



## PLAN COMMISSION AGENDA

January 12, 2023 – 7:00 pm  
Village Hall  
235 Hickory Street, Pewaukee, WI 53072

1. Call to Order and Roll Call
2. Public Hearings. None.
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 – November 10, 2022
  - b. Regular Plan Commission Meeting – December 8, 2022
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.
  - 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.
6. New Business.
  - a. Review, discussion and possible approval of a sign code waiver for applicant/property owner Holy Apostle Anglican Church (in c/o Eric Rohs of Sign Effectz, Inc.) to install a changeable copy sign, and at a reduced setback from the street, at 142 Lake Street. This .4+/- acre site is zoned IPS Institutional & Public Service District.
  - b. Review and discussion regarding the Conditional Use Grant (CUG) review Process Post 2017 Wisconsin Act 67.
  - c. Review, discussion and possible action on changing the regular Planning Commission meeting start time from 7PM to 6PM.
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: December 2, 2022



To: Village  
Plan Commission

From: Jenna Peter  
Deputy Clerk/Treasurer

Date: January 12, 2023

Re: Agenda Item: 4a. Discussion and Possible Action Regarding November 10<sup>th</sup> Meeting Minutes

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### **BACKGROUND**

Regarding the November 10<sup>th</sup>, 2022 Plan Commission minutes. Approval of the minutes were tabled at the December 8<sup>th</sup>, 2022 Plan Commission meeting.

### **ACTION REQUESTED**

The action requested by the Plan Commission was to listen to the recorded meeting and clarify two (2) agenda items.

1. Item **6a** Conditional Use Grant Amendment request for the Pewaukee School District.
  - The question raised was, who would be funding the watermain relocation for this project.
  - At approximately the 1hr 35min mark in the recording, Village Engineer Tim Barbeau stated, "Relocation of the main is on the school."
2. Item **6c** Side Code Waiver Amendment request for Meadow Creek Limited Partnership.
  - The Plan Commission wanted clarity on what was specifically said in the motion.
  - At approximately the 2hr 1 min mark in the recording, Trustee Roberts made a motion: "to amend existing signage language for the Meadow Creek PUD to allow all businesses within the Meadow Creek Market development to participate in Sign Display on the Two Existing/Approved multi-tenant signs **and to remove the restriction of the 40 sq ft.**" Trustee Roberts's motion was then amended to include "subject to staff approval." The written minutes state "**and to allow tenants to utilize over 40sq ft.**"

### **ANALYSIS**

1. Pewaukee School District will be paying for the re-location of the water main for the softball diamond project.
2. It would appear that the motion in the minutes does reflect what was said in the recording. Although the "amended" motion is not listed in the minutes as a separate statement.

PLAN COMMISSION MINUTES  
November 10, 2022 – 7:00 pm  
Village Hall  
235 Hickory Street, Pewaukee, WI 53072

DRAFT-DRAFT-DRAFT-DRAFT

1. Call to Order and Roll Call

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

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

Also present: Village Planner, Mary Censky; Village Engineer, Tim Barbeau; Village Attorney, Matt Gralinski; Village Administrator, Scott Gosse; and Village Clerk Casandra Smith.

2. Public Hearing

- a. On the Conditional Use Grant Amendment request of property owner Pewaukee School District (in c/o John Gahan as Assistant Superintendent/CFO) to reconstruct and light the existing varsity softball diamond located on the 80+/- acre District campus at 472 Lake Street. This property is zoned Institutional & Public Service District (IPS) District.

None.

3. Citizen Comments

**Doug Joers @ 513 Park Ave** – Mr. Joers spoke against allowing transient lodging rentals and would like permits to be required.

**Kelli Belt @ 377 Park Ave** – Ms. Belt spoke in favor of being as restrictive as allowable by law regarding transient lodging rentals.

**John Nurse @ 387 Park Ave** – Mr. Nurse asked the Commission to make the transient lodging rental ordinance as restrictive as possible.

**Mike Schieble @ 481 Park Ave** – Mr. Schieble read the Village's mission statement and asked the Commission to execute the mission statement regarding transient lodging concerns.

**Kyle Kreuser @ 429 Pirate Pass** – Mr. Kreuser asked the Commission to consider no nightly minimum on the transient lodging ordinance.

**Kristy Kreuser @ 429 Pirate Pass** – Ms. Kreuser asked the Commission to not place nightly restrictions on transient lodging rentals and gave some background information on her transient lodging rental business.

**Colin Wagner @ 461 Park Ave** – Mr. Wagner expressed he is not in favor of transient lodging rentals.

**Andy Lize @ 509 Park Ave** – Mr. Lize expressed he was not in favor of transient lodging rentals.

**Amanda Tollefsen @ 491 Park Ave** – Ms. Tollefsen spoke in favor of being as restrictive as allowed by law regarding transient lodging rentals.

4. **Approval of the Minutes – Regular Plan Commission Meeting – October 13, 2022 Comm.** Hoff motioned, seconded by Comm. Belt to approve the minutes of the October 13, 2022, Regular Plan Commission meeting as presented.  
Motion carried 6-0.

Items below were not presented in order as below.

5. **Old Business – None.**

6. **New Business**

- a. Review, discussion, and possible action on the Conditional Use Grant Amendment request of the Pewaukee School District to reconstruct and light the existing varsity softball diamond located on the 80+/- acre District campus at 472 Lake Street. This property is zoned Institutional & Public Service District (IPS) District. PWV0899235001**

Planner Censky explained that the Pewaukee School District would like to reconstruct its existing field. The current code doesn't allow for lighting over 25 feet in height and they are proposing lighting as high as 70 feet. The light spillover is not beyond the field and will not affect any residential properties. Censky read the Planner recommendations. Engineer Barbeau explained that the water main will be relocated out of the turf area so that in the event of a repair it can be accessed without disturbing the turf. The stormwater management plan was discussed which is sufficient as presented. Discussion followed.

**Comm. Grabowski motioned, seconded by Comm. Lange to Conceptionally Approve the Conditional Use Grant Amendment request of the Pewaukee School District to reconstruct and light the existing varsity softball diamond located on the 80+/- acre District campus at 472 Lake Street subject to the Village Planner and Engineer Recommendations:**

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

**Motion carried 6-0.**

- b. Review, discussion and possible action on the Business Site Plan Amendment request of property owner/applicant Zimmerman & Schwartz Real Estate, LLC, in c/o John Schwartz and Jeff Zimmerman, to relocate the existing, eastern Hickory Street**

driveway access point on this site further to the east and to abandon/restore the former location. This 3.27+/- acre site is zoned B-5 Light Industrial District. PWV0922997.

Planner Censky explained that the applicant would like to close the existing driveway and relocate it to the east end of the property. This would create additional green space for the property. Engineer Barbeau stated that this is a good spot to create the driveway and there will be no drainage issues.

**Comm. Hoff motioned, seconded by Comm. Grabowski to Approve the Business Site Plan Amendment to Relocate the Existing, Eastern Hickory Street Driveway Access Point on this Site Further to the East and to Abandon/Restore the Former Location with Planner**

**Recommendations:**

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

**Motion carried 6-0.**

- c. **Review, discussion and possible action on the Sign Code Waiver Amendment request of applicant/property owner Meadow Creek Limited Partnership to allow three specific, additional geographic locations within the Meadow Creek Market development to participate in sign display on the two existing/approved multi-tenant pylon signs located, one each, along Hwy 164/Pewaukee Road and Capitol Drive. This B-1 Community Business with Planned Unit Development Overlay (PUD) zoned development area is located at the northwest corner of Hwy 164/Pewaukee Road and Capitol Drive.**

Planner Censky gave background information regarding the sign code waiver approval in 2014. The applicant would like to expand the use of the monument sign to include 3 additional businesses. Discussion followed.

**Comm. Roberts motioned, seconded by Comm. Lange to Approve the Sign Code Waiver Amendment request for Meadow Creek Limited Partnership to Allow All Businesses within the Meadow Creek Market Development to Participate in Sign Display on the Two Existing/Approved Multi-Tenant Signs and Allow Tenants to Utilize over 40 sq.Ft. with Staff Approval and Planner**  
**Recommendations:**

- 1) The space on this sign shall not be used to display "space for lease", or contact information for leasing in the center,... rather the space of this sign shall be limited in it's scope of use to identify only existing and operational business occupants of the 27,000 sq.ft. +/- shopping center that lies attached to and north of the existing Pick n Save at 1405 Capitol Drive, plus businesses or uses located in the three geographic areas identified in Exhibit "C" attached hereto, and the name of the shopping center development (i.e. Meadow Creek Market) and the building address(s);
- 2) No single tenant or occupant business shall be permitted to utilize more than 40 sq.ft. of

display area on each face of the signs unless specifically approved otherwise by the Village Staff and/or Planning Commission in the review of the unique challenges/circumstances as may be applicable to the particular site or building;

3) If any of the changeable "Tenant" panels as depicted on the plan are not in use for business identification, then that panel(s) shall be maintained as a blank in a bronze colored lexan to match the cabinet and related aluminum trim materials of the sign.

**Motion Carried 6-0.**

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

Trustee Roberts stated that in working through the Strategic Plan, one item was to look at removing potential barriers that may be limiting developers due to density limitations. The Village does prefer single family but some areas may not be practical for single-family housing which may limit the ability to develop the site. Discussion followed regarding what visions the Plan Commission has for the Village and what changes might be advisable to consider at this time. Planner Censky referred to some information she gathered from the City of Oconomowoc Planner and Code with respect to its downtown. She explained how they addressed the density issue with parameters such as to maximum building height, minimum required parking,... and stated this may be useful and give guidance to the Village of Pewaukee in reviewing its regulations. The direction was given to the Planner which was to work with Trustee Roberts and return to the Commission with some specific ideas/Code amendment drafts on how to address this topic in each of the applicable Village business districts, and also to evaluate the appropriateness of the Villages density limits in the plex and multi-family districts at this time.

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

Administrator Gosse presented an overview of the proposed Ordinance regarding Transient Lodging. He stated that the proposed Ordinance has been drafted to be as restrictive as allowable by State law. Attorney Gralinski explained that the Commission should determine the following items: 1) Minimum night stay, 2) Number of days a property is available for rent in a year and should those days run consecutively, and 3) Should a local license be a requirement? Trustee Roberts explained that there was not really a consensus at the Village Board level. Discussion followed regarding the minimum night stay, the number of days a property can be available for rent, and if a permit/license should be required.

**Comm. Belt Motioned to Recommend the Draft Ordinance to the Village Board as presented.** Discussion followed regarding the license requirements. No second was presented.

**Motion Failed.**

Trustee Roberts motioned, Seconded by Comm. Belt to Table the Transient Lodging Amendment until more information on a Draft License Application can be Presented.  
Motion Carried 6-0.

7. Citizen Comments – None.

8. Adjournment

Comm. Roberts motioned, seconded by Comm. Belt to adjourn the November 11, 2022, Regular Plan Commission meeting at approximately 9:34 p.m.  
Motion carried 6-0.

Respectfully submitted,

Casandra Smith  
Village Clerk

DRAFT



**PLAN COMMISSION MINUTES**  
**December 8, 2022 – 7:00 pm**  
**Village Hall**  
**235 Hickory Street, Pewaukee, WI 53072**

**DRAFT-DRAFT-DRAFT-DRAFT**

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

President Knutson called the meeting to order at approximately 7:00 p.m.

Plan Commission members present: Comm. Brian Belt, Comm. Theresa Hoff, Comm. Ryan Lange, Comm. Cheryl Mantz, Trustee Craig Roberts and President Jeff Knutson. Comm. Mark Grabowski 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 Hearing – None.**

**3. Citizen Comments –**

**Dan Sitzberger @ 457 Park Ave-** Stated he was originally a part of getting the Transient Lodging ordinance adopted limiting the transient lodging use in residential districts passed 10 years ago. He mentioned his neighbor would rent out their house and it was a “circus”. He would not mind if rentals are more than a month and is against weekly and daily rentals.

**Mike Schieble @ 481 Park Ave-** Stated he would like to see penalties for violations included in the Transient Lodging ordinance. He referenced the sample ordinance from the Town of Delafield in which provides that “Such property may be inspected by the Waukesha County Sheriff’s Department, Town Fire Department, Town Code Enforcement Officer, or other authorized personnel of the Town to investigate and determine if any violation exist.” He would like to see the “may” changed to “will” if the Village adopts this portion.

**Luke Schieble @ 481 Park Ave-** Spoke against transient lodging rentals, stating he does not like strangers in his backyard and he does not feel safe.

**Connor Wagner @ 461 Park Ave-** Spoke against transient lodging rentals, stating he walks home from school every day and doesn’t think its safe having strangers come into the neighborhood. He has concerns with sleeping if the renters have loud parties.

**Mikayla Wagner @461 Park Ave-** Spoke against transient lodging rentals, stating she is supposed to feel safe in her neighborhood and she wouldn’t feel safe.

**Amanda Wagner @ 461 Park Ave-** Noted on Oahu, Hawaii, they only allow 30 days or more for rentals. Some tourist areas in Minnesota have also banned short term rentals because of the uptick in crime and parties. She stated she doesn’t feel safe with her children outside.

**John Culhane @ 485 Park Ave-** Stated it would be important to put more details into the ordinance now instead of further down the line.

**Colin Wagner @ 461 Park Ave-** Spoke against transient lodging rentals. He understands we have to do what the state says, but says these are not hotels and doesn’t want to see residences have revolving doors.

**4. a. Approval of the Minutes – Regular Plan Commission Meeting – November 10, 2022.**

Trustee Roberts wanted more clarity on items 6a and 6c from the previous meeting. Attorney Gralinski suggested for Village staff to check the recording for what was discussed/ motioned.

**Trustee Roberts motioned, seconded by Comm. Hoff to table the approval of the November 10, 2022 minutes.**

**Motion carried 5-0, Comm. Mantz abstained.**

## **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 stated based on the feedback from the November 10 meeting, the consensus was that a license at the Village level should be required and more defined short-term rental licensure requirements. Gralinski discussed the specific provisions that were added to the application procedures including: conditions which must be met in order for a license to be issued, possible basis for non-renewal or revocation of such license, and an appeal procedure in the event a license is denied or non-renewed. Comm. Hoff questioned the zoning on 497 Park Ave. Administrator Gosse explained the residence is legal nonconforming but is in single family zoning. Discussion followed regarding possible fines for violations, police enforcement, parking issues; specifically on Park Ave, and placing a minimum on night stays. Trustee Roberts stated if anyone is upset by this ordinance, to the extent it must meet State requirements, contact the State Representative.

**Trustee Roberts motioned, seconded by Comm. Belt to table the recommendation to the Village Board. Motion carried 6-0.**

### **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.**

No discussion.

## **6. New Business**

### **a. Review, discussion and possible action/recommendation to the Village Board on the petition of property owner Kirkland Crossings, Inc. (in c/o applicant Anne O'Connor of Senior Housing Partners) to rezone, from existing B-1 Community Business District to B-1 with Housing for the Elderly Overlay (HEO) District, the ~2.49-acre vacant parcel of land located at the northwest corner of Ryan Street at Quinlan Drive (PWV 0883993200).**

Planner Censky explained the site does meet the "purpose" criteria as set forth in the HEO District. It is adjacent to an existing development for the elderly (Kirkland Crossings.) An existing concrete sidewalk runs along the entire east side (Ryan Street side) of this parcel and extends continuously north to the private entry drive to the shopping center/service area located at 601-621 Ryan Street. There is also a striped crosswalk at the Ryan St./Quinlan Drive intersection that would allow pedestrians to cross east on to Quinlan Drive where continuous sidewalk access is then available all the way (~3/4 miles) into the downtown/Village center area. Censky also stated there are no conceptual plans because, unlike PUD zoning for instance, in HEO, the plans are addressed separately from the zoning.

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

**Motioned carried 6-0.**

### **b. Review, discussion, and consultative feedback to property owner/applicant Wisconsin Shirdi Sai, Inc. (in c/o Satya Karri) regarding their proposed use description and related kitchen improvements for their existing building/site located at 111 Prospect Avenue (PWV 0896001). This ~.98-acre property is zoned IPS Institutional & Public Service District.**

Planner Censky explained that the applicant proposes to make certain specific improvements in their existing basement kitchen where they prepare meals for their congregation. These changes/improvements will precipitate the need for new, related outdoor equipment to be placed at the site – between the existing south buildings elevation and the Prospect Avenue sidewalk. A fence is proposed to screen the equipment from the surrounding view. Censky stated the Planning Commission will need to interpret the extent to which the proposed kitchen changes are so significant as to meet the description of conditional use “Bar, restaurant or other service facilities accessory to an approved use and intended solely for use by residents, members and guests...” or whether this to be considered a continuation of their existing kitchen use. Applicant, Satya Karri explained the reasoning for the position of the outside equipment is because in their culture they have to cook in a certain direction. Discussion followed regarding ways to screen the equipment so that it is more esthetically pleasing and isn’t blocking the windows of the church.

No action was taken.

- c. Review, discussion, and consultative feedback to property owner/applicant Agape Community Church, Inc. (in c/o Pastor Florin) regarding their plans to expand the parking, sidewalk, and patio areas - plus add a dumpster area, to their existing site located at 449 W. Wisconsin Avenue (PWV 0893013002). This 1.66-acre property is zoned IPS Institutional & Public Service District.**

Planner Censky explained the applicant is looking for feedback from the Plan Commission regarding their plans for parking, sidewalk, and patio area expansions – plus the addition of a dumpster area. The consensus of the Plan Commission was favorable towards expanding the asphalt area and reconfiguring the striped stalls layout in the existing park lot located adjacent to and west of the church building, as well as, adding a transitional patio area with steps that will allow cemetery users access from the Agape parking lot. There were concerns about the addition of 5 parking stalls and locating the dumpster on the east side of the church along Burroughs Drive. Discussion followed on different options for adding more parking and re-locating the dumpster.

No action was taken.

**7. Citizen Comments – None.**

**8. Adjournment**

**Comm. Roberts motioned, seconded by Comm. Belt to adjourn the December 8, 2022, Regular Plan Commission meeting at approximately 9:47 p.m.**

**Motion carried 6-0.**

Respectfully submitted,

Jenna Peter  
Deputy Village Clerk/Treasurer

Law Office of

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SCHMITZER, FABIAN & ENGLISH, S.C.**

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December 30, 2022

**Via Email: [sgosse@villageofpewaukee.com](mailto:sgosse@villageofpewaukee.com)**

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

**Via Email: [csmith@villageofpewaukee.com](mailto:csmith@villageofpewaukee.com)**

Ms. Cassie Smith  
Village of Pewaukee  
235 Hickory Street  
Pewaukee, WI 53072

Re: Short-Term Rental Ordinance Revisions

Dear Scott and Cassie:

Enclosed with this letter, please find the latest revised draft of a proposed Ordinance to Amend Section 40.471 of the Village Code, Regarding the Prohibition on Transient Commercial Uses in Residential Districts. The revisions included herein are based upon the direction given to staff by the Plan Commission at its meeting of December 8, 2022. Please review the enclosed revisions, and let me know if staff has any questions or concerns regarding the same.

The thrust of the Commission's direction at the December meeting was twofold: (1) inclusion of most, if not all, conditions to issuance of the license which appear in the Town of Delafield's similar ordinance; and (2) a more definitive "trigger" which would lead to automatic review and possible revocation of any short-term rental license. As to inclusion of the conditions found in the Town of Delafield ordinance, I would refer you to proposed Section 40.471(f)(1), subsection (e). The references in the Delafield ordinance to various administrative code sections are outdated, thus you will note updated references to the ATCP administrative code in our proposed ordinance.

As to a "trigger" for review and revocation of the license, I would direct your attention to proposed Section 40.471(f)(3). A short-term rental license would be subject to review and possible revocation by the Village Board if any of the conditions in that section are met. As you can see, the draft provides that the issuance of three or more total citations for violations of the municipal code would trigger a review and possible revocation. The number of citations are tied to the property, rather than the identity of the violator. You will also note that a failure by the licensee to adhere to any of the conditions set forth in

Mr. Scott Gosse  
Ms. Cassie Smith  
December 30, 2022  
Page 2

Section 40.471(f)(1)(e) could also serve as the basis for review and revocation. These conditions are largely the ones the Commission directed be included which relates to things like off-street parking requirements, sleeping quarters not in accessory structures, etc. An applicant is required to certify that the property meets those conditions. If the Village receives evidence that, at any time, those conditions are not met, that could serve as the basis for review and revocation of the license.

Again, the structure of this ordinance sets up for initial review and issuance of the initial application by the Village Clerk. The Commission directed that rental properties be subject to inspection by the Police Department, Fire Department, and Building Inspector prior to the initial issuance of license, and renewal. A license, whether initial or a renewal, will not be issued until any violations observed during such inspection are corrected. Additionally, the Village Clerk still has a similar opportunity, as included in the previous draft of this ordinance, to review renewal applications in concert with any enforcement actions in the previous year, and may approve or deny a renewal application after considering the number frequency and/or severity of any enforcement action related to the property. Keeping this requirement in conjunction with the revocation review of the Village Board retains an additional layer of oversight on the Village's part. In other words, oversight of these licenses will continue not only during the license year, but upon renewal of the same.

Again, initial and renewal licenses will be considered by Village staff, rather than the Village Board. While my notes reflect that one or two Commissioners may have stated a preference for Village Board review of all applications for short-term rental licenses, I do not believe there was consensus on that point. If I am incorrect, and the Commission would prefer Village Board review and approval of all licenses on an annual basis, appropriate revisions would have to be made to provide for that structure.

Please review the enclosed draft and let me know if there are any questions or concerns. This letter may be provided to the Plan Commission in conjunction with the proposed draft, as an explanation of the revisions included therein. Thank you for your attention to the above and enclosed.

Sincerely,

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

*/s/ Matthew R. Gralinski*

Matthew R. Gralinski

MRG/ma  
Enclosure

ORDINANCE NO. \_\_\_\_

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

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

**SECTION I**

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

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

**SECTION II**

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

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

**SECTION III**

Section 40.471, (c) of the Village Code of the Village of Pewaukee is hereby deleted and recreated to read as follows:

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

365-day period is to begin.

#### **SECTION IV**

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

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

- (1) Obtain from the Department of Agriculture, Trade and Consumer Protection a license as a tourist rooming house as defined in Wisconsin Statute Sec. 97.01(15k) when required by said Statute; and
- (2) Any person who maintains, manages or operates a short-term rental as defined in this subsection shall obtain from the Village a short term rental license as provided for in Section 40.471(e). The Village shall establish a license fee from time to time based on the Village’s actual cost of issuing and monitoring said license. The Village Board shall establish such license fee by Resolution from time to time.

#### **SECTION V**

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

Section 40.471(e) – Short Term Rental License. The Village Clerk shall issue a short-term rental license if an applicant follows the procedures set forth in Section 40.471(f) and demonstrates compliance with the provisions of this Section 40.471 of the Village Code. A short term rental license is issued for one (1) license year, and may be renewed annually as provided for in this section. The short term license shall contain the following information:

- (1) The name of the property owner, with contact information including mailing address and a telephone number at which the property owner is available.
- (2) The license term.
- (3) The State of Wisconsin tourist rooming house license number.

Upon issuance, a license-holder shall provide a copy of this Code section and a copy of the license to all parties using the property for short term rental use, prior to the commencement of each such use.

#### **SECTION VI**

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

Section 40.471(f) – Short Term Rental License Application, Renewal, and

## Revocation Procedure.

(1) Applications. All applications for short term rental licenses shall be filed with the Village Clerk. No license shall be issued unless a completed application form is accompanied by payment of the required application fee, which fee shall be nonrefundable. Each application shall include the following information and documentation for each short-term rental unit in order to demonstrate compliance with the requirements of this section:

- a. The name of the property owner, with contact information including mailing address and a telephone number at which the property owner is readily available.
- b. The street address of the property proposed to be made available for short term rental use.
- c. A description of the premises proposed to be made available for short term rental use.
- d. A copy of the Department of Agriculture, Trade and Consumer Protection tourism house license, as defined in Wisconsin Statute Sec. 97.01(15k), in effect during the short term license year.
- e. Written certification by the property owner that the short-term rental meets the following requirements:
  - i. All short term rental properties shall be subject to and comply with Wisconsin Administrative Code ATCP 72, which is hereby fully incorporated by reference;
  - ii. A minimum of one off-street parking stall shall be provided for every guest bedroom with a minimum of three parking stalls required. All parking areas shall meet the applicable size and location requirements of the Village Code, and shall be hard-surfaced and maintained in a reasonably dustless condition;
  - iii. Sleeping quarters related to a short term rental shall only be located within the principal structure on a lot. Accessory buildings shall not be used for sleeping quarters;
  - iv. Occupancy limits shall not exceed the number of occupants allowed in Wisconsin Administrative Code Section ATCP 74.14(2)(b) per bedroom, and also shall not exceed 8 per 1,000 square feet of living area within the principal structure;
  - v. A short term rental property shall not have more people on site than the higher of twenty (20) people or the maximum number of people allowed under Wisconsin Administrative Code



Section ATCP 74.14(2)(b).

- vi. The property boundaries shall be reasonably delineated by approved fences, vegetation or other means to ensure that all users can identify the boundaries of the property and can accordingly confine their use to the licensed parcel;
- vii. All refuse containers shall be screened from public view, as required by any applicable zoning or building code requirements
- viii. In addition to possible revocation of the short term rental license provided in this Section, any failure by the license holder, after the issuance of a license, to adhere to the requirements of this Section 40.471(f)(1) e. shall be considered violations of this Ordinance and shall be enforced in accordance Section 1.102 of the Village of Pewaukee Municipal Code. Each day that a violation occurs shall be considered a separate violation and will be enforced accordingly.

(2) f. Upon the filing of an application pursuant to this section, and prior to the issuance of any license, the property described in the application shall be inspected by the Police Department, Fire Department, and Building Inspector to investigate and determine if the property is in compliance with applicable state, county, or local statutes, ordinances, rules or regulations including, but not limited to, this Section 40.471. Each department conducting such an inspection shall provide a written report to the Village Clerk confirming compliance or, alternatively, detailing any observed violations. Any observed violations shall be corrected by the applicant prior to the issuance of any license. In the event the applicant fails to correct any observed violations or if the property fails to meet the requirements of Section 40.471(f)(1) e., the Village Clerk shall deny the application for a license. In no event shall a license be issued if the property which is the subject of the license is under an order issued by the building inspector to bring the premises into compliance with state, county, or local statutes, ordinances, rules or regulations.

Renewal. Each application for a renewal of a short term rental license shall include all information and documentation required as part of the original application in an updated form and payment of a renewal fee which shall be nonrefundable. A renewal application and the applicable fee must be filed with the Village Clerk at least 45 days prior to the license expiration date in order to allow the Village Clerk adequate time to review and investigate the application. No renewal license shall be issued unless a completed application form is

accompanied by payment of the required application fee. Upon the filing of a renewal application pursuant to this section, and prior to the issuance of any renewal license, the property described in the application shall be inspected by the Police Department, Fire Department, and Building Inspector to investigate and determine if the property is in compliance with applicable state, county, or local statutes, ordinances, rules or regulations including, but not limited to, this Section 40.471. Each department conducting such an inspection shall provide a written report to the Village Clerk confirming compliance or, alternatively, detailing any observed violations. Any observed violations shall be corrected by the applicant prior to the renewal of any license. In the event the applicant fails to correct any observed violations or if the property fails to meet the requirements of Section 40.471(f)(1) e., the Village Clerk shall deny the application for a renewal license. Additionally, the Village Clerk may request reports from the Police Department, Fire Department, and Building Inspector regarding any enforcement actions occurring at the Property in the preceding short term rental license year. The Clerk shall review the application and any enforcement actions and may approve or deny the application after considering the number, frequency, and/or severity of any previous enforcement action related to the property, and whether the conduct related to the previous enforcement action substantially harms or adversely impacts the predominantly residential uses and nature of the surrounding neighborhood. If the Village Clerk determines to deny an application to renew the license, the Clerk shall notify the applicant in writing of the reason(s) for such decision and the applicant's right to appeal to the Village Board as provided in this section. In no event shall a renewal license be issued if the property which is the subject of the license is under an order issued by the building inspector to bring the premises into compliance with state, county, or local statutes, ordinances, rules or regulations.

(3) Revocation. A short term rental license may be revoked by the Village Board, after notice to the licensee and a hearing, during the term of a license year and for one or more of the following reasons:

- a. Failure by the licensee to make payment of delinquent fees, taxes, special charges, forfeitures, or other debt owed to the Village
- b. The issuance of three (3) or more total citations during any short term rental license year for violations of the Municipal Code of the Village of Pewaukee occurring at the licensed property. For purposes of this subsection, the total number of citations related to the licensed property shall be considered for the necessary calculation, notwithstanding whether such citations are issued to the license holder or a user of the property for short term rental use.
- c. Failure by the licensee, at any time, to adhere to any

requirements certified pursuant to s. 40.471(f)(1) e.

Any resident of the Village, or the Village of its own accord, may file a sworn written complaint with the Village Clerk alleging one or more of the reasons set forth in this section as grounds for revocation of the short-term rental license. Upon filing of the complaint, the Village Clerk shall notify the licensee of the complaint by certified mail, return receipt requested and provide the licensee with a copy of the complaint. Such notice shall also contain the time and place of the hearing before the Village Board on said complaint and consideration of revocation under this section. Any hearing under this section shall be held no sooner than 10 days after the notice required by this section is mailed to the licensee.

(4) Appeal. The Village Clerk's decision to deny an initial license or to deny renewal of a license may be appealed to the Village Board by filing a written appeal with the clerk within 30 days after the date of mailing of the written notice of the Village Clerk's decision. The Village Board shall hold a hearing within 30 days of the Village's receipt of the written appeal, or the license shall be deemed granted. The Village Clerk shall provide written notice of the date, time, and place of any appeal hearing to the licensee by certified mail return receipt requested. Any hearing under this section shall be held no sooner than 10 days after such notice is mailed to the appellant. If the Village Board finds the Village's Clerk's reasons for his or her decision sufficient, the decision shall be affirmed. If the Village Board finds the Village Clerks' reasons for his or her decision insufficient, the decision shall be reversed and the license shall be granted and issued. The Village Board shall provide appellant a written decision specifying the reasons for its determination, and provide such written decision to the appellant within 10 days of such determination.

(5) Restrictions on License Transfers. Transfer of a short term license because of transfer or sale of the licensed property is not permissible. Should the licensed property be sold, transferred, or otherwise conveyed by the named applicant, then the issued license shall become void. Whenever a property changes ownership, a new license shall be required to ensure compliance with all applicable state and local laws and ordinances.

## **SECTION VI**

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

Section 40.471(g) – Violations of this Ordinance shall be enforced in accordance Section

1.102 of the Village of Pewaukee Municipal Code. Each day that a violation occurs shall be considered a separate violation and will be enforced accordingly.

**SECTION VII**

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

**SECTION VIII**

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

**SECTION IX**

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

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

APPROVED:

Countersigned:

\_\_\_\_\_  
Jeff Knutson, Village President

\_\_\_\_\_  
Cassie Smith, Village Clerk

## STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: January 12, 2023

### General Information:

Agenda Item: **5.b.**

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..

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### 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.

Current Village requirements as to residential parking standards 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.

Current building height limitations in the Villages business, multi-family, and elderly housing overlay districts follow:

- **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 exceed 42 feet and must be designed as one and one-half- to three-story structures, unless 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 feet...”.
  - 40.319** provides “The height of any structure in the B-5 [Light Industrial] district shall not exceed 50 feet...”.
  - 40.221** provides “The height of the principal structure in the R-6 [Plex Residential] district shall not exceed 42 feet...”.
  - 40.229** provides “The height of the principal structures in the RM [Multi-Family Residential] district shall not exceed 42 feet.
  - 40.400.1(2)(b)** provides “Height of any principal structure [in the Housing for the Elderly Overlay District is] not to exceed 52 feet [unless approved in accordance with the conditional use grant process]”.
  - 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”.

Current density limit in the Village’s R-6 Plex Residential District is maximum 8 units per acre.

Current density limit in the Village’s RM Multi-Family District is maximum 12 units per acre.

**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: January 12, 2023

### **General Information:**

**Agenda Item: 6.a.**

**Applicant/Property Owner:**

Holy Apostles Anglican Church (in c/o Eric Rohs of Sign Effectz, Inc.

**Requested Action:**

Changeable copy sign plan approval, and Sign Code waiver as to freestanding sign setback.

**Current Zoning:**

IPS Institutional & Public Service District

**Current Master Plan Classification:**

Institutional

**Surrounding Zoning/Land Use:**

North: R-5 Single-Family Detached Residential

South: R-5 Single-Family Detached Residential

East: R-5 Single-Family Detached Residential

West: R-5 Single-Family Detached Residential

**Project Area:**

.42 acres

**Property Location:**

142 Lake Street

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### **Discussion:**

The applicant has had a changeable copy, freestanding sign at a setback less than 10 from the front lot line for many years. They are hoping to replace the existing sign with a new, larger freestanding sign. At 39 square feet in area and 9.2 feet in height, the proposed new sign complies with the permissions for freestanding sign size in the IPS District (i.e., Code maximum size is 50 sq. ft. in area and 10-feet in height). Based on the Waukesha County aerial map view of the property, it appears the new sign can easily meet/exceed the Code required minimum distance of 10 feet to each of the side lot lines, but it does not appear that it would meet the required 10-foot minimum required setback from the front (i.e., the Lake Street) lot line. The applicant estimates it would be setback 2-feet from the front lot line and is requesting a Sign Code waiver in order to permit this placement.

Sec. 70.116(a) of the Village's Sign Code provides that existing signs which become nonconforming upon adoption of the ordinance from which this chapter is derived shall not be reconstructed, remodeled, relocated or changed in size or content unless such action will make the sign conforming in all respects with this chapter.

Both the existing sign and the proposed new sign are of the manually changeable copy sort. The proposed new sign would be internally illuminated. No specific details as to the intensity or type of light to be used is provided at this time.

Sec. 70.115(d)(7) of the Village's Sign Code provides that *any* changeable copy message sign (whether manual or electronic) shall only be allowed with prior planning commission approval. It goes on to say that in reviewing the permit request the planning commission may approve or deny any application based upon, but not limited to, architectural design, size, interference with surrounding development, area, shape, height, manner or intensity of lighting, location, pedestrian and vehicular traffic safety. It is noteworthy that this property/church use shares its street front with single-family residential uses in all directions.

Sec. 70.103 of the Villages Sign Code provides as follows:

Appeals. The planning commission may, in its judgment, waive or modify the provisions of this chapter where it would further the public interest and uphold the purpose of this chapter as put forth in section 70.100. Such waiver or modification may be based on, among other things, site-specific hardships such as topographic aberrations, traffic safety, accessibility, and visual encumbrances.

Section Sec. 70.100 of the Villages Sign Code provides as follows:

Purpose. The purpose of this chapter shall be to:

- (1) Regulate the size, type, construction standards, maintenance and placement of signs situated within the boundaries of the Village of Pewaukee, Wisconsin.
- (2) Promote the public health, safety, welfare and comfort of the general public by:
  - a. Reducing distractions and obstructions from signs which would adversely effect traffic safety and alleviate hazards caused by signs projecting over or encroaching upon the public right-of-way;
  - b. Discouraging excessive visual competition in signage and ensuring that signs aid orientation and adequately identify uses and activities to the public; and
  - c. Preserving or enhancing the natural beauty and unique physical characteristics of the village as a community in which to live and work by requiring new and replacement signage which is:
    1. Harmonious with the building, surrounding neighborhood aesthetics and other signs in the area;
    2. Appropriate to the type of activity to which it pertains;
    3. Expressive of the village's identity in a manner which will not diminish property values; and
    4. Complementary to the village's architectural character and unobtrusive commercial developments.

**Recommendation:**

If the Planning Commission is inclined toward an approval of the changeable copy sign and the waiver as to sign setback in this case, the Planner recommends the following conditions be considered for attachment thereto:

- 1) The type and intensity of sign lighting shall be subject to review and approval by the Village Staff prior to issuance of a Sign Permit;
- 2) Applicant to have the front lot line surveyed/marked in by a professional land surveyor prior to the start of any construction in support of a new sign at this site so the setback of not less than 2-feet is assured;
- 3) Applicant agrees that any substantiated adverse/nuisance issues arising with respect to



this sign in the future, such as but not necessarily limited to noise, type, intensity, or hours of illumination, and similar, ... are the applicant's responsibility to correct timely upon written notice from the Village;

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

Application is due 3 weeks prior to the Meeting Date.



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

Address/Parcel No. of Property Involved: 142 Lake Street / PWV 0896009

Zoning of Property: IPS - Institutional And Public Service

Current Owner of Property: Holy Apostles Anglican Chu

Applicant – Name: Eric Rohs - Sign Effectz, Inc.

Address: 1827 W Glendale Ave., Milwaukee, WI 53209

Phone: 262-220-9220

Fax: \_\_\_\_\_

Type of Request: Check All That Apply

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

Prelim. Plat Approval:   
Developer's Agreement:

Signature of Property Owner as listed on this Application:

Marilyn K. Hart Sr. Warden

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

Signature of Applicant (if different than Owner):

ERIC ROHS



**PROFESSIONAL SERVICES REIMBURSEMENT NOTICE**

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

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

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

**RESPONSIBLE PARTY & MAILING ADDRESS**

Holy Apostles Anglican Church - Fr. John Armstrong, Rector

Name of Company and/or Individual

142 Lake Street	Pewaukee	WI	53702
Street	City	State	Zip

Phone: 262-691-969 Fax: \_\_\_\_\_ E-Mail: armstrong4d@yahoo.com

Eric Poeh ERIC POEH 12/14/22  
Signature of Applicant & Date

Marilyn K. Hart Senior Warden  
Signature of Property Owner & Date

\_\_\_\_\_  
Village Official Accepting Form & Date

<p><b>SEND ALL PROFESSIONAL SERVICES INVOICES TO:</b> (Check One)</p>	
<input checked="" type="checkbox"/>	Property Owner
<input type="checkbox"/>	Applicant

235 Hickory Street, Pewaukee Phone: (262) 691-5660 Fax: (262) 691-5664	<b>SIGN PERMIT APPLICATION</b> Village of Pewaukee		Permit#
Sign Location Address: <b>Holy Apostles Angelican Church, 142 Lake Street</b>			Parcel# <b>PWV 0896009</b>
Owner Name: <b>Contact:</b>	Email Address:	Telephone#	
<b>Marilyn Hart</b>	<b>marilyn.hart@gmail.com</b>	<b>262-691-9691</b>	
Mailing Address:			Cell#
<b>Holy Apostles Angelican Church, 142 Lake Street, Pewaukee, WI 53072</b>			<b>262-691-9691</b>
Tenant Name:	Email Address:	Telephone#	
Mailing Address:			Cell#
Sign Company Name:	Email Address:	Telephone#	
<b>Sign Effectz, Inc.</b>	<b>Contact: Eric Rohs / ericr@signeffectz.com</b>	<b>262-220-9220</b>	
Mailing Address:			Cell#
<b>1827 W Glendale Ave., Milwaukee, WI 53209</b>			<b>262-220-9220</b>
TYPE OF SIGN			
<input checked="" type="checkbox"/> Freestanding Ground <input type="checkbox"/> Projecting <input type="checkbox"/> Wall <input type="checkbox"/> Awning or Canopy <input type="checkbox"/> Marquee <input type="checkbox"/> Other _____ <div style="text-align: center;">Double face Monument sign with a changable</div> <input checked="" type="checkbox"/> Illuminated / <input type="checkbox"/> Non-Illuminate Brief Description of Sign: <u>copy panel. New sign located where existing is.</u> Temporary: Yes / <input checked="" type="checkbox"/> No			
DISTANCE FROM SIGN TO LOT LINES: <u>2'</u> FRONT    _____ REAR <u>30'</u> RIGHT <u>19.5'</u> LEFT			
If repairs or replacement contemplated, is the current sign, etc., non-conforming? <input type="checkbox"/> YES <input type="checkbox"/> NO			
NAME OF SURETY BOND OR INSURANCE COMPANY ON CERTIFICATE OF ISSUANCE (attach bond or certificate with hold harmless clause to the Village on this application)			
DATE SIGN TO BE ERECTED	SIGN SQUARE FOOTAGE	SIGN HEIGHT (above grade)	ESTIMATED COST
<b>1/15/23</b>	<b>33.2 sq. ft.</b>	<b>110.5"</b>	<b>\$15,700.00</b>
<p>Application is hereby made for a permit to erect / altar a sign as described herein or shown in accompanying plans or specifications where sign is to be located as shown on the accompanying plan. The information which follows and the accompanying plan and specifications with the representations contained herein are made part of this application in reliance upon which the building inspector is requested to issue a building permit.</p> <p>It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact, either with or without intention on the part of this application such as would operate to cause a refusal of this application or any material alteration or changed in the accompanying plans, specifications or structure made subsequent to the issuance of a permit in accordance without the written approval of the building inspector shall constitute sufficient grounds for the revocation of such permit.</p>			
SIGNATURE OF APPLICANT		PRINTED NAME OF APPLICANT	DATE
<i>Eric Rohs</i>		<b>Eric Rohs - Sign Effectz, Inc.</b>	<b>11/17/22</b>
<b>PLEASE SUBMIT THE FOLLOWING DOCUMENTS WITH THIS APPLICATION:</b>			
<input type="checkbox"/> SITE SURVEY (must detail location and setbacks to lot lines) <input type="checkbox"/> COLOR RENDERING <input type="checkbox"/> SURETY BOND OR INSURANCE COMPANY ON CERTIFICATE OF ISSUANCE <input type="checkbox"/> (IF APPLICANT IS A TENANT) NOTARIZED DOCUMENT FROM PROPERTY OWNER AUTHORIZING PROPOSED USE OF PROPERTY			
<b>APPROVAL CONDITIONS</b> This permit is issued pursuant to the following conditions. Failure to comply may result in suspension or revocation of this permit or other penalty. <input type="checkbox"/> See attached for conditions of approval.  Building & Electrical Permits may be applied for through the Building Services Department located at the Pewaukee City Hall, W240N3065 Pewaukee Road.			
OFFICE USE ONLY		DATE RECEIVED:	STAFF INITIALS:
(AREA x \$2.50/sq ft) \$ _____ + \$50.00 (BASE FEE) = \$ _____		DATE PAID _____	RECEIPT# _____
FAILURE TO OBTAIN PERMIT WILL RESULT IN THE TOTAL FEES DOUBLING <b>TEMPORARY SIGN EXPIRATION DATE:</b> _____			
PERMIT APPROVED/DENIED BY: _____ DATE: _____			

Disclaimer:

THIS IS AN ORIGINAL DESIGN CREATED BY SIGN EFFECTZ. THE SUBMITTED DESIGN PROTECTED UNDER COPYRIGHT LAWS OF THE UNITED STATES CODE YOU AGREE NOT TO COPY PHOTOGRAPH MODIFY OR SHARE DIRECTLY OR INDIRECTLY ANY OF THE FOREGOING HELD BY YOU WITH ANY OTHER PARTY, NOR WILL YOU PERMIT ANY THIRD PARTY TO DO ANY OF THE FOREGOING WITHOUT THE WRITTEN CONSENT OF SIGN EFFECTZ.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NEC AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

## Holy Apostles Anglican Church

Fab & Install: 2 Sided Monument w/  
Illuminated Changable Letterboard

Project Address:  
 Holy Apostles Anglican Church  
 142 Lake Street  
 Pewaukee, WI 53072

Description:	Date:	By:
01		
02		
03		
04		
05		
06		
07		
08		
09		
10		

Concept Notes:

34612417 OPPORTUNITY NO.	X PACKAGE NO.	X REV NO.
07/13/22 DATE:	XX" = 1'-0" SCALE:	
JPG DRAWN BY:	ZRK ACCT MGR:	XXX CHECK BY:
B SIZE:	C-1 SHEET NO:	MN1 CONCEPT ID:
XXXXX ESTIMATE NO.		



Holy Apostles Anglican Church Monument-1, MN1

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## Holy Apostles Anglican Church

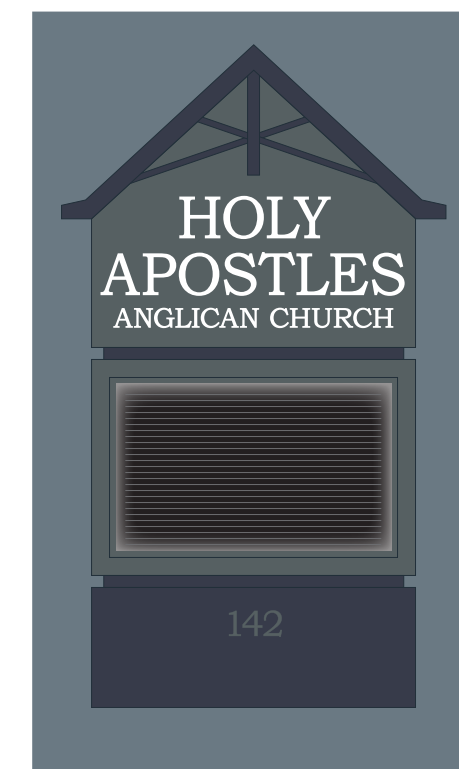
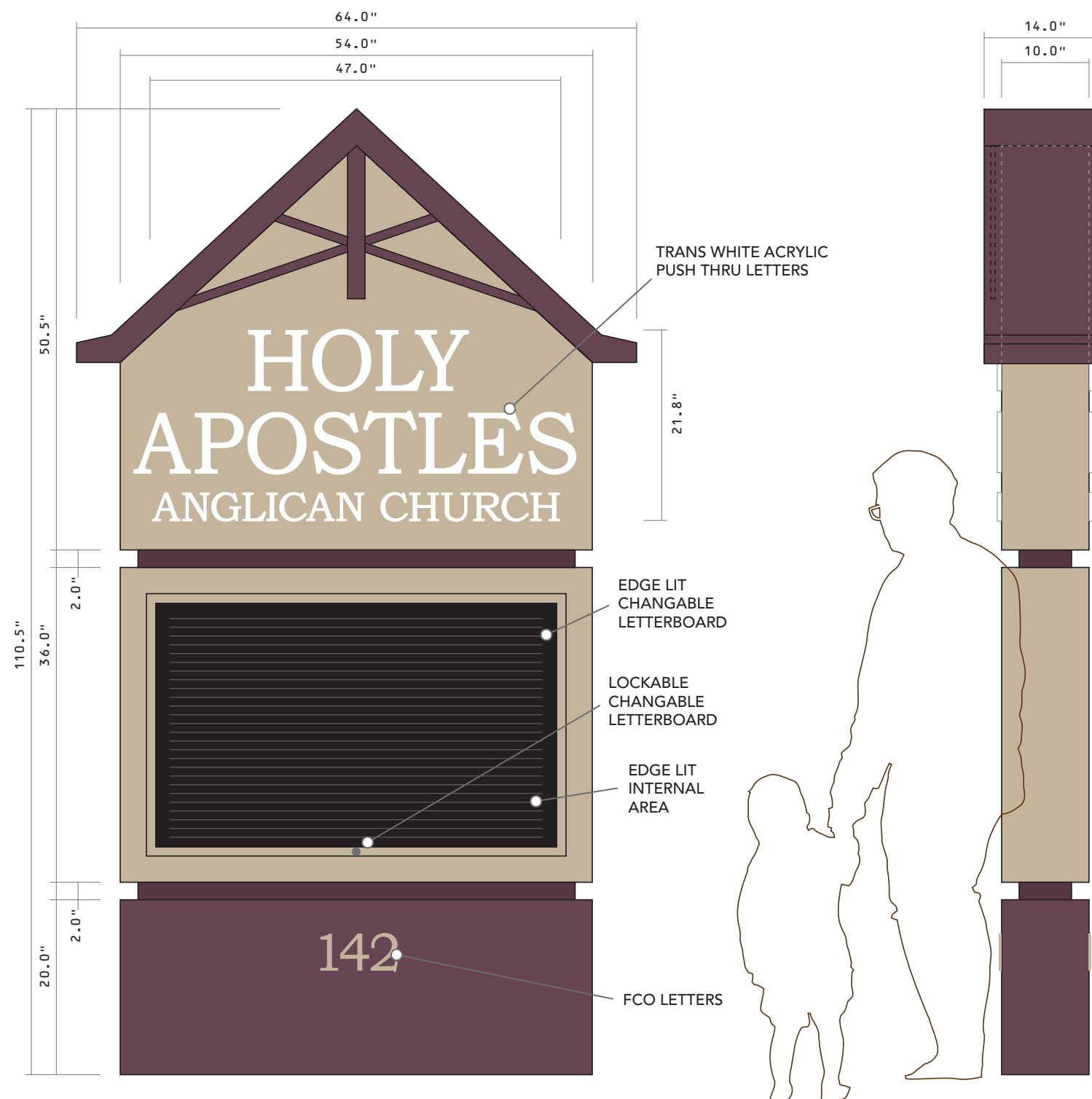
Fab & Install: 2 Sided Monument w/  
Illuminated Changable Letterboard

Project Address:  
Holy Apostles Anglican Church  
142 Lake Street  
Pewaukee, WI 53072

Description:	Date:	By:
01		
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Concept Notes:

34612417 OPPORTUNITY NO.	X PACKAGE NO.	X REV NO.
07/13/22 DATE:	.75" = 1'-0" SCALE:	
JPG DRAWN BY:	ZRK ACCT MGR:	XXX CHECK BY:
B SIZE:	C-3 SHEET NO:	MN1 CONCEPT ID:
XXXXX ESTIMATE NO.		

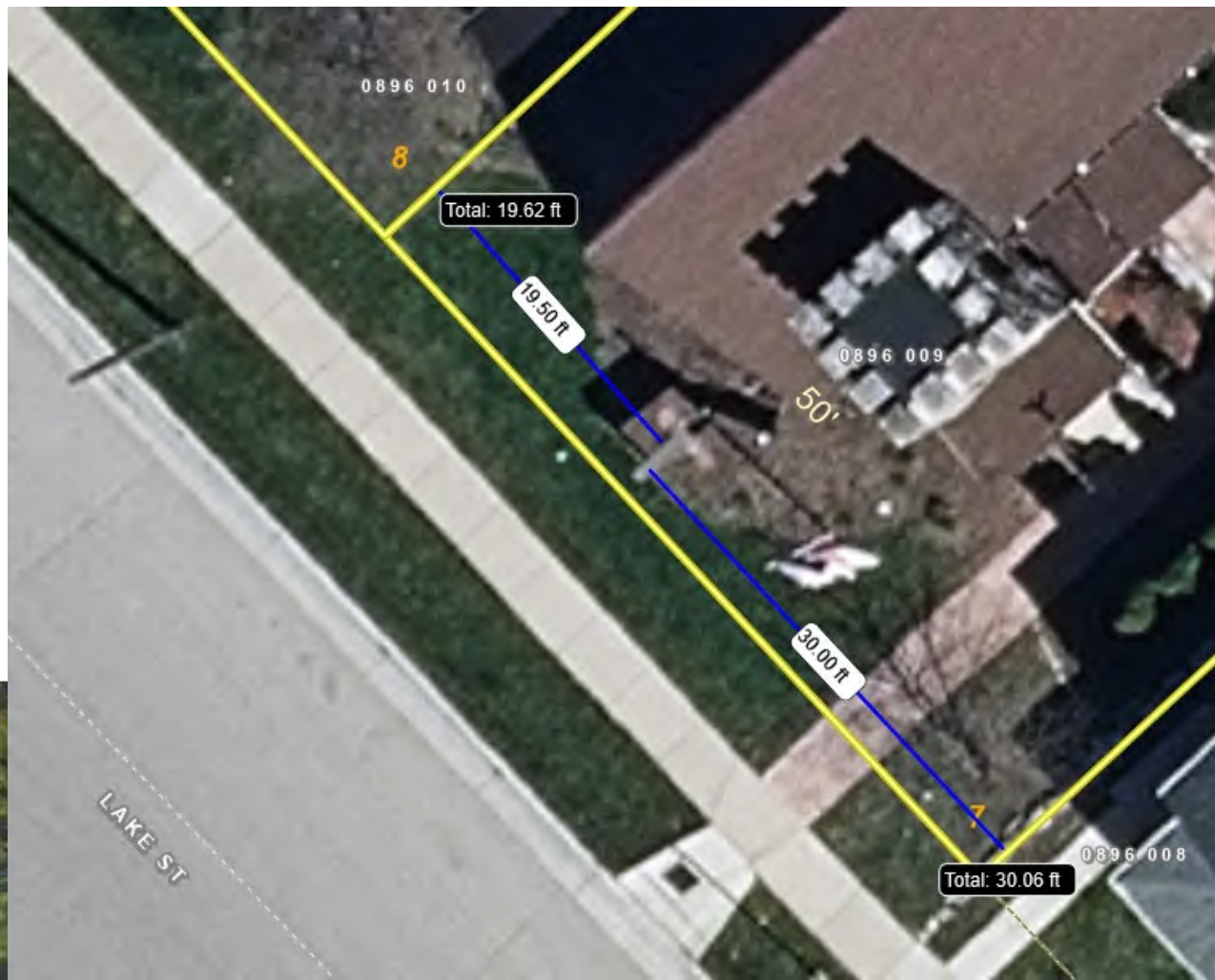


SIMULATED NIGHT VIEW

COLORS TO BE VERIFIED

### Holy Apostles Anglican Church Monument-1, MN1

2 SIDED MONUMENT w/ SECURE CHANGABLE LETTERBOARD, LETTERBOARD AREA IS EDGE LIT, BACK LIT PUSH THRU LETTERS



- New Monument sign to be located in same location as the existing

Disclaimer:  
 THIS IS AN ORIGINAL DESIGN CREATED BY SIGN EFFECTZ. THE SUBMITTED DESIGN PROTECTED UNDER COPYRIGHT LAWS OF THE UNITED STATES CODE YOU AGREE NOT TO COPY PHOTOGRAPH MODIFY OR SHARE DIRECTLY OR INDIRECTLY ANY OF THE FOREGOING HELD BY YOU WITH ANY OTHER PARTY, NOR WILL YOU PERMIT ANY THIRD PARTY TO DO ANY OF THE FOREGOING WITHOUT THE WRITTEN CONSENT OF SIGN EFFECTZ.  
 THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NEC AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

### Holy Apostles Anglican Church

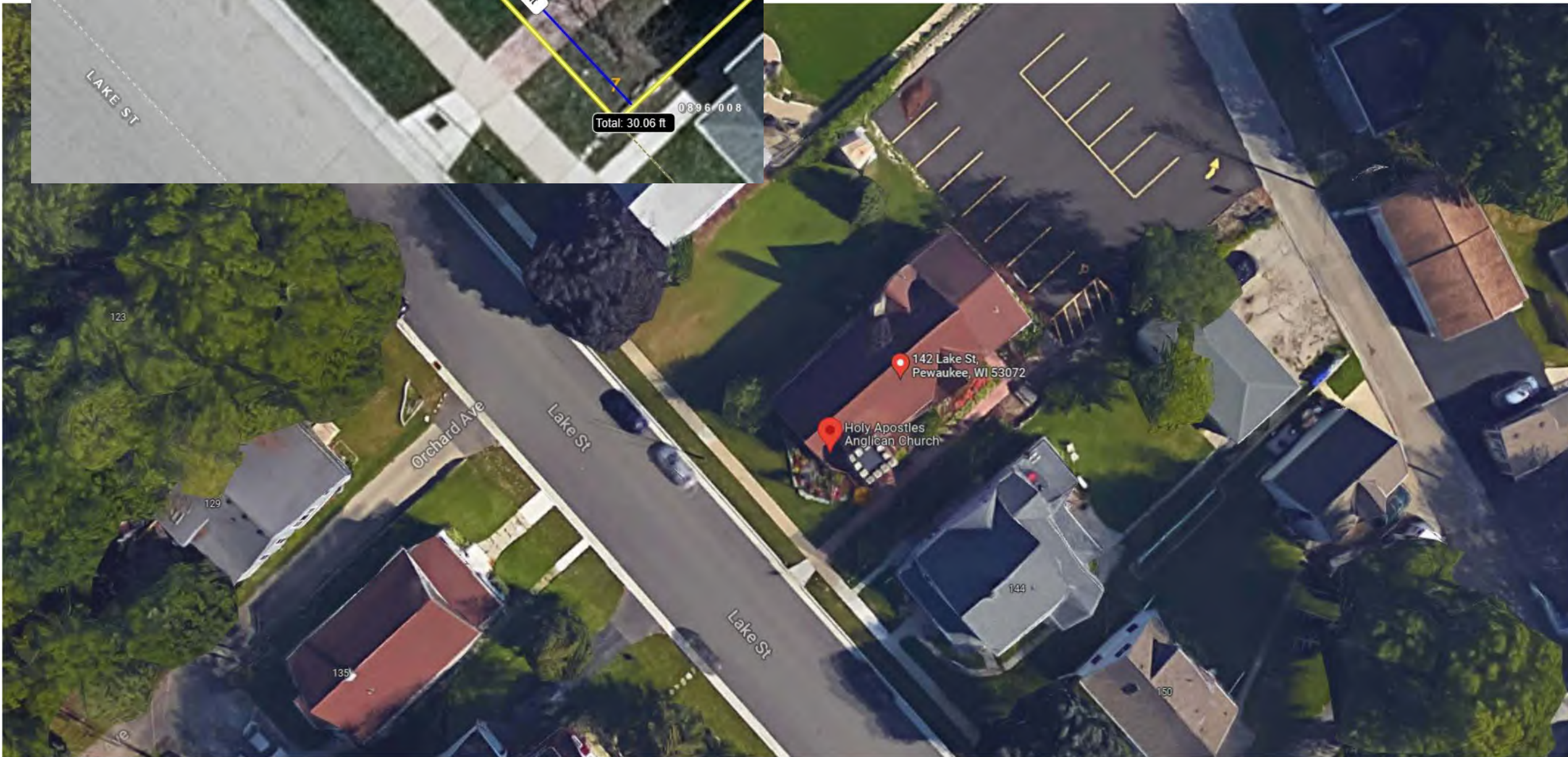
Fab & Install: 2 Sided Monument w/ Illuminated Changable Letterboard

Project Address:  
 Holy Apostles Anglican Church  
 142 Lake Street  
 Pewaukee, WI 53072

Description:	Date:	By:
01		
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Concept Notes:

34612417 OPPORTUNITY NO.	X PACKAGE NO.	X REV NO.
07/13/22 DATE:	.75" = 1'-0" SCALE:	
JPG DRAWN BY:	ZRK ACCT MGR:	XXX CHECK BY:
B SIZE:	C-4 SHEET NO:	MN2 CONCEPT ID:
XXXXX ESTIMATE NO.		

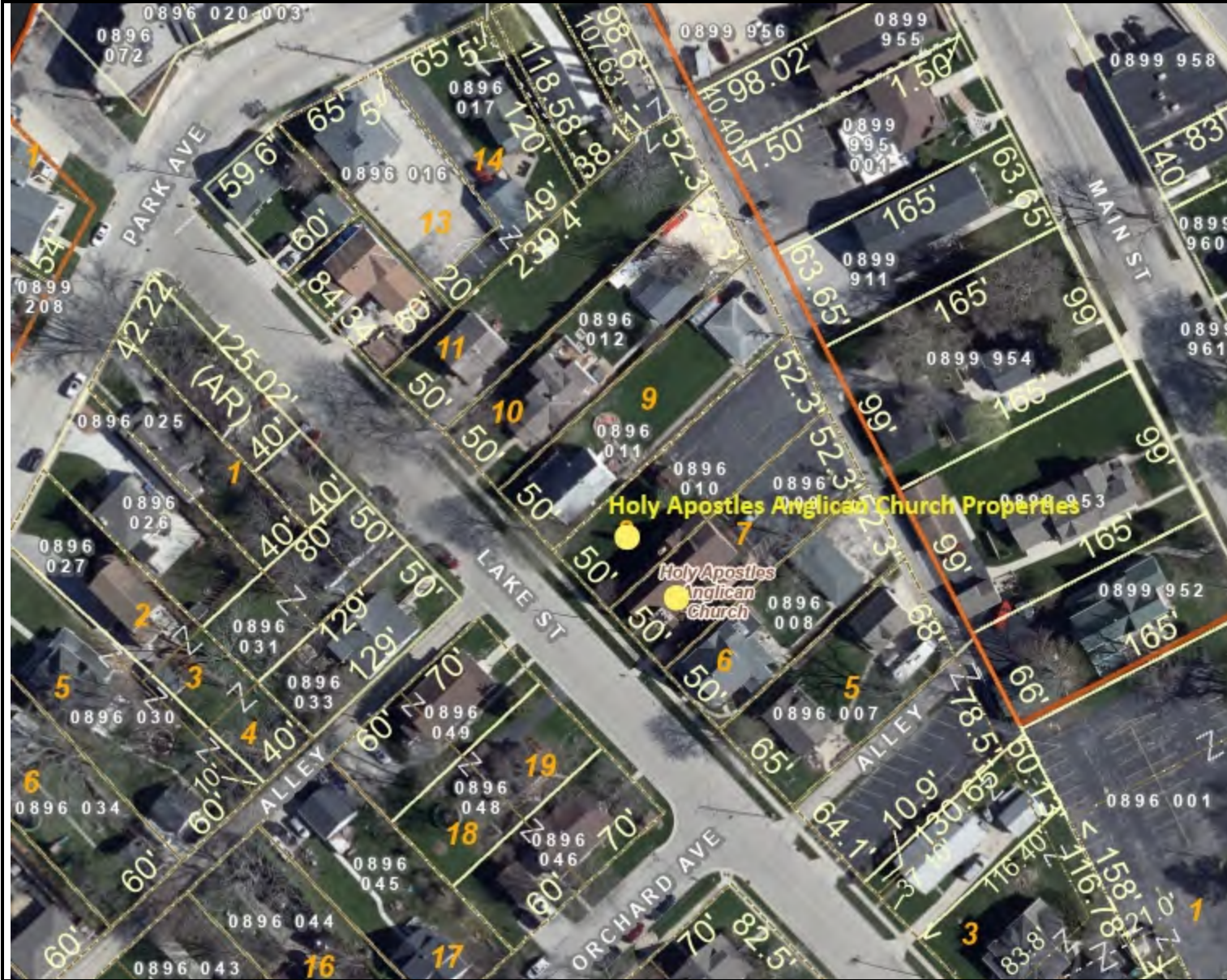




Google

Image capture: Nov 2022





**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

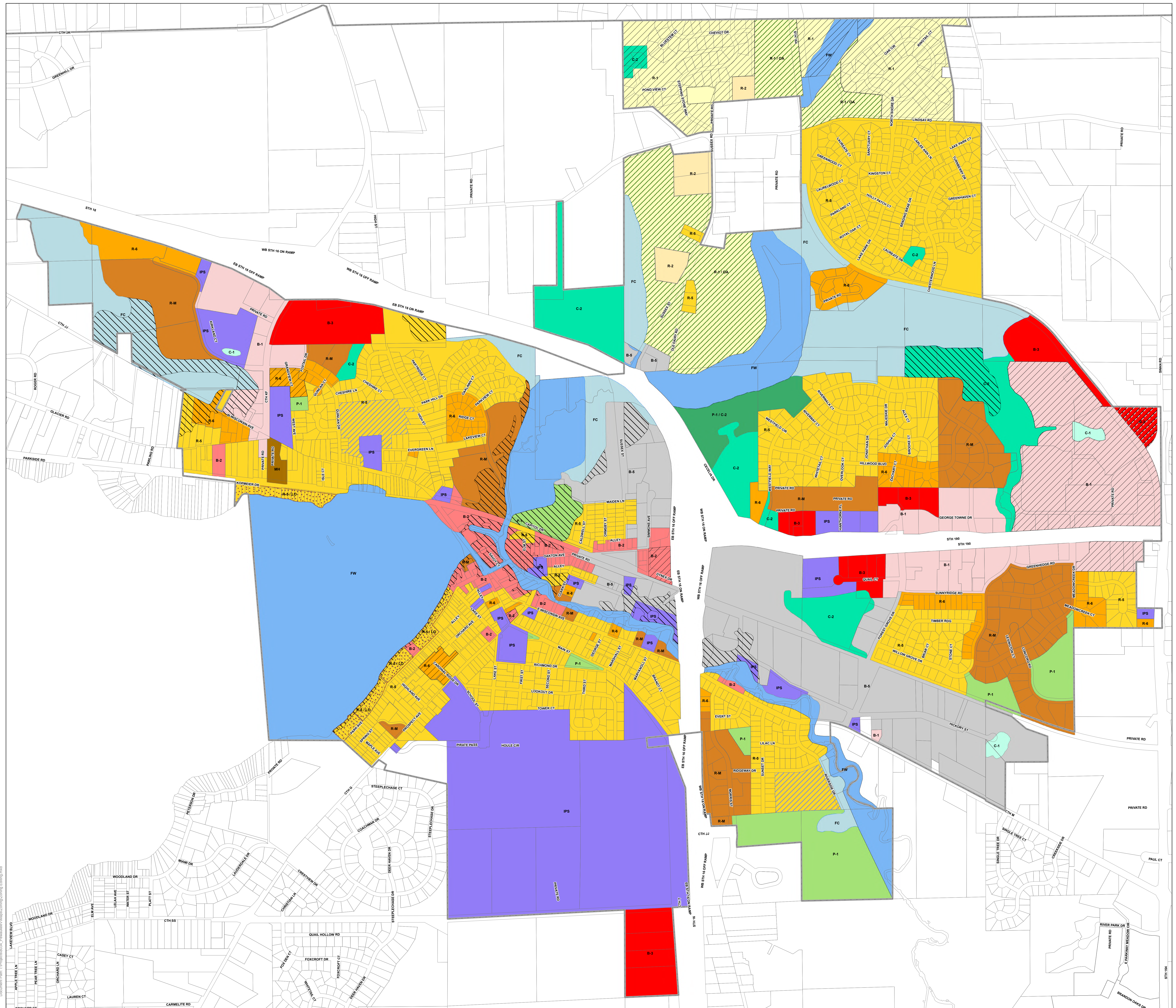
0 95.60 Feet

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.

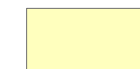

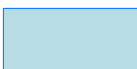






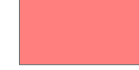

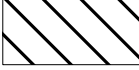



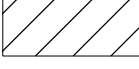





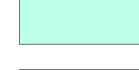


**Notes:** 142 Lake Street

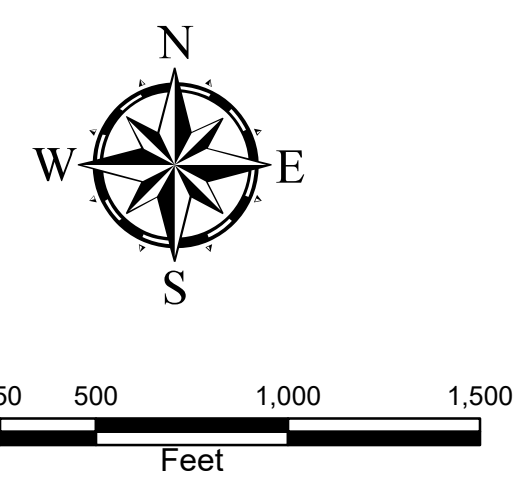
Printed: 1/2/2023





2021 Zoning Map

 R-1 Single-Family Residential (1 Acre Minimum)	 MH Mobile Home Residential	 FC Floodplain Conservancy	 Housing for the Elderly Overlay
 R-1 / OA Single-Family Residential (1 Acre Minimum) / Agricultural Overlay	 B-1 Community Business	 FW Floodway	 Infill-Redevelopment Overlay
 R-2 Single-Family Residential (0.50 Acre Minimum)	 B-2 Downtown Business	 IPS Institutional and Public Service	 FFO
 R-5 Single-Family Residential (0.24 Acre Minimum)	 B-3 Office and Service Business	 P-1 Park and Recreation	 PUD
 R-5 / LO Single-Family Residential (0.24 Acre Minimum) Lakefront Overlay	 B-5 Light Industrial	 P-1 / C-2 Park and Recreation / General Conservancy	 Civil Division
 R-6 Plex Residential	 C-1 Shoreland Wetland Conservancy	 C-2 General Conservancy	
 R-M Multi-Family Residential			



Document Path: I:\Projects\8034\_Pewaukee\Map\Zoning\Zoning\_Editing.mxd

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## MEMORANDUM

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**TO: Members of the Plan Commission of the Village of Pewaukee**  
**FROM: Attorney Matthew R. Gralinski**  
**SUBJECT: 2017 Wisconsin Act 67 and Conditional Use Permits**  
**DATE: January 3, 2023**

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Dear Commissioners:

This memorandum is in support of an item on the agenda for discussion at the Commission's January 12 meeting, namely "Review and discussion regarding the Conditional Use Grant (CUG) review Process Post 2017 Wisconsin Act 67." This item has been placed on the agenda after staff consultation with Trustee Craig Roberts. As there are now several Commissioners that have recently been appointed to the Plan Commission, this would seem an opportune time to review the conditional use grant process generally, and especially in light of the requirements imposed on the Commission by Wisconsin statute.

As commissioners are aware, the Village's zoning code provides for certain uses in various districts which, while not permitted uses by right or uses accessory to those permitted uses, are "conditional uses." These conditional uses are uses only permitted in the applicable zoning district by conditional grant, subject to the approval of the planning commission and to such conditions as deemed appropriate. Thus, part of the Plan Commission's specific duties is review and approval of these conditional use grants when an application is made to the Village.

Beyond the Village Code, conditional use permits are also regulated by Wisconsin statute section 62.23(7)(de). A copy of this statute section is enclosed for your reference. This section was created by 2017 Wisconsin Act 67, which commissioners are likely aware of due to the repeated references to "Act 67" during Commission meetings. Section 62.23(7)(de) sets forth the following requirements for consideration of conditional use grant applications:

1. While the Village can specify requirements or conditions to issuance of a conditional use by ordinance, any requirement or condition must be "reasonable and, to the extent practicable, measurable."
2. While the Plan Commission can impose conditions on the issuance of a conditional use grant, the same requirement holds that any such condition imposed must be "reasonable and, to the extent practicable, measurable." The statute also provides an additional requirement that any condition imposed by the Plan Commission "must be **related to the purpose of the ordinance and be based on substantial evidence.**"
3. The Plan Commission's ultimate decision to approve or deny a conditional use grant "must be supported by substantial evidence."

4. If an applicant meets or agrees to meet all requirements and conditions of the ordinance, and those conditions imposed by the Plan Commission, the Plan Commission “shall” grant the conditional use. The Commission will note that use of “shall” connotes that, if an applicant otherwise satisfies the requirements of the ordinance and any other condition imposed by the Commission, the application must be granted. The Commission does not have discretion to deny a permit in that case.
5. “Substantial evidence” as used throughout this subsection is specifically defined as follows: “Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.” This definition is important. It specifically states that simple objections based *only* on opinions or desires on what is best for the community should not be considered as substantial evidence to support denial of a CUG. In order to be considered in support of an imposed condition or for ultimate approval/denial of the CUG, the evidence has to be in the form of facts and information which speak directly to a condition in the ordinance or imposed by the Commission.

While there has been little Wisconsin court interpretation of this statute, there have been a couple of unpublished Wisconsin court of appeals cases which arguably provide a window into how a court would evaluate what a municipality could consider as “substantial evidence” to sustain the approval or denial of a conditional use grant. These cases are, again, unpublished and do not have precedential value. Thus, their use is limited outside of giving us an early indication of how courts may interpret this statute down the line.

Of course, neither this memorandum, nor the agenda discussion item, is directed at any one conditional use application. The Plan Commission must consider each application as it comes, on an isolated, case-by-case basis. The purpose of this memorandum is to remind the Commission of the requirements it must meet in both imposing conditions on an approval of a CUG and in ultimately considering approval or denial of the CUG.

This memorandum is for the Commission’s reference, and to facilitate discussion at the upcoming meeting. Staff will of course be available to answer any questions individual commissioners may have. Thank you for your consideration of these comments.

Respectfully submitted,

*/s/: Matthew R. Gralinski*

Matthew R. Gralinski

MRG/

ments made, or submitted, by the commanding officer, or the officer's designee, of a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. If the proposed amendments have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the amendments or a description of the property affected by the amendments and a statement that a map may be obtained from the city council. If the council does not receive recommendations and a report from the plan commission, board of public land commissioners or plan committee within 60 days of submitting the proposed amendments, the council may hold hearings without first receiving the recommendations and report.

2m. In any city which is not located in whole or in part in a county with a population of 750,000 or more, if a proposed amendment under subd. 2. would make any change in an airport affected area, as defined under sub. (6) (am) 1. b. and the owner or operator of the airport bordered by the airport affected area protests against the amendment, the amendment shall not become effective except by the favorable vote of two-thirds of the members of the council voting on the proposed change.

3. The council may repeal or repeal and reenact the entire district plan and all zoning regulations in accordance with subd. 1. The council may repeal or repeal and reenact a part or parts of the district plan and regulations in accordance with subsd. 2. and 2m.

4. The city council shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed zoning action that may be taken under subd. 1. a. or b. or 2. that affects the allowable use of the person's property. Annually, the city council shall inform residents of the city that they may add their names to the list. The city council may satisfy this requirement to provide such information by any of the following means: publishing a 1st class notice under ch. 985; publishing on the city's Internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. If the plan commission, the board of public land commissioners, or city plan committee of the city council completes action on any tentative recommendations that are noticed under subd. 1. a., proposed changes to a proposed district plan and regulations that are submitted under subd. 1. b., or proposed amendments that are submitted under subd. 2., and the city council is prepared to vote on the tentative recommendations, proposed changes to a proposed district plan, and regulations or proposed amendments, the city council shall send a notice, which contains a copy or summary of the tentative recommendations, proposed changes to a proposed district plan, and regulations or proposed amendments, to each person on the list whose property, the allowable use of which, may be affected by the tentative recommendations or proposed changes or amendments. The notice shall be by mail or in any reasonable form that is agreed to by the person and the city council, including electronic mail, voice mail, or text message. The city council may charge each person on the list who receives a notice by 1st class mail a fee that does not exceed the approximate cost of providing the notice to the person. An ordinance or amendment that is subject to this subdivision may take effect even if the city council fails to send the notice that is required by this subdivision.

(da) *Interim zoning.* The common council of any city which has not adopted a zoning ordinance may, without referring the matter to the plan commission, enact an interim zoning ordinance to preserve existing uses while the comprehensive zoning plan is being prepared. Such ordinance may be enacted as is an ordinary ordinance but shall be effective for no longer than 2 years after its enactment.

(de) *Conditional use permits.* 1. In this paragraph:

a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.

(e) *Board of appeals.* 1. The council which enacts zoning regulations pursuant to this section shall by ordinance provide for the appointment of a board of appeals, and shall provide in such regulations that said board of appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. Nothing in this subdivision shall preclude the granting of special exceptions by the city plan commission or the common council in accordance with the zoning regulations adopted pursuant to this section which were in effect on July 7, 1973 or adopted after that date.

2. The board of appeals shall consist of 5 members appointed by the mayor subject to confirmation of the common council for terms of 3 years, except that of those first appointed one shall serve for one year, 2 for 2 years and 2 for 3 years. The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the mayor for cause upon written charges and after public hearing. The mayor shall designate one of the members as chairperson. The board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The mayor shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

3. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this section. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in the chairperson's absence, the acting chairperson, may administer



To: Jeff Knutson, Village President  
Plan Commission

From: Jenna Peter  
Deputy Village Clerk/Treasurer

Date: January 5, 2022

Re: Agenda Item: \_\_6c.\_\_ Discussion and Direction Regarding Possible Change in Plan Commission Meeting Time From 7PM to 6PM

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**BACKGROUND**

This matter is on the Plan Commission agenda at the request of Village President Knutson. Staff will look to President Knutson to facilitate the discussion on this matter.

**ACTION REQUESTED**

The action requested of the Plan Commission is to provide direction on how to proceed on this matter.

**ANALYSIS**

The Village Board recently approved their meeting time change from 7PM to 6PM. The time change for the Plan Commission meetings would align with the Village Board if approved.