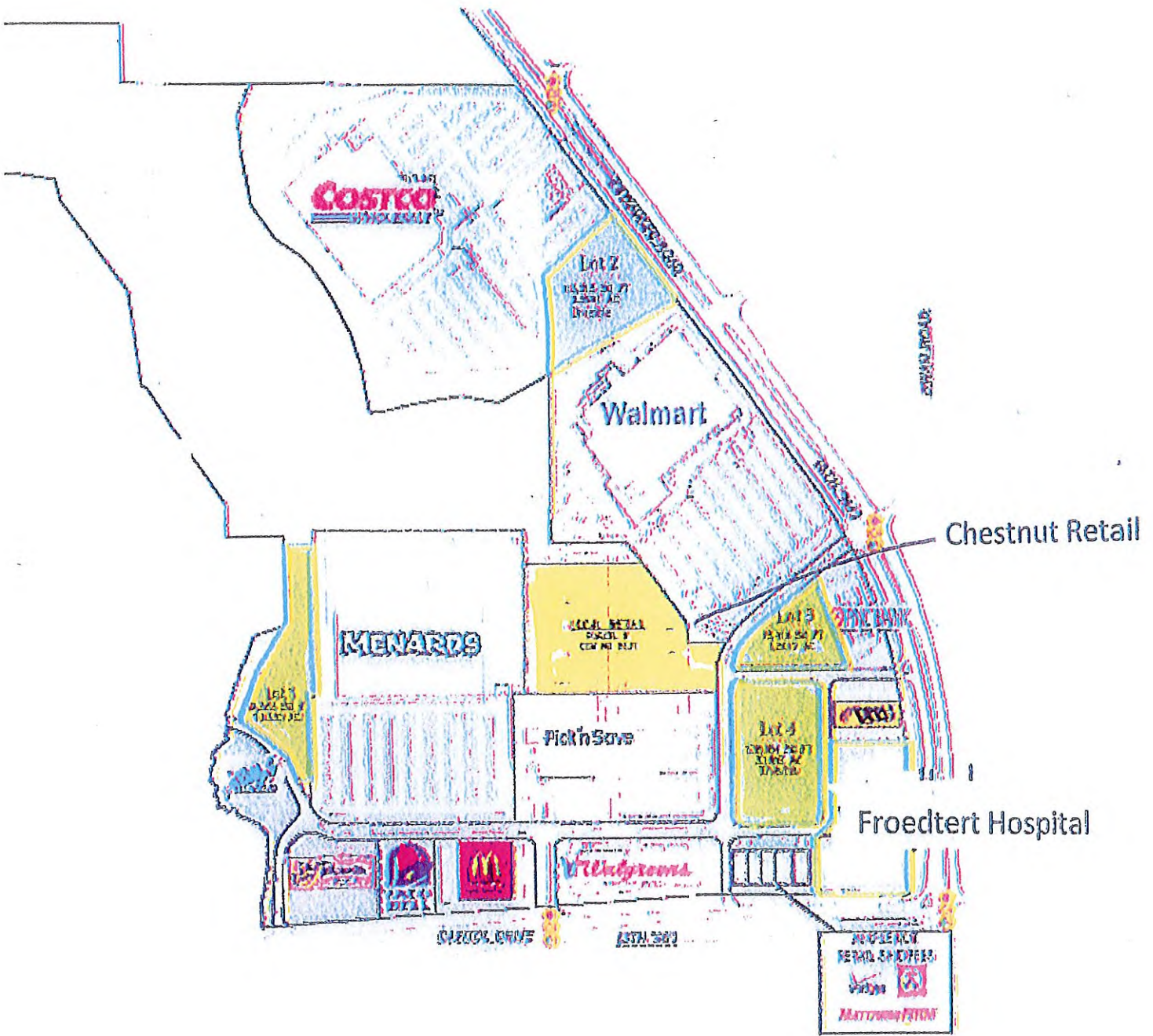
<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES TYPE _____	<input type="checkbox"/> SINGLE SIDED <input checked="" type="checkbox"/> DOUBLE SIDED	Paint Colors (AkzoNobel): <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____	Vinyl Film Colors (3M Scotchlite): <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____	Client Signature: _____ Signature _____ Date _____
<input checked="" type="checkbox"/> 129 <input type="checkbox"/> 277	Quantity: 2			NOTICE: Michael's Signs, Inc. does NOT provide primary electrical to sign location - RESPONSIBILITY OF OTHERS The ideas and designs contained in this original and unpublished drawing are the sole property of Michael's Signs, Inc. and MAY NOT BE USED OR REPRODUCED in whole or in part without written permission.

IS NOT INTENDED TO PROVIDE AN EXACT MATCH TO THE ACTUAL FINISHED PAINTED PRODUCT.

Meadow Creek Market

NWC OF CAPITOL DRIVE & HIGHWAY 164, VILLAGE OF PEWAUKEE

EXHIBIT
C



Meadow Creek Market



0 382.42 Feet

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

Notes:

Printed: 11/3/2022



STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: November 10, 2022

General Information:

Agenda Item: 6.d.

Applicant:

N/A

Status of Applicant:

Village initiated item

Requested Action:

Review and general discussion regarding possibly establishing density limits for the residential component of mixed-use with multi-family development or straight multi-family development in the Villages Business Zoning Districts (i.e. B-1 Community Business, B-2 Downtown Business, B-3 Office & Service Business, B-4 Business Park, and B-5 Light Industrial), and to evaluate the existing density limits of the Villages R-M Multi-Family Residential District.

Background:

It has been pointed out that there may be a willingness within the Village to consider permitting new multi-family development as a part of mixed use or as straight multi-family developments within some of the Business zoned areas of the Village. The topic of appropriate density limits for this type of use is proposed to be discussed. Density limits in existing standard multi-family zoning may also be discussed.

Discussion:

The Planner and Trustee/Planning Commissioner Roberts will introduce this topic for Commissioners and solicit some input/feedback before tackling any draft changes to the existing Village Code.



To: Jeff Knutson, President
Plan Commission

From: Scott A. Gosse
Village Administrator

Date: November 3, 2022

Re: Agenda Item _____, Discussion and Recommendation to Village Board regarding transient lodging ordinance amendment related to Section 40.471 of the Village of Pewaukee Code of Ordinances

BACKGROUND

This matter is before the Plan Commission for review and recommendation to the Village Board as staff recently became aware of a change in Wisconsin State Statutes that was made in 2017 which restricts the ability of any city, village or town to place limits on residential dwelling rentals – specifically short-term rentals. Attached for your review and information please find a copy of letter from Village Attorney Mark Blum regarding a review of a draft ordinance revision shared with the Village Board for its review and direction prior to sharing this matter with the Plan Commission. As noted in the attached, the Village Board had varying opinions on this subject. Attorney Blum provides some guidance as to staff's thoughts on what the Village Board may be willing to consider in terms of an ordinance amendment and staff will look to Village President Knutson and Trustee Roberts to facilitate the discussion on this matter as it relates to the Village Board's discussion.

ACTION REQUESTED

The action requested of the Plan Commission is to review the attached information and provide a recommendation to the Village Board on a proposed ordinance amendment on this subject.

ANALYSIS

Wisconsin State Statutes Section 66.1014(2) states that municipalities may not enact an ordinance that prohibits the rental of a residential dwelling for 7 or more consecutive days. The attached draft ordinance amendment recognizes this language and places restrictions on the rental of residential dwellings for less than 7 days. The draft ordinance further proposes that transient commercial lodging uses of more than 6 but fewer than 30 consecutive days within a consecutive 365-day period may be rented for no more than 181 days (this complies with Wisconsin State Statutes Section 66.1014(2)(d)).

This matter is on the Plan Commission agenda for your review and recommendation to the Village Board on a proposed ordinance amendment. Specifically, direction is requested on the following three matters:

1. Draft Ordinance Section 40.471(b) – number of days for minimum stay which is currently shown as 7 days in the draft.
2. Draft Ordinance Section 40.471(d) – number of days a property is available for rent in a year and should those days run consecutively. The draft language currently notes no more than 181 days for rental in a 365-day period and that the days run consecutively.
3. Draft Ordinance Section 40.471(e) – should a local license requirement be included for short-term rentals of properties in the Village.

Attachments

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

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THOMAS G. SCHMITZER
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(1932-2007)

EMAIL: MGBLUM@HRBLAWFIRM.COM

October 12, 2022

Via Email (villagepresident@villageofpewaukee.com)

Mr. Jeff Knutson, Village President
Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072

Re: Draft Ordinance 2022-15 to Amend Section 40.471 of the Village Code
Regarding Restriction on Transient Commercial Uses in Residential Districts

President Knutson:

As you are aware, the Village Board was presented with a draft Ordinance at its October 4th meeting concerning the possible amendment of Section 40.471 of the Village Code. That Section places limits on the ability of property owners in residential districts to rent their residences. The Village had adopted this Ordinance in 2010 in response to concerns of persons residing in single family residential districts that some of their neighbors were renting out residential properties as short term rentals. Our current Ordinance (Section 40.471) is not consistent with State Law on this subject. Wisconsin Statute §66.1014 pre-empts the ability of local governments to restrict short term rentals in residential districts where the restriction would be for seven days or more; and in addition, allows for aggregate rentals during any one 365-day period. The Statute allows restrictions for rentals that, in the aggregate, consistent of 181 or more consecutive days in any one 365-day period. The Statute also provides that any person who maintains, manages or operates a short-term rental for more than 10 nights each year is required to obtain a license from DATCP for the use of the property as a tourism rooming house. It also requires that if local government requires a license for conducting such activities, such person will be required to obtain the local license as well. I think the purpose of the local ordinance would be for the Village to have knowledge of those properties that are engaged in this activity and would allow us to require that they identify the first day each year that they intend to rent the property.

AS you know, when this matter was presented to the Village Board, there was a wide variety of opinions on this subject, running from a desire to repeal our existing Ordinance and not place any restrictions on rentals in residential districts to others who felt we should engage in implementing all of the restrictions available to the Village under State Law.

In order to give the Plan Commission (which is the next step in the review of this process) an understanding of what a Restrictive Ordinance would look like, I am enclosing a copy of the draft I

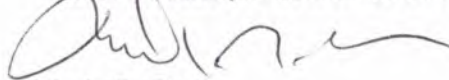
previously prepared for the Village Board for its consideration of the matter on October 4th. With that being said, the Commission should be aware that, in terms of recommending an Ordinance to the Village Board on this subject, it is unlikely that the Board would adopt an Ordinance inclusive of all of the elements present in this draft. My sense is that the Board might be more inclined to restrict rentals of three days or less, so that rentals must be for at least four days or more. Given the State does regulate licensing in this area, I am not sure if the Board wants to get involved with this activity on the local level. Therefore, I am not certain whether they would be inclined to include this provision or not. Finally, as to the overall restriction of rentals each year, there was a mixed reaction to this amongst the members of the Board; although in general, my sense would be the less restrictive requirements than what appears in the existing draft Ordinance might be most likely to succeed.

Obviously, you and Trustee Roberts were present at the October 4th Village Board meeting during which this was discussed and therefore, I would defer to the two of you to share your thoughts with the rest of the Commission on this subject.

Thank you for your consideration of this matter.

Sincerely,

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



Mark G. Blum

MGB/jb

Enc.

Cc: Mr. Scott Gosse
Ms. Cassie Smith
Attorney Matthew Gralinski

Sec. 40.471. - Transient commercial uses prohibited in residential districts.

- (a) The following terms shall be defined for purposes of this section as stated below:
- (1) *Remuneration*: The compensation, money, rents or other bargained given in return for occupancy, position or use of real property,
 - (2) *Transient commercial lodging uses*: The use by any person of residential property for bed and breakfasts, hostel, hotel, inn, lodging, motel, resort or other similar uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is for less than 30 consecutive days.
- (b) Transient lodging uses for remuneration are prohibited in the residential districts of the village except as otherwise permitted by this Code. Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or arranges or negotiates for the use of residential property for transient lodging uses, or any person who uses or allows the use of residential property in this manner shall be considered in violation of this section. Each day in which such residential property is used or allowed to be used in violation of this section shall be considered a separate offense.
- (c) An exception to the aforementioned subsection may be granted in that owners of single-family residential property within the village may rent out their homes for a single family residential tenancy for not more than two one-week (seven-day) periods per calendar year. Rentals of single-family property for camping purposes is prohibited. Owners of a single-family residential property shall first obtain a transient lodging permit from the village hall prior to renting their property in accordance with this Code.

(Ord. No. 2010-16, § I, 12-21-2010)

Editor's note— Ord. No. 2010-16, § I, adopted Dec. 21, 2010, set out provisions intended for use as § 40.459. Inasmuch as there were already provisions designated as such, these provisions have been redesignated as § 40.471 at the editor's discretion.

ing body shall convey to the individual or household, by quitclaim deed, all of the body's reversionary interests in the property.

(4) **MORTGAGES.** If an individual or household obtains a mortgage from a lending institution and uses the proceeds of the mortgage solely for the purposes of rehabilitating or constructing the premises or property under this section, the governing body shall agree to subjugate its rights to the premises or property in case of default, and shall agree that in such case it will execute and deliver a deed conveying title in fee simple to the institution, provided that the institution shall dispose of the property in like manner as foreclosed real estate and shall pay over any part of the proceeds of the disposition as shall exceed the amount remaining to be paid on account of the mortgage together with the actual cost of the sale, to the governing body. In return for relinquishing such rights, the governing body shall be given by the lending institution the opportunity to find, within 90 days of the default, another individual or household to assume the mortgage obligation.

History: 1981 c. 231; Stats. 1981 s. 66.91; 1981 c. 391 s. 80; Stats. 1981 s. 66.925; 1987 a. 378; 1993 a. 246; 1999 a. 150 s. 602; Stats. 1999 s. 66.1013.

NOTE: Chapter 231, laws of 1981, section 2, which created this section, contains legislative "findings and purpose" in section 1.

66.1014 Limits on residential dwelling rental prohibited. (1) In this section:

(a) "Political subdivision" means any city, village, town, or county.

(b) "Residential dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(2) (a) Subject to par. (d), a political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer.

(b) If a political subdivision has in effect on September 23, 2017, an ordinance that is inconsistent with par. (a) or (d), the ordinance does not apply and may not be enforced.

(c) Nothing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling in a manner that is not inconsistent with the provisions of pars. (a) and (d).

(d) 1. If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days. The political subdivision may not specify the period of time during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the person's residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins.

2. Any person who maintains, manages, or operates a short-term rental, as defined in s. 66.0615 (1) (dk), for more than 10 nights each year, shall do all of the following:

a. Obtain from the department of agriculture, trade and consumer protection a license as a tourist rooming house, as defined in s. 97.01 (15k).

b. Obtain from a political subdivision a license for conducting such activities, if a political subdivision enacts an ordinance requiring such a person to obtain a license.

History: 2017 a. 59; 2021 a. 55, 240; s. 35.17 correction in (2) (a).

66.1015 Municipal rent control, inclusionary zoning, prohibited. (1) No city, village, town or county may regulate the amount of rent or fees charged for the use of a residential rental dwelling unit.

(2) This section does not prohibit a city, village, town, county, or housing authority or the Wisconsin Housing and Economic Development Authority from doing any of the following:

(a) Entering into a rental agreement which regulates rent or fees charged for the use of a residential rental dwelling unit it owns or operates.

(b) Entering into an agreement with a private person who regulates rent or fees charged for a residential rental dwelling unit.

(3) (a) In this subsection:

1. "Inclusionary zoning" means a zoning ordinance, as defined in s. 66.10015 (1) (e), regulation, or policy that prescribes that a certain number or percentage of new or existing residential dwelling units in a land development be made available for rent or sale to an individual or family with a family income at or below a certain percentage of the median income.

2. "Median income" has the meaning given in s. 234.49 (1) (g).

(b) No city, village, town, or county may enact, impose, or enforce an inclusionary zoning requirement.

History: 1991 a. 39; 1999 a. 150 s. 377; Stats. 1999 s. 66.1015; 2001 a. 104; 2017 a. 243; 2021 a. 238, 239.

This section preempted an ordinance that required a development with 10 or more rental dwelling units to provide no less than 15 percent of its total number of dwelling units as inclusionary dwelling units when the development required a zoning map amendment, subdivision or land division, defining "inclusionary dwelling unit" as a dwelling unit for rent to a family with an annual median income at or below 60 percent of the area median income. Sub. (2) (b) plainly applies only to agreements with private persons who, on their own, choose to regulate rent and makes clear that a municipality is not imposing rent control if it contracts with those persons for some other purpose or somehow assists them. The ordinance was not an agreement to regulate rent between the city and persons who apply for zoning map amendments, subdivision or land division. Apartment Association of South Central Wisconsin, Inc. v. City of Madison, 2006 WI App 192, 296 Wis. 2d 173, 722 N.W. 2d 614, 05–3140.

66.1017 Family child care homes. (1) In this section:

(a) "Family child care home" means a dwelling licensed as a child care center by the department of children and families under s. 48.65 where care is provided for not more than 8 children.

(b) "Municipality" means a county, city, village or town.

(2) No municipality may prevent a family child care home from being located in a zoned district in which a single-family residence is a permitted use. No municipality may establish standards or requirements for family child care homes that are different from the licensing standards established under s. 48.65. This subsection does not prevent a municipality from applying to a family child care home the zoning regulations applicable to other dwellings in the zoning district in which it is located.

History: 1983 a. 193; 1995 a. 27 s. 9126 (19); 1999 a. 150 s. 361; Stats. 1999 s. 66.1017; 2007 a. 20; 2009 a. 185.

66.1019 Housing codes to conform to state law.

(1) **ONE- AND 2-FAMILY DWELLING CODE.** Ordinances enacted by any county, city, village or town relating to the construction and inspection of one- and 2-family dwellings shall conform to subch. II of ch. 101.

(2) **MODULAR HOME CODE.** Ordinances enacted by any county, city, village or town relating to the on-site inspection of the installation of modular homes shall conform to subch. III of ch. 101.

(2m) **MANUFACTURED HOMES.** (a) Ordinances enacted, or resolutions adopted, on or after January 1, 2007, by any county, city, village, or town relating to manufactured home installation shall conform to s. 101.96.

(b) If a city, village, town, or county has in effect on or after January 1, 2007, an ordinance or resolution relating to manufactured home installation that does not conform to s. 101.96, the ordinance or resolution does not apply and may not be enforced.

History: 1999 a. 150 ss. 266, 358 to 360; Stats. 1999 s. 66.1019; 2005 a. 45; 2007 a. 11; 2015 a. 176; 2017 a. 331.

66.1021 City, village and town transit commissions.

(1) A city, village or town may enact an ordinance for the estab-

STATE OF WISCONSIN : VILLAGE OF PEWAUKEE : WAUKESHA COUNTY

ORDINANCE NO. ____

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

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

SECTION I

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

Section 40.471(a)(2) – Transient commercial lodging uses: The use by any person of residential property for bed and breakfasts, hostels, hotels, inns, lodging, motels, resort or other similar uses.

SECTION II

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

Section 40.471(b) – Transient lodging uses: Transient lodging uses for remuneration are prohibited in the residential districts of the Village where the period of use is less than seven (7) days. Any person acting as an agent, real estate broker, real estate sales agent, property manager, reservation service or arranges or negotiates for the use of residential property or transient lodging uses, or any person who uses or allows the use of residential property in this manner shall be considered in violation of this Section. Each day in which such residential property is used or allowed to be used in violation of this Section shall be considered a separate offense.

SECTION III

Section 40.471, (d) of the Village Code of the Village of Pewaukee is hereby created to read as follows:

Section 40.471 (d) – Transient commercial lodging uses of more than 6 but fewer than 30 consecutive days within any consecutive 365-day period may be rented for no more than 181 days. The days during which the transient commercial lodging uses may be conducted shall run consecutively. Any individual or entity which engages in transient commercial lodging rental shall notify the Village Clerk, in writing, when the first rental within a 365-day period is to begin.

SECTION IV

Section 40.471, (e) of the Village Code of the Village of Pewaukee is hereby created to read as follows:

Section 40.471(d) – Any person who maintains, manages or operates a short-term rental (which means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days, or such rentals occur for more than 10 nights each year) shall do the following:

- (1) Obtain from the Department of Agriculture, Trade and Consumer Protection a license as a tourist rooming house as defined in Wisconsin Statute Sec. 97.01(15k) when required by said Statute;
- (2) Any person who maintains, manages or operates a short-term rental as defined in this subsection shall obtain from the Village a license for conducting such activities. Such person shall provide evidence of a tourist rooming house license from the State of WI DATCP as a condition of being able to receive a short-term rental license from the Village. The Village shall establish a license fee from time to time based on the Village's actual cost of issuing and monitoring said license. The Village Board shall establish such license fee by Resolution from time to time.

SECTION V

Section 40.471, (f) of the Village Code of the Village of Pewaukee is hereby created to read as follows:

Section 40.471(f) – Violations of this Ordinance shall be enforced in accordance Section 1.102 of the Village of Pewaukee Municipal Code. Each day that a violation occurs shall be considered a separate violation and will be enforced accordingly.

SECTION VI

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

SECTION VII

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

SECTION VIII

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

Passed and adopted this _____ day of _____ 2022 by the Village Board of the Village of Pewaukee.

APPROVED:

Countersigned:

Jeff Knutson, Village President

Cassie Smith, Village Clerk