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March 13, 2025

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03/13/2025 Plan Commission Meeting

Public Hearings and Conditional Use Grants on 145 W Wisconsin Ave, Suite 1; Review, discussion, and possible action on the proposed business site plan at 1267 Capitol Drive; Review, discussion, and consultative feedback for 120 Simmons Ave; Review, discussion, and direction to staff regarding amendment to Village of Pewaukee Zoning Code for Reasonable Accommodations, and for administrative approval of minor setback waivers.

[Meeting Minutes \(?Type=M&ID=402\)](#)

[Documents \(?Type=D&ID=402\)](#)

[Video \(?Type=V&ID=402\)](#)

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

<https://www.youtube.com/watch?v=DgIkOY9RU4U> (<https://www.youtube.com/watch?v=DgIkOY9RU4U>)

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

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

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

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

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

2. Public Hearings –

a. Conditional Use Grant request to allow a new restaurant / tavern as part of a custom personal scent mixing use located at 145 W. Wisconsin Avenue – Suite 1. A restaurant / tavern use is only permissible through the issuance of a Conditional Use Grant (Section 40.265(2)). This request is located at 145 W. Wisconsin Avenue – Suite1/ PWV 0898001003, is zoned B-2 Downtown Business District. Property owner is Joseph Grasch Development LLC. (Joseph Grasch, owner) and Applicant is Myxn Lakeside LLC. (Tim Steidl, owner/agent).

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

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

- No comments

3. Citizen Comments – No comments.

4. Approval of the Minutes

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

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

Motion carried 5-0.

5. Old Business

a. None



ssuance of a Conditional Use Grant (Section 40.265(2)). This request is located at 145 W. Wisconsin Avenue, Suite 1 / PWV 0898001003, is zoned B-2 Downtown Business District. Property owner is C. (Joseph Grash, owner) and Applicant is Myxn Lakeside LLC. (Tim Steidl,

with the minimal/standard conditions for this item.

1S:

Plan Commission Approve the Conditional Use Request for a new restaurant/tavern as part of a custom personal scent mixing business for the property located at 145 W. Wisconsin Avenue, Suite 1 (PWV0898001003), subject to the following conditions:

1. Any conditions made by the Plan Commission at their meeting of March 13, 2025.
2. Full execution and recording of the Conditional Use Grant prior to the start of alcohol sales, service, or consumption in this space.
3. Prior to the start of alcohol sales, service, or consumption in this space, the applicant shall secure, and at all times going forward, maintain, the necessary liquor/alcohol licensure needed to operate this tavern use in this space.
4. Signage plans be presented to the Village Zoning Administrator and approval by Staff prior to building occupancy.
5. Provide televising video showing Sanitary sewer lateral from basement to the main. The lateral needs to be reviewed for structural integrity and potential infiltration. The Village staff or designated representative will review the sewer lateral video and check if the lateral condition is adequate or needs rehabilitation. If the work cannot be completed prior to issuance of permit or occupancy, then posting a \$5,000 financial guarantee is acceptable to allow applicant to proceed. This includes costs for televising and potential work on sewer lateral.
6. Schedule and conduct appointment with the Water Utility Department staff to identify the water service pipe material prior to issuance of permit. If service material is lead, the Applicant will be required to replace the water service from building to the curb stop.
7. This approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission. The existing plans shall remain in effect, except as further restricted or modified herein.
8. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission and Board, Village Engineer and Village Planner for the site plan, and other documentation.
9. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of structural integrity or safety of any structure on the property, or as proof of compliance with any particular construction standard that would apply to new construction. The petitioner shall independently determine the suitability of all structures on the property for the petitioner's intended uses.
10. Fire Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village of Pewaukee Fire Department Chief (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village of Pewaukee Fire Department Chief (or designee), if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of fire safety of any structure on the property, or as proof of compliance with any particular fire safety standard that would apply to new construction. The petitioner shall independently determine the fire safety and suitability of all structures on the property for the petitioner's intended uses. Fire department approval following review to ensure any additional fire access requirements for the parking lot as proposed is required prior to building occupancy.
11. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Business Site Plan approval with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.
12. The Property Owner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.
13. The Property Owner shall allow Village of Pewaukee representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.
14. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.
15. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Pewaukee for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.

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

Motion carried 5-0.

b. Review, discussion, and possible action on a Conditional Use Grant request of applicant Tim Steidl d/b/a Myxn Lakeside LLC, to develop a seasonal outdoor dining/seating area accessory to the proposed restaurant/tavern use, using three of the public parking stalls situated in the W. Wisconsin Avenue right-of-way directly in front of the



sion regarding concerns of taking away an additional three parking spaces from the of putting signage on W. Wisconsin, informing citizens about additional parking in the

is:

an Commission Approve the Conditional Use Request for a new restaurant/tavern as part business for the property located at 145 W. Wisconsin Avenue, Suite 1

(PWV0898(~~home~~)), subject to the following general conditions:

1. Any conditions made by the Plan Commission at their meeting of March 13, 2025.
2. This grant shall become effective upon the execution and recording by the owners of the Premises of an acceptance hereof in such form as to constitute an effective covenant that shall run with the land subject to the provisions contained herein.
3. This grant shall be void unless, pursuant to the building and Zoning Codes of the Village, the approved use is commenced, or the building permit is obtained within twelve (12) months of the date of the Planning Commission approval noted above.
4. This grant is subject to amendment and termination in accordance with the provision of the Zoning Code of the Village.
5. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant and exhibited hereto.
6. Construction and operation of the use granted shall be subject to full compliance with any other applicable rules/laws as set forth by any other governmental or quasi-governmental departments/entities with jurisdiction over this site, construction and/or operation such as, but not necessarily limited to, the Village's Building Inspections, Public Works, Police and Fire Departments, Waukesha County, Wisconsin DNR, the State of Wisconsin, ... and similar.
7. Any of the conditions of this Grant which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
8. This Grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
9. Failure to allow reasonable and routine inspections of the property constitutes grounds for revocation of the Conditional Use Grant.

Specific Conditions on the Use/Operations:

10. Annual renewal of this CUG is not a condition of the approval but that is based upon the continued willingness of the applicant to work cooperatively with the Village on adjustments to the site/operating plans as the use goes along in the event unforeseen issues or concerns as to safety or suitability should arise.
11. When these three stalls are in use for street dining, the underlying property owner of 145 W. Wisconsin Avenue agrees to allocate and mark three additional (i.e., in addition to those already required to be so marked as a condition of other/similar use approvals previously granted), one-hour parking stalls in their private lot at 145 W. Wisconsin Avenue (or, if the neighbor gives permission, lots located in the immediate area) to offset the parking being lost to this specific street dining use on W. Wisconsin Ave.
12. The permitted seasonal period of use for the right-of-way shall be March 1 to October 31 annually.
13. Outdoor music and/or PA may be permitted as a part of this outdoor dining/seating area use. The hours for such music and/or PA shall be limited to the actual open hours of the principal use and no later than 11pm daily.
14. Days/Hours of use for this right-of-way dining/seating area shall be limited to days/hours that the principal use Myxn Lakeside Bar is actually open but in no case later than 1 am daily.
15. Manner of enclosing the space for safety of patrons shall be in accordance with Exhibit "A" attached hereto and made a part hereof by reference.
16. As to both seasonal and permanent cessation of operations, the right-of-way area shall be immediately returned to its original state by the applicant-as it was before the street dining use was approved and implemented.
17. All parts of the proposed right-of-way dining appurtenances shall be bound within the approved area as depicted in Exhibit "A" and shall not spread onto the street, sidewalk or curbs surrounding.
18. The enclosure/barrier separating the dining area from the sidewalk(s) and the vehicle accessible part(s) of the right-of-way shall be as set forth in Exhibit "A".
19. The public markings on the surface of the right-of-way (i.e. the stall striping) shall not be washed away or permanently covered over in the course of this use.
20. Director of Public Works approval, prior to installation, as to the manner of attachment of anything that is proposed to be affixed to any public object and/or the public way.
21. Electric and/or water service to the outdoor dining area may not be run on grade across the sidewalk. Any alternate plans for electric and/or water service to the outdoor dining area shall be subject to review and approval by Village Staff prior to implementation.
22. Any substantiated material adverse impacts upon surrounding properties or the Village generally resulting from this use (including, though not necessarily limited, to noise, odor, litter, animal infestation, loitering, glare, public safety, illegal activity,...) shall be the responsibility of the owner/applicant to correct timely upon notice from the Village and failure to do so may result in revocation of this conditional use grant amendment or portions thereof.
23. Village Staff final review and approval, prior to placement, of all appurtenances (such as but not necessarily limited to tables, chairs, umbrellas, planters, heaters, fire tables, trash receptacles, serving tables,... and similar) proposed to be placed in the right-of-way area(s) ref Exhibit A attached.
24. The only food and/or beverage that may be consumed within this specific right-of-way seating space shall be limited to that emanating from the adjacent, approved use, Myxn Lakeside Bar.
25. A clear public sidewalk aisle-way not less than 5 feet wide shall be maintained at all times throughout the frontage of this lot.



Use Grant (CUG) prior to the start of any right-of-way occupancy. Right-of-way access/occupancy/use permit and agreement prior to recording of the instrument—the date and terms of such approval to be memorialized in the Village's CUG the duration of time that this use is permitted. Execution of a hold harmless and indemnity agreement satisfactory to the Village Attorney Board for construction and operation of the use herein granted, the date and terms of memorialized in the Village's CUG record/file for this property for the duration of time that this

31. Prior to ~~(holding)~~ occupying the public right-of-way for this street dining use, provision of general liability and property damage insurance naming the Village of Pewaukee as an additional insured shall be provided to the Village Attorney for review and approval as to adequacy—evidence of the final and approved insurance documents to be retained on file in the Village's CUG record for this property for the duration of time this use is permitted.
32. Any new/extra lighting proposed for this right-of-way seating area use shall be subject to review and approval by Village Staff prior to implementation.
33. No signage is requested or approved as a part of this CUG. Any future signage shall be subject to review under the Village Sign Code prior to placement at the site.
34. The Village Board shall make the final determination as to who has precedence in terms of the right-of-way use on any dates/times where use of this specific right-of-way space may have been requested by multiple parties/special events. During special events in the downtown area, the permit holder shall refer to the Village Administrator for the priority determination as may have been set forth by the Village Board in regard to this specific right-of-way space and shall abide by those specific instructions.

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

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

c. Review, discussion, and possible action on the proposed business site plan to construct a 5,300 sq. ft. UW Credit Union. This 1.102-acre parcel, located at 1267 Capitol Drive/ PWV 0902991, is zoned B-1 Community Business District. Property owner is UW Credit Union (Applicant Aden Sayers, KEE Architecture).

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

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

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

Village Planner Recommendations:

Should the Village of Pewaukee Plan Commission Approves the Site Plan for anew financial institution, associated parking lot, accessory structures, landscaping and access drive for the property located atPWV0902991, subject to the following conditions:

1. That all conditions made by the Plan Commission at their meeting of March 13, 2025 pertaining to architecture, site design, landscaping, lighting, grading, parking, or other, are met.
2. The hours of operation of the operations be presented to the Village Zoning Administrator and approval by Staff prior to building occupancy.
3. Street tree and parking screening shall be revised to comply with the Village code and shall be approved by Staff.
4. Landscaping is required to be replaced upon any plants not surviving.
5. Light pole height is limited to 25' and shall be presented to Village Zoning Administrator and approval by Staff prior to building occupancy.
6. Provide televising video showing Sanitary sewer lateral for full extent. The lateral needs to be reviewed for structural integrity and potential infiltration. The Village staff or designated representative will review the sewer lateral video and check if the lateral condition is adequate or needs rehabilitation. If the work cannot be completed prior to issuance of permit or occupancy, then posting a \$5,000 financial guarantee is acceptable to allow applicant to proceed. This includes costs for televising and potential work on sewer lateral.
7. In public right of way, any sidewalk panels with cracks, spalling or missing pieces or misaligned panels must be removed and replaced by Applicant. Village Engineering staff or designated representative to mark panels for removal. Show on drawing for review and approval. Based on initial review, the first 5 sidewalk panels need from the private street need replacement. A right of way permit is needed to remove or replace sidewalk and to follow Village sidewalk specification.
8. This Site Plan/Plan of Operation approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission. The existing site plan/plan of operation shall remain in effect, except as further restricted or modified herein.
9. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission and Board, Village Engineer and Village Planner for the site plan, and other documentation.
10. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy& use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village of Pewaukee, and



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

12. This ~~approval~~ is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Business Site Plan approval with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.
13. The Property Owner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, construction material, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.
14. The Property Owner shall allow Village of Pewaukee representatives to inspect the premises following a 24-hour notice for the purpose of determining compliance with this approval.
15. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.
16. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Pewaukee for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.

Village Engineer Recommendations:

I recommend approval of the site civil plans (C100–C400) subject to the following edits being addressed prior to final staff approval:

1. Sheet C200: During construction, the westerly entrance should be closed off (or a separate tracking pad added for that access point)
2. Sheet C200: Engineer should update the following Notes:
3. Replace City of Greenfield with Village of Pewaukee
4. Add stormwater inspection reports shall be provided to the Director of Public Works
5. Sheet C300: Applicant should modify Note No. 12 to refer to the Village of Pewaukee (not City of Oconomowoc).
6. Sheet L100: Move trees that are too close to the storm sewer and sanitary and water laterals.
7. Addition of potential sidewalk replacement.

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

Motion carried 5-0.

d. Review, discussion, and consultative feedback to applicant MSI General regarding a concept to construct a 4,300 sq. ft. automobile service use (car wash) located at 120 Simmons Avenue. This 1.08-acre, B-2 Downtown Business District zoned property is owned A A M investments LLC.

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

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

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

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

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

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

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



ion to staff regarding amendment to Village of Pewaukee Zoning Code for setback waivers.

sal is to make it more efficient and streamlined for businesses and residents within the different requirements when it comes to setbacks.

ant takeaway from the planner’s memo about staff approval, setback waivers, etc. – in Wisconsin. Gralinski stated that he believes the appropriate action would be to

change it (home) city wide, not giving the authority to the staff and goes into detail why.

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

7. Citizen Comments – No comments.

8. Adjournment

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

Motion carried 5-0.

Respectfully submitted,

Mackenzie Quigley
Deputy Clerk

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CONTACT US

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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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