



## PLAN COMMISSION AGENDA

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

To view the meeting: <https://youtube.com/live/aIGmB5ZLFe0?feature=share>

1. Call to Order and Roll Call
2. Public Hearings.
  - a. The Conditional Use Grant request of property owner/applicant Nick and Jill DeQuardo to replace the existing front deck on their home with a new deck that would extend into the required 35-foot setback area on the lot. This .20-acre property, located at 468 Spring Street, is zoned R-5 Single-Family Residential.
  - b. The Conditional Use Grant Amendment request of property owner/applicant Century Abrams LLC, d/b/a Chick-fil-A, to convert a portion of the existing site landscape area into paved, outdoor seating area. This 2.09-acre property located at 1454 Capitol Drive, is zoned B-1 Community Business District with a Planned Unit Development (PUD) Overlay.
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 9, 2023
5. Old Business:
  - a. Review and discussion regarding 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 the existing density limits of the Villages R-M Multi-Family Residential District.
  - b. Review, discussion, and possible action/recommendation to the Village Board on the request of Kirkland Crossings, Inc. to modify the language in Chapter 40, Article VI, Division 23. of the Village Code – Housing for the Elderly Overlay (HEO) District as it relates to the percentage of units in a HEO project that may be allocated for independent (vs assisted) living.
  - c. Review, discussion, and possible action on the request of property owner Kirkland Crossings, Inc. to develop an 84- unit Housing for the Elderly building project on the vacant ~2.49-acre lot located at the northwest corner of Ryan Street at Quinlan Drive (PWV 0883993200). This site is zoned B-1 Community Business District with Housing for the Elderly Overlay (HEO) District.

6. New Business.

- a. Review, Discussion, and Possible Action Regarding site plan details within the Matter Development Senior Housing Project as approved through Conditional Use Grant back in 2022. This 4.7-acre, B-3 Office and Service Business District with Housing for the Elderly Overlay (HEO) zoned property/project, is located at the northwest corner of Swan Road and Hwy 164. The property owner is MATCAP SL Pewaukee LLC.
- b. Review, discussion, and possible action on the Conditional Use Grant request of property owner/applicant Nick and Jill DeQuardo to replace the existing front deck on their home with a new deck that would extend into the required 35-foot setback area on the lot. This .20-acre property, located at 468 Spring Street, is zoned R-5 Single-Family Residential.
- c. Review and possible action on the Conditional Use Grant Amendment request of property owner/applicant Century Abrams LLC, d/b/a Chick-fil-A, to convert a portion of the existing site landscape area into paved, outdoor seating area. This 2.09-acre property located at 1454 Capitol Drive, is zoned B-1 Community Business District with a Planned Unit Development (PUD) Overlay.
- d. Review, discussion, and possible action/recommendation to Village Board on Proposed Changes to the Residential Infill Overlay District (as referred to Plan Commission by Village Board).

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 7, 2023

**PLAN COMMISSION MINUTES**  
**March 9, 2023 – 6:00 pm**  
**Village Hall**  
**235 Hickory Street, Pewaukee, WI 53072**

**DRAFT – DRAFT – DRAFT – DRAFT – DRAFT**

**1. Call to Order and Roll Call**

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

Plan Commission members present: Comm. Mark Grabowski, Comm. Ryan Lange, Comm. Brian Belt, Trustee Craig Roberts and President Jeff Knutson. Comm. Cheryl Mantz arrived at 6:10 pm. Comm. Theresa Hoff was excused.

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

**2. Public Hearings –**

**a. Conditional Use Grant request of property owner/applicant Waukesha County Technical College (WCTC) to modify the permitted operating hours for the outdoor driving training facilities located on their campus at 800 Main Street (PWV 0926997001 & PWV 0926997). This campus property is zoned IPS Institutional and Public Service District.**

**Matt Biebel @ W260N2832 Steeplechase Dr. (City of Pewaukee)** – Spoke against the change in hours. He stated the new proposal only gives them 8 hours of quiet time and 16 hours of rumbling and bangs when the track is in use.

**b. Conditional Use Grant request of property owner Kirkland Crossings, Inc. to develop an 84-unit Housing for the Elderly building project on the vacant ~2.49 acre lot located at the northwest corner of Ryan Street at Quinlan Drive (PWV 0883993200). This site is zoned B-1 Community Business District with Housing for the Elderly Overlay (HEO) District. – No Comments.**

**3. Citizen Comments –**

**Mike Schieble @ 481 Park Ave-** Mr. Schieble demonstrated with a measuring tape to show the distance from his deck to his neighbor's property (11.6 feet). He asked the Commission would they be ok with having a new neighbor this close to them every week. He also stated the lots on Park Ave are about 50 ft wide and mentioned many other cities and towns have tightened their restrictions on transient lodging.

**Jim Grabowski @ 128 Park Ave-** Mr. Grabowski spoke in favor of the agenda item "F" and stated Agape has been amazing stewards to the neighbors and Pewaukee as a whole. They have gone a long way to beautify that area. Grabowski also spoke in favor of transient lodging stating his house is currently 30 feet from an AirBNB. He has met several people who have stayed there and has never had an issue. He also mentioned all the cities and towns that were stated to have tightened their transient lodging restrictions have hotels and motels to offset their restrictions placed on AirBNB's. He hopes the Commission will vote in favor of more relaxed restrictions.

**Melissa Wagner @ 512 W Wisconsin Ave** – Ms. Wagner stated they have owned and operated a short term rental for three years. They have never had an issue with their renters and have seen a lot of positives come out of renting out their home.

**Brad Prescott @ 615 Quinlan Dr. –** Mr. Prescott lives across the street from the proposed Kirkland Crossings building addition. He stated they have been a great neighbor and understands the need for

expansion but is concerned his view will be blocked by the new building. He also expressed concerns with the proposed driveway to the building being directly across from his driveway and the influx of EMS calls and asked if there was consideration for enough support for the EMS to make those calls.

**4. a. Approval of the Minutes – Regular Plan Commission Meeting – February 9, 2023.**

**Comm. Grabowski motioned, seconded by Comm. Lange to approve the February 9, 2023 Regular Plan Commission Meeting minutes as presented.**

**Motion carried 4-0. Comm. Mantz & Comm Belt abstained.**

**Items below were not presented in order.**

**5. Old Business**

**a. 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.**

Attorney Gralinski updated the Commission on what was discussed at the previous meetings regarding the Transient Lodging ordinance. The Commission members reiterated their thoughts on the subject that were shared at previous meetings.

**Comm. Grabowski motioned, seconded by Comm. Lange to approve as presented with the following changes: minimum stay as 3 nights, eliminate the maximum night stay and add language that an owner or property manager has to be within 5 miles of the rental property.**

**Motioned carried on Roll Call vote 4-2.**

**Ayes: Grabowski, Lange, Mantz, and Knutson.**

**Nays: Belt & Roberts.**

**b. Review and discussion regarding 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 the existing density limits of the Villages R-M Multi-Family Residential District.**

Item was not discussed and no action was taken.

**6. New Business**

**a. Review, discussion, and possible action on the request of property owner/applicant Waukesha County Technical College (WCTC) to modify the permitted operating hours for the outdoor driving training facilities located on their campus at 800 Main Street (PWV 0926997001 & PWV 0926997). This campus property is zoned IPS Institutional and Public Service District**

Planner Censky explained there is an existing Conditional Use Grant for the EVOC track. The current hours of operation are from 8 am – 8 pm. The applicant is requesting to extend the hours to 6 am - 10 pm.

**Village Planner Recommendations:**

- 1) Full execution and recording of the CUG Amendment document(s) prior to the start of expanded hours

Trustee Roberts stated the Village doesn't allow road construction or contractors to start work before 8 am. Comm. Grabowski said the houses in that area have been there since 2000 and the track was constructed in 2018. He believes those hours are pushing the limit. Comm. Belt agreed that we want to be respectful to the neighbors.

**Comm. Mantz motioned, seconded by Roberts, to deny the request as presented.**

**Motion carried 6-0.**

**b. Review, discussion, and possible action/recommendation to the Village Board on the request of Kirkland Crossings, Inc. to modify the language in Division 3. of the Village Code – Housing for the Elderly Overlay (HEO) District as it relates to the percentage of units in a HEO project that may be allocated for independent (vs assisted) living.**

Censky explained at its February 9, 2023, meeting, the Planning Commission considered, in consultation, the applicants request for changes to the EHO District as would allow more than 50% (the Plan Commission can allow up to 100%) of units within a project to be designated for independent vs assisted living. There was a general willingness expressed among Commissioners at that time to consider a drafted revision for review and possible recommendation to the Village Board. Censky shared a concern that regular multi-family apartments in the Village are allowed to have independent healthcare workers come in and assist resident's in their apartments, so she wasn't sure that single adjustment to the EHO language makes this use much different than ordinary multi-family development – the only distinction being that these residents are "seniors" (i.e. aged 55 and older).

**Village Planner Recommendations:**

The Planner feels there may be additional implications for the Commission to consider if there is a willingness to consider allowing more than 50% independent living units.

- Parking demands for independent living senior may be greater than with a mix of assisted living.
- Density issues for instance this is much more dense than the maximum 12 units/acre allowed in regular multi-family development.
- Shifting from continuum of care type model as was the purpose/intent when the EHO District ordinance was first drafted.
- Among others possibly.

Discussion followed.

**Pres. Knutson motioned, seconded by Comm. Mantz, to defer the agenda item to a future meeting and directing Staff to consider drafting a revised language amendment that would possibly tie into allowing for the higher percentage of independent units on proposals that are located adjacent to existing continuum of care type housing for the elderly.**

**c. Review, discussion, and possible action on the request of property owner Kirkland Crossings, Inc. to develop an 84- unit Housing for the Elderly building project on the vacant ~2.49-acre lot located at the northwest corner of Ryan Street at Quinlan Drive (PWV 0883993200). This site is zoned B-1 Community Business District with Housing for the Elderly Overlay (HEO) District**

Censky explained the applicant is seeking approval for: site plan, architecture, exterior lighting, landscaping and operating plan for an 84-unit, independent senior living development including a mix of 36 one-bedroom and 48 two-bedroom units. This development is intended for occupancy by persons aged 55 and older. Under the Village Code this means that at least 80 percent of the occupied units must be occupied by at least one person who is 55 years of age or older; the development must publish and adhere to policies and procedures that demonstrate this intent; and that the development must provide for verification of compliance as to these age related restrictions by reliable surveys and affidavits including, for instance, examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause.

**Village Planner Recommendations:**

The Planner recommends this matter be tabled until final resolution a pending matter – a possible Code amendment that would increase the maximum percent of independent living units in the EHO from 50% to 100% and also, until the Village would resolve to amend the current EHO

district by raising the maximum permitted density increase that can be allowed by the Planning Commission from current 150% to at least 170% as *may* enable a project on this site to have 84 units. Until then, this plan, as presented, may not have standing for action. The following review comments/conditions are offered for the Planning Commissions consideration:

- 1) Fire Department review and approval as to the serviceable of this project from a public safety standpoint;
- 2) Village Engineer review and approval of all grading, drainage, stormwater management, erosion control, street access, and utility plans offered in support of this project prior to issuance of any permit to begin site preparation and/or construction work on this site;
- 3) Final determination as to the acceptable number of total parking stalls to be provided in support of this project plan;
- 4) Any new sign(s), reference landscaping plan for instance, will require separate review, approval, and issuance of a Sign Permit prior to placement at the site;
- 5) Village Staff review and approval of HVAC location and screening plans when the locations and fixtures have been settled upon by the developer and prior to placing the HVAC at the site;
- 6) Village Staff review and approval of the detailed schedule of building materials and colors, consistent with the renderings offered;
- 7) Planning Commission to provide express acknowledgement as to any areas where exception from the Code standards is requested and could ultimately be approved.

Village Engineer Tim Barbeau stated the building will be about five feet below the access road with underground stormwater management. Water can be tapped into from Ryan Road and the sanitary sewer is on the west side.

Discussion followed regarding concerns over the height of the proposed building and having enough parking stalls for visitors.

**Trustee Roberts motioned, seconded by Comm. Belt to table the agenda item.**

**Motioned carried on a Roll Call vote 6-0.**

**Ayes: Grabowski, Lange, Mantz, Belt, Roberts, Knutson.**

**Nays: None**

**d. Review, discussion, and possible action on the request of property owner/applicant North Shore Bank for Sign Code waiver to permit a temporary sign exceeding the 15 sq. ft. area limit and the seven consecutive/30 cumulative days per year duration limits as set forth in Section 70.111(a)(11) of the Village Code on their .68-acre, B-2 Downtown Business zoned property located at 104/120 W. Wisconsin Avenue.**

Censky explained the applicant is planning a special Summertime 'Be Kind' art installation (i.e. a temporary sign) as an extension of North Shore Bank's "Bank on Kindness®" commitment that started back in 2020. Village Code limits temporary signs in regard to maximum period of time, size, height, location, ... This sign, as proposed, exceeds most of those requirements.

**Village Planner Recommendations:**

- 1) The sign display consists of 7' high letter cut outs that spell 'Be Kind' and are approximately 24 feet across in length, total (i.e., ~168 square feet in area).
- 2) The sign display must be set back 25 feet from the property line (the sidewalk) in the grass, and 20 feet from the bank's drive-up area.
- 3) The period for display of this temporary sign shall be limited May 15th, 2023 through August 31, 2023

**Comm. Grabowski motioned, seconded by Comm. Lange to approve the proposed signage on the basis that it is more like an art installation than an advertisement.**

**Motion carried 6-0.**

**e. Review, discussion, and possible action on the Sign Code waiver request of tenant applicant Janet D'Amato, d/b/a Benessere Salon & Spa, to place a wall sign exceeding the 30 sq. ft. area limit set forth in Section 70.115(d)(9) of the Village Code. This 10.96-acre, B-1 Community Business zoned property is owned by Society of St. Vincent De Paul.**

Censky state the applicant is seeking approval for a Sign Code waiver to place a 280-sf tenant identification wall sign on the façade of the building at 601 Ryan St where 30 sf per tenant is permitted by Code. The applicant will occupy five tenant spaces in the building.

**Village Planner Recommendation:**

The Planner raises no specific objections to the applicants request as to an oversized sign at this location owing to the number of storefront spaces to be occupied by this one tenant and in light of the specific hardship presented by this site's remote location from the principal public way, Ryan Street (i.e. building is setback over 800 feet from Ryan Street), for visibility. The following conditions may be considered for attachment to any approval as the Commission may be inclined toward granting in this matter:

1) Applicant to secure a sign permit, and any additional/related permits as may be required such as electrical,... prior to placement of the sign at this site.

**Comm. Belt motioned, seconded by Mantz to approve the Sign Code waiver as presented with the Village Planner's request for a sign permit citing hardship from setback of main road and similar approvals in the past.**

Business owner Janet D'Amato added they now own that whole strip-center portion of the building, and it is no longer part of Vincent St. De Paul.

**f. Review, discussion, and possible action on the request of property owner/applicant Agape Community Church, Inc. for site plan amendment approval as to changes proposed related to parking, sidewalk, and patio area(s) configuration as well as dumpster/enclosure location and design. This 1.66-acre parcel, located at 449 W. Wisconsin Avenue, is zoned IPS Institutional & Public Service District**

Censky outlined the proposals of the applicant. Various site plan modifications including/such as adjustments to parking/drives and related lighting, sidewalk and patio areas modifications, and the addition of a dumpster area.

**Village Planner Recommendations:**

1) Village Staff review and approval of the fencing plan/design, including any associated screening as might be necessary, for the areas around the dumpster and around the HAVC placement area northeast of the building. This plan shall be submitted for Village Staff review and approval prior to the start of work on this project;

2) Applicant to replace the spirea plants in the landscaping areas west of the west parking lot to a salt-hardy evergreen shrub instead. This plan shall be submitted for Village Staff review and approval prior to the start of work on this project;

3) Applicant to ensure that the space between the east turn-out and the public road pavement of Burroughs Drive does not eventually become a parking/drive area unto itself since it has no curbing or other protection as would normally prevent that from happening;

4) Applicant to draft and submit, for Village Staff review, approval, and recording, an easement/spatial compensating agreement for the reduced dumpster offset to the north lot

line and the proposed concrete pavement that is proposed to be situated on the cemetery property to the north, prior to the start of work on this project.

Barbeau discussed the applicant adding concrete area north of the church for a paved drop-off/parking area west of Burrough's Dr and expanding the parking lot, all of which result in the increase in impervious area of approximately 9,060 sf. The impervious area is below the threshold to require stormwater management. There are two entrances to the west parking lot separated by an island. Agape desired to maximize parking; therefore, there is little area for vehicles to queue in the parking lot when exiting the site that may result in delays getting out of the parking lot but should not affect regular traffic patterns on the adjacent roadways.

**Comm. Mantz motioned, seconded by Grabowski, to approve as presented with the recommendations of the Planner and Engineer.**

**Motioned carried 6-0.**

**7. Citizen Comments – None.**

**8. Adjournment**

**Trustee Roberts motioned, seconded by Comm. Belt to adjourn the March 9, 2023, Regular Plan Commission meeting at approximately 9:24 p.m.**

**Motion carried 6-0.**

Respectfully submitted,

Jenna Peter  
Deputy Village Clerk/Treasurer



## STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: April 13, 2023

### General Information:

Agenda Item: **5.a.**

Applicant:

N/A

Status of Applicant:

Village initiated item

Requested Action:

Review and general discussion regarding 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 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.

\*No residential units on street level of business districts multi-fam use?

Current Village parking requirements as to residential parking standards and maximum building heights follow:

- **Residential Parking**  
**40.426(j) Required number of stalls.** The following parking standards shall be applied unless deviations have been specifically approved by the planning commission:  
**(1) Residential uses.**
  - a. Single-family dwellings and two-family dwellings. Two spaces per dwelling unit (excluding garages).
  - b. Multifamily dwellings.
    - 1. One bedroom = 1.75 enclosed parking spaces per unit.

2. Two bedrooms = 2.0 enclosed parking spaces per unit.
3. Three bedrooms = 2.0 enclosed parking spaces per unit.
4. Guest parking requires one parking stall for every two units.

c. Housing for the elderly. Subject to planning commission approval on a case by case basis.

- Oconomowoc multi-family residential parking requirements
  - Parking – All new residential shall be required to install a minimum of (1) on-site parking stall for each (1) bedroom or efficiency units and (2) on-site parking stalls for each (2) bedroom or greater units. Guest parking shall be an additional 0.25 stall per residential unit. Surface parking is encouraged behind buildings. Surface parking is discouraged between the building and primary street frontage.
- Menomonee falls multi-family residential parking requirements
  - 1 space/bedroom with a minimum of 1 space fully enclosed and a maximum of 2 spaces/unit, with 1 additional space/each 2 units for visitors

- **Building/Structure Height - Current Code Limits**

**40.253** provides “The height of any structure in the B-1 [Community Business] district shall not exceed four stories or 55 feet...”.

**40.268** provides “The height of any structure [in the B-2 Downtown Business District] shall not be less than 1.5 stories nor more than 3 stories by design, and may not exceed 42 feet **(up to 45 feet if the building design incorporates a gabled roofline) and must be designed as one and one-half to three-story structures,** unless **otherwise** approved in accordance with the conditional use grant process.

**40.283** provides “The height of any structure in the B-3 [Office and Service Business] district shall not exceed four stories or 55 feet...”.

**40.301** provides “The height of any structure in the B-4 [Business Park] district shall not exceed **42 55** feet...”.

**40.319** provides “The height of any structure in the B-5 [Light Industrial] district shall not exceed **550** feet...”

**40.221** provides “The height of the principal structure in the R-6 [Plex Residential] district shall not exceed 42 feet **(up to 45 feet if the building design incorporates a gabled roofline)**...”

**40.229** provides “The height of the principal structures in the RM [Multi-Family Residential] district shall not exceed **three stories or 42 feet (up to 45 feet if the building design incorporates a gabled roofline)**...”

**40.400.1(2)(b)** provides “Height of any principal structure [in the Housing for the Elderly Overlay District is] **shall** not to exceed four stories or 52 feet **(up to 55 feet if the building design incorporates a gabled roofline)** [unless otherwise approved in accordance with the conditional use grant process]”.

**\*40.336** provides “The height of any structure in the IPS district shall not exceed 42 feet unless otherwise allowed in accordance with section 40.421.

**40.421(d)** provides as follows regarding building height: “Increase permitted. The maximum height of any structure may be increased up to ten feet if offset and setbacks

are increased by one foot for each additional foot of structural height exceeding the standard district requirement”.

**Discussion:**

The Planner and Trustee/Planning Commissioner Roberts will continue to lead discussion on this topic for Commissioners and solicit ongoing input/feedback before presenting any draft changes to the existing Village Code.

## STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: April 13, 2023

### General Information:

Agenda Item: **5.b.**

#### **Applicant:**

Kirkland Crossings, Inc. in c/o Anne O'Connor of Senior Housing Partners.

#### **Requested Action:**

Review, discussion, and possible recommendation to the Village Board to modify the language of the Housing for the Elderly Overlay (HEO) District as it relates to the percentage of units in a HEO project that may be allocated for independent (vs assisted) living.

---

#### **Background:**

At its February 9, 2023, meeting, the Planning Commission considered, in consultation, the applicants request for changes to the EHO District as would allow more than 50% of units within a project to be designated for independent vs assisted living. There was a general willingness expressed among Commissioners to consider a drafted revision for review and possible recommendation to the Village Board.

To that end, the following language was proposed for the Commissions consideration at the March 9, 2023, meeting. General consensus in this regard was that the relationship between allowing the Planning Commission to grant up to 100% of units to be set aside for independent living units (vs 50% of units per the existing Code language) based on the developer committing to allow “unlimited access for affiliated and/or unaffiliated, in-home health care service providers personally selected by the unit occupants, to provide onsite assistance to any tenant or owner occupant of the independent living units” didn’t really create much distinction between Housing for the Elderly uses vs regular Multi-Family Use except as to the minimum age restriction of 55 and up.

#### **Sec. 40.395. - Purpose.**

This overlay district is intended to permit, in certain B-1 community business district and/or B-3 office and service district zoned locations, housing for the elderly (see definition below and at section 40.108 of this chapter) on the limited basis provided for below in order to support the long term/lifelong housing needs of the village residents and in light of the mutually beneficial relationships realized when elderly housing can be situated in near proximity to such uses as shopping, dining, financial services, entertainment, religious offerings, clinical/medical services and similar. Areas to be considered for this overlay district will be those that are adjacent to similar type projects or properties that do not have single-family residential abutting more than 50 percent of the perimeter of proposed project area.

**Sec. 40.396. - General requirements.**

General requirements in this housing for the elderly overlay district shall include:

- (1) Development shall be designed and sized in a manner that is architecturally, aesthetically and operationally harmonious with surrounding development.
- (2) All business, servicing, processing or storage related needs of the development, except for off-street parking and/or loading, shall be conducted within completely enclosed buildings unless otherwise specifically approved by the planning commission as a part of the development project plan.
- (3) The size and location of projects shall be based upon such factors as justifiable community need, satisfactory relationships between anticipated demands of the development physically, socially and economically versus available services and infrastructure and the potential contribution of the proposed development to the welfare of the community.
- (4) In approving or disapproving proposed locations for uses under this overlay district, the planning commission shall give due consideration to the character and suitability for development of the area in which any housing for the elderly use is proposed to be located and shall also base its decision on such evidence as may be presented to the planning commission regarding traffic generation, heavy vehicular traffic, ground water impact, impact upon existing sanitary sewage disposal system, existing roads, existing storm water management systems, and existing public water system, utilities limitations, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use. To this end, and unless specifically waived by the village administrator or planning commission, all applications shall include among the supporting materials at the time of submittal, specific, expert, detailed impact analysis demonstrating clearly that there will be no adverse impacts upon, or reductions in the levels of service, in the areas as listed above. If, in the course of more detailed project review, the village administrator and/or planning commission should subsequently determine that the unique characteristics of a particular project warrant specific, expert, detailed impact analysis of a sort that were either previously waived or not contemplated/listed here at the writing of this division, then the applicant shall, upon request, provide such analysis as well.
- (5) Building, site and operational plans shall be reviewed by the planning commission in accordance with article VI - divisions 1 and 2, article VIII and article IX - divisions 2 and 3 of this chapter 40.

**Sec. 40.397. - Definitions.**

For purposes of this housing for the elderly overlay district, the following definitions shall apply:

- (1) *Elderly housing* shall mean "housing for older persons" as defined by section 807(b)(2) and (3) of the Fair Housing Act (42 U.S.C. 3607 (b)(2)) as may be amended from time to time. At the time this overlay district is written, Section 807(b)(2)&(3) of the Fair Housing Act (42 U.S.C. 3607(b)(2)(C)) reads that:  
"(2) As used in this section "housing for older persons" means housing-

(A) provided under any state or federal program that the secretary determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or

(B) intended for, and solely occupied by, persons 62 years of age or older; or

(C) intended and operated for occupancy by persons 55 years of age or older, and-

(i) At least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;

(ii) The housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and

(iii) The housing facility or community complies with rules issued by the secretary for verification of occupancy, which shall-

(I) Provide for verification by reliable surveys and affidavits; and

(II) Include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification.

(3) Housing shall not fail to meet the requirements for housing for older persons by reason of:

(A) persons residing in such housing as of the date of enactment of this Act who do not meet the age requirements of subsections (2)(B) or (C): Provided, That new occupants of such housing meet the age requirements of sections (2)(B) or (C); or

(B) Unoccupied units: Provided, That such units are reserved for occupancy by persons who meet the age requirements of subsections (2)(B) or (C)."

(2) *Assisted living facilities.* At the time this overlay district is written, the Wisconsin Department of Health Services defines assisted living as facilities for individuals who need some level of care monitoring services but choose to live in a setting without 24-hour access to nursing services and the state regulates four types of these; Adult Daycare, Adult Family Home (AFH), Community-Based Residential Facility (CBRF) and Residential Care Apartment Complex (RCAC). Assisted living facility units with 0—2 bedroom units shall be counted as one unit. Assisted living facility units with more than two bedrooms shall be considered two units.

(3) *Nursing home.* In the Village of Pewaukee, the term nursing home shall mean only those public or private residential institutions providing 24 hour onsite access to skilled nursing services and intended and equipped to provide long term in-patient care for persons unable to look after themselves such as the aged or chronically ill). 'Long term' shall, in this case, be defined as intending to remain in residence at the nursing home for not less than six months. For purposes of this section, skilled nursing services shall have the meaning set forth in Section 50.01(6V) of the Wisconsin Statutes. Nursing home living units with 0—2 bedrooms shall be considered one unit. Nursing home living units with more than two bedrooms shall be considered two units.

- (4) *Independent living units* shall mean living units that are not assisted living and are not nursing home units and which may be owned, rented or otherwise occupied by individuals that require no nursing care/services or care monitoring services to live. Independent living units have an individual lockable entrance and exit, a kitchen including a stove, and individual bathroom, sleeping and living areas. Independent living units with 0—2 bedrooms shall be considered one unit. Independent living units with more than two bedrooms shall be considered two units.
- (5) *Skilled nursing services* shall have the meaning as set forth in Section 50.01(6V) of the Wisconsin Statutes, which, at the time this overlay district is written, defines skilled nursing services as those services, to which all of the following apply, that are provided to a resident under a physician's orders:
- (a) The services require the skills of and are provided directly by or under the supervision of a person who's licensed, registered, certified or permitted scope of practice is at least equivalent to that of a licensed practical nurse.
- (b) Any of the following circumstances exist:
1. The inherent complexity of a service prescribed for a resident is such that it can be safely and effectively performed only by or under the supervision of registered nurses or licensed practical nurses.
  2. The full recovery or medical improvement of the resident is not possible, but the services are needed to prevent, to the extent possible, deterioration of the resident's condition or to sustain current capacities of the resident.
  3. Because of special medical complications, performing or supervising a service that is generally unskilled or observing the resident necessitates the use of a person whose licensed, registered, certified or permitted scope of practice is at least equivalent to that of a licensed practical nurse.
- (6) *Abutting* means sharing a common lot line or located directly across the street where the ultimate right-of-way width is 66 feet or less. Parcels that touch at lot corners are also considered abutting.

**Sec. 40.398. - Permitted uses.**

Permitted uses in this housing for the elderly overlay district shall include:

- (1) Any permitted use in the underlying zoning district.

**Sec. 40.399. - Permitted accessory uses.**

Permitted accessory uses in this housing for the elderly overlay district shall include accessory buildings, structures and uses customarily incidental to the uses in section 40.398 above and 40.400 below, such as for instance, but not necessarily limited to, garages and dumpster storage facilities.

**Sec. 40.400. - Conditional uses.**

Conditional uses in this housing for the elderly overlay district shall include:

- (1) Any conditional use in the underlying zoning district;
- (2) Housing for the elderly as independent living units, assisted living facilities and/or nursing homes;
- (3) A mixing of multiple principal uses from among the uses listed in this overlay district as either permitted or conditional uses.

**Sec. 40.400.1. - Site, bulk, density and spatial standards.**

For purposes of this housing for the elderly overlay district, the following site bulk, density and spatial standards shall apply:

- (1) Development projects which include housing for the elderly:
  - a. Independent living units shall, unless otherwise approved by the Planning Commission pursuant to Section (i) below, be permitted only as a subordinate use within a development project that also includes assisted living and/or nursing home units and in that case, the number of independent living units shall not exceed 50 percent of the combined total number of units in the development.

(i) The Planning Commission may permit an increase, up to 100%, in the actual number of independent living units allowed, as a percentage of total units within a housing for the elderly development project, if the commission first determines that the applicant has provided a detailed and satisfactory plan to allow unlimited access for affiliated and/or unaffiliated, in-home health care service providers personally selected by the unit occupants, to provide onsite assistance to any tenant or owner occupant of the independent living units. Any such approved plan shall be memorialized as an exhibit to the conditional use permit and/or recorded as a unique deed restriction upon the property prior to any unit occupancy within the project.

- b. Overall maximum permitted density for elderly housing use shall not exceed 20 units per buildable acre with up to a 150 percent increase based upon relief from the 20 units per buildable acre standard being granted by the plan commission. In considering whether to grant such relief, the plan commission may consider the following factors:

- (i) Unique site conditions including topography, road access, storm water management use constraints and essential services.
- (ii) Neighboring uses in proximity to single family residential property
- (iii) Parking managed through underground facilities.



(iv) Proximity to and reliance upon arterials and limited use of collector streets. Said streets must have a sufficient cross section and turning radii to accommodate the intensity of the use.

(v) Does not unreasonably burden existing public infrastructure and services.

(vi) Is in conformity with the village's comprehensive plan.

(vii) Must not conflict with the ambiance and character of the use of adjacent lands.

(viii) The availability of on-site amenities and services to reduce the need for off-site trips.

(ix) Such other project/development factors as the village plan commission may determine, in the exercise of its reasonable discretion, that may reduce the perceived negative secondary effects of an increase in density above 20 units per buildable acre.

(x) Special conditions effecting the property which were not self-created and which make strict conformity with the density standards of this ordinance section unnecessary and burdensome or unreasonable in light of the purposes of this section.

The provisions of this section shall not be interpreted as guarantees of an achievable density. Other regulations within this Code may prevent increases in density levels being achieved due to the character of the land, location of natural features, access requirements or surrounding uses.

c. Elderly housing developments in this overlay district shall be situated upon a single, contiguous, underlying property, not less than two buildable acres in area, owned by a single individual, partnership or corporation or in common ownership under a registered condominium.

(2) Development projects in which the predominant use is housing for the elderly shall be subject to all the requirements of the underlying base zoning district except as may otherwise be provided for below and also to any extent that the planning commission may permit waivers/modifications to the extent provided for under section 40.153 of the Code:

a. Building floor area ratio not exceed 40 percent;

b. Height of any principal structure not to exceed 52 feet;

c. All structures to be set back 50 feet from the abutting street right-of-way line;

d. Principal structures to be offset 20 feet from the side and rear lot lines unless the adjoining property is zoned or used for single-family residential purposes, in which case the offset must be 30 feet. Accessory structures shall be offset not less than ten feet;

e. Open space ratio not less than 35/30 percent;

f. Parking lot and drives shall be setback not less than 25 feet from the abutting street right of way line;

g. Parking lot and drives shall be offset not less than 20 feet from the side and rear lot lines.

(3) Development projects that do not include housing for the elderly shall be subject to all the requirements of the underlying base zoning district.

**Recommendation:**

The Planner feels there may be additional implications for the Commission to consider if there is a willingness to consider allowing more than 50% independent living units.

- Parking demands
- Density issues
- Shifting from continuum of care type model as when the EHO District ordinance was first drafted
- Among others possibly

**Update:**

As a part of discussions on March 9<sup>th</sup>, the Commission discussed the possibility of tying in a relationship to location as a requisite to permitting an increased percentage of independent living units when a new project is presented – for instance if it is located on property adjacent to an existing continuum of living type housing for the elderly development. Staff was asked to prepare language that could be considered in this regard (see draft below):

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

a. Independent living units shall, **unless otherwise approved by the Planning Commission pursuant to Section (i) below, be** permitted only as a subordinate use within a development project that also includes assisted living and/or nursing home units and in that case, the number of independent living units shall not exceed 50 percent of the combined total number of units in the development.

**(i) The Planning Commission may permit an increase, up to 100%, in the actual number of independent living units allowed, as a percentage of total units within a housing for the elderly development project, in cases where the new project is located adjacent to an existing Housing for the Elderly development that does provide the full spectrum/continuum of housing types including full nursing care, assisted living, memory care, CBRF, independent living and similar.**

**Updated Recommendation:**

The Planner feels that this location criteria still/also bears only a tangential relationship to the stated purposed of the Elderly Housing Overlay District as originally, and fairly recently, drafted and adopted.



March 30, 2023

***Via Email***

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

Mary Censky  
Planner  
Village of Pewaukee  
mcensky@villageofpewaukee.gov

**RE: B1 zoning- Elderly Overlay Ordinance Language Modification**

Per our discussions regarding challenges to operating 50% of senior housing units with care services, (no more than 50% independent units) we submit the following ordinance modification for consideration:

Previously submitted for consideration on January 30, 2023:

- a. Independent living units shall be permitted only as a subordinate use within a development project that also includes assisted living and/or nursing home units and in that case, the number of independent living units shall not exceed 50 percent of the combined total number of units in the development, **unless within the Development Agreement, the applicant provides a reasonable plan to allow a non-exclusive license for in-home care services in the independent living units, which may be provided by an affiliated or non-affiliated service provider.**

Additional modification options for consideration:

- b. Independent living units ~~shall~~ may be permitted ~~only as a subordinate use within a development project that also includes assisted living and/or nursing home units and in that case, the number of independent living units shall not exceed 50 percent of the combined total number of units in the development~~ **if provider maintain 30% of units as State Approved RCAC.**

Residential Care Apartment Complex (RCAC) allows for 28 hours of care per week, which is generally tracked up to 4 hours per day. ADL's (Activities of Daily Living) that can be offered include showering, dressing and medication management. Nurse assessments are included which help identify areas of assistance for the resident. RCAC certification or registration is reviewed by the WI Department of Health Services and only approved after all requirements are met. Additionally, annual fees are required which would be trackable/demonstratable if this approach were granted as a condition of the CUG. Multi-family housing would not be able to meet this requirement.



- c. Independent living units marketed to tenants ages 62 and over shall may be permitted ~~only as a subordinate use within a development project that also includes assisted living and/or nursing home units and in that case, the number of independent living units shall not exceed 50 percent of the combined total number of units in the development,~~ within Housing for the Elderly developments so long as the development includes programs providing physical, mental, emotional, spiritual and or psychosocial benefits to elderly tenants.

The age of 62 was intentionally chosen to comply with the protected classes identified in the Fair Housing Act, while also reflecting the higher age group that we intend to serve. Many senior care providers include social enrichment programs, continental breakfast, wellness classes, group transportation (grocery shopping, pharmacy, activity outings), social support to minimize isolation-bingo, trivia, chaplaincy, etc.

- d. Independent living units, ~~shall be permitted only as a subordinate use within a development project that also includes assisted living and/or nursing home units and in that case, the number of independent living units shall not exceed 50 percent of the combined total number of units in the development,~~ assisted living, memory care and nursing home units are all considered Housing for the Elderly. A Development project shall consider the ratio of independent living apartments to care services after considering relevant data including but not limited to:
1. demographics of older adults
  2. availability of trained eldercare professionals
  3. market demand for senior living options

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

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

Respectfully,

DocuSigned by:  
  
BA63D79037AB41B...

Print Name: Anne O'Connor

Title: Development Manager, SHP & Owner's Rep. Kirkland Crossing, LLC

CC:

Pam Belz  
[pbelz@seniorpartners.com](mailto:pbelz@seniorpartners.com)

Eric Harrmann  
[erharr@agarch.com](mailto:erharr@agarch.com)

## STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: April 13, 2023

### General Information:

Agenda Item: **5.c.**

**Applicant/Property Owner:**

Kirkland Crossings, Inc. in c/o Anne O'Connor of Senior Housing Partners.

**Requested Action:**

THIS ITEM WAS TABLED BY THE PLANNING COMMISSION ON MARCH 9, 2023

Review, discussion, and possible approval of a Conditional Use Grant (CUG) to develop an 84-unit Housing for the Elderly building project.

**Current Zoning:**

B-1Community Business District with Housing for the Elderly Overlay (HEO).

**Proposed Zoning:**

Same

**Current Master Plan Classification:**

Community Commercial

**Surrounding Zoning/Land Use:**

North: B-1 Community Business zoning and use.

South: Multi-Family Residential use.

East: B-1 Community Business zoning.

West: IPS Institutional and Public Service District zoning and use.

**Project Area:**

2.49 acres

**Property Location:**

Northwest corner of Ryan Road and Quinlan Drive.

---

### Background:

THIS ITEM WAS TABLED BY THE PLANNING COMMISSION ON MARCH 9, 2023.

### Discussion:

Housing for the elderly as independent living units, assisted living facilities and/or nursing homes is listed among the conditional uses that can be considered for approval in the B-1(HEO) zoning district.

The applicant seeks CUG approval from the Commission on the site plan, architecture, exterior lighting, landscaping and operating plan for an 84-unit, independent senior living development including a mix of 36 one-bedroom and 48 two-bedroom units. Many of the units also include a sunroom and all have patio or balcony space. Other amenities that space is set aside for within the building plans include a club room, wellness studio, resident storage areas, and lounge space.

This development is intended for occupancy by persons aged 55 and older. Under the Village Code this means that at least 80 percent of the occupied units must be occupied by at least one person who is 55 years of age or older; the development must publish and adhere to policies and procedures that demonstrate this intent; and that the development must provide for verification of compliance as to these age related restrictions by reliable surveys and affidavits including, for instance, examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause.

As compared to the Village's basic spatial, bulk and design requirements for a development of this sort:

- Maximum Permitted Overall Density = 20 units per buildable acre with up to a 150 percent increase based upon relief being granted by the Plan Commission if, in considering the following, such an increase is justifiable:
  - Unique site conditions including topography, road access, storm water management use constraints and essential services.
  - Neighboring uses in proximity to single family residential property.
  - Parking managed through underground facilities.
  - Proximity to and reliance upon arterials and limited use of collector streets. Said streets must have a sufficient cross section and turning radii to accommodate the intensity of the use.
  - Does not unreasonably burden existing public infrastructure and services.
  - Is in conformity with the Village's Comprehensive Plan.
  - Must not conflict with the ambiance and character of the use of adjacent lands.
  - The availability of on-site amenities and services to reduce the need for off-site trips.
  - Such other project/development factors as the Village Plan Commission may determine, in the exercise of its reasonable discretion, that may reduce the perceived negative secondary effects of an increase in density above 20 units per buildable acre.

***As to this proposal specifically, permitted density at 20 units per buildable acre = 50***

***As to this proposal specifically, 150% of permitted density = 75. Proposed total units = 84 (i.e., noncompliant).***

- Maximum Permitted Number of Independent Living Units = 50% of total units. ***As to this proposal specifically, 50% of total units = 42. Proposed independent living units = 84 (i.e., noncompliant).***
- Maximum Building Floor Area Ratio = 40 percent. ***Proposed = 29 percent (i.e., compliant).***

- Maximum Building Height = 52 feet allowed in HEO District. Maximum Building Height = 55 feet allowed in B-3 District. ***Proposed = ~54.5 feet as measured along the Ryan Road frontage and ~65.8 feet as measured along the Quinlan Drive frontage (i.e.noncompliant).***
- Minimum Building Setback from Street Right-of-Way/Front Property Lines = 50 feet. ***Proposed = compliant.***
- Minimum Building Setback from Side/Rear Lot Lines = 20 feet. ***Proposed = compliant.***
- Minimum Open space Ratio = 35/30 percent. ***Proposed = 44 percent (i.e., compliant).***
- Minimum Parking Lot and Drives Setback from Street Right-of-Way/Front Property Lines = 25 feet. ***Proposed plan = Compliant along Quinlan Drive; noncompliant along Ryan Road.***
- Minimum Parking Lot and Drives Setback from Side and Rear Lot Lines = 20 feet. ***Proposed plan = Compliant.***

Accounting for Sections 40.400.1(2) and 40.153 of the Code, the Planning Commission may, but is not compelled, to permit waivers/modifications to building location, floor area ratio, parking, landscaping, lot width, setback, offset, height, building size, lot size and open space regulations.

The building design calls for four occupied stories above grade and a below grade parking structure with space for up to 81 cars. Fifteen (15) parking spaces are provided on-site, on-grade. The stall sizes and aisle widths of the plan do comply with the Villages Code requirements. There is just one entry/exit point to the proposed project and it's located along the Quinlan Drive frontage of the site. This driveway point appears to line-up with one of the driveways serving the condominium building located across the street to the south.

Parking stalls required to serve this specific 'housing for the elderly' use-type isn't expressly identified in the Village Code: (i.e. Section 40.426(j) Required number of stalls)

*"The following parking standards shall be applied unless deviations have been specifically approved by the planning commission:*

*(1)Residential uses.*

*a.Single-family dwellings and two-family dwellings. Two spaces per dwelling unit (excluding garages).*

*b.Multifamily dwellings.*

*1.One bedroom = 1.75 enclosed parking spaces per unit.*

*2.Two bedrooms = 2.0 enclosed parking spaces per unit.*

*3.Three bedrooms = 2.0 enclosed parking spaces per unit.*

*4.Guest parking requires one parking stall for every two units.*

*c.Housing for the elderly. Subject to planning commission approval on a case by case basis.*

Architectural details are provided by the applicant. Section 40.447 of the Code provides the following as guidelines from which to consider the architectural qualities for new construction of multi-family (as well as commercial, industrial and institutional use) buildings:

- **Building scale and mass.** The relative proportion of a building to its neighboring existing buildings shall be maintained to the greatest extent possible when new buildings are built.

- Building rooflines and roof shapes. The visual continuity of roofs and their contributing elements (parapet walls, gables, coping, cornices, etc.) shall be maintained in building development or redevelopment. Heating, ventilation, air conditioning and other rooftop mechanical equipment must be appropriately screened from view.
- Materials. New retail and office building construction shall consist of quality materials such as brick, wood, stone and glass. New industrial building construction may also use decorative concrete block in addition to the above listed materials. The plan commission may, however, allow the use of metal building components, exterior finish insulation systems, and concrete block if incidental to the primary building architecture, screened from public view, or if used to reflect existing building architecture.
- Colors. Buildings shall generally reflect earth tone colors. Awnings, trim and window colors are allowed greater color latitude subject to plan commission approval.
- Building design and compatibility. Proposed office and retail building design shall reflect traditional architectural styles with gabled rooflines, interesting fenestration and human scale. Proposed industrial building design shall reflect contemporary standards of quality building design (e.g., Fall's Business Park, Brookfield Lakes Corporate Center, Pewaukee Woods and the Mequon Business Park). Extended expanses of walls shall be broken up with the use of creative pilasters, fenestration, soldier courses or elevation offsets.

In approving or disapproving proposed locations for uses under this overlay district, the Code guides the Planning Commission to give due consideration to the following:

- Character and suitability of the development in relationship to the area;
- Evidence as may be presented regarding traffic generation, heavy vehicular traffic impacts, ground water impact, impact upon existing sanitary sewage disposal system, existing roads, existing storm water management systems, and existing public water system, utilities limitations, soil limitations and the emission of noise, smoke, dust or dirt, odorous or noxious gases attributed to the proposed use.

To this end, the Code goes on to say that unless specifically waived by the Village Administrator or Planning Commission, all applications shall include among the supporting materials at the time of submittal, specific, expert, detailed impact analysis demonstrating clearly that there will be no adverse impacts upon, or reductions in the levels of service, in the areas as listed above.

The landscaping plan submitted is thorough and well thought out. It generally meets, and in certain respects, exceeds the basic Code standards.

There is no outdoor dumpster or trash receptacle area. Rather, it is proposed to be located in the underground parking level of the building.

Exterior lighting fixtures proposed are generally compliant as to cutoff design. Overall light dispersion is Code compliant in that it does not exceed .5 footcandles on the ground at the lot lines except to a minimal extent in the area of drive entry/exit at Quinlan Drive, where it rises to .6 and .7 footcandles on the ground at limited few points.

HVAC location/screening plans are not given at this stage in the project.

The existing monument sign on this site is proposed to remain in it's current size and location with minor adjustments to the styling of the sign structure. Any new sign(s), reference landscaping plan for instance, will require separate review, approval, and issuance of a Sign Permit prior to placement at the site.



**Recommendation:**

The Planner recommends this matter be tabled until final resolution a pending matter – a possible Code amendment that would increase the maximum percent of independent living units in the EHO from 50% to 100% and also, until the Village would resolve to amend the current EHO district by raising the maximum permitted density increase that can be allowed by the Planning Commission from current 150% to at least 170% as *may* enable a project on this site to have 84 units. Until then, this plan, as presented, may not have standing for action. The following review comments/conditions are offered for the Planning Commissions consideration:

- 1) Fire Department review and approval as to the serviceable of this project from a public safety standpoint;
- 2) Village Engineer review and approval of all grading, drainage, stormwater management, erosion control, street access, and utility plans offered in support of this project prior to issuance of any permit to begin site preparation and/or construction work on this site;
- 3) Final determination as to the acceptable number of total parking stalls to be provided in support of this project plan;
- 4) Any new sign(s), reference landscaping plan for instance, will require separate review, approval, and issuance of a Sign Permit prior to placement at the site;
- 5) Village Staff review and approval of HVAC location and screening plans when the locations and fixtures have been settled upon by the developer and prior to placing the HVAC at the site;
- 6) Village Staff review and approval of the detailed schedule of building materials and colors, consistent with the renderings offered;
- 7) Planning Commission to provide express acknowledgement as to any areas where exception from the Code standards is requested and could ultimately be approved.

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

## **Kirkland Crossing Phase 2**

### **Report**

#### Site Grading

The general topography of the existing vacant site indicates a slope from the northeast corner of the site at elevation of 883.5 to the west, southwest (el. 864) and southeast (el. 874) of the site. The proposed finished floor elevation for the building will be at elevation 880. The southerly portion of the building will have a full exposure to allow for underground parking. The elevation in Ryan Road at the center of the proposed building is approximately 880. The building grade on the northern exposure will be approximately 5 feet below the grade of the private road. The grade on the southern end of the building appears to fit well into the existing contours. Since stormwater management will be underground on the south end of the site, there will be no stormwater ponds.

An erosion control plan was included in the submitted package. Features include erosion mat over disturbed areas, silt fence, inlet protection and a tracking pad at the construction entrance. The construction entrance will be in the southwest corner of the site off of Quinlan Drive.

#### Stormwater Management

Stormwater management on this site will be an underground system located in the drive access area south of the building. Subject to the engineer addressing a number of technical comments, the proposed system will meet Village requirements.

#### Access

Access to this site will be via one entrance off of Quinlan Drive. I have received information showing fire truck wheel paths within the parking lot. The drawing shows that the fire truck will encroach onto a curb at the front door. I did not receive any approval from the fire department regarding fire truck access.

#### Sanitary Sewer and Water

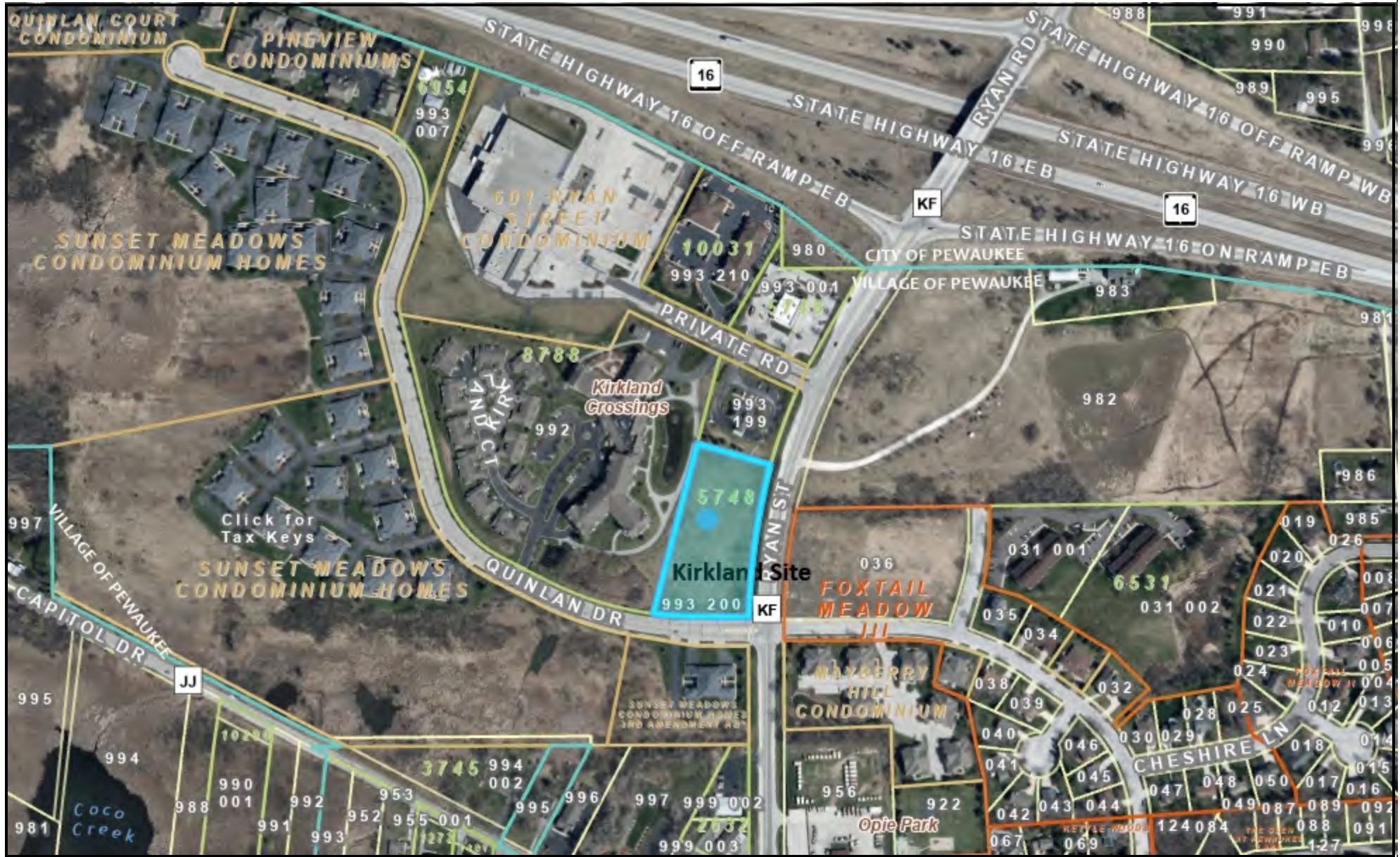
The site developer will be tapping into the water main located along Ryan Road and extending a 6-inch pipe into the building. All connection work to the public main will need to meet Village of Pewaukee requirements. Public sanitary sewer is located along the westerly property line. The contractor will need to connect into this line and meet all Village connection requirements.

### **Recommendation**

I recommend approval of the Civil Engineering drawings shown on Sheets C001, C002, C100, C200, C300, and C400 through C403, plotted February 22, 2023, and the stormwater management plan dated February 22, 2023 subject to satisfaction of all technical comments provided in the letter to Christopher Carr of The Sigma Group dated March 1, 2023 and approval from the fire department that the fire truck turning movements are acceptable.

Tim Barbeau, P.E.  
Village Consulting Engineer  
April 5, 2023





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: 12/1/2022





To: Jeff Knutson, President  
Plan Commission

From: Scott A. Gosse  
Village Administrator

Date: March 31, 2023

Re: Agenda Item 6a, Discussion and Possible Action Regarding Matter Development Site Plan Regarding Senior Housing Project at STH 164/Swan Road

---

### **BACKGROUND**

At its May 12, 2022 meeting, the Plan Commission approved a Conditional Use Grant to construct a 141-unit housing for the elderly building at the northwest corner of Swan Road and STH 164 with a listing of seven conditions. Staff is returning to the Plan Commission at this time to seek the Commission's direction on input provided by the City of Pewaukee as it relates to whether or not by-pass/turn lanes should be required on the west side of Swan Road where the proposed development accesses Swan Road.

### **ACTION REQUESTED**

The action requested of the Plan Commission is to review the information provided and provide direction on the requirement of by-pass and turn lanes being added to the site plan requirements for this development.

### **ANALYSIS**

The following were the conditions of approval of the Conditional Use Grant:

- 1) Fire Department review and approval as to the serviceable of this project from a public safety standpoint;
- 2) Village Engineer review and approval of all grading, drainage, stormwater management, erosion control, street access, and utility plans offered in support of this project prior to issuance of any permit to begin site preparation and/or construction work on this site;
- 3) Village Staff review and approval of HVAC location and screening plans when the locations and fixtures have been settled upon by the developer and prior to placing the HVAC at the site;
- 4) Village Staff review and approval of the detailed schedule of building materials and colors;
- 5) Planning Commission express acknowledgement as to the specific areas where exception from the Code standards is approved (see above in the motion).
- 6) Resolution of all engineering review comments related to the stormwater management plan and site development plans provided to the developer's engineer dated May 3, 2022.
- 7) Determination of where the sanitary sewer and water service laterals change from public to private and determination of where a water meter needs to be located.

When the site plan was reviewed by the Plan Commission, staff did not include a recommendation for a by-pass and turn lane on the west side of Swan Road due to a belief that traffic counts would not warrant this condition. Subsequent to the approval of the Plan Commission, the City of Pewaukee City Engineer reached out to DPW Dan Naze and Village Engineer Tim Barbeau (please see correspondence below) asking to have by-pass and turn lanes added to the plans for ingress and egress to the property from Swan Road as the City was requiring these improvements to all developments in the City along Swan Road.

*I received the minutes related to the Pewaukee Senior Living on the corner of Pewaukee Road and Swan Road. I noted that they were not required to provide decel/accel lanes or a bypass lane. This location is*

*half in the City of Pewaukee and I disagree with that conclusion. Traffic counts on Swan Road from 2018 indicate approximately 1100 ADT. The City has added multiple developments since this count was completed and has additional developable land which is only going to increase the traffic along this roadway. As these developments are occurring, we are requiring them to include accel/decel lanes and a bypass lane on Swan Road. I believe the same should apply to the Senior Living facility proposed, especially given the location of its entrance.*

Attached for your review and information please find a copy of a map illustrating the jurisdictional limits of the City and Village of Pewaukee regarding Swan Road adjacent to the parcel associated with this development. As you will see, the jurisdictional line for the communities is down the middle of Swan Road for a majority of the parcel. The access point from the development site would be in alignment with the ingress/egress point to the Broken Hill subdivision on the east side of Swan Road which is in the City of Pewaukee. Speaking with Dan Naze, Village Director of Public Works/Engineer, the City of Pewaukee currently maintains this area of Swan Road as it relates to winter operations and general maintenance.

Village Consulting Engineer Tim Barbeau reviewed the matter with Pat Hawley, Lead Traffic Engineer with raSmith, who offered the following comments on the proposed Swan Road improvements requested by the City:

*From Pat Hawley, P.E., P.T.O.E. 3/13/2023*

*Here are my thoughts on the proposed development and potential improvements along Swan:*

- *Senior living facilities generate very little traffic on a daily or peak hour basis. Depending on the exact mix of housing units (and corresponding ITE land use codes), the development is expected to generate 20-35 trips per hour. When assigning trips into and out of the facility, I would not expect any movement to exceed 15 vehicles per hour (1 turning vehicle every 4 minutes on average).*
- *I am not opposed to improvements at the intersection. With that said, I do not believe they are needed from a safety or operations perspective. In addition, there are challenges to implementing appropriate improvements, as highlighted below.*
- *Left-turn bypass lanes should not be used at 4-leg intersections and they would not be appropriate here.*
- *The existing Broken Hill Boulevard intersection was designed as a gateway feature and does not follow standard intersection design principles. In particular, the wide spacing between the approach and departure lanes creates an undesirable intersection design. Any improvements to the intersection would need to address this existing issue.*

*In summary, this development will have a negligible impact on traffic and shouldn't trigger improvements on its own. If there were a simple solution (ie scabbing on a bypass lane in one direction), I wouldn't oppose the City from pursuing it. However, the combination of it being a 4-leg intersection and the east approach being substandard will make improvements much more significant.*

Village staff, being responsive to the request of City of Pewaukee staff's request for the by-pass and turn lanes, added this as a condition of approval for the site plan. The developer asked staff to reconsider this condition as it was not included with the original discussion and site plan details reviewed as part of the May 12, 2022 Plan Commission meeting based on anticipated traffic counts accessing the property. Staff spoke with Village Attorney Matt Gralinski as it relates to this condition being added to the engineering plans and Attorney Gralinski recommended that this matter be presented to the Plan Commission for review and direction as there is no legal basis that the Village is aware of providing the City of Pewaukee with jurisdictional authority of the street access to Swan Road at this location.

Attachments



**Legend**

- DRAFT FEMA Floodplain
  - 1% Chance Flood (Zone A N)
  - 1% Chance Flood (Zone AE)
  - Floodway
- DRAFT\_FEMA Cross Sec
- Draft FEMA Cross Section
- DRAFT FEMA Floodway
- XSections (WillowSprings)
- DRAFT FEMA Floodplain
- Municipal Boundary\_2K
- Parcel\_Dimension\_2K
- Note\_Text\_2K
- Lots\_2K
  - Lot
  - Unit
  - General Common Element
  - Outlot
- SimultaneousConveyance
  - Assessor Plat
  - CSM
  - Condominium
  - Subdivision
- Cartoline\_2K
  - EA-Easement\_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.

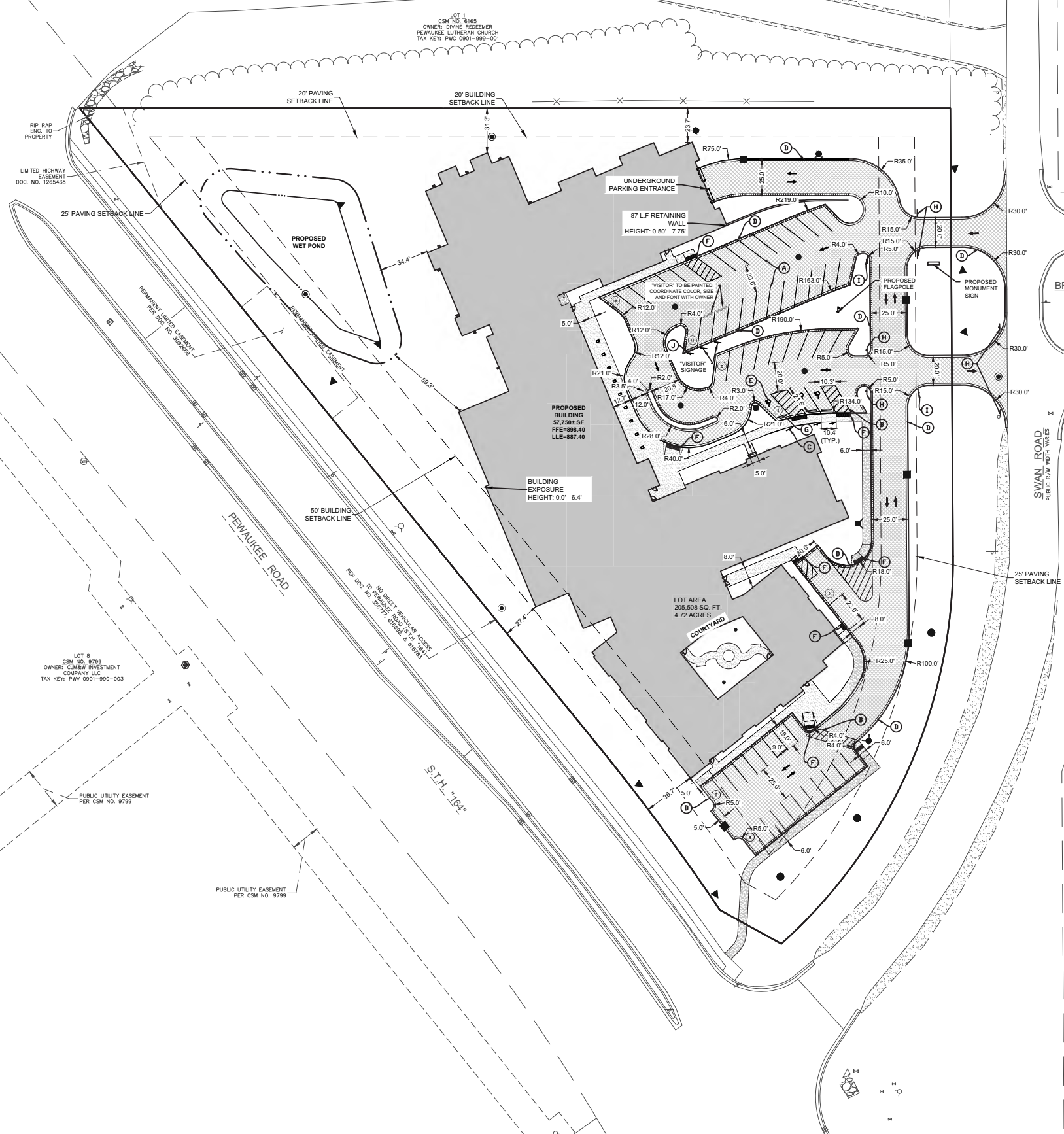
**Notes:**

Printed: 3/13/2023



THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, LLC

DRAFTED: DMS  
DESIGNED: ACT  
REVIEWED:



**PINNACLE ENGINEERING GROUP**  
ENGINEERING | NATURAL RESOURCES | SURVEYING

PLAN | DESIGN | DELIVER  
www.pinnacle-engr.com

WISCONSIN OFFICE:  
20725 WATERTOWN ROAD, SUITE 100  
BROOKFIELD, WI 53186  
(262) 754-8888  
CHICAGO | MILWAUKEE | NATIONWIDE

# PEWAUKEE SENIOR LIVING

NE CORNER OF HWY 164 & SWAN RD

SITE DIM  
PAVI



## STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: April 13, 2023

### General Information:

Agenda Item: **6.b.**

**Applicant/Property Owner:**

Nick and Jill DeQuardo

**Requested Action:**

Conditional Use Grant approval to replace the existing attached deck on the front of their home with a slightly larger deck, resulting in a setback to the front lot line that is less than existing, and less than required by Code.

**Current Zoning:**

R-5 Single Family Detached Residential District

**Current Master Plan Classification:**

Single-Family Residential

**Surrounding Zoning/Land Use:**

North: R-5 Single-Family Detached

South: R-5 Single-Family Detached Residential

East: R-5 Single-Family Detached Residential

West: R-5 Single-Family Detached Residential

**Project Area:**

~.20 acres (8,712 square feet)

**Property Location:**

468 Spring St.

---

### Discussion:

Section 40.209(b) of the Village Code provides that the minimum required front on a legal nonconforming lot in the R-5 District may be reduced below the minimum required if a conditional use grant is requested and approved by the Planning Commission.

The applicant plans to replace the front deck on this home with a slightly larger deck.

This lot is legal nonconforming as to minimum required lot size (i.e., minimum 10,500 sq. ft.).

The existing deck extends out from the front building wall approximately 10 feet. The proposed deck will extend out 14 feet, plus the new stairs will extend an additional 7.5 feet. This puts the overall setback reduction request down to 24.4 feet where 35 feet would ordinarily be required by Code.

The proposed new deck is shown to comply with the Code required minimum sideyard offset of 10 feet.

**Recommendation:**

If the Planning Commission is inclined toward an approval of the applicants request as presented, the following conditions are recommended to be considered for attachment:

- 1) Issuance of a building permit prior to start of any work toward constructing the proposed garage addition.
- 2) Recording of the Conditional Use Grant prior to issuance of a building permit for the new house with attached garage.
- 3) Village Engineer review and approval of any grading/drainage plan for the site if/as may be needed to ensure that the proposed new deck will not adversely impact surrounding properties in terms of stormwater flow/management.

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

**DeQuardo Deck**

**Report**

Site Grading

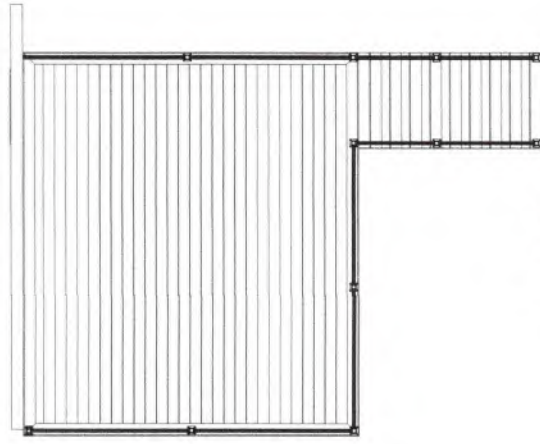
The drainage pattern of the existing front yard is to the northwest towards Spring Street and to the southwest towards the owner's driveway, then out to Spring Street. The additional deck will add a minor amount of hard surface to the site, but will not substantially change the drainage pattern.

**Recommendation**

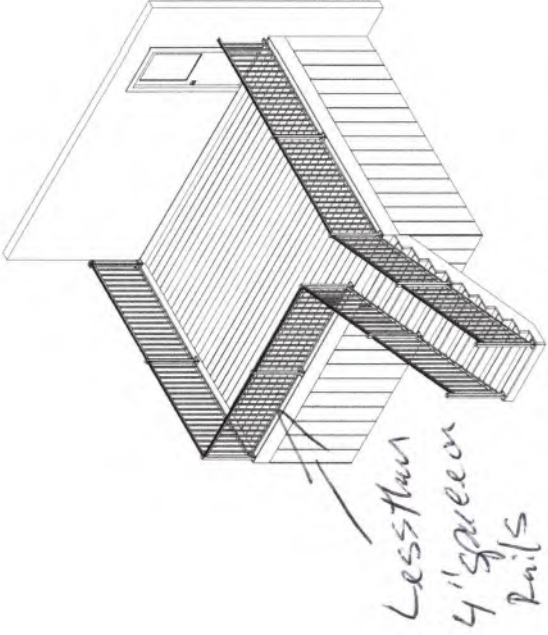
Subject to any new information heard at the public hearing, I have no objection to the deck extension as it relates to site drainage.

Tim Barbeau, P.E.  
Village Consulting Engineer  
April 5, 2023

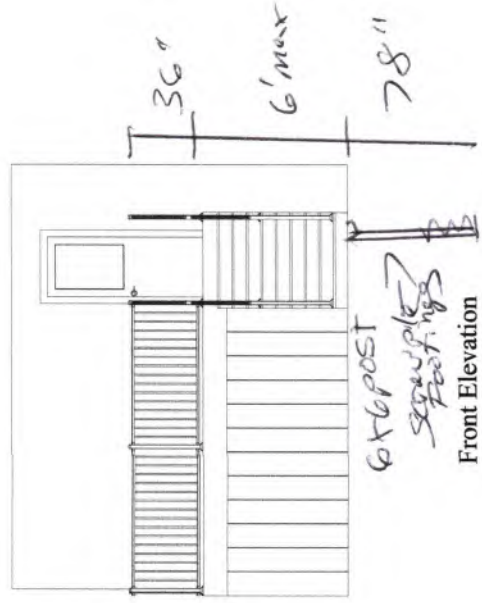
Horse wall



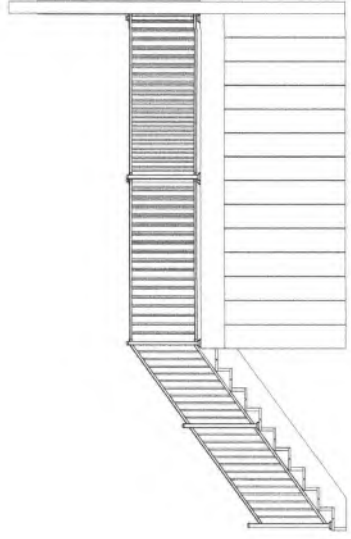
Plan View



Iso (Front, Right, Top) View



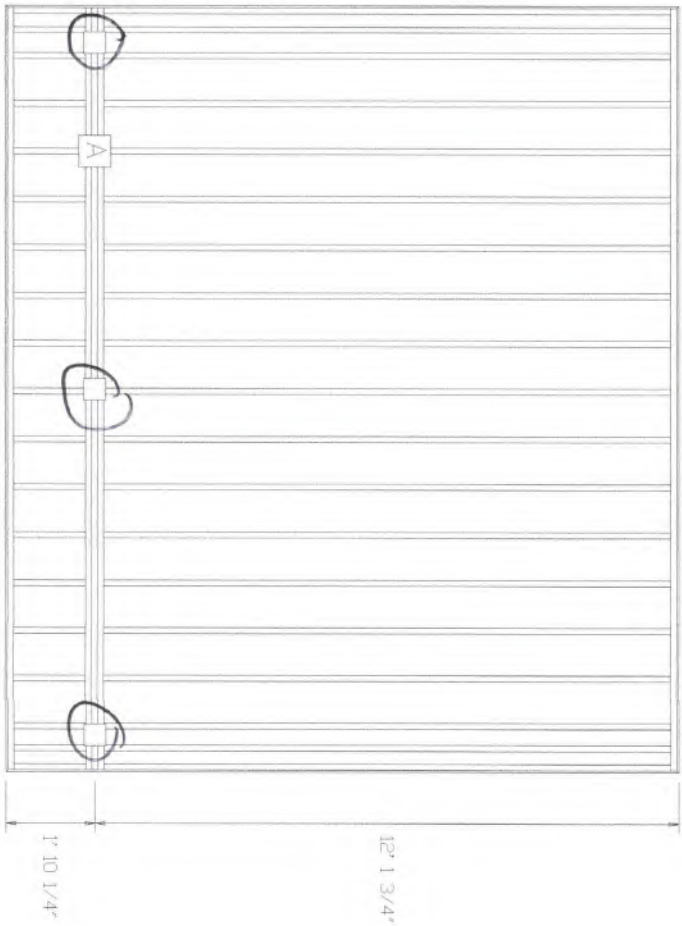
Front Elevation



Right View

Beam Layout  
 Nick DeQuardo  
 02/20/23  
 Ref: permit  
 Scale: 1/4" = 1'

*Horse wall*



BEAM LABEL	BEAM LENGTH	POST COUNT	POST SPACING
A	15' 11"	3	7' 2 3/4"

Post spacing is measured center-to-center.

*Screw pile Footings*

*6x6 posts w/ top/bottom plates*

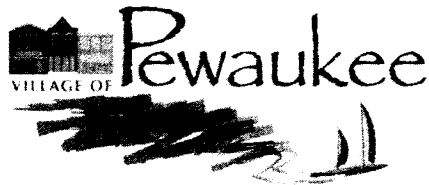
*Footings for stairs*  
 ↓  
 ↓  
 ↓

Kirch Improvements llc  
 220 Regency Ct L101  
 Brookfield WI  
 (414) 940-1037

Plan View  
Nick DeQuardo  
02/20/23  
Ref: permit  
Scale: 1/4" = 1'



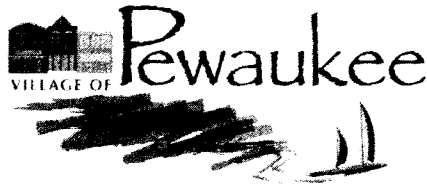
Kirch Improvements llc  
220 Regency Ct L101  
Brookfield WI  
(414) 940-1037



## CONDITIONAL USE GRANT APPLICATION FORM

Complete all items entirely:

<b>Property Address:</b>	468 Spring St
<b>Property Tax Key:</b>	PWV 0896084
<b>Zoning of Property:</b>	
<b>Property Owner Name:</b>	Nick + Jill DeQuardo
<b>Property Owner Mailing Address:</b>	468 Spring St. Pewaukee, WI 53072
<b>Property Owner Phone:</b>	414-750-1511
<b>Property Owner Email:</b>	ndequardo51@gmail.com
<b>Applicant - Name:</b>	Nick DeQuardo
<b>Applicant Mailing Address:</b>	468 Spring St. Pewaukee, WI 53072
<b>Applicant - Email:</b>	ndequardo51@gmail.com
<b>Applicant - Phone:</b>	414-750-1511
<b>Description of Request (Please be thorough and attach additional pages if needed)</b>	request to replace and extend front porch.



**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.

Nick DeQuade

**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.

Nick DeQuade

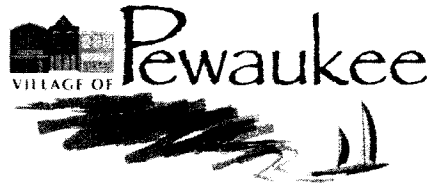
**Applicant's Printed Name**

**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.





# 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.**

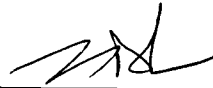
Complete the information below:

<b>Responsible Party Name</b>	Nick DeQuardo
<b>Mailing Address</b>	468 Spring St.
<b>City, State and Zip</b>	Pewaukee, WI 53072
<b>Email:</b>	ndequardo51@gmail.com
<b>Phone:</b>	414-750-1511


**ENTER EMAIL TO SEND  
INVOICES:**

ndequardo51@gmail.com

Nick DeQuardo  
**Property Owner Printed Name**

 3/14/2023  
**Signature of Property Owner/Date Signed**



















Nick DeQuardo  
**Applicant Printed Name**

 3/14/2023  
**Applicant Signature/Date Signed**

\_\_\_\_\_  
**Village Staff Acceptance – Date**



**Legend**

-  Municipal Boundary\_2K
-  Parcel\_Dimension\_2K
-  Note\_Text\_2K
- Lots\_2K**
  -  Lot
  -  Unit
  -  General Common Element
  -  Outlot
- SimultaneousConveyance**
  -  Assessor Plat
  -  CSM
  -  Condominium
  -  Subdivision
- Cartoline\_2K**
  -  EA-Easement\_Line
  -  PL-DA
  -  PL-Extended\_Tie\_line
  -  PL-Meander\_Line
  -  PL-Note
  -  PL-Tie
  -  PL-Tie\_Line
  - <all other values>
- Railroad\_2K**



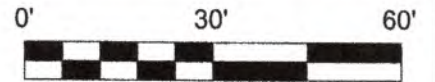
The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, 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:** 468 Spring St

Printed: 4/6/2023



# Plat of Survey



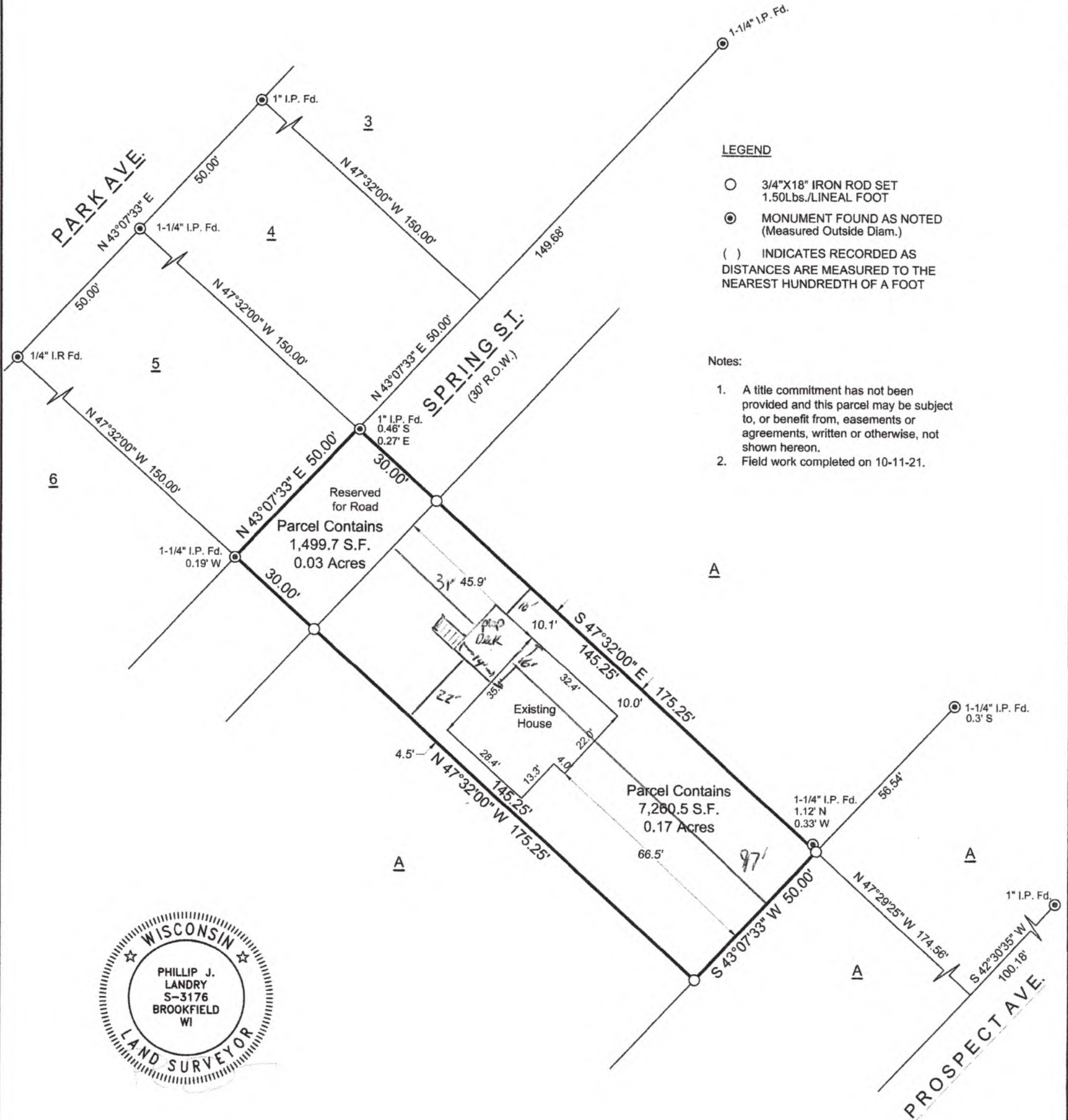
**Property Description:**

All that part of Lot "A", Block 1, D.M. Flanagan's Subdivision, the Northeast 114 of Section 17 and Southeast 114 of Section 8, Township 7 North, Range 19 East, in the Village of Pewaukee, Waukesha County, Wisconsin bounded and described as follows, to-wit:

Commencing at the Southeasterly corner of Lot 5, in said Block 1; thence along the Easterly line of said Lot 5 to the Northeasterly corner thereof; thence Easterly parallel with Maple Avenue, 175.25 feet to a point; thence Southerly parallel with said Easterly line of said Lot 5, 50 feet to a point; and thence Westerly parallel with Maple Avenue, to the place of beginning. Together with a right-of-way to be used in common with others 30 feet in width over those certain strips of land next Easterly of Lots 2, 3, 4 and 6 in said Block 1, in the Village of Pewaukee, Waukesha County, Wisconsin, as set forth in Warranty Deed to Village of Pewaukee dated May 12, 1945 and recorded on May 21, 1945 in Volume 372 of Deeds on Page 95 as Document No. 273897.

PREPARED FOR:  
Nick Dequardo  
468 Spring St.,  
Waukesha, WI 53072

BEARINGS ARE REFERENCED TO  
D.M. FLANAGAN'S SUBDIVISION,  
D.N. SOUTHWESTERLY LINE  
LOT A, BEARS N 47°32'00" E



**SURVEYOR'S CERTIFICATE**

I hereby certify that we surveyed the property described above and that the map is a true representation thereof and shows the size and location of the property, its exterior boundaries. Said survey meets the minimum standards for property surveys of the Wisconsin Administrative Code (A-E7) and the map hereon is correct to the best of my knowledge and belief. This Survey is solely for the use of the present owners of the property at the date below.

Dated this 14th Day of October, 2021: Phillip J. Landry S-3176



260 Regency Court • Lower Level  
Brookfield, WI 53045 • (262) 312-1034  
c3egeomatics.com

Job# 21442

468 Spring St

Pewaukee, Wisconsin



Google Street View

Oct 2021

[See more dates](#)



## STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: April 13, 2023

### General Information:

Agenda Item: **6.C.**

**Applicant:**

Century Abrams LLC, d/b/a Chick-fil-A (in c/o Mark Davis of Chipman-Design)

**Status of Applicant:**

Property owner.

**Requested Action:**

Conditional Use Grant amendment approval to convert a portion of the existing site landscape area into paved, outdoor seating area.

**Current Zoning:**

B-1 Community Business District with PUD

**Current Master Plan Classification:**

Community Commercial

**Surrounding Zoning/Land Use:**

North: B-1 Community Business District with PUD  
South: R-6 Plex Residential  
East: B-1 Community Business District with PUD  
West: B-1 Community Business District with PUD

**Lot Size:**

2.09 acres

**Location:**

1454 Capitol Drive

---

### Discussion:

The applicant requests approval to convert a portion of the existing greenspace (approximately 435 square feet in area) from a planting bed into an expansion of their existing outdoor seating area. This expansion area would allow for the addition a seven 4-seat tables off the northeast corner of building. The existing seating area provides six 4-seat tables.

### Recommendation:

If the Planning Commission is inclined toward an approval in this matter, the Planner recommends the following conditions be considered for attachment thereto:

- 1) The existing railing as surrounds the existing outdoor seating area be continued around the perimeter of this new seating area'
- 2) The new tables, chairs, umbrellas and other related appurtenance to be placed in this seating area shall match/compliment the existing outdoor furnishings in the existing outdoor seating area;

- 3) The required greenspace/parking lot landscaping for this site, as set forth in the original CUG recorded on this use/site, shall be reduced by the amount equal to the extent of new paving (i.e., approximately 435 sq. ft.) to be placed in support of this new project;
- 4) Work in support of this project may not begin until the Conditional Use Grant and related Land Covenant have been signed and recorded in the Waukesha County Register of Deeds office;
- 5) Any required building or similar permits required in support of this project shall be applied for and issued prior to start of work on this project.

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

**Chick-fil-A Outdoor Seating**

**Report**

Site Grading

The removal of an existing landscaped area and allowing the area to be paved will add a minor amount of hard surface to the site, but does not change the drainage pattern. The stormwater management for the entire development is addressed through two stormwater ponds. The change in hard surface is not significant enough to require changes to the stormwater management improvements.

**Recommendation**

Subject to any new information heard at the public hearing, I have no objection to paving a portion of the site landscaped area, as it relates to site drainage.

Tim Barbeau, P.E.  
Village Consulting Engineer  
April 5, 2023



## CONDITIONAL USE GRANT APPLICATION FORM

Complete all items entirely:

<b>Property Address:</b>	1454 Capitol Dr, Pewaukee, WI 53072
<b>Property Tax Key:</b>	PWV 0904990016
<b>Zoning of Property:</b>	
<b>Property Owner Name:</b>	Century Abrams LLC
<b>Property Owner Mailing Address:</b>	PO Box 863975 Plano, TX 75086-3975
<b>Property Owner Phone:</b>	(214) 736-4618
<b>Property Owner Email:</b>	centurytxllc@yahoo.com
<b>Applicant - Name:</b>	Mark Davis
<b>Applicant Mailing Address:</b>	1350 E. Touhy Ave, 100E Des Plaines, IL 60018
<b>Applicant - Email:</b>	mdavis@chipman-design.com
<b>Applicant - Phone:</b>	847.376.9599
<b>Description of Request (Please be thorough and attach additional pages if needed)</b>	Proposed exterior patio seating renovation with increased seating. Existing building footprint, USE, Classification, and site will remain as-is. Scope of work is related to the exterior patio area only.





# 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:

<b>Responsible Party Name</b>	Chipman Design Architecture on behalf of Chick-fil-A, Inc.
<b>Mailing Address</b>	1350 E. Touhy Ave.
<b>City, State and Zip</b>	Des Plaines, IL 60018
<b>Email:</b>	mdavis@chipman-design.com
<b>Phone:</b>	847.376.9599

**ENTER EMAIL TO SEND INVOICES:**

mdavis@chipman-design.com

David Preston, Manager of Century Abrams LLC

**Property Owner Printed Name**

Mark Davis

**Applicant Printed Name**

*David Preston*

**Signature of Property Owner/Date Signed**

*[Handwritten Signature]*

**Applicant Signature/Date Signed**

\_\_\_\_\_  
**Village Staff Acceptance – Date**



**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.

David Preston, Manager of Century Abrams LLC

**Property Owner Printed Name**

A handwritten signature in black ink, appearing to read "David Preston", written over a horizontal line.

**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.

Mark Davis

**Applicant's Printed Name**

A large, stylized handwritten signature in black ink, appearing to read "Mark Davis", written over a horizontal line.

**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.

# Chic-fil-A Property



0 54.43 Feet

Notes: 1454 Capitol Drive

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.



Printed: 4/6/2023

2023.02.21

Village of Pewaukee Building Services  
Plan Commission CUG Review  
235 Hickory Street  
Pewaukee, WI 53072

RE: (Patio seating layout – CUG Review)  
03859 Pewaukee FSR (Chick-fil-A)  
1454 Capitol Drive  
Pewaukee, WI 53072

Village of Pewaukee Plan Commission,

We are submitting for Plan Commission review and approval the proposed exterior patio seating layout. We have submitted the required drawings, completed CUG application, Plan Commission CUG review fee, and flash drive with submitted documents. Scope of work is exterior only and affects the existing exterior patio area only. Existing building footprint, USE classification, building interior, and exterior site to remain as-is with no modifications in scope of work.

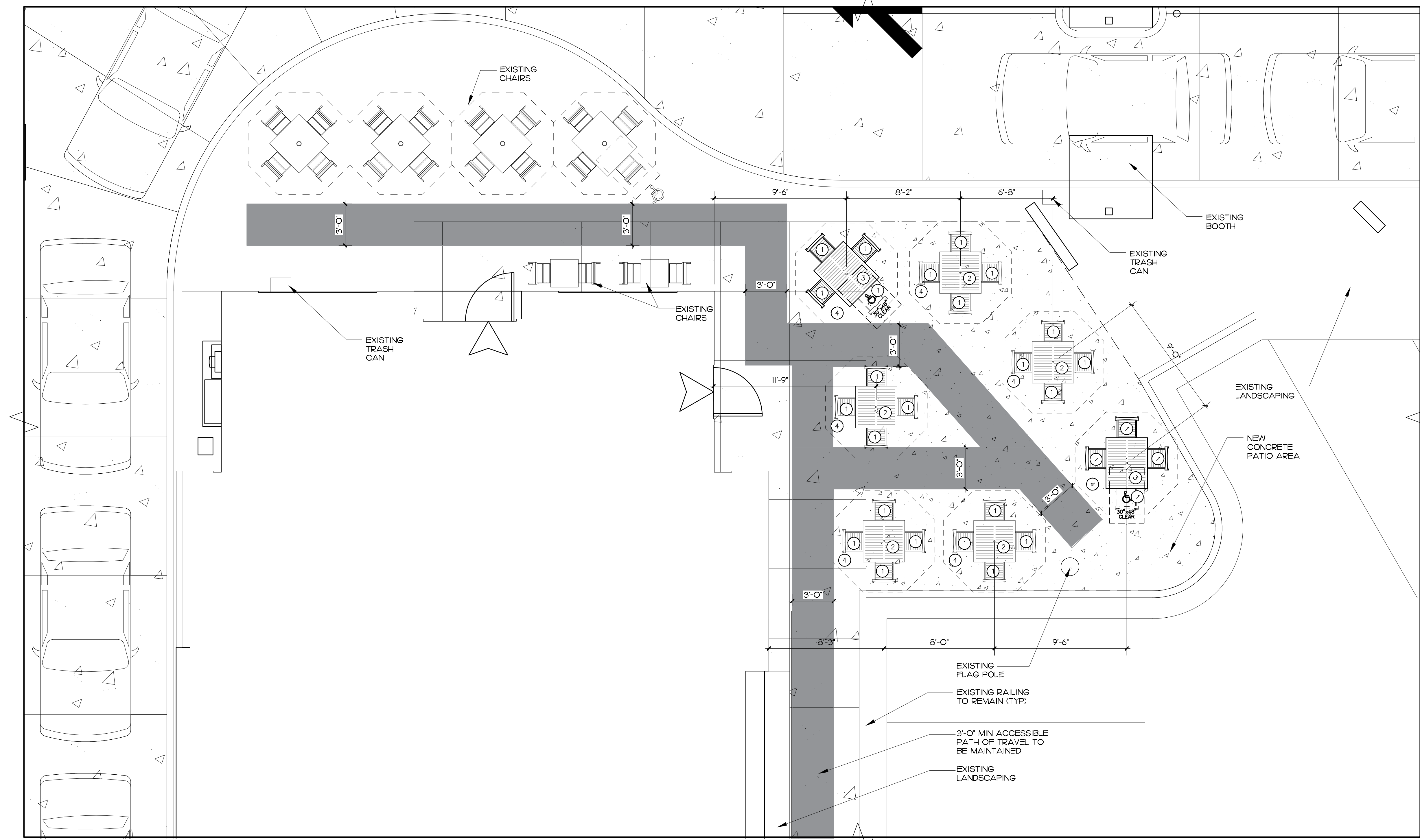
Thanks,



Mark Davis  
Sr. Project Manager  
1350 E. Touhy Ave, 100E  
Des Plaines, IL 60018  
[mdavis@chipman-design.com](mailto:mdavis@chipman-design.com)  
(m)847.376.9599

# PATIO SEATING SCHEDULE

NAME	QTY.	MANUFACTURER	PART #	SIZE	MATERIAL	FINISH	PROVIDED BY:
① DINING CHAIR	28 ( NEW )	BENCHMARK DESIGN GROUP	BAJA SIDE STACK (2012)	20" W X 21" D X 32.31" H, 17" SEAT HEIGHT	ALUMINUM - 1" X 1.5" TUBING	C34 BRONZE ONE COAT	STRATEGIC
② TABLE - FOUR TOP (W/ UMBRELLA HOLE)	5 ( NEW )	BENCHMARK DESIGN GROUP	TAB3055-3636-AAL-WJ-UH-BDT	36" X 36" X 29-1/4" H	ALUMINUM	C34 BRONZE ONE COAT	STRATEGIC
③ TABLE - ADA FOUR TOP (W/ UMBRELLA HOLE)	2 ( NEW )	BENCHMARK DESIGN GROUP	TAB3055-3644-AAL-WJ-UH-BDT	36" X 44" X 29-1/4" H	ALUMINUM	C34 BRONZE ONE COAT	STRATEGIC
④ UMBRELLA W/ S.STL BASE PLATE	7 ( NEW )	TUUCI	OCEAN MASTER PARASOL	7'-4" DIA X 7'-10" OVERALL HEIGHT 6'-4" H TO UNDERSIDE OF CANOPY	HARDWARE: STAINLESS STEEL SUNBRELLA: ACRYLIC	HARDWARE: STAINLESS STEEL	STRATEGIC
⑤ TABLE - TWO TOP (W/O UMBRELLA HOLE)	0	BENCHMARK DESIGN GROUP	TAB3055-3030-AAL-WJ-BDT	30" X 30" X 29-1/4" H	ALUMINUM	C34 BRONZE ONE COAT SUNBRELLA: JOCKEY RED	STRATEGIC
TOTALS	NEW TABLES = 28 SEATS 6 EXISTING TABLES = 20 SEATS						
	13 TOTAL TABLES = 48 SEATS						



## A-PSL.1

PEWAUKEE (WI) FSU (03859) : PATIO SEATING LAYOUT  
 1454 CAPITOL DR  
 PEWAUKEE, WI 53072

THIS CHICK-FIL-A DESIGN IS FOR REVIEW AND ORDERING PURPOSES ONLY. THIS DOCUMENT SHOULD NOT BE USED FOR CONSTRUCTION, BID OR PERMIT.

**PROJECT NOTES:**

- ALL CONSTRUCTION WITHIN PUBLIC R.O.W./ EASEMENTS AND OR CONNECTION TO PUBLIC SEWERS AND STREETS SHALL COMPLY WITH THE VILLAGE OF PEWAUKEE STANDARDS.
- AT LEAST ONE WEEK PRIOR TO ANY CONSTRUCTION WITHIN PUBLIC R.O.W./ EASEMENTS AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, THE CONTRACTOR SHALL CONTACT THE CITY TO OBTAIN APPLICABLE CITY PERMITS.
- ALL CONNECTIONS TO PUBLIC SEWERS SHALL BE CORE DRILLED.
- INGRESS/EGRESS WILL BE PROVIDED INTERNAL AND EXTERNAL TO THIS SITE.
- PRIVATE UTILITIES TO BE INSTALLED PER THE VILLAGE OF PEWAUKEE STANDARDS AND CURRENT WISCONSIN STATE PLUMBING CODE. CONTACT BUILDING INSPECTION A MINIMUM OF 24 HOURS IN ADVANCE FOR UTILITY INSTALLATION INSPECTIONS.
- CONCRETE CURB & GUTTER SHALL BE 24" AROUND BUILDING ISLAND AND WITHIN DRIVE-THROUGH ONLY.
- ALL PAVEMENT DIMENSIONS ARE MEASURED TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL CURB REJECTION STYLE UNLESS OTHERWISE SPECIFIED.

**SIGN LEGEND**

- 6A DENOTES "STOP" R1-1, 30" X 30" (TYP.)
- 6B DENOTES "HANDICAPPED PARKING" (BOLLARD MOUNTED) R7-8, 12" X 18" (TYP.) DENOTES "\$250 FINE" R7-1101 6" X 12" (TYP.)
- 6C DENOTES "DO NOT ENTER" R5-1, 30" X 30" (TYP.)
- 6D DENOTES "PEDESTRIAN CROSSWALK" 12" X 18" (TYP.)
- 6E DENOTES "VAN ACCESSIBLE" D9-6P (BOLLARD MOUNTED WITH 6B)
- 6F DENOTES "CATERING & CARRY OUT" 12" X 18" (TYP.)

**INDIVIDUAL SITE DEVELOPMENT BOUNDARY**

- SITE BOUNDARY
- BUILDING 3: 11,746 S.F.

- CONCRETE PAVEMENT & SIDEWALK
- LANDSCAPE AREA

**SITE PLAN DESIGN NOTES & KEY PLAN**

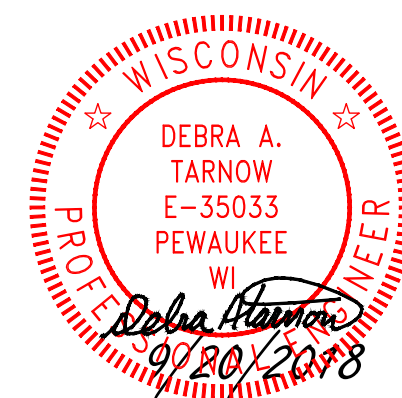
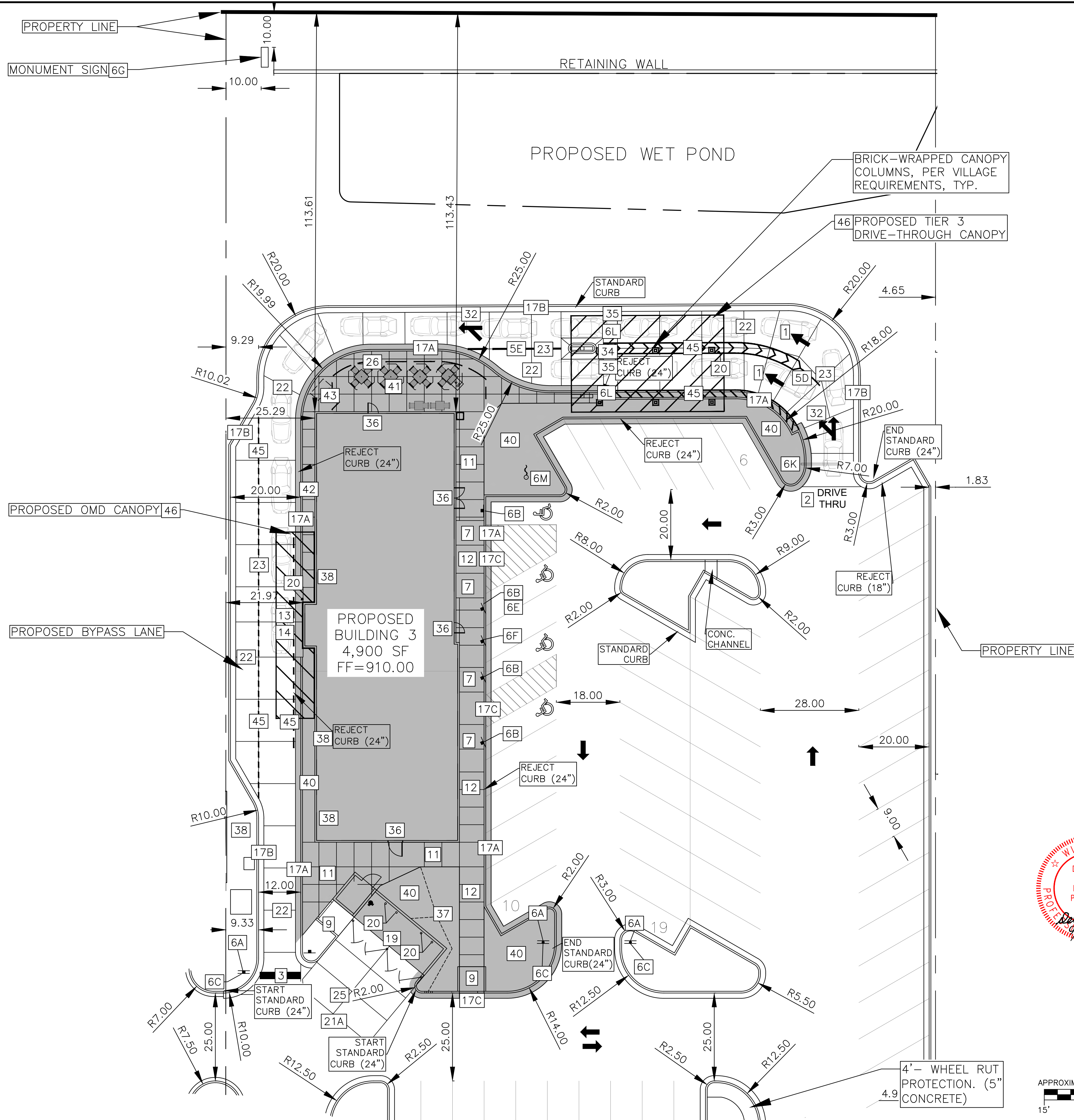
- 1 DIRECTIONAL ARROW
- 2 DRIVE-THRU GRAPHICS
- 3 STOP LINE GRAPHIC
- 4 PAINTED HANDICAPPED PARKING SYMBOL
- 5 STANDARD PARKING STALL (9'x18') PER CODE
- 5A STANDARD 60 DEGREE PARKING STALL (9'x21'-10")
- 5B
- 5C 4" SOLID WHITE STRIPING
- 5D 4" SOLID YELLOW STRIPING
- 5E 4" SKIP DASH YELLOW STRIPING
- 6 DIRECTIONAL SIGNAGE

ALL SIGNS SHALL CONFORM TO THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" BY THE U.S. DEPARTMENT OF TRANSPORTATION. (SEE SIGN LEGEND)

6A THRU 6F (SEE SIGNAGE LEGEND, THIS SHEET)

- 6G CHICK-FIL-A MONUMENT SIGN, SEE SIGNAGE PACKAGE
- 6H CHICK-FIL-A "ENTER" SIGN, SEE SIGNAGE PACKAGE
- 6I CHICK-FIL-A "EXIT" SIGN, SEE SIGNAGE PACKAGE
- 6J CHICK-FIL-A "DRIVE THRU" SIGN, SEE SIGNAGE PACKAGE
- 6K CLEARANCE BAR, SEE SIGNAGE PACKAGE
- 6L MENU ORDER BOARDS, SEE SIGNAGE PACKAGE
- 6M FLAGPOLE, 50', SEE SIGNAGE PACKAGE

- 7 SIDEWALK (ADA COMPLIANT) RAMP
- 8 HANDICAP RAMP w/ FLARED SIDES (IN SIDEWALK)
- 8A HANDICAP RAMP w/ FLARED SIDES (GRASSED AREAS)
- 9 RETURNED CURB HANDICAP RAMP
- 10 TRUNCATED DOMES
- 11 TYPICAL CONCRETE SIDEWALK, 5' MIN.
- 12 7' WIDE SIDEWALK w/ CURB & GUTTER
- 12A INTEGRAL CURB & 7' WIDE SIDEWALK
- 13 DRIVE THRU PLAN
- 14 DRIVE-THRU ISOMETRIC
- 15 SOLID PLASTIC WHEEL STOP
- 16 LANDSCAPE & IRRIGATION PROTECTOR
- 17 24" CONCRETE CURB & GUTTER
- 17A SPILLING CURB SECTION
- 17B CATCHING CURB SECTION
- 17C DEPRESSED SPILLING CURB
- 17D DEPRESSED CATCHING CURB
- 18 ROLL-OVER/MOUNTABLE CURB
- 19 REFUSE ENCLOSURE FOUNDATION
- 20 CONCRETE BOLLARD
- 21 TYPICAL PAVEMENT SECTION
- 21A PAVEMENT EDGE DETAIL
- 21B HEAVY-DUTY PAVEMENT SECTION
- 22 TRANSVERSE & LONGITUDINAL CONTRACTION JOINT
- 23 TRANSVERSE & LONGITUDINAL DOWELED CONSTRUCTION JOINT
- 24 CONCRETE APRON @ TRASH ENCLOSURE
- 25 CONCRETE PAVING @ DRIVE THRU LANE
- 26 ALUMINUM HANDRAIL (REFER TO ARCH PLANS FOR DETAIL)
- 27 TYPICAL ADA RAMP AND HANDRAIL
- 28 CONTRACTION JOINT
- 29 KEVED CONSTRUCTION JOINT
- 30 LONGITUDINAL BUTT JOINT
- 31 EXPANSION JOINT
- 32 DRIVE-THRU DIRECTIONAL GRAPHICS
- 33 CROSSWALK DETAIL
- 34 DRIVE THRU ORDER POINT ISLAND CURB
- 35 MENU BOARD LOOP DETECTION SYSTEM
- 36 ENTRY DOOR FROST SLAB DETAIL
- 37 GREASE TRAP
- 38 ROOF DOWNSPOUT (TO CONNECT TO SITE DRAINAGE SYSTEM)
- 39 PROPOSED TRANSFORMER (BY OTHERS)
- 40 LANDSCAPED AREA
- 41 TYPICAL LOCATION FOR OUTDOOR TABLES (SEE EQUIPMENT SCHEDULE)
- 42 CONCRETE STRIP BETWEEN BUILDING AND BACK OF CURB
- 43 CONCRETE PAD FOR OPTIONAL CASH STATION
- 44 BIKE RACK
- 45 DRIVE-THRU LANE STRIPING (SEE CFA DESIGN NOTES #2017-038 & 2018-016 ON SHEET B3-9)
- 46 FACE-TO-FACE DRIVE-THRU CANOPY SYSTEMS



**PROPOSED SITE PLAN DETAILS - LOT 2, BUILDING 3  
THE SHOPS AT MEADOW RIDGE  
MEADOWCREEK DR.  
VILLAGE OF PEWAUKEE, WI**

REVISION NO.	DESCRIPTION	DATE	BY	DESIGNED BY	DATE
				DAT/RJN	9-21-2018
				RJN/DAT	9-21-2018
				DAT	9-21-2018
				ISSUANCE CONSTRUCTION	



KEY PROJECT NUMBER	1804-0984-0001
PROJECT SCALE	1" = 15'
SHEET NUMBER	<b>B3-1</b>



CHIPMAN  
DESIGN  
ARCHITECTURE

## TRANSMITTAL

SENT BY |  
DATE |

ATTN |  
PHONE |  
CDA ID |  
RE |

DATE	DESCRIPTION

SITE ADDRESS

COMMENTS

COPY TO

\_\_\_\_\_  
SIGNATURE

T:847.298.6900 1350 E TOUHY AVE. FIRST FLOOR EAST, DES PLAINES, IL 60018

LOS ANGELES PORTLAND PHOENIX CHICAGO ATLANTA NEW YORK



To: Jeff Knutson, President  
Plan Commission

From: Scott A. Gosse  
Village Administrator

Date: March 31, 2023

Re: Agenda Item 6d, Review, discussion, and recommendation to Village Board on Proposed Changes to Residential Infill Overlay District (referred to Plan Commission by Village Board)

---

**BACKGROUND**

This matter was referred to the Plan Commission by the Village Board for review and feedback. Attached for your review and information please find a copy of the staff memo shared with the Village Board for its March 7, 2023 meeting.

**ACTION REQUESTED**

The action requested of the Plan Commission is to review the attached information and provide a recommendation, if any, for any changes to the Residential Infill Overlay District.

Attachments





To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: February 28, 2023

Re: Agenda Item \_\_\_\_\_, Discussion and Direction on Proposed Changes to Residential Infill Overlay District

---

### **BACKGROUND**

This matter is on the agenda at the request of Trustee Hill. Attached for your review and information please find a copy of the current Residential Infill Overlay District language with proposed changes noted in **blue text** (pages 3, 4 and 5). Additionally, Trustee Hill has provided copies of photos of some homes in The Glen at Pewaukee Lake development, which was approved under the residential infill overlay district ordinance, to assist with his discussion of this matter. Staff will look to Trustee Hill to facilitate the discussion on this matter with staff present to address any questions on the proposed changes in relation to the current code language. Planner Mary Censky is anticipated to be in attendance at the meeting to assist with any questions on this matter. Please note that Mary's comments related to the proposed edits from Trustee Hill are noted in **red text**.

### **ACTION REQUESTED**

The action requested of the Village Board is to review the information presented and to provide direction on this matter.

### **ANALYSIS**

The edits proposed by Trustee Hill are in the following sections and noted in ***bold italic blue***:

- 40.367.4 ADD #7
- 40.367.5 several edits
- 40.367.7
- 40.367.8

Attachments

## STAFF REPORT

To: Village of Pewaukee Village Board

By: Mary Censky

Date Prepared: February 22, 2023

### **General Information:**

Agenda Item: **8.a.**

**Applicant:**

N/A

**Status of Applicant:**

Village initiated item

**Requested Action:**

Discussion and Direction on  
Proposed Changes to Residential  
Infill Overlay District.

---

### **Discussion:**

The Residential Infill Overlay District was created/adopted by the Village in 2020. Since its adoption, the Village has approved two separate plats under this District – The Glen at Pewaukee Lake Final Plat where infrastructure improvements are essentially complete and home construction is well underway already, and the Riverside Preserve Preliminary Plat.

The Glen at Pewaukee Lake project is now providing an opportunity to observe how the specific bulk, spatial, density,... regulations of this District translate, tangibly, in the field.

Trustee Hill has made several specific suggestions for changes to be made/considered for this District. Please see “Planner Remarks” in red below as to the specific questions/suggestions raised.

*DIVISION 18.5. RESIDENTIAL INFILL-REDEVELOPMENT OVERLAY DISTRICT<sup>1</sup>*

**Sec. 40.367.1. Purpose; authority; control.**

**Planner Remarks.**

This purpose statement clearly summarizes the Village's original motivation for creating this unique district with limited applicability. See also Section 40.367.5, paragraph 2 – below.

- (1) The residential infill-redevelopment overlay district is intended to permit single-family residential infill and/or redevelopment projects at a slightly higher density (smaller minimum lot size) than the village's standard single-family residential zoning districts and which also permits limited shared/common building walls among residences. Target locations for this overlay district to be applied may include sites where current or previously existing, often times non-single-family-residential type land uses may be/been situated on properties that are closely comingled within existing single-family residential use neighborhoods and where a resumption, modification or intensification of the prior or current non-single-family-use(s) is no longer necessarily desired based upon potential land use incompatibility issues, concerns about impact on available public services and facilities, ...and similar. These prospective infill-redevelopment sites/uses might now be phasing out of their former uses and into development/redevelopment opportunities where the village believes it would be beneficial to incentivize use conversion to single-family residential type use by offering this slightly higher density residential development opportunity in order to promote this option in pursuit of better synergy among land uses.

To that end, this residential infill-redevelopment overlay district purposefully offers greater flexibility of overall development design with the benefits from such design flexibility intended to be derived by both the developer and the community by encouraging greater consistency/compatibility among land uses within the immediately surrounding area.

Concurrent with any request for rezoning to include this overlay district shall be a request for rezoning of the base zoning district to the R-5 single family residential district if this is not already the case.

(Ord. No. 2020-14, § I(40.001), 10-20-2020)

**Sec. 40.367.2. Permitted uses.**

- (1) Any permitted use listed in the underlying base zoning district and subject to all of the zoning requirements set forth in that underlying district.
- (2) Single-family residential dwellings (i.e. one dwelling unit per building) subject to all of the zoning regulations set forth in this residential infill-redevelopment overlay district.

(Ord. No. 2020-14, § I(40.002), 10-20-2020)

---

<sup>1</sup>Editor's note(s)—Ord. No. 2020-14, § I, adopted October 20, 2020, set out provisions intended for use as Division 18.5, §§ 40.001—40.013. For purposes of maintaining the numbering style of the Code, and at the editor's discretion, these provisions have been included as set out herein.

---

### **Sec. 40.367.3. Minimum project size/area.**

Not less than five contiguous, developable, project acres shall be required before the residential infill-redevelopment overlay district may be applied to any project/property.

(Ord. No. 2020-14, § 1(40.003), 10-20-2020)

### **Sec. 40.367.4. Permitted accessory uses/structures.**

- (1) Private garages and paved parking areas as accessory uses/structures shall be allowed provided that no garage may be erected prior to the erection of the principal building to which it is accessory.

Garages shall conform to the following:

- a. Each new single-family residential dwelling unit shall have at least one enclosed garage structure not less than 240 square feet in area (i.e. a one-stall garage) and not greater than 740 square feet (i.e. a three-stall garage). No detached garage structure may exceed 500 square feet in area. There shall be no more than one garage structure on any property.

All garages shall have direct and paved driveway access (not less than 8 feet in width) extending to each overhead vehicle access door(s) of the garage from a designated adjacent public or private road or alleyway. All paved parking and/or drive surfaces shall be offset from the side and rear lot lines by not less than three feet. Garages are not to be used for any dwelling, home office, home occupation, or business use of any sort. Driveway paving shall be completed within 12 months of the garage construction being completed.

Detached garages may not be situated closer to the street than the principal residence.

Every lot shall have/have access to not less than two paved, off-street vehicle parking spaces, at least one of which must be enclosed (ref. section 40.367.4.(1)(a) above). The other(s) may be located either onsite or within 100 feet of the lot.

- (2) Accessory fences may be permitted in this district subject to the following conditions:

Fencing on all lots within a proposed residential infill-redevelopment overlay district development should be uniform or coordinated as to design type, materials, permitted locations, heights and colors. To this end, all project development plans submitted for review/consideration under this overlay district shall include a detailed written and plan(s) based explanation as to fencing intended to be allowed within the development, if any. Without an approved development-wide fencing plan, no fencing is permitted in this overlay district. Section 40.422(c) of the land development code shall not apply to this overlay district.

- (3) Swimming pools are not permitted in this overlay district without prior planning commission approval of a development-wide swimming pool permissions and restrictions plan. Section 40.422(e) of the land development code shall not apply in this overlay district.

- (4) Home occupations and professional offices which are clearly incidental to the principal residential use and subject to the following conditions:

- a. The home occupation shall be carried on wholly within the principal residential building and only by residents occupying the premises.
- b. No article or service shall be sold or offered for sale on the premises.
- c. The home occupation shall not generate customer or client traffic to the residential premises.

- 
- d. Any off-street parking area shall be paved and adequately screened from adjoining residential properties.
  - e. The home occupation shall not include the conducting of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil or peat moss for commercial purposes.
  - f. The home occupation shall not include outside parking/placement/storage of materials, equipment, vehicles or supplies or any other operational activity resulting in offensive noise, vibration, smoke, dust, odors, heat, glare, visual obstruction/unsightliness or similar adverse impacts which may create a nuisance or be otherwise incompatible with the surrounding residential area.
- (5) Non-storage related passive use type accessory structures normally accessory to a residential use (i.e., gazebo, garden arbor, trellis', and similar...), shall be permitted in any yard and shall be setback not less than 20 feet from the front lot line and offset from the side and rear lot lines no less than five feet. Non-storage related active type accessory structures normally accessory to a residential use (i.e. swing-set, jungle gym, game court, and similar...) shall be permitted in the rear yard only and shall be offset from the side and rear lot lines no less than five feet.
- (6) Accessory storage structures are not permitted in this residential infill-redevelopment overlay district, except in lieu of a detached garage on the property in which case one accessory storage structure may be permitted in the rear yard, up to 192 square feet in area and offset from the side and rear lot lines not less than five feet. Accessory storage structures are not required to have driveways.

(Ord. No. 2020-14, § I(40.004), 10-20-2020)

***(7) An enclosed designated area shall be provided for storage of garbage and recycling bins.***

**Planner Remarks.**

*Existing Village Code. Sec. 74.116. - Placing of materials for collection.*

*"No garbage can or trash container shall be kept upon or adjacent to any street, sidewalk, parkway, front yard, side yard or other place within the view of persons using the Village of Pewaukee streets and sidewalks; except that:*

- (1) Placing for collection. Not earlier than noon on the day preceding that upon which garbage and refuse collection are customarily made from such premises, such garbage cans and trash containers shall be placed within six feet of the street or just inside the curb for the purpose of permitting the collection of garbage and refuse from such containers, and such garbage cans and trash containers shall be removed from such place on the same day collection is made".*

Possible alternate language might read that "Garbage or trash containers shall, at all times, be placed or stored in full compliance with [Section 74.116](#) of the Village Code, including as to any private streets or private drives within a development approved under this Residential Infill-Redevelopment Overlay District zoning.

**Sec. 40.367.4a. Conditional uses.**

Projects which include a mixing of multiple principal uses provided the proposed uses are among those listed, either as permitted or as conditional uses, in the underlying base zoning district and this residential infill-redevelopment overlay district.

- (1) "Private neighborhood-based clubhouse with or without indoor and/or outdoor recreational facilities" subject to the following requirements:
  - a. The building(s) land and facilities associated with the clubhouse use shall be owned and operated by a corporation, association, person or persons, for a social, educational, entertainment or recreational purpose and to which membership is required for use and participation and not operated to render a service that is customarily carried on as a business. The village attorney shall review and approve copies of the proposed covenants and restrictions of the

---

Created: 2022-02-15 15:57:25 [EST]

(Supp. No. 12)

ownership/association describing the intended use, care and operating plans for "private neighborhood-based clubhouse with or without indoor and/or outdoor recreational facilities".

- b. Membership shall be limited to the owners of a specifically defined set of benefitting lots and or units within a neighborhood level boundary contiguous the clubhouse property.
- c. The clubhouse may not be occupied for residential dwelling or business purposes [ref paragraph a. above] except, when approved by the planning commission and for a limited time only, as a model/sales center if the clubhouse is located in a new and developing neighborhood.
- d. The building scale and the architectural style/materials/colors shall be consistent with the surrounding buildings within the neighborhood. All buildings must comply minimally with the residential design standards as set forth in Chapter 40, Article IX, Division I, Section 40.436 of the Village Code.
- e. All structures shall meet the setback, offset, open space, maximum building coverage ratio and height regulations of the R-5 district with residential redevelopment infill overlay district attached.
- f. Sufficient parking shall be supplied onsite for owner and guest parking. Landscaping shall be used to minimize the view of the parking lot from the street.
- g. Exterior lighting and landscaping shall be subject to the planning commissions review and approval taking into consideration such special needs as screening the use from neighboring lots/units, preventing light trespass or glare issues, the general landscaping characteristics of the neighborhood.
- h. The proposed hours of use for the private neighborhood-based clubhouse, including the surrounding property and the facilities shall be subject to review and approval of the planning commission bearing in mind the residential characteristics of the neighborhood.
- i. Outdoor recreational and gathering facilities shall be subject to review and approval of the planning commission as to suitability within a residential neighborhood and more specifically their proposed spatial placement within the property. Suitable uses would not include uses that may have an adverse impact on the peace and quiet of the immediately surrounding neighbors or the village as a whole in terms of such things as, but not necessarily limited to, noise, traffic, light trespass, glare.
- j. Use of the private neighborhood-based clubhouse, including the surrounding property and the facilities, shall be exclusive to the members and their guests.

(Ord. No. 2020-14, § I(40.005), 10-20-2020; Ord. No. 2021-08B, § 1, 6-15-2021)

Editor's note(s)—At the direction of the village this section has been renumbered as 40.367.4a. to avoid the duplication of section numbers.

### **Sec. 40.367.5. Single-family residential density limits.**

The minimum required average lot area<sup>1</sup> per single-family residence shall be ~~8,500~~ **9,000** square feet.

The village may permit an average lot area<sup>1</sup> as low as ~~7,500~~ **8,000** square feet per single-family residence for redevelopment projects. In this instance, redevelopment projects are defined as development projects where all or at least a substantial percentage (as determined by the village) of the existing improvements value of a property is razed and removed and replaced with new construction. Village approval of the ~~7,500~~ **8,000** square foot average lot size as described above shall not be viewed as a vested right and shall be determined based on a case-by-case assessment of each development proposal and the public interest served by the proposal.

In no case shall any lot be permitted that is less than ~~7,000~~ **8,000** square feet in area.

#### **Planner Remarks.**

- The *average lot size* per single-family residence in the approved Final Plat of the Glen at Pewaukee Lake is 8,509 sq. ft. and the smallest lot is 7,000 sq. ft. in area. The *average lot area* in this plat is >8,509 sq. ft.
- The *average lot size* per single-family residence in the approved Preliminary Plat of Riverside Preserve is 8,731 sq. ft. and the smallest lot is 7,150 sq. ft. in area. The *average lot area* in this plat is >8,731 sq. ft.
- Existing R-5 Single-Family Residential District requires minimum 10,500 sq. ft. per lot.

- A typical lot depth in both The Glen at Pewaukee Lake and Riverside Preserve plats is approximately 115 feet. Each additional 4.4 feet of lot width would add approximately 500 sq. ft. to a lot.
- Recommend that if any changes are to be made, the new requirements be applicable only to any new preliminary plat, condominium or other land division under this Residential Infill-Redevelopment Overlay District. This would prevent lots in the existing, approved plats from becoming legal nonconforming.

(Ord. No. 2020-14, § I(40.006), 10-20-2020)

<sup>1</sup> (i.e. Average lot area means the total square footage of the underlying buildable project area, net of all public or private roads/ the total number of lots proposed)

#### **Sec. 40.367.6. Lot width.**

Individual lot widths in this district shall be flexible and subject to the village's review/approval within the context of the overall project plan.

(Ord. No. 2020-14, § I(40.007), 10-20-2020)

#### **Sec. 40.367.7. Setbacks and yards.**

Setbacks and yards in the residential infill-redevelopment overlay district shall be as follows:

*Setback:* All principal structures shall be setback not less than 25 feet from any public right-of-way.

*Sideyard:* The principal residence structure, including any attached garage elements, and detached garages, shall be offset from the side lot lines by not less than ~~ten~~ **fifteen (15)** feet on one side and not less than ~~zero~~ **five** feet on the other side. Principal residence structures including any attached garage elements and permitted detached garages may adjoin (share a common wall) along one side in accordance with this sideyard offset schedule provided such buildings are properly designed and approved by the building inspector as to all applicable building and/or fire safety code standards.

#### **Planner Remarks.**

- Existing R-5 Single-Family Residential District requires 10-foot minimum sideyard offset.
- As written, this Section 40.367.7 intentionally provides an option/incentivizes the separation of buildings, each onto a lot of it's own and emoting the single-family detached housing style of neighborhood, vs going with the otherwise permitted zero foot offset/shared wall housing design type.
- See the sentence directly below.

Any detached principal residence structure and any detached garage structure that does not share a common wall with an adjoining principal building shall maintain not less than five-foot side yard offsets.

*Rearyard:* All buildings shall be offset from the rear lot line by not less than 20 feet.

(Ord. No. 2020-14, § I(40.008), 10-20-2020)

#### **Sec. 40.367.8. Minimum open space ratio.**

The minimum required open space area shall be ~~25~~ **30** percent for all lots.

#### **Planner Remarks.**

- Existing R-5 Single-Family Residential District requires minimum 30% open space ratio.

(Ord. No. 2020-14, § I(40.009), 10-20-2020)

#### **Sec. 40.367.9. Maximum building coverage ratio.**

The combined total first floor area coverage of all buildings on a lot shall not exceed 35 percent.

(Ord. No. 2020-14, § I(40.010), 10-20-2020)

### **Sec. 40.367.10. Building height.**

- (1) The height of any dwelling unit in the residential infill-redevelopment overlay district shall not exceed 42 feet
- (2) The height of accessory structures shall not exceed 15 feet or the width of the structure, whichever is less.

(Ord. No. 2020-14, § I(40.011), 10-20-2020)

### **Sec. 40.367.11. Dwelling standards.**

Single-family dwellings within the residential infill-redevelopment overlay district shall have a 1,100 square foot minimum living area measured from the outside of exterior walls (and excluding basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes). Minimum area required on the first floor is 900 square feet.

(Ord. No. 2020-14, § I(40.012), 10-20-2020)

### **Sec. 40.367.12. Procedure.**

- (1) Procedure for residential infill-redevelopment overlay district processing/approval shall in accordance with chapter 40, article X. and XI of the Village of Pewaukee Code and also:
  - a. *Pre-application conference.* Prior to official submittal of an application for approval of residential infill-redevelopment overlay district project plan, the owner or his agent making such application shall meet with the Village of Pewaukee staff to review/discuss the general concepts of the contemplated development plan.
  - b. *The application.* Following the pre-application conference, the owner or his agent may file an application with the planning commission for review and approval of a residential infill-redevelopment overlay district project plan including, among other things as may be required:
    1. A legal description of the boundaries of lands included in the proposed residential infill-redevelopment overlay district project plan.
    2. The location of public and private roads, driveways and parking facilities.
    3. The size, arrangement and location of all individual building sites and an approximate planned building footprint, paving and parking plan for each individual lot.
    4. The location of any areas proposed to be reserved or dedicated for public uses such as parks and stormwater management areas.
    5. The type, size and location of all proposed structures.
    6. General landscaping treatment.
    7. Architectural plans, elevations and perspective drawings and sketches illustrating the exterior design and character of proposed structures.
    8. The existing and proposed location of public sanitary sewer, storm sewer, and water supply facilities as well as other utilities such as gas, electric, fiber optic, ... and similar.
    9. The existing and proposed location of all easements.
    10. Characteristics of soils related to contemplated specific uses.
    11. A topography topographic map of the site with contours at no greater than two foot intervals based upon National Geodetic Vertical Elevation.
    12. Anticipated and existing uses of adjoining lands.
    13. If the development is to be staged, a staging plan.
    14. Environmental areas (i.e., wetlands, floodplains, environmentally sensitive/conservancy area and similar).



15. The village planning commission and village board may permit waiver or modification of the ordinarily required public and private improvements such as, but not necessarily limited to, street cross-section standards including sidewalk and terrace requirements, street lighting and street tree requirements, and similar... as part of a proposed redevelopment project plan provided the village shall find that in doing so, the public health, safety and welfare is not diminished as a result and further provided that the village shall have determined that, as a practical matter, the redevelopment project may not be viable without such waiver or modification.
- 
- (2) Procedures for conditional uses under this residential infill-redevelopment overlay district and/or uses permitted in the underlying zoning district shall be in accordance with the requirements set forth in chapter 40, article V of the Village Code and/or the underlying base zoning district requirements respectively.

(Ord. No. 2020-14, § I(40.013), 10-20-2020)

### **Sec. 40.367.13. Land divisions.**

Any proposed land division which is part of the proposed residential infill-redevelopment overlay district project plan shall be subject to the requirements of article X of this chapter.

(Ord. No. 2020-14, § I(40.014), 10-20-2020)



Tyvek HomeWrap

Tyvek HomeWrap

36  
Tyvek HomeWrap

HOME SOLD

386

36



GMC  
LX4909

36  
Tyvek  
HomeWrap

Tyvek  
HomeWrap

Tyvek  
HomeWrap

Tyvek  
HomeWrap

Tyvek  
HomeWrap

Tyvek  
HomeWrap

Tyvek  
HomeWrap

Tyvek  
HomeWrap

Tyvek  
HomeWrap

Tyvek  
HomeWrap

Tyvek  
HomeWrap

Tyvek  
HomeWrap

Tyvek  
HomeWrap

Tyvek  
HomeWrap



