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April 10, 2025

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## 04/10/2025 Plan Commission Meeting

Public Hearing and Conditional Use Grant at 145 W Wisconsin Ave, Suite 1; Sign Code Waiver at 112 Main Street; Review, discussion and possible recommendation to the Village Board on an Ordinance regarding Reasonable Accommodations; Review, discussion and direction to staff regarding amendment to the Zoning Code on reducing setback requirements for accessory structures.

[Meeting Minutes \(?Type=M&ID=408\)](#)

[Documents \(?Type=D&ID=408\)](#)

[Video \(?Type=V&ID=408\)](#)

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

<https://www.youtube.com/watch?v=uoSRNMRKN2w> (<https://www.youtube.com/watch?v=uoSRNMRKN2w>)

### 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. Sam Liebert; Comm. Brian Belt; Trustee Bob Rohde; and President Jeff Knutson.

Excused: Comm. Katie Jelacic

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

### 2. Public Hearings –

- a. **Conditional Use Grant request of applicant Tim Steidl d/b/a Myxn Lakeside LLC, to develop a seasonal hotdog cart accessory to the approved restaurant/tavern use, within the previously approved three public parking stalls situated in the W. Wisconsin Avenue right-of-way in front of the business located at 145 W. Wisconsin Avenue – Suite 1. Building/property owner is Joseph Grsch Development LLC. Right-of-way is owned by the Village of Pewaukee. Property is Zoned B-2 Downtown Business District.**

- No comments

### 3. Citizen Comments – No comments.

### 4. Approval of the Minutes

- a. **Regular Plan Commission Meeting – March 13, 2025.**

**Comm. Liebert motioned/seconded by Trustee Rohde to approve the March 13, 2025, Regular Plan Commission Meeting minutes as presented.**

**Motion carried 5-0; Comm Belt abstained.**

### 5. Old Business

- a. **None**

### 6. New Business

- a. **Review, discussion, and possible action on a Conditional Use Grant request of applicant Tim Steidl d/b/a Myxn Lakeside LLC, to develop a seasonal hotdog cart accessory to the proposed restaurant/tavern use, within the previously approved three public parking stalls situated in the W. Wisconsin Avenue right-of-way in front of the business located at 145 W. Wisconsin Avenue – Suite 1. Building/property owner is Joseph Grsch Development LLC. Right-of-way is owned by the Village of Pewaukee. Property is Zoned B-2 Downtown Business District.**

**IS:**

Commission approves the Conditional Use Grant to locate a seasonal hotdog cart within the dining/seating area in three existing, on-street parking stalls for the property located at 145 W. Myxan (898001003), subject to the following general conditions:

as approved by the Planning Commission at their meeting of March 13, 2025.

Effective upon the execution and recording by the owners of the Premises of an acceptance instrument, the Commission shall substitute an effective covenant that shall run with the land subject to the provisions

contained herein.

3. This grant shall be void unless, pursuant to the building and Zoning Codes of the Village, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of the Planning Commission approval noted above.
4. This grant is subject to amendment and termination in accordance with the provision of the Zoning Code of the Village.
5. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant and exhibited hereto.
6. Construction and operation of the use granted shall be subject to full compliance with any other applicable rules/laws as set forth by any other governmental or quasi-governmental departments/entities with jurisdiction over this site, construction and/or operation such as, but not necessarily limited to, the Village's Building Inspections, Public Works, Police and Fire Departments, Waukesha County, Wisconsin DNR, the State of Wisconsin, ... and similar.
7. Any of the conditions of this Grant which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
8. This Grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
9. Failure to allow reasonable and routine inspections of the property constitutes grounds for revocation of the Conditional Use Grant.

Specific Conditions on the Use/Operations:

10. Annual renewal of this CUG is not a condition of the approval but that is based upon the continued willingness of the applicant to work cooperatively with the Village on adjustments to the site/operating plans as the use goes along in the event unforeseen issues or concerns as to safety or suitability should arise.
11. Shall only be permitted within the three previously approved stalls used for street dining.
12. The permitted seasonal period of use for the right-of-way shall be March 1 to October 31 annually.
13. Days/Hours of use for this right-of-way dining/seating area shall be limited to days/hours that the principal use Myxan Lakeside Bar is actually open but in no case later than 1 am daily.
14. As to both seasonal and permanent cessation of operations, the right-of-way area shall be immediately returned to its original state by the applicant - as it was before the street dining use was approved and implemented.
15. Any substantiated material adverse impacts upon surrounding properties or the Village generally resulting from this use (including, though not necessarily limited, to noise, odor, litter, animal infestation, loitering, glare, public safety, illegal activity,...) shall be the responsibility of the owner/applicant to correct timely upon notice from the Village and failure to do so may result in revocation of this conditional use grant amendment or portions thereof.
16. Village Staff final review and approval, prior to placement, of all appurtenances (such as but not necessarily limited to tables, chairs, umbrellas, planters, heaters, fire tables, trash receptacles, serving tables,... and similar) proposed to be placed in the right-of-way area(s) ref Exhibit A attached.
17. Recording of the Conditional Use Grant (CUG) prior to the start of any right-of-way occupancy.
18. Village Board approval of a right-of-way access/occupancy/use permit and agreement prior to recording of the Conditional Use Grant Amendment – the date and terms of such approval to be memorialized in the Village's CUG record/file for this property for the duration of time that this use is permitted.
19. Prior to recording the CUG, execution of a hold harmless and indemnity agreement satisfactory to the Village Attorney and approved by the Village Board for construction and operation of the use herein granted, the date and terms of such agreement to be memorialized in the Village's CUG record/file for this property for the duration of time that this use is permitted.
20. Prior to occupying the public right-of-way for this use, provision of general liability and property damage insurance naming the Village of Pewaukee as an additional insured shall be provided to the Village Attorney for review and approval as to adequacy – evidence of the final and approved insurance documents to be retained on file in the Village's CUG record for this property for the duration of time this use is permitted.
21. The Village Board shall make the final determination as to who has precedence in terms of the right-of-way use on any dates/times where use of this specific right-of-way space may have been requested by multiple parties/special events. During special events in the downtown area, the permit holder shall refer to the Village Administrator for the priority determination as may have been set forth by the Village Board in regard to this specific right-of-way space and shall abide by those specific instructions.

**Trustee Rohde motioned/seconded by Comm. Liebert to approve the Conditional Use Grant to locate the seasonal hotdog cart within the outdoor dining area subject to the staff recommendations.**

**Motion Carried: 5-1; Comm. Hoff voted Nay.**

- b. **Review, discussion and possible action to allow a mural and Sign Code Waiver for American Legion to allow 80 sq. ft. of sign area in conjunction with a mural on the adjacent building wall located at 112 Main Street pursuant to Section 70. This 0.16-acre property, located at 112 Main Street, is owned by Lueth Properties LLC, is zoned B-2 Downtown Business District.**



Following conditions:

Wall sign be permitted within the proposed American Legion mural located at 112 Main

Plan Commission at their meeting of November 2024, as noted in the minutes.

Building permits be obtained prior to erection of wall signage.

Signage improvements obtain zoning approval and building inspector approval prior to Village Hall Staff.

Attorney G. Lyons stated that the packet shows two separate options for the Commission to consider, and a choice needs to be made – Lyons joined in to explain the differences.

Discussion was held amongst the Commission.

**Mark Johnson, Commander @ American Legion, Post 71** – Shared that they received an updated version of the mural from the artist. They have received approval from the National American Legion to use the Legion emblem. Johnson then went into more detail about what each part of the mural means.

Discussion continued between the applicant and Commission.

**Comm. Belt motioned/seconded by Comm. Hoff to approve the American Legion Sign Code Waiver for the 80 sq. ft. for the Legion emblem and wording, with the six branches being stand alone.**

**Motion Carried 6-0**

**c. Review, discussion and possible recommendation to the Village Board on an ordinance to create section 40.109(c) of the Municipal Code of the Village of Pewaukee regarding reasonable accommodations through special zoning permit waivers.**

Lyons gave a brief overview.

**Comm. Liebert motioned/seconded by Comm. Rohde to recommend approval to the Village Board of the Pewaukee Zoning Ordinance amendments as outlined in the attached ordinance in reference to creating section 40.109C: Special Zoning Waivers for Reasonable Accommodation.**

**Motion Carried 6-0**

**d. Review, discussion, and direction to staff regarding amendment to Village of Pewaukee Zoning Code for reducing setbacks requirements for accessory structures.**

Lyons gave a brief overview and shared examples of neighboring communities codes.

Discussion was held amongst the Commission.

**7. Citizen Comments** – No comments.

**8. Adjournment**

**Trustee Rohde motioned/seconded by Comm. Liebert to adjourn the April 10, 2025, Regular Plan Commission meeting at approximately 6:41 p.m.**

**Motion carried 6-0.**

Respectfully submitted,

Mackenzie Quigley  
Deputy Clerk

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## CONTACT US

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Friday ([/home](#))  
Saturday  
Sunday

8 a.m. - 4:30 p.m.  
8 a.m. - 4:30 p.m.  
8 a.m. - 4:30 p.m.  
8 a.m. - 4:30 p.m.  
8 a.m. - 4:30 p.m.  
Closed  
Closed

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