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August 2, 2024

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8/8/2024 Plan Commission Meeting

Conditional Use Grant requests at 316 Oakton Ave, 1155 Quail Ct, 214 First St, and PWV 0901984003 and a CSM lot adjustment at 132 Maple Ave

[Meeting Minutes \(?Type=M&ID=366\)](#)

[Documents \(?Type=D&ID=366\)](#)

[Video \(?Type=V&ID=366\)](#)

Plan Commission Meeting
August 8, 2024 – 6:00 pm
Village Hall
235 Hickory Street, Pewaukee, WI 53072

<https://www.youtube.com/live/KWQ9se9HIng?si=kMZ68Mig7toy92KP> (<https://www.youtube.com/live/KWQ9se9HIng?si=kMZ68Mig7toy92KP>)

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

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

Plan Commission members present: Comm. Mark Grabowski; Comm. Theresa Hoff; Comm. Brian Belt; Trustee Bob Rohde, and President Jeff Knutson.

Excused: Comm. Sam Liebert and Comm. Katie Jelacic

Also present: Village Attorney, Matt Gralinski; Village Planner, Ben Kohout; Village Engineer, Tim Barbeau; Village Administrator, Matt Heiser; Village Clerk, Jenna Peter, and Deputy Clerk, Mackenzie Quigley.

2. Public Hearings –

a. Conditional Use Grant request of applicant Maggie Spada to construct a 1,938 sq. ft. office building with the existing detached garage (approximate 555 sq. ft.) proposed to remain in place with a 5.5' side lot offset where a 10' offset is required (Section 40.270) and with an approximately 2' public alley offset where a 15' setback is required (Section 40.269). The proposed building is a single-story principal structure where a 1.5 story structure is required (Section 40.265(17)). This 0.2-acre parcel, located at 316 Oakton Avenue/PWV 0899009, is zoned B-2 Downtown Business District. Property owner is Positivo, LLC. – none.

b. Conditional Use Grant request of applicant WMG Acquisitions, LLC to construct a 5,200 sq. ft. professional dental office building. The proposed parking lot is offset less than 20 feet from the northern property line which is permissible only through the issuance of a Conditional Use Grant (Section 40.259). This 0.9-acre parcel is zoned B-1 Community Business District located at PWV 0901984003. Property owner is Meadow Creek Limited Partnership.

Durinda Marvin stated she was the applicant and was in attendance if there are any questions from the Commission.

c. Conditional Use Grant request of applicant Kim Salmons to allow a day care use which is permissible only through the issuance of a Conditional Use Grant (Section 40.280(1)). This parcel is zoned B-3 Office and Service District located at 1155 Quail Court/ PWV 0903102. Property owner is Newhealth Building, LLC. – none.

d. Conditional Use Grant request of applicant/owner Kevin and Erin Ark to construct a 960 sq. ft. accessory structure. The proposed accessory structure is located 3 feet from the side offset which is permissible only through the issuance of a Conditional Use Grant (Section 40.210(4)). The property is located at 214 First Street/ PWV 0899252. – none.

3. Citizen Comments – none.

4. Approval of the Minutes

a. Regular Plan Commission Meeting – July 11, 2024.

Trustee Rohde motioned/seconded by Comm. Belt to approve the July 11, 2024; Regular Plan Commission Meeting minutes as presented.

Motion carried 5-0.

5. Old Business

a. Conditional Use Grant request of applicant Maggie Spada to construct a 1,938 sq. ft. office building with the existing detached garage (approximate 555 sq. ft.) proposed to remain in place with a 5.5' side lot offset where a 10' offset is



waiting on the applicant to submit a site grading plan.

ah Ct, Hartland – Stated last year the garage had new windows installed and the garage

Commission at their meetings of July/August 2024 pertaining to architecture, site design, or other, are met.

uses for reduced accessory structure setbacks and for the main structure to be less than

1.5 stories.

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3. That the photometric plan and lighting plans only show up to 0.5 footcandles at a property line.

4. This Site Plan/Plan of Operation approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission. The existing site plan/plan of operation shall remain in effect, except as further restricted or modified herein.

5. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission and Board, Village Engineer and Village Planner for the site plan, and other documentation.

6. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of structural integrity or safety of any structure on the property, or as proof of compliance with any particular construction standard that would apply to new construction. The petitioner shall independently determine the suitability of all structures on the property for the petitioner's intended uses.

7. Fire Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village of Pewaukee Fire Department Chief (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village of Pewaukee Fire Department Chief (or designee), if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of fire safety of any structure on the property, or as proof of compliance with any particular fire safety standard that would apply to new construction. The petitioner shall independently determine the fire safety and suitability of all structures on the property for the petitioner's intended uses.

8. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Business Site Plan approval with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.

9. The Property Owner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.

10. The Property Owner shall allow Village of Pewaukee representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.

11. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.

12. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Pewaukee for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.

Village Engineer's Recommendations:

1. Provide televising video showing the sanitary sewer lateral from basement to the main. If it is in poor condition and has substantial leaks, it may need to be lined or replaced.

2. Schedule an appointment with the Water Department staff to identify the water service material. If service material is lead, the applicant will be required to replace the water service to the curb stop.

3. Any sidewalk panels with cracks, spalling, or missing pieces, or panels which create a tripping hazard will be marked by the Village staff and must be removed and replaced by applicant.

Comm. Hoff motioned/seconded by Trustee Rohde to approve the Conditional Use Grant Request with the Planner's and Engineer's recommendations and signing off at the staff level.

Motion carried 5-0.

b. Review, discussion, and possible action on the proposed business site plan of applicant Maggie Spada to construct a 1,938 sq. ft. office building. This 0.2-acre parcel, located at 316 Oakton Avenue/PWV 0899009, is zoned B-2 Downtown Business District. Property owner is Positivo, LLC.

Comm. Grabowski motioned/seconded by Comm. Belt to approve the proposed business site plan with the Planner's and Engineer's recommendations. (Presented in agenda item "5a.")

Motion carried 5-0.

6. New Business

a. Conditional Use Grant request of applicant WMG Acquisitions, LLC to construct a 5,200 sq. ft. professional dental office building. The proposed parking lot is offset less than 20 feet from the northern property line which is permissible only through the issuance of a Conditional Use Grant (Section 40.259). This 0.9-acre parcel is zoned B-1 Community Business District located at PWV 0901984003. Property owner is Meadow Creek Limited Partnership.

Planner Kohout determined with staff that this did not need a Conditional Use Grant for the parking lot offset. This is just a waiver request.

No action was taken.



Commission at their meeting of August 2024 pertaining to architecture, site design, or other, are met.

Plans be presented to the Village Zoning Administrator and approval by Staff prior to

be replaced upon any plants not surviving.

4. This Site Plan/Plan of Operation approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission. The existing site plan/plan of operation shall remain in effect, except as further restricted or modified herein.

5. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission and Board, Village Engineer and Village Planner for the site plan, and other documentation.

6. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of structural integrity or safety of any structure on the property, or as proof of compliance with any particular construction standard that would apply to new construction. The petitioner shall independently determine the suitability of all structures on the property for the petitioner's intended uses.

7. Fire Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village of Pewaukee Fire Department Chief (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village of Pewaukee Fire Department Chief (or designee), if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of fire safety of any structure on the property, or as proof of compliance with any particular fire safety standard that would apply to new construction. The petitioner shall independently determine the fire safety and suitability of all structures on the property for the petitioner's intended uses. Fire department approval following review to ensure any additional fire access requirements for the parking lot as proposed is required prior to building occupancy.

8. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Business Site Plan approval with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.

9. The Property Owner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.

10. The Property Owner shall allow Village of Pewaukee representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.

11. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.

12. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Pewaukee for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.

Trustee Rohde motioned, seconded by Comm. Hoff to approve the site plan with the Village Planner's and Village Engineer's recommendations and to approve the waiver to allow for the 6.6 ft parking setback.

Motion carried 5-0.

c. Review, discussion, and possible recommendation to the Village Board to approve a Certified Survey Map request of applicant Andrew Wilkowski (JSD Professional Services, Inc. to create two additional parcels labeled as lot 18 and lot 19 from the original parcel located at PWV 0901984003. Property owner is Meadow Creek Limited Partnership.

Village Planner's Recommendations:

1. Any conditions made by the Plan Commission at their meeting of August 2024.
2. That all engineering comments are satisfied for the Certified Survey Map prior to Village signature and recording

Engineer Barbeau stated he did get an updated CSM from the surveyor dated August 6, 2024.

Comm. Grabowski motioned/seconded by Trustee Rohde to approve the recommendation to the Village Board for the Certified Survey Map with the Village Planner's and Village Engineer's recommendations.

Motion carried 5-0.

d. Conditional Use Grant request of applicant Kim Salmons to allow a day care use which is permissible only through the issuance of a Conditional Use Grant (Section 40.280(1)). This parcel is zoned B-3 Office and Service District located at 1155 Quail Court/ PWV 0903102. Property owner is Newhealth Building, LLC.

Village Planner's Recommendations:

1. That all conditions made by the Plan Commission at their meeting of August 2024 pertaining to architecture, site design, landscaping, lighting, grading, parking, or other, are met.
2. Landscaping shrubs are required to be replaced on the parking island as you enter the site from Quail Court as well as along the top of the western retaining wall along the upper parking lot.
3. That the refuse enclosure doors are repaired and painted.
4. This Site Plan/Plan of Operation approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission. The existing site plan/plan of operation shall remain in effect, except as further restricted or modified herein.
5. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission and Board,



owner or others as proof of structural integrity or safety of any structure on the property, or any construction standard that would apply to new construction. The petitioner shall determine the suitability of all structures on the property for the petitioner's intended uses.

Property Owner shall comply with any and all recommendations by the Village of Pewaukee (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of structural integrity or safety of any structure on the property, or as proof of compliance with any particular construction standard that would apply to new construction. The petitioner shall independently determine the fire safety and suitability of all structures on the property for the petitioner's intended uses.

8. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Business Site Plan approval with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.

9. The Property Owner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.

10. The Property Owner shall allow Village of Pewaukee representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.

11. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.

12. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Pewaukee for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.

Trustee Rohde motioned/seconded by Comm. Hoff to approve the Conditional Use Grant as presented with the Planner's recommendations.

Motioned carried 5-0.

e. Conditional Use Grant request of applicant/owner Kevin and Erin Ark to construct a 960 sq. ft. accessory structure. The proposed accessory structure is located 3 feet from the side offset which is permissible only through the issuance of a Conditional Use Grant (Section 40.210(4)). The property is located at 214 First Street/ PWV 0899252.

Planner Kohout explained the applicant is removing the existing garage and being replaced with a larger garage in the same general area.

Village Planner's Recommendations:

1. That this conditional use allows a new accessory structure on the above referenced property to be up to three (3) feet from the northern property line due to an existing garage having been found here currently at the same location.

2. That all conditions made by the Plan Commission at their meeting of August 2024 are met.

3. That the new accessory structure meets all building and zoning codes including a height of no more than 15 (18) feet.

4. That the new accessory structure meets all building and zoning codes including a grading plan showing no runoff onto the adjoining properties due to the construction of the new accessory structure.

5. That the new accessory structure matches the architecture and materials of the principal dwelling.

6. This Site Plan/Plan of Operation approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission. The existing site plan/plan of operation shall remain in effect, except as further restricted or modified herein.

7. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission and Board, Village Engineer and Village Planner for the site plan, and other documentation.

8. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of structural integrity or safety of any structure on the property, or as proof of compliance with any particular construction standard that would apply to new construction. The petitioner shall independently determine the suitability of all structures on the property for the petitioner's intended uses.

9. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new conditional use approval with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.

10. The Property Owner shall allow Village of Pewaukee representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.

11. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.

12. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Pewaukee for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.

Engineer Barbeau is recommending the applicant provide a site grading plan since the property does slope off to the adjacent property owners. The parcel is also made up of three other lots from an old subdivision. The applicant owns all of them under one tax key, but right now the garage is technically overlapping a lot line. This is an opportunity to clean the lines up and get a Certified Survey Map to combine the lots into one.

amending condition 3 to strike the 15 ft height and change to 18ft height.



Recommendation to the Village Board to approve a Certified Survey Map request of [Name] for a lot line adjustment. This 0.1-acre parcel, located at 132 Maple Avenue/ [Address] Family Residential. Property owners are Chuck and Jody Goss. [Name] are proposing to add an additional 1,000 sf to the existing property from the adjoining

Village Planner (None) Recommendations:

1. Any conditions made by the Plan Commission at their meeting of August 2024.
2. That all engineering comments are satisfied for the Certified Survey Map prior to Village signature and recording.

Engineer Barbeau stated the Village Public Works Director is requesting access to the applicant’s basement to verify where the sanitary lateral connects to the main and determine the material of the water service lateral. Applicants, Chuck and Jody Goss asked why the Village needs to come into the basement to view the lateral. Barbeau explained that there is not a record of the lateral and this is purely to get record of that.

Comm. Belt motioned/seconded by Comm. Hoff to approve the recommendation of the Certified Survey Map to the Village Board.

Motion carried 5-0.

7. Citizen Comments – None.

8. Adjournment

Trustee Rohde motioned/seconded by Comm Grabowski to adjourn the August 8, 2024, Regular Plan Commission meeting at approximately 6:56 p.m.

Respectfully submitted,

Jenna Peter
Village Clerk

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For after hours emergencies, call Waukesha County Dispatch at 262-446-5070.

HOURS OF SERVICE

Monday	8 a.m. - 4:30 p.m.
Tuesday	8 a.m. - 4:30 p.m.
Wednesday	8 a.m. - 4:30 p.m.
Thursday	8 a.m. - 4:30 p.m.
Friday	8 a.m. - 4:30 p.m.
Saturday	Closed
Sunday	Closed

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