



PLAN COMMISSION AGENDA

April 10, 2025 – 6:00 pm
Village Hall
235 Hickory Street, Pewaukee, WI 53072

To view the meeting: <https://www.youtube.com/watch?v=uoSRNMRKN2w>

1. Call to Order, Roll Call, Pledge of Allegiance, & Moment of Silence.
2. Public Hearings.
 - a. Conditional Use Grant request of applicant Tim Steidl d/b/a Myxn Lakeside LLC, to develop a seasonal hotdog cart accessory to the approved restaurant/tavern use, within the previously approved three public parking stalls situated in the W. Wisconsin Avenue right-of-way in front of the business located at 145 W. Wisconsin Avenue – Suite 1. Building/property owner is Joseph Grash 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 – March 13, 2025
5. Old Business.
 - a. None
6. New Business.
 - a. 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 hotdog cart accessory to the proposed restaurant/tavern use, within the previously approved three public parking stalls situated in the W. Wisconsin Avenue right-of-way in front of the business located at 145 W. Wisconsin Avenue – Suite 1. Building/property owner is Joseph Grash Development LLC. Right-of-way is owned by the Village of Pewaukee. Property is Zoned B-2 Downtown Business District.
 - b. Review, discussion and possible action to allow a mural and Sign Code Waiver for American Legion to allow 80 sq. ft. of sign area in conjunction with a mural on the adjacent building wall located at 112 Main Street pursuant to Section 70. This 0.16-acre property, located at 112 Main Street is owned by Lueth Properties LLC, is zoned B-2 Downtown Business District.

- c. Review, discussion and possible recommendation to the Village Board on an ordinance to create section 40.109(c) of the Municipal Code of the Village of Pewaukee regarding reasonable accommodations through special zoning permit waivers.
 - d. Review, discussion, and direction to staff regarding amendment to Village of Pewaukee Zoning Code for reducing setbacks requirements for accessory structures.
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: April 3, 2025

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

<https://www.youtube.com/watch?v=DglkOY9RU4U>

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

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

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

Excused: Comm. Mark Grabowski; and Comm. Brian Belt.

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

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

Joe Grash (property owner) @ W284N3234 Lakeside Rd, Pewaukee – Spoke on behalf of his tenants.

- 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 Grash Development LLC. Right-of-way is owned by the Village of Pewaukee. Property is Zoned B-2 Downtown Business District.**

- No comments

3. Citizen Comments – No comments.

4. Approval of the Minutes

- a. **Regular Plan Commission Meeting – January 9, 2025.**

Trustee Rohde motioned/seconded by Comm. Liebert to approve the January 09, 2025, Regular Plan Commission Meeting minutes as presented.

Motion carried 5-0.

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

Planner Lyons gave a brief overview of the minimal/standard conditions for this item.

Village Planner Recommendations:

Should the Village of Pewaukee Plan Commission Approve 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 (PWV0898001003), 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.

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

Motion carried 5-0.

- 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.

Planner Lyons stated that most of the conditions listed are identical to those used in prior outdoor dining requests on this strip.

Discussion followed by the commission regarding concerns of taking away an additional three parking spaces from the lakefront, as well as the possibility of putting signage on W. Wisconsin, informing citizens about additional parking in the rear.

Village Planner Recommendations:

Should the Village of Pewaukee Plan Commission Approve 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 (PWV0898001003), 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 right-of-way space and shall abide by those specific instructions.

Trustee Rohde motioned/seconded by Comm. Liebert to approve the Conditional Use Grant with the planner recommendations, not including the hot dog stand as that will be discussed on the next meeting.

Motion carried 4-1. Comm. Jelacic voted nay.

- 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).**

Planner Lyons explained that the largest impact from this redevelopment is the potential for less hardscaping – the current property has approximately 63%, but this new development will lessen it to 50%. Mark went into more detail regarding the code requirements for parking stalls and landscaping, that are not currently met, for the Commission to consider.

Trustee Rohde asked the UW Credit Union representatives why they chose the species of plant that they did.

PJ Thieren (UWCU Representative) @ 8033 Excelsior Dr, Madison – Stated that the species was recommended by their landscape architect. The idea behind this was for safety purposes so that everything is visible from the road. PJ also stated that they avoided landscaping islands in their design, as they tend to cause more injuries, and maintenance would be easier without them. As an organization, they feel avoiding islands is a safer option.

Village Planner Recommendations:

Should the Village of Pewaukee Plan Commission Approves the Site Plan for anew financial institution, associated parking lot, accessory structures, landscaping and access drive for the property located atPWV0902991, 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 purpose 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.

Village Engineer Recommendations:

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
4. Add stormwater inspection reports shall be provided to the Director of Public Works
5. Sheet C300: Applicant should modify Note No. 12 to refer to the Village of Pewaukee (not City of Oconomowoc).
6. Sheet L100: Move trees that are too close to the storm sewer and sanitary and water laterals.
7. Addition of potential sidewalk replacement.

Comm. Liebert motioned/seconded by Comm. Jelacic to approve the proposed business site plan with staff recommendations.

Motion carried 5-0.

- 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.**

Planner Lyons and Administrator Heiser met with the applicants prior to the meeting to discuss the requirements of the applicants proposed plans. Mark gave a brief overview of what was discussed at that time.

Discussion was held between the commission and the applicants, regarding their concerns with location and the traffic this business may generate. As well as additional information about the business itself.

The owner answered multiple questions from the Commission, such important topics are as follows:

1. Membership Based
2. The line into the carwash would be approx. 15 minutes max
3. Slow spin equipment making it similar to hand washing.
4. They recycle their water. They are hoping to get the amount of fresh water used down to 20/25 gallons per vehicle.
5. Participants in the community and support multiple organizations.

The owners are open to any changes that the Commission sees fit.

- e. **Review, discussion, and direction to staff regarding amendment to Village of Pewaukee Zoning Code for Reasonable Accommodations.**

Administrator Heiser summarized that, not only were there time delays, but also added expenses for the applicants on routine requests. It is a strategic goal of the Village Board that the services provided by the Village to be as efficient and inexpensive as possible for businesses and residents. The concepts written by the planner were later discussed regarding the different options available.

Attorney Gralinski stated that reasonable accommodation items are reasonable to do at a staff level because there are federal laws in place to back staff approval. Specific language was put together in the form of what it would look like in the Village's code – looking for feedback and direction on bringing a formal ordinance to the Commission next month for recommendation to the Village Board.

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

Heiser summarized that this proposal is to make it more efficient and streamlined for businesses and residents within the community. Each community has different requirements when it comes to setbacks.

Gralinski mentioned that the important takeaway from the planner's memo about staff approval, setback waivers, etc. – those are the exception not the rule in Wisconsin. Gralinski stated that he believes the appropriate action would be to change it community wide, not giving the authority to the staff and goes into detail why.

Discussion followed regarding the different revision options that could be taken.

7. Citizen Comments – No comments.

8. Adjournment

Trustee Rohde motioned/seconded by Comm. Liebert to adjourn the March 13, 2025, Regular Plan Commission meeting at approximately 7:26 p.m.

Motion carried 5-0.

Respectfully submitted,

Mackenzie Quigley
Deputy Clerk

TO: Village of Pewaukee Plan Commission
CC: Jenna Peter - Clerk
FROM: Mark Lyons, Village Planning Consultant
RPT DATE: April 3, 2025
MTG DATE: April 10, 2025
RE: Conditional Use Grant request of applicant Tim Steidl d/b/a Myxn Lakeside LLC, to develop a seasonal hotdog cart accessory to the approved restaurant/tavern use, within the previously approved three public parking stalls situated in the W. Wisconsin Avenue right-of-way 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 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 locate a seasonal hotdog cart within the previously approved outdoor dining / seating area in three existing, on-street parking stalls. The applicant proposes that the seasonal hotdog cart that would be removed daily and stored within the primary business located at 145 W. Wisconsin Avenue, Suite 1.

SUBMITTAL:

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

PLANNER COMMENTS:

1. **Conditional Use Grant.** 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 previously approved site plan for dining within the public right-of-way includes sufficient area for the seasonal hotdog cart
3. **Zoning Requirements:** The proposed use is a conditional use under Village of Pewaukee code.

- a. Overall impact on the previously approved Conditional Use should be minimal as it only impacts how the area within the previously approved perimeter is arranged. The use would only be permitted from approximately March 1 through October 31.

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 Grant to locate a seasonal hotdog cart within the previously approved outdoor dining / seating area in three existing, on-street parking stalls 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. Shall only be permitted within the three previously approved stalls used for street dining.
12. The permitted seasonal period of use for the right-of-way shall be March 1 to October 31 annually.
13. 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.
14. 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.
15. 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.
16. 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.
17. Recording of the Conditional Use Grant (CUG) prior to the start of any right-of-way occupancy.
18. 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.
19. 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.

20. Prior to occupying the public right-of-way for this 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.
21. 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 right-of-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: _____

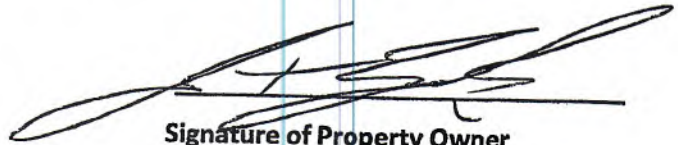
Provide detailed information with your application that addresses the following:

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

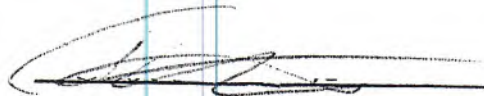


Signature of Property Owner

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 - Myx ^{Lakeside} Street Dining/
Seating Page 1 of 5

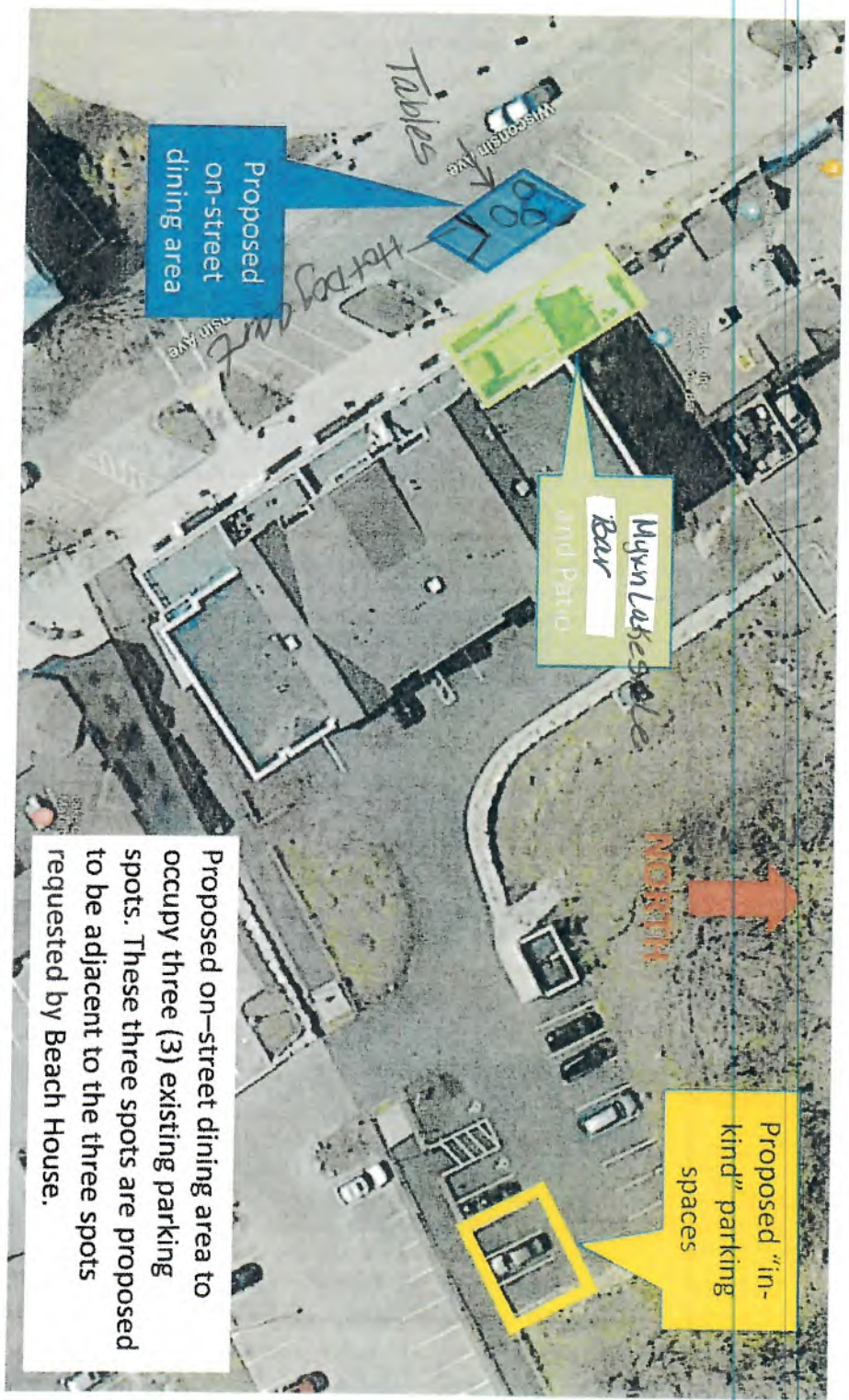
Myx Lakeside

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



Myxn Lakeside LLC

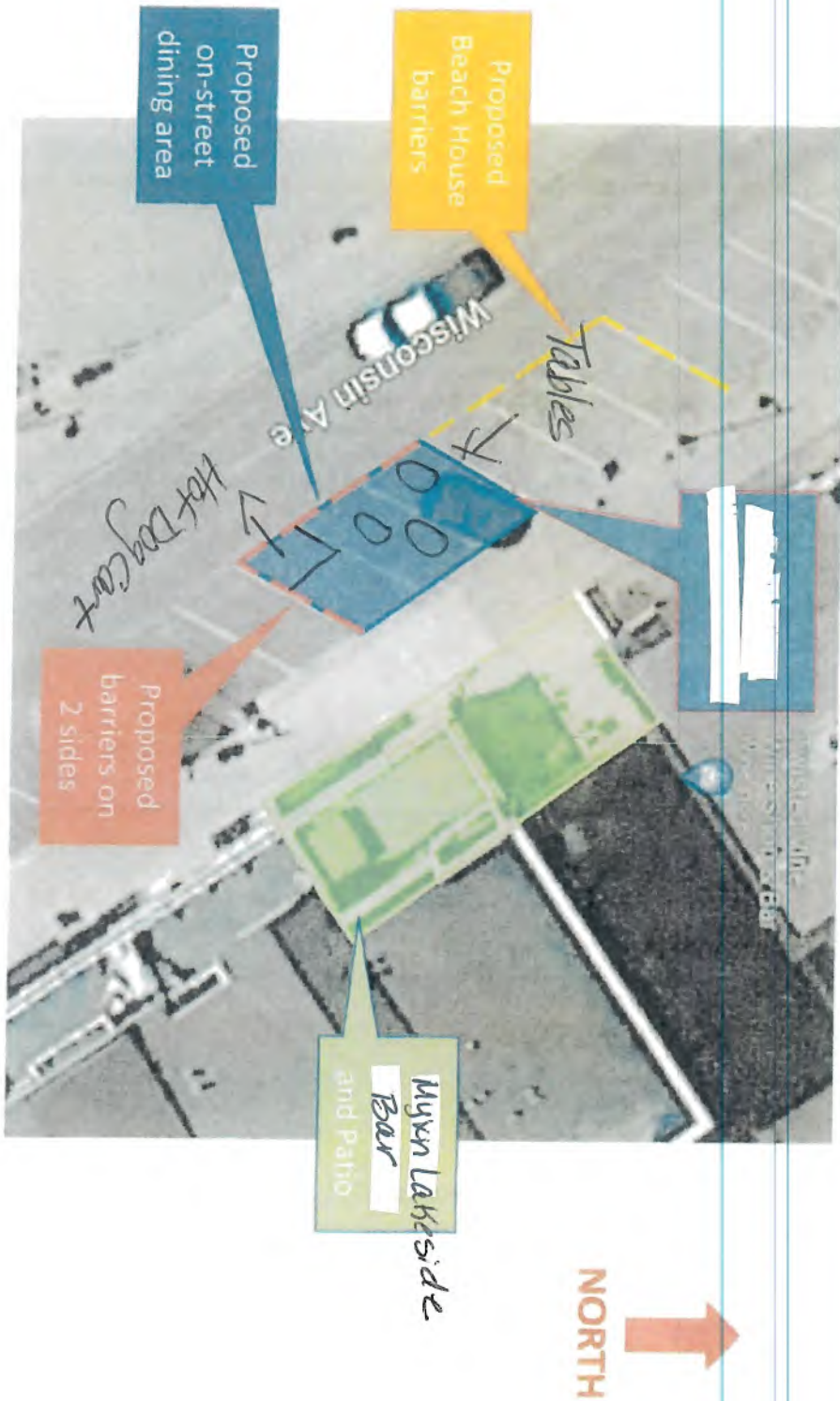
Myxn Lakeside
On-Street Dining Proposal
Owner: ~~Brendan Moore~~ *Timothy Steidl*
Address: 145 W. Wisconsin



Proposed on-street dining area to occupy three (3) existing parking spots. These three spots are proposed to be adjacent to the three spots requested by Beach House.

Myxn lakeside

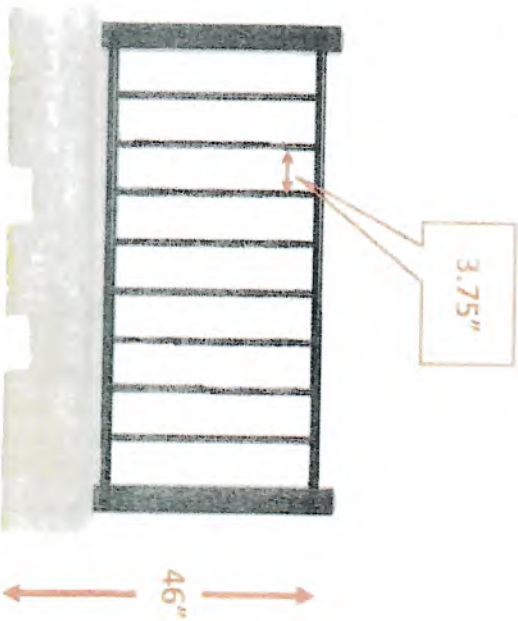
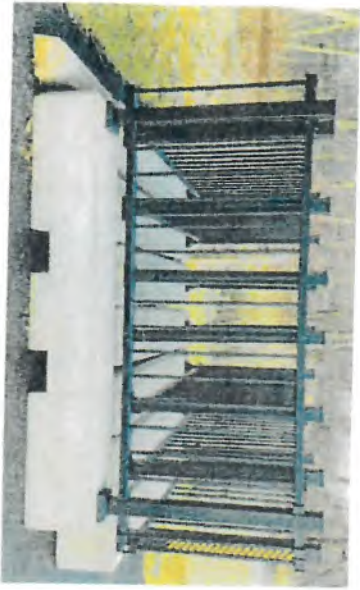
On-Street Dining Proposal
Owner: ~~Brendan Moore~~ Timothy Steidl
Address: 145 W. Wisconsin



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.

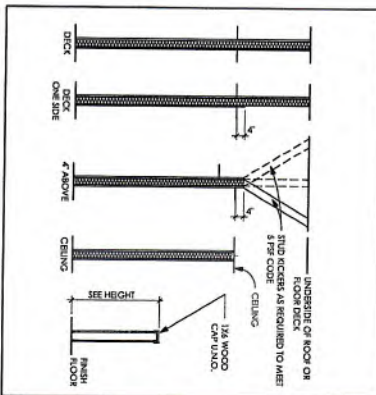


Myx'n Lakeside
On-Street Dining Proposal
Owner: ~~Brendan Moore~~ *Timothy Steidl*
Address: 145 W. Wisconsin



PARTITION KEY

SECTION AT METAL STUD PARTITION



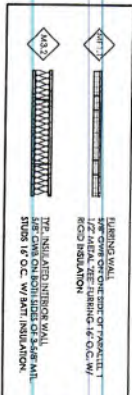
METAL STUD PARTITION NOTE

- 1 PROVIDE TO OWNER ALL STUDS AND ACCESSORIES AT ALL PATTERNS. PATTERNS 1.033 SHALL BE 12" O.C. TYPICAL.
2 PROVIDE TO OWNER ALL STUDS AND ACCESSORIES AT ALL PATTERNS. PATTERNS 1.033 SHALL BE 12" O.C. TYPICAL.
3 PROVIDE TO OWNER ALL STUDS AND ACCESSORIES AT ALL PATTERNS. PATTERNS 1.033 SHALL BE 12" O.C. TYPICAL.
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14 PROVIDE TO OWNER ALL STUDS AND ACCESSORIES AT ALL PATTERNS. PATTERNS 1.033 SHALL BE 12" O.C. TYPICAL.
15 PROVIDE TO OWNER ALL STUDS AND ACCESSORIES AT ALL PATTERNS. PATTERNS 1.033 SHALL BE 12" O.C. TYPICAL.

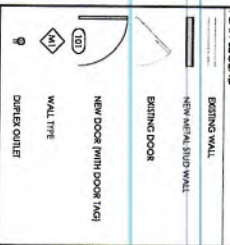
DESCRIPTION OF LANDLORD'S WORK

- [illegible]

PARTITION TYPES



PLAN LEGEND



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.

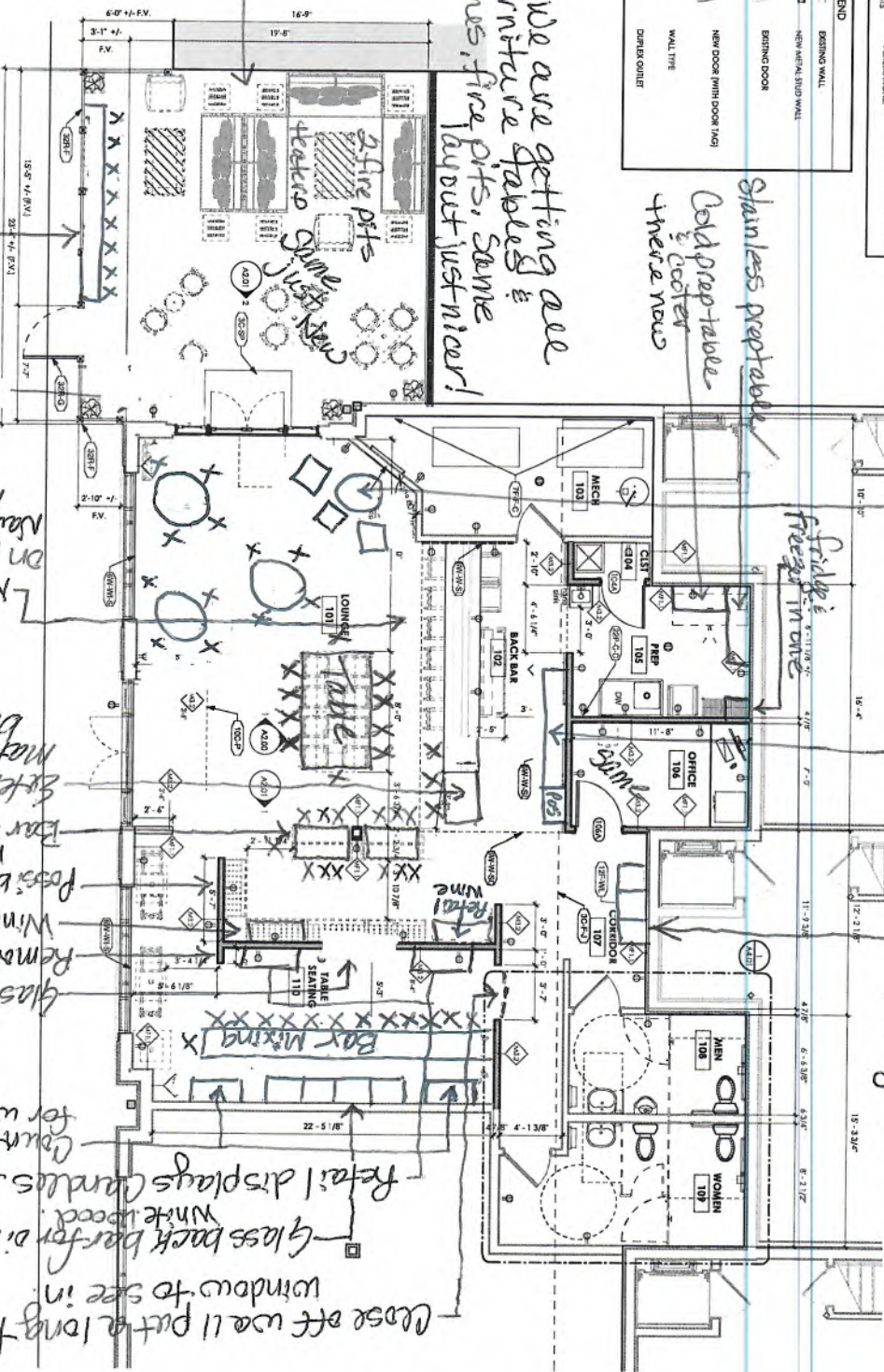
Out doors we are getting all new furniture tables & couches, fire pits, stone patios just nice

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

Stainless prepa
Cold prep table
+ cooler
there now

Plush chairs, swivel bar³
and a cocktail table by Fireplace

New Backbar, light up shelves for booze bottles
cabnets
Video games



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

New lighting
 on pendants
 mathematical but
 modern

150m

TO: Village of Pewaukee Plan Commission
CC: Matt Heiser – Village Administrator & Jenna Peter - Clerk
FROM: Mark Lyons, Planning Consultant
RPT DATE: April 3, 2025
MTG DATE: April 10, 2025
RE: American Legion Mural and Sign Code Waiver

BACKGROUND:

1. Petitioner: Fred Galante – American Legion
2. Property Owner: Lueth Properties LLC
3. Location/Address: 112 Main Street
4. Tax Key Numbers: PWV 0899955
5. Area: ~0.16 AC total
6. Existing Zoning: B-2 Downtown Business District
7. Proposed Zoning: N/A
8. Future Land Use: N/A
9. Proposed Future Land Use: N/A

OVERVIEW:

The Petitioner is requesting approval of a mural and Sign Code Waiver to permit 80 sq. ft. of wall sign area on the adjacent building wall located at 112 Main Street. The proposed mural rendering is attached along with a letter from the applicant. Murals have historically been approved by the Plan Commission. In this instance the applicant is proposing to combine both a mural and allowed wall sign on the wall of the adjacent building so it can be viewed from Main Street.

The area dedicated as signage exceeds the wall sign maximum of 40 square feet in area and the applicant is requesting Plan Commission approval to exceed the size through provisions specified in the Village of Pewaukee zoning code section 70.

SUBMITTAL:

The enclosed submittal includes the application, narrative and rendering.

PLANNER COMMENTS:

Staff finds the requested sign area does in fact exceed the code allowances maximum of 40 sq. ft. for the wall sign. The applicant has proposed two options which are outlined in the attached letter for the Plan Commission to consider as part of the request. The specific consideration in this instance is if the applicant should be allowed sign area in excess of the requested 80 sq. ft. for the service branch emblems. The Village Planner and Village Attorney did discuss if the emblems would constitute signage under the provisions of the ordinance and agree that they would count towards sign area. Therefore, the Plan Commission could either

- 1) Approve the applicants request for 80 sq. ft. and the applicant will have to revise the rendering to include all sign elements within that size.
- 2) Approve a sign area larger than 80 sq. ft. that could accommodate the proposed emblems, logo and lettering

STAFF RECOMMENDATION:

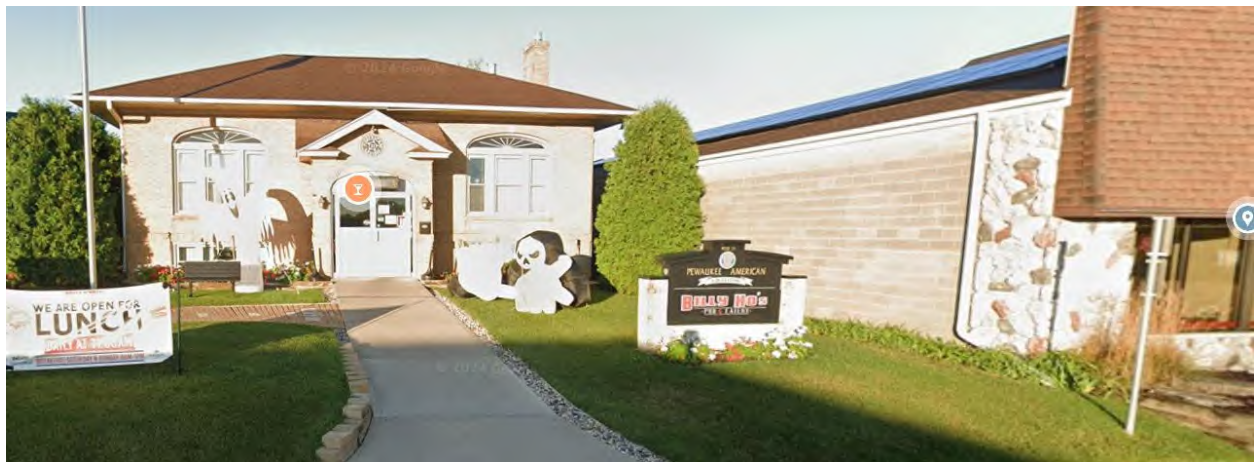
Depending on confirmation by the Village of Pewaukee Plan Commission of the above-described comments, the Village of Pewaukee Plan Commission may take the following actions listed below.

The Village of Pewaukee Plan Commission Approves the larger wall sign up to 80 square feet and mural for American Legion on the adjacent building wall located at **112 Main Street**, subject to the following conditions:

1. That a total of 80 square foot wall sign be permitted within the proposed American Legion mural located at 112 Main Street.
2. Any conditions made by the Plan Commission at their meeting of November 2024, as noted in the minutes.
3. That any additional required building permits be obtained prior to erection of wall signage.
4. That any additional freestanding signage improvements obtain zoning approval and building inspector approval prior to being permitted through the Village Hall Staff.

EXHIBIT:

- A. GIS Property Location Map
- B. Petitioner Application



Sept 2024 Google Map photos



Village of Pewaukee GIS
112 Main Street



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 = 50'

Print Date: 4/3/2025



PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT

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

PROPERTY INFORMATION

Property Address: 112 Main Street Tax Key: PWV 0899955

Property Owner's Name: Chris R. Lueth Phone Number: 262-695-1981

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

Business Name: Pewaukee American Legion FEIN: 16-1752916

Person Responsible for Payment / Business Contact Name: Fred Galante

Mailing Address: 118 Main St.

Responsible Party / Contact Phone Number: 262-444-3480

Responsible Party / Contact Email Address: galantehome@aol.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: Chris R. Lueth Date: 2/28/2025

Applicant Signature: [Signature] Printed Name: FRED GALANTE Date: 2/28/2025

For Office Use Only

Staff Initials: [Signature]

Date Received: RECEIVED

FEB 18 2025



PLAN COMMISSION MISCELLANEOUS APPLICATION

No Application Fee for Miscellaneous Services
Due approximately 4 weeks prior to meeting date

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

PROPERTY / PROPERTY OWNER INFORMATION

Property Address: 112 Main Street Tax Key: PWV 0899955
Zoning of Property: Commercial Property Owner Name: Chris R. Lueth
Property Owner Email: clueth@amfam.com Property Owner Phone #: 262-695-71981

APPLICANT INFORMATION (IF DIFFERENT THAN OWNER)

Applicant Name: Fred Galante Applicant Phone #: 262-444-3480
Applicant Address: W277N1692 Lakeview Drive
Applicant Email: galantehome@aol.com

TYPE OF REQUEST: CHECK ALL THAT APPLY

- | | |
|--|--|
| <input checked="" type="checkbox"/> Sign Plan Approval | <input type="checkbox"/> Preliminary Plat Approval |
| <input type="checkbox"/> Final Plat Approval | <input type="checkbox"/> Developer's Agreement |
| <input type="checkbox"/> Certified Survey Map | |
| <input type="checkbox"/> Other (Describe) _____ | |

SIGNATURES

Application will not be processed without a completed Professional Services Agreement.

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: [Signature] Date: 2/28/2025
Signature of Applicant: Fred Galante Date: 2/28/2025

DIRECTIONS

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. ☐

For Office Use Only

Staff Initials: [Signature]

Date/Time Received: RECEIVED

FEB 28 2025

Chris R. Lueth Agency, Inc.

112 Main St.
Pewaukee, WI 53072
262-695-1981
clueth@amfam.com



February 27, 2025

Dear Village of Pewaukee

The American Legion of Pewaukee Post 71 has asked me if they can do a mural on the side of my office building at 112 Main St. Pewaukee, WI 53072 to honor veterans. I have granted them 100% permission to proceed with this project. Let me know if you have any questions or concerns.

Warmest regards,

A handwritten signature in black ink, appearing to be "Chris R. Lueth", written over a circular stamp.

Chris R. Lueth
Lueth Properties LLC, member/owner

To: Village of Pewaukee Planning Committee
235 Hickory St.
Pewaukee, WI 53072

From: Pewaukee American Legion
118 Main St.
Pewaukee, WI 53072

April 10, 2025

Planning Committee Board Members,

The Pewaukee American Legion is requesting approval for painting a wall mural next to our Legion Post. At this time, we realize our mural contains verbiage and logos that are outside the parameter of 40 feet as required by the Village. We are asking for a waiver to 80 feet so that we can accommodate the designed verbiage and logos representing our American Legion and National Defense Services.

The mural is approximately 30 feet wide and 12 feet high, 360 sq feet. We'd like to request the following variance:

Plan A

- the American Legion Post 71 verbiage be reduced to 30 sq feet.
- the American Legion logo fit within the remaining 50sq feet, or between the two pieces (verbiage and logo) they fit within the 80 sq feet requested.
- the National Defense Service emblems not considered part of our 80 sq ft as we are paying homage to all Veterans and these emblems represent them.

Plan B

- the National Defense Service emblems, Legion verbiage and American Legion logo fit within the 80 sq feet

If our request for the above-mentioned waiver is declined or adjusted, we will redesign everything conform with the Committee's recommendation and or stay within the 40 sq feet requirement.

Thank you for your consideration,

Mark Johnson – Commander Pewaukee American Legion
Fred Galante – Past Commander Pewaukee American Legion



AMERICAN LEGION - POST 71

~ American Bald Eagle ~



Design features an American bald eagle in front of the American flag flowing against blue skies symbolizing the peace, strength and freedom that our warriors defend. The American Legion seal, name and Pewaukee's Post lettering is featured with the seals below that of all the military branches The American Legion embraces. Mural includes the new motto "Veterans Strengthening America" and we can add the Pewaukee Post 71 website below that. The mural will start on the left mid-wall at corner with flag pole/flag and end at the stone end corner of the wall.

APPROXIMATE DONATED DIMENSIONS: 30'w x 12'h

Please Note: This proof is a rendition of the mural concept and may have slight differences as it is hand-painted.



TO: Village of Pewaukee Plan Commission
CC: Matt Heiser – Village Administrator & Jenna Peter - Clerk
FROM: Mark Lyons, Village Planning Consultant
RPT DATE: April 3, 2025
MTG DATE: April 10, 2025
RE: Zoning Ordinance Amendments – Create Section 40.109(c) Special Zoning Waivers for Reasonable Accommodation

OVERVIEW:

On March 13, 2025, after discussion, the Plan Commission directed staff to prepare ordinance amendments to Sec. 40-109(c) with regards to Special Zoning Waivers for Reasonable Accommodations. The proposed ordinance would create section 40.109(c). Providing limited reasonable accommodation through a Special Zoning Permit Waiver. Below are highlights of the proposed ordinance, a full copy of the proposed ordinance is attached.

- Approval by the Village Administrator or designee, if in their sole reasonable discretion all ordinance conditions have been met.
- The waiver may apply to any provisions of Chapter 40 setting forth regulations on building/structure location, setback, offset, or height or open space regulations.
- The waiver is the minimum accommodation that will give the person with a disability adequate relief
- Application shall be submitted outlining the necessary accommodation, including a statement from a physician or medical professional verifying the need for the requested accommodation.
- 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.
- 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.

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 action:

AMEND SECTION 40: LAND DEVELOPMENT TO INCLUDE SECTION 40.109(c)

The Village of Pewaukee Plan Commission recommends to the Village Board **Approval** of the Village of Pewaukee Zoning Ordinance Amendments as outlined in the attached ordinance.

ORDINANCE NO. 2025-____

**ORDINANCE TO CREATE SECTION 40.109(C) OF THE MUNICIPAL CODE OF THE
VILLAGE OF PEWAUKEE REGARDING REASONABLE ACCOMMODATIONS
THROUGH SPECIAL ZONING PERMIT WAIVERS**

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

SECTION I

Section 40.109(c) of the Municipal Code of the Village of Pewaukee is hereby created as follows:

- (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.

Passed and adopted this _____ day of _____ 2025 by the Village Board of the Village of Pewaukee.

APPROVED:

Countersigned:

Jeff Knutson, Village President

Jenna Peter, Village Clerk



Memorandum

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

April 4, 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 reducing setbacks requirements for accessory structures.

Possible ordinance amendment for accessory structures

During the March 13, 2025 Plan Commission meeting, the Plan Commission discussed options for granting minor variances related to accessory structure and “moveable” structures. At the conclusion of the discussion, staff was directed to research possible code amendments for reducing setbacks for certain types of accessory structures. During our research we found examples of how various codes regulate accessory structures setbacks. The following will outline some examples to further the discussion of what may be appropriate for the Village of Pewaukee.

1) City of Pewaukee – tiered system

- Accessory structures 120 sq. ft. or less shall be located a minimum of five (5) feet from the side and rear property lines.
 - *Additionally, structures 120 sq. ft. or less only require a zoning permit and not a building permit.*
- Accessory structures between 121 and 200 sq. ft. shall be located a minimum of ten (10) feet from the side and rear property lines.
- Accessory structures exceeding 200 sq. ft. shall meet the same minimum setbacks as principal buildings of the zoning district.

2) Village of Vernon- size exception

- One detached accessory building or structure on any parcel less than 1 1/2 acre which is 200 square feet or less in area may be located five feet to the side or rear lot line unless otherwise excepted under any other provision.

3) City of Franklin – size exception

- A maximum of one accessory structure (not including private swimming pools and outdoor spas) not exceeding 150 square feet in area shall be setback at least five feet from the side or rear lot lines
 - *Note, the City of Franklin is presently going through an update process of their zoning ordinance. The draft ordinance reduces the setback for all accessory structures to five (5) feet.*

4) *No exceptions.*

- *Many of the ordinances reviewed included no exceptions or reductions based on the size of an accessory structure.*

Based on these findings, staff believe several options exist for amending the code to allow reduced setbacks for a specific subset of accessory structures and further discussion by Plan Commission is warranted before drafting an ordinance amendment.