PLAN COMMISSION
AGENDA

November 12, 2026 – 6:00 PM
Village Hall
235 Hickory Street, Pewaukee, WI 53072

To view the meeting: https://www.youtube.com/live/KWQ9se9HIng?si=kMZ68Mig7toy92KP

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

2. Public Hearings.
   a. Conditional Use Grant request of applicant David J. Frank Landscape Contracting, Inc. to allow for a Contractor Business. Contractor Business are permissible only through the issuance of a Conditional Use Grant in the B-5 District (Section 40.316(16)). This 4.32-acre parcel, located at 400 Sussex St / PWV 0897993, is zoned B-5 Light Industrial District. Property Owner is Capitol Acquisitions LLC and Applicant is David J. Frank Landscaping Contracting, Inc.
   b. Conditional Use Grant amendment and Business Plan of Operation amendment request of applicant Fletcher Arms Lake Country to add an additional shooting range and storage. This 1.37-acre parcel, located at 1228 Hickory Street / PWV 0922983001, is zoned B-5 Light Industrial District. Property Owner is Eaton ETC LLC and Applicant is Fletcher Arms Lake Country.

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. Plan Commission Meeting – October 8, 2026

5. Old Business.
   a. None

6. New Business.
   a. Review, discussion, and possible action on Conditional Use Grant and Business Plan / Plan of Operation request of applicant David J. Frank Landscape Contracting, Inc. to allow for a Contractor Business. Contractor Business are permissible only through the issuance of a Conditional Use Grant in the B-5 District (Section 40.316(16)). This 4.32-acre parcel, located at 400 Sussex St / PWV 0897993, is zoned B-Light Industrial District. Property Owner is Capitol Acquisitions LLC and Applicant is David J. Frank Landscaping Contracting, Inc.

   b. Review, discussion, and possible action on Conditional Use Grant amendment and

Business Plan of Operation amendment request of applicant Fletcher Arms Lake Country to add an additional shooting range and storage. This 1.37-acre parcel, located at 1228 Hickory Street / PWV 0922983001, is zoned B-5 Light Industrial District. Property Owner is Eaton ETC LLC and Applicant is Fletcher Arms Lake Country.

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: October 28, 2026

Village of Pewaukee
Plan Commission Meeting Minutes
Thursday, October 8, 2026, 6:00 p.m.
Village Hall
235 Hickory Street, Pewaukee, WI 53072
To view the meeting: https://www.youtube.com/watch?v=SkpZYD5A-IU

1. Call to Order, 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: Commissioner Brian Belt; Commissioner Katie Jelacic; Commissioner Mark Grabowski; Commissioner Samuel Liebert; Commissioner Theresa Hoff; Trustee Bob Rohde; and Village President Jeff Knutson.

Also present: Village Attorney, Matt Gralinski; Village Planner, Mark Lyons; and Deputy Clerk, Jessica Sweet.

2. Public Hearings

a. **Conditional Use Grant request of applicant Eugene Kasprzak Jr., to construct a 884 sq. ft. detached garage. The structure is proposed at 7 feet from the north (side) lot line. A reduction from the required 10' offset is permissible only through the issuance of a Conditional Use Grant on a legal non-conforming lot (Section 40.210(4)a). This 0.41- acre parcel, located at 260 Orchard Avenue / PWV 0899162, is zoned R-5 Residential Detached District. Property Owner/Applicant is Eugene Kasprzak.** No comments.

b. **Conditional Use Grant amendment request of applicant Artisan 179, to add a 9'6" x 8' expansion to the existing outdoor dining area. The expansion is proposed on the southeast side of the existing outdoor seating area. Outdoor seating is only permissible through the issuance of a Conditional Use Grant. This 0.18-acre parcel, located at 179 W. Wisconsin Avenue / PWV 0898954001, is zoned B-2 Downtown Business District. Property Owner is Siepmann Development Co. and Applicant is Artisan 179.** No comments.

3. Citizen Comments -
No Comments

4. Approval of the Minutes -

a. Plan Commission Meeting – September 10, 2026

Trustee Rohde motioned, seconded by Commissioner Hoff, moved to approve September 10, 2026, Plan Commission Meeting Minutes as presented.
Motion carried 7-0.

5. Old Business.

a. None

6. <u>New Business.</u>

a. Review, discussion, and possible action on Conditional Use Grant request of applicant Eugene Kasprzak Jr., to construct a 884 sq. ft. detached garage. The structure is proposed at 7 feet from the north (side) lot line. A reduction from the required 10' offset is permissible only through the issuance of a Conditional Use Grant on a legal non-conforming lot (Section 40.210(4)a). This 0.41-acre parcel, located at 260 Orchard Avenue / PWV 0899162, is zoned R-5 Residential Detached District. Property Owner/Applicant is Eugene Kasprzak.

<u>Planner Comments:</u>

In reviewing the subject site, it was determined that the current property constitutes legal non-conforming and there is eligible to seek a Conditional Use for a minimum setback reduction within the R-5 district. The R-5 district requires a minimum offset of 10'. The applicant is seeking a CUG to reduce the minimum building setback on the north property line to 7'. The applicant has an existing 20'x22' garage located 7' from the side lot line and has indicated that the structure is in poor condition and needs to be removed. The existing driveway lines up with the non-conforming setback and the applicant would like to rebuild utilizing the existing offset distance. The applicant has indicated that no portion of the existing structure is suitable to reuse during the replacement so any new structure would be subject to the current ordinance requirements. The applicant would like to replace the existing structure with a 26'x34' garage. As the applicant is also looking to extend the structure further into the rear offset, that would also need to be addressed as part of the Conditional Use request.

As noted, the R-5 Single-Family Residential zoning district, Section 40.209(b) allows a legal non-conforming property to seek a conditional use to reduce the minimum building setback through the Planning Commission. This parcel is nonconforming due to the current offsets not meeting the code requirements, thus, seeking a conditional use approval for the reduction in the 7' for the side and 14' for the rear is an available option. Several other structures in the area exist within close proximity to side and rear offsets. Immediately north of the subject property at 259 Orchard Avenue. West of the subject property several structures do not meet the offset requirements.

<u>Village Planner Recommendations:</u>

The Village of Pewaukee Plan Commission Approves the Conditional Use Grant Request Eugene Kasprzak Jr for the property located at 260 Orchard Avenue, subject to the following conditions:

1. That all conditions made by the Plan Commission at their meeting of October 8, 2026 are met.
2. That this conditional use allows a new garage to be constructed on the above-mentioned property to be as close as 7' feet from the North property line and 14' from the West property line.
3. In order the nee structure is located within the approved setbacks, the applicant shall provide a scaled survey drawing and stake the structure prior to construction.
4. As part of the permit process, the applicant shall provide a site grading plan to ensure property grading and drainage.

5. Full execution and recording of the Conditional Use Grant prior to beginning construction.
6. This approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission.
7. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission, 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.

Commissioner Grabowski moved, seconded by Commissioner Belt to approve the Conditional Use Grant request of Eugene Kasprzak Jr. to construct an 884-square-foot detached garage with a 7-foot north side yard offset at 260 Orchard Avenue, subject to the requirements recommended by staff. Motion carried 7-0.

b. Review, discussion, and possible action on Conditional Use Grant amendment request of applicant Artisan 179, to add a 9'6" x 8' expansion to the existing

outdoor dining area. The expansion is proposed on the southeast side of the existing outdoor seating area. Outdoor seating is only permissible through the issuance of a Conditional Use Grant. This 0.18-acre parcel, located at 179 W. Wisconsin Avenue / PWV 0898954001, is zoned B-2 Downtown Business District. Property Owner is Siepmann Development Co. and Applicant is Artisan 179.

PLANNER COMMENTS:

1. Zoning Requirements: The proposed outdoor seating is allowed only by a Conditional Use Grant in the B-2 District. The proposed use is compatible with other uses in the area and should not have an adverse impact on adjoining uses.

Site Plan: The applicant has provided two renderings of the proposed outdoor seating area expansion. No other changes are identified as part of the request If the applicant intends to serve alcohol within the expanded outdoor seating area, they may need to update their liquor license and ensure the proposed seating area is compliant with all standards and requirements necessary for liquor licenses.

Village Planner Recommendations:

The Village of Pewaukee Plan Commission Approves the Conditional Use Grant Amendment Request of Artisan 179 for the property located at 179 W. Wisconsin, subject to the following conditions:

1. That all conditions made by the Plan Commission at their meeting of October 8, 2026, are met.
2. Full execution and recording of the Conditional Use Grant prior to expanding the outdoor dining area.
3. This approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission.
4. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission, Village Engineer, Department of Public Works and Village Planner for the site plan, and other documentation.
5. 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.
6. 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.

7. 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.

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

9. 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 moved, seconded by Commissioner Liebert, to approve the Conditional Use Grant amendment request for Artisan 179 to expand the existing outdoor dining area by 9'6" x 8' at 179 W. Wisconsin Avenue, subject to the conditions recommended by staff. Motion carried 7-0.

c. **Review, discussion, and consultative feedback to applicant Colin Smith regarding a concept for a mixed-use development located at 620 Ryan Road / PWV 0884982, 0884983, & 0884036. The proposed development site is 26 acres, zoned B-1 Community Business District and B-3 Office & Service District, owned by Joseph McCormick.**

Village Planner Recommendations:

In June 2026 the Plan Commission discussed the subject parcel as it related to developed inquires Village staff had been receiving. Developers were interested in developing the property as multi-family residential. Since that time the applicant has purchased the property with a goal of mixed used development and submitted the attached concept plan for consideration.

Proposed Uses

The applicant is proposing a mixed-use development, including high density multi-family, medium density multi-family, commercial and industrial uses.

Surrounding Zoning and Land Uses (Zoning Map attached)

The subject site is presently zoned B-3 Commercial & Service District and B-1 Community Business District.

The following land uses are adjacent to the subject area:

East – Single family residential

South – multi-family residential

West –Commercial development zoned B-1 Community Business District
North – Highway 16 right-of-way

Project specifics
Should the developer pursue approval for the proposed use, the following approval would be necessary.

1) Comprehensive land use map amendment. The property currently includes a specific study area and recommendations for office, entertainment, hotel, dining and mixed uses.

A Comprehensive land use map amendment would need to be accomplished to better align the necessary zoning districts with the comprehensive plan.

2) Zone Change. The property would need to be rezoned to the appropriate districts for the desired land uses as the current zoning designation would not permit some of the proposed uses. Depending on the district utilized, conditional use grants may also be necessary.

3) Land Division. In conjunction with a zone change, the applicant would need to create the lot layout as indicated in the concept plan through a land division

4) Site Plan / Plan of Operation. Finally, if the prior items have been accomplished the applicant would need to seek the necessary site plan and plan of operation approvals. This step may also need to include Conditional Use Grants depending on the final zoning districts utilized in item 2 above.

Village Planner Lyons provided background on the proposed development concept, noting that the site had been purchased by a developer who submitted a concept plan for potential multifamily and commercial uses. The proposal includes a gas station, fast-food restaurant, multifamily housing, warehouse, and mini-storage facilities. Lyons explained that the concept differs from the current Comprehensive Plan and zoning requirements and would require several approvals and amendments. The purpose of the discussion was to introduce the concept and obtain Plan Commission feedback on potential alternative development of the site.

Joe McCormick, 101 North Mill Street, Madison, WI, owner of JD McCormick Company, introduced the proposed development concept and shared examples of previous projects completed in Wisconsin. He reviewed several preliminary site plans featuring multifamily housing, commercial

uses, mini-storage facilities, and attached townhomes. Mr. McCormick noted that the commercial areas were placeholders and that interest in single-family homes was limited. He presented the concepts to obtain Plan Commission feedback and answer questions regarding potential development of the site.

Commissioner Grabowski questioned whether a convenience store was a desired use for the property or whether it was included in response to the Commission's previous direction to incorporate commercial and mixed-use development.

Mr. McCormick stated that a convenience store would be a natural fit given the property's proximity to Highway 16. He noted that potential uses could include a Culver's, Dunkin', small retail shops, or a bank. He emphasized that the project was still in the early planning stages.

Trustee Rohde stated that multifamily development would make sense closer to Highway 16 due to highway noise but expressed a preference for single-family homes on the southern portion of the property.

Mr. McCormick explained that the proposed attached homes would be individually owned, with separate lots and yards, and would function similarly to single-family homes.

Commissioner Jelacic clarified that the homes would be comparable to condominiums.

Commissioner Belt questioned the overall density of the proposal, noting concerns about approximately 281 residential units, traffic congestion, and the capacity of the existing road network. He also questioned access to the proposed warehouse and self-storage facilities.

Mr. McCormick clarified that the warehouse and self-storage facilities would be separate uses and stated that he did not anticipate significant traffic from the storage facilities.

Commissioner Liebert and Commissioner Jelacic raised concerns about increased traffic and the need for improved access through Foxtail Drive rather than Quinlan Road.

Commissioner Jelacic noted existing congestion at Quinlan Road and supported evaluating a signalized intersection along Ryan Street.

Village Planner Lyons recommended a Traffic Impact Analysis (TIA) to evaluate the proposed development's traffic impacts and determine whether traffic signals, turn lanes, or other roadway improvements would be necessary. He also recommended involving WisDOT in determining the appropriate scope of the study.

President Knutson asked whether the traffic study would evaluate the need for traffic signals and other intersection improvements.

Village Planner Lyons explained that the study's scope would determine which intersections would be included.

Commissioner Liebert asked about stormwater management and the nearby wetlands.

Village Planner Lyons explained that complete civil engineering plans would be required to evaluate stormwater management and wetland impacts, potentially involving the Wisconsin DNR and U.S. Army Corps of Engineers.

Mr. McCormick discussed the possibility of incorporating the wetlands into the site design as a pond and potential recreational amenity.

President Knutson expressed support for the mixed-use concept, noting that previous commercial development proposals for the property had not been successful. He felt the proposal could encourage additional development in the surrounding area.

Commissioner Hoff expressed a preference for a hotel or motel on the property. If that was not feasible, she would prefer commercial development near the highway and single-family homes throughout the remainder of the property. She expressed concern that the proposed multifamily density would place too much additional traffic on the surrounding roadways.

Commissioner Grabowski agreed that the proposed density was too high and expressed concern about the impact on existing infrastructure. He asked Mr. McCormick for clarification regarding the proposed number of units.

Mr. McCormick requested guidance from the Commission regarding an acceptable density for the property.

Trustee Rohde asked whether a TIA would help determine an appropriate number of residential units.

Village Planner Lyons explained that the study would evaluate roadway capacity and help determine whether the proposed density could be accommodated with or without additional improvements.

Commissioner Liebert expressed support for the mixed-use concept, noting the potential economic benefits of combining multifamily housing, owner-occupied homes, and commercial opportunities. he felt the development could generate additional tax revenue and provide convenient services for residents.

Commissioner Belt expressed a preference for additional single-family or zero-lot-line homes rather than high-density multifamily development. He suggested that the areas designated for warehouse and self-storage uses could potentially accommodate additional homes.

Mr. McCormick stated that he was open to considering alternative layouts.

Trustee Rohde stated that multifamily development may be the most realistic option given the wetlands and development constraints. He expressed support for the attached homes, commercial uses, and access through Foxtail Drive but wanted to review the TIA results to better understand the appropriate density.

President Knutson asked whether the results of a TIA could influence the Commission's position on the proposed development.

Commissioner Hoff stated that her preference would remain for commercial uses and single-family homes regardless of the traffic study results.

Commissioner Grabowski complimented Mr. McCormick on the quality of his previous developments but reiterated that approximately 281 multifamily units seemed too dense for the property.

Commissioner Jelacic asked about the height of the proposed apartment buildings.

Mr. McCormick explained that the buildings would generally be three stories, similar to his previous developments in Delafield and Hartland.

President Knutson noted that the surrounding area consists primarily of attached homes and multifamily condominiums.

Mr. McCormick asked whether the Village would conduct the proposed traffic study.

Village Planner Lyons explained that the developer would hire a consultant to complete the study and submit it to the Village Engineer for review. The Village Engineer could assist with determining the appropriate intersections to evaluate. He estimated the proposed multifamily area at approximately 15–18 acres, including wetlands, resulting in approximately 13.5–15 units per acre, which he characterized as medium rather than high density.

Commissioner Hoff expressed concern about the volume of traffic using the proposed access road. Village Planner Lyons stated that most traffic would likely travel through Foxtail Drive to Ryan Street and Highway 16, and a TIA would help determine whether the roadway could accommodate the additional traffic.

Commissioner Grabowski asked whether the School District would be consulted regarding the potential impact on enrollment.

Village Planner Lyons stated that the Village would typically involve the School District in the review process.

Trustee Rohde asked about the demographics of Mr. McCormick's existing developments in Hartland and Delafield.

Mr. McCormick stated that occupancy varies by community, with primarily one- and two-bedroom units in Delafield and more two- and three-bedroom units in Hartland. He noted that many three-bedroom tenants in Hartland were downsizing from larger homes. Mr. McCormick estimated rents at $1,700–$1,800 for one-bedroom units, approximately $2,200 for two-bedroom units, and up to $3,000 for three-bedroom units.

Commissioner Liebert expressed support for additional housing options, noting the need for housing for both younger buyers and retirees looking to downsize. He supported the mixed-use concept and felt the development could enhance the Village's appearance along the highway corridor.

Mr. McCormick asked whether the results of a TIA could influence the Commission's position on the proposed density.

Village Planner Lyons clarified that a TIA would evaluate the roadway improvements necessary to accommodate the proposed development, rather than establish the maximum number of units the property could support. He explained that the study could help the Commission determine whether the required roadway improvements were reasonable.

Village Planner Lyons asked Commissioner Grabowski whether he had a preferred density for the property.

Commissioner Grabowski acknowledged that including the wetlands in the overall acreage changed the density calculation and agreed to reconsider his earlier concerns.

Village Planner Lyons noted that the proposed southern residential area would have approximately 6.6 units per acre.

Commissioner Grabowski asked about the proposed apartment unit mix.
Mr. McCormick stated that the development would primarily include one- and two-bedroom units, with a smaller number of three-bedroom units.

President Knutson expressed support for the proposal and stated that he would like to see the property and surrounding area developed. He noted community interest in having another restaurant in the Village and suggested that a restaurant could be considered in place of fast food. President Knutson supported completing a TIA to better understand what the roadway network could accommodate.

Commissioner Liebert asked whether the development would include an extension of the sidewalk along the east side of Ryan Street to provide pedestrian access to the proposed commercial area.

Village Planner Lyons stated that the Village would want to continue pedestrian connections as part of the site's development.

d. Review, discussion and possible recommendation to the Village Board on an ordinance amending section 40.108(b) of the Municipal Code of the Village of Pewaukee, amending the definition for Structure.

Village Planner Recommendations:

The Village of Pewaukee Plan Commission recommends to the Village Board Approval of the Village of Pewaukee Zoning Ordinance Amendments as outlined in the attached ordinance.

Village Planner Lyons reviewed the proposed amendment to the definition of "structure," incorporating previously discussed exceptions for items that are easily moved by hand, including flag poles, mailboxes, basketball hoops, lawn furniture, portable grills, picnic tables, lawn ornaments, temporary fences, bird feeders, birdhouses, birdbaths, and little libraries.

Commissioner Belt asked whether boat lifts and docks removed from the water for seasonal storage should be specifically excluded.

Village Planner Lyons and Village Attorney Gralinski agreed that these items could be added to the proposed definition.

President Knutson asked whether temporary carports and event tents would be excluded.

Village Planner Lyons clarified that carports would remain structures and that larger event tents would generally be considered temporary structures. He noted that smaller, easily movable recreational tents could be treated differently.

Commissioner Grabowski questioned the exemption for flag poles, expressing concern about their placement near neighboring property lines.

Village Planner Lyons explained that separate setback requirements could be established for flag poles through the Village Code.

Plan Commission discussed the need for additional regulations.

Commissioner Grabowski also asked about temporary sunshades and small woodsheds.

Village Planner Lyons explained that attached sunshades would remain part of a structure and that enclosed woodsheds would generally meet the definition of a structure. He noted that the Village could consider separate exemptions for small accessory items in the future.

Trustee Rohde indicated support for the proposed definition but asked how situations involving interpretation of the definition would be addressed.

Village Attorney Gralinski explained that enforcement and interpretation would depend on the applicable zoning provision and circumstances, with the Village Administrator, Planner, and Attorney involved as appropriate.

President Knutson asked whether the Commission was ready to recommend the amendment to the Village Board.

Commissioner Jelacic noted that additional direction regarding flagpole regulations was needed.

Village Planner Lyons outlined two options: move the amendment forward while separately developing flagpole regulations or hold the amendment until both matters could be addressed together.

Village Attorney Gralinski recommended addressing both matters together.

President Knutson directed that the item be brought back at the next meeting with an additional proposed ordinance addressing flagpole regulations.

7. Citizen Comments – None

8. Adjournment
Trustee Rohde motioned, seconded by Commissioner Liebert, to adjourn the October 8, 2026, Regular Plan Commission meeting at 7:19 p.m. Motion carried 7-0.

Respectfully submitted,

Jessica Sweet
Deputy Clerk

Foth

Staff Review

TO:	Village of Pewaukee Plan Commission
CC:	Matt Heiser – Village Administrator, Mackenzie Quigley - Clerk
FROM:	Mark Lyons, Planning Consultant
RPT DATE:	October 29, 2026
MTG DATE:	November 12, 2026
RE:	6a – David J. Frank Landscape Contracting Inc. – Conditional Use Grant & Business Plan of Operation / Site Plan Approval.

BACKGROUND:

1. Petitioner: David J. Frank Landscaping
2. Property Owner: Capital Acquisition LLC
3. Location/Address: 400 Sussex Street
4. Area: Part of the existing 4.32 acres
5. Existing Zoning: B-5 Light Industrial District
6. Proposed Zoning: N/A
7. Future Land Use: Industrial / Business Park

OVERVIEW:

The site was previously the home of Center Point Marine. It has since been acquired by Capital Acquisitions LLC, who intends to lease the southeastern portion of the site to David J. Frank Landscaping Inc. The applicant is requesting approval of a Conditional Use Grant to locate to the subject site. Contractor businesses with outdoor storage is only permitted in the B-5 District with the issuance of a Conditional Use Grant. The current owner has substantially cleaned up the site since taking over.

SUBMITTAL:

The enclosed submittal includes the Application, Site Plan and Narrative.

PLANNER COMMENTS:

Conditional Use. The Village Code permits the proposed uses by the issuance of a Conditional Use Grant in the B-5 Light Industrial District. In order for the project to proceed the Village must grant a CUG for the proposed use.

Site Plan. The applicant is proposing to utilize the southeastern 1.5 acres of the site, including the existing easternmost building. The applicant has indicated the building will be used primarily for administrative offices and crew dispatch for the landscaping and snow removal business. The site plan includes proposed vehicle staging areas and outdoor storage of ground maintenance supplies. Outdoor storage will need to meet the required offsets and will be constructed of a poured based and covered to protect against elements.

Signage: The applicant has not provided any sign plans as part of their submittal. Code-compliant signage plans will need to be submitted and reviewed separately before any sign permits can be issued.

Building Facades: The plans provided do not include any updates to the building.

Hours of Operation: The applicant has indicated the hours of operation will generally be from 7:00am – 4:00pm Monday through Friday with the potential for weather to impact the exact daily start and end times.

Considerations:
In evaluating the applicant's request, the Plan Commission will want to consider the basis for approval as outline in Section 40.152 which includes; health, general welfare, safety and economic impact of the Village of Pewaukee and the immediate neighborhood. Specific consideration shall be given to the proposed conditional use's effect on the movement of traffic, environment, area aesthetics, village services and precedent of future development. The code specifically outlines the Plan Commission may deny an application if it concludes any of the following:

(1) Materially endanger the public health, general welfare and safety; or
(2) Substantially injure the value of adjoining or abutting property; or
(3) Be inharmonious with the areas in which it is to be located; or
(4) Will not be in general conformity with the master plan, or other officially adopted plans.

STAFF RECOMMENDATION:

Depending on confirmation by the Village of Pewaukee Plan Commission of the above-described comments, the Village of Pewaukee Plan Commission may take the following actions listed below.

CONDITIONAL USE REQUEST FOR AN BOAT DOCK AND STORAGE BUSINESS

The Village of Pewaukee Plan Commission Approves the Conditional Use Request for David J. Landscape Contracting Inc. for the property located at 400 Sussex, subject to the following conditions:

Planning Conditions:

1. That all conditions made by the Plan Commission at their meeting of November 12, 2026 pertaining to development are met.
2. Full execution and recording of the Conditional Use Grant prior to beginning construction and occupying the site.

   Hours of Operation will be limited to 7:00am – 4:00pm Monday through Friday with the potential for weather to impact the exact daily start and end times.

3. Applicant shall provide a survey and legal description for the area associated with the proposed request prior to recording of the Conditional Use Grant.
4. Final plans for outdoor storage layout shall be submitted to Village staff for review and approval prior to recording of the Conditional Use Grant.
5. 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.
6. 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.
7. 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.
8. 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.
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 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.
10. 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.
11. 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.
12. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.
13. 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.

EXHIBIT:

A. GIS Property Location Map
B. Petitioner Application, plan set, narrative

400 Sussex Zoning Map



0 0.01 0.02 0.03 0.04 mi

N

1" = 252'
1:3,021

DISCLAIMER: The Village of Pewaukee does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072
262-691-5660

Notes

None

VILLAGE OF Pewaukee

RECEIVED
SEP 15 2026
By JS

CONDITIONAL USE GRANT APPLICATION FORM

235 Hickory St, Pewaukee WI 53072—villagehall@villageofpewaukeewi.gov– 262-691-5660

PROPERTY / PROPERTY OWNER INFORMATION

Property Address: 400 Sussex Street, Suite B Tax Key: PWV 0897-993

Property Owner Name: Capital Acquisitions LLC Zoning of Property: Industrial

APPLICANT INFORMATION

Applicant Name: David R. Frank Applicant Phone #: 262-255-4888

Applicant Address: N120W21350 Freistadt Road, Germantown Applicant Email: david.frank@davidjfrank.c

Applicant Email: legal@davidjfrank.com

DESCRIPTION OF REQUEST (Please be thorough and attach additional pages if needed)

Business Name, If applicable: David J. Frank Landscape Contracting

FEIN, if applicable: 39-1206455

Description of Proposed Use (Restaurant/Retail/Office) Field office and dispatch location for landscaping and snow removal services

DIRECTIONS / NOTES—See page 4 for specific items required

NOTE: As this is for consultative purposes only, an engineering review will not take place at this time. An engineering review will take place if/when a formal application for approval is submitted.

Please include the following required items with this application:

- ☑ 1. One paper copy of the submittal, including plans/drawings/applicable attachments in a size 11x17 page size or less. Also provide one full size scale copy if larger than 11x17.
- ☑ 2. One digital copy of the submittal, including plans/drawings/applicable attachments. (USB/Email)
- ☑ 3. Completed Professional Services Reimbursement Form
- ☑ 4. Signatures on page 3
- ☐ 5. Conditional Use for Restaurant/Night Club must be attached if applicable

For Office Use Only Staff Initials: JS Date/Time Received: 9/15/26 11:36 am

reciept # 1.5474
Check # 691139

Revised 8-1-2024

Provide detailed information with your application that addresses the following:

1. Development Plans of the proposed use in sufficient detail to enable the Commission to evaluate your application such as architectural & landscape treatment, proper placement of the building(s) on the lot, traffic generation & circulation, provision for parking, site grading and drainage, exterior lighting, dumpster location and screening, outside storage of any sort, and manner of control devices (when necessary) to eliminate noise, dust, odor, smoke or other objectionable operating conditions & ensure general compatibility of the proposed use within its surroundings.

2. It is the responsibility of the applicant/owner to ensure that the proposed project complies with the Village's Land Development Code. It is also highly recommended that the applicant/owner review the Village's adopted Land Use Plan to ensure a proper understanding of the Village's future vision for the area in question.

Matt Quest

Property Owner Printed Name

Signature of Property Owner

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

David R. Frank

Applicant's Printed Name

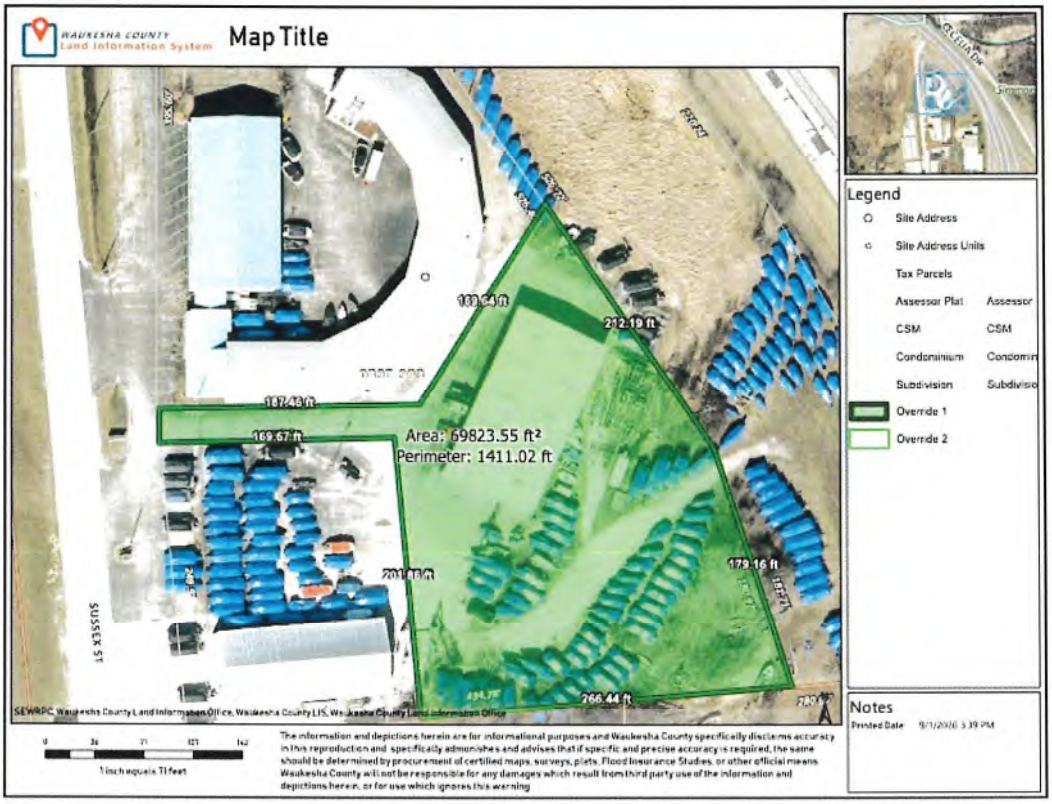
Signature of Applicant

Return the completed application forms along with the required attachments, **$190** application fee, and a digital copy of the submittal (plus paper copies if required) to Pewaukee Village Hall, 235 Hickory Street, Pewaukee, WI 53072.

If you have any questions, please call Village Hall at (262) 691-5660.

Authentisign ID: ADD9E4B7-B5A7-F111-9B33-000D3A4FF82A

Exhibit A



PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT

VILLAGE of Pewaukee

285 Hickory St, Pewaukee WI 53072—villagehall@villageofpewaukeewi.gov—262-691-5660

PROPERTY INFORMATION ☐

Property Address: 400 Sussex Street, Suite B Tax Key: PWV 0897-993

Property Owner's Name: Capital Acquisitions LLC Phone Number: 262 875-4585

RESPONSIBLE PARTY INFORMATION - *All invoices will be mailed to this address.* ☐

Business Name: David J Frank Landscape Contracting FEIN: 39-1206455

Person Responsible for Payment / Business Contact Name: David R. Frank

Mailing Address: N120W21350 Freistadt Road, Germantown WI 53022

Responsible Party / Contact Phone Number: 262 255-4888

Responsible Party / Contact Email Address: david.frank@davidjfrank.com

AGREEMENT / SIGNATURES - *Property Owner signature is required.* ☐

Pursuant to the Village of Pewaukee Code of Ordinances Sec 40.116(b), the Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Planner, or any other of the Village's professional staff or other expert consultants are retained by the Village in order to complete a proper project review results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Treasurer shall charge those service fees incurred by the Village to the applicant/property owner. Also, be advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are the responsibility of the property owner or responsible party.

By signing this form, I, the undersigned, have been advised that pursuant to the Village of Pewaukee Code of Ordinances, if the Village Attorney, Village Engineer, Village Planner, or any other Village professional staff or other expert consultants retained by the Village in order to complete a proper project review provides services to the Village because of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred. In addition, I have been advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are my responsibility.

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

Property Owner Signature: _____ Printed Name: _____ Date: _____

Applicant Signature: _____ Printed Name: David R. Frank Date: 9/5/26

For Office Use Only Staff Initials: _____ Date Received: _____

David J. Frank
Landscape Contracting, Inc.

3/13/2026

Village of Pewaukee Plan Commission c/o Village Planner
235 Hickory Street
Pewaukee, WI 53072

Conditional Use Grant Application — 400 Sussex Street, Suite B, Pewaukee, WI 53072

- **Tax Key:** PWV 0897-993
- **Zoning:** B-5 Light Industrial
- **Property Owner:** Capital Acquisitions LLC
- **Applicant:** David J. Frank Landscape Contracting, Inc.
- **Proposed Use:** Administrative office and crew dispatch for a landscape contracting and snow removal business

Dear Chairperson and Members of the Plan Commission:

David J. Frank Landscape Contracting, Inc. ("DJF") respectfully submits this narrative in support of its application for a Conditional Use Grant to occupy Suite B at 400 Sussex Street as an administrative office and crew dispatch location. This letter describes the proposed use, the existing use of the property, our operational profile, the relationship between the proposed use and the existing site and structures, and the anticipated effects on adjacent and surrounding properties. It closes by addressing each of the four standards set out in Section 40.152 of the Village Code.

David J. Frank Landscape Contracting is the largest full-service, turnkey landscaping company in Wisconsin. Founded in 1959 and headquartered in Germantown, we provide landscape architecture and design, installation, hardscape and masonry, irrigation, lighting, tree care, and year-round grounds maintenance for residential, commercial, municipal, and institutional clients across southeastern Wisconsin. We currently employ approximately 200 people and serve 1500 properties annually, including the State Capitol and several local Waukesha County high-visibility corporate parks.

Our business is built on the visible condition of the properties we are responsible for. That standard of care is the reason we are before the Commission with confidence about what this site will look like under our tenancy.

Existing Use of the Property

Suite B is presently occupied and operated as a boat repair and marine service facility. That use involves mechanical repair and engine service, handling of fuels, oils, solvents, and marine finishes, associated ventilation and exhaust equipment, customer traffic arriving with trailered watercraft, and the maneuvering and outdoor staging of boats and trailers on site.

The suite is therefore already established and improved as a service and light-industrial occupancy.

Proposed Use

DJF proposes to occupy Suite B as an administrative office and crew dispatch location. Specifically, the suite will house:

- Office space for approximately 2 administrative, account management, and operations staff;
- A small meeting/training room used for internal staff meetings and safety briefings;
- A crew dispatch function, in which field crews report at the start of the workday, receive job assignments and paperwork, and depart for job sites;
- Ordinary office support space (break area, restrooms, file and small-tools storage).

On the property, we will need to store:

- Pickup Trucks
- Storage Trailers
- Box Trucks
- Skid Steers
- Year-round Grounds Maintenance Supplies

Year-round grounds maintenance supplies will be stored and secured with newly poured concrete or asphalt basing, and covering to protect against the elements to prevent supply erosion.

Operational Information

Hours of operation. DJF will conduct business at this location generally between **7:00 a.m. and 4:00 p.m., Central Time, Monday through Friday**, with the recognition that a landscape contracting business is weather-dependent and daily start and end times may shift modestly as conditions require.

Daily rhythm. Activity at the site is concentrated in two short windows: a morning dispatch period as crews arrive and depart for job sites, and a late-afternoon return period. Between those

windows; the site functions as a quiet professional office. This pattern places our peak site activity outside the Village's typical midday and evening traffic peaks.

Seasonality. Activity is heaviest during the spring and fall seasons and lighter during [WINTER / SUMMER]. DIF will have snow and ice operations dispatched from this location, and as such, the property will be active before, during and after snow/ice events.

Indoor vs. outdoor work. All business operations — administration, design, scheduling, and crew briefings — are conducted inside the building. The only regular outdoor activity is the arrival and departure of employee and company vehicles and the routine landscape maintenance of the property itself.

Relationship of the Proposed Use to the Existing Site and Structures

The proposed use requires no expansion of the building footprint, no change to the site's access points or circulation pattern, and no alteration to grading, drainage, or stormwater management. Suite B will be occupied substantially and materially as it exists today.

Parking. The site provides several parking stalls serving Suite B, alongside the building. Our anticipated demand is aligned with the stalls during the business day, which is [at or below] the demand generated by the current marine service use, which requires stalls for customers, staff, and trailered watercraft.

- **Access and circulation.** Existing drive approaches and internal circulation are unchanged. Our vehicles are pickup trucks, box trucks and storage trailers which maneuver more easily on site than the trailered boats currently served.
- **Lighting.** No new exterior lighting is proposed.
- **Refuse.** The existing dumpster/recycling enclosures will continue to be used and remain screened in accordance with Village standards.
- **Nuisance control.** Because the use is administrative, there are no processes on site generating noise, dust, odor, smoke, vibration, or glare. Removal of the marine service use eliminates the exhaust, solvent, and power-tool activity presently associated with the suite.

Anticipated Effects on Adjacent and Surrounding Properties

We expect the effect on surrounding properties to be **neutral to positive**, for four reasons.

Reduced operational intensity. An administrative office and dispatch function is materially quieter and less intensive than boat repair. The proposed use eliminates engine testing, power-tool work, solvent and finish handling, and exhaust ventilation from the suite.

Reduced and better-timed traffic. Our traffic consists of employee vehicles and light company vehicles arriving and departing in two compressed windows, rather than a continuous flow of

customers arriving with trailered watercraft. Trailer maneuvering on and off the public street will be reduced.

No public-facing draw. Because we generate no retail or walk-in traffic, the use adds no parking pressure, no queuing, and no evening or weekend visitor activity to the area.

Visible improvement to the property's landscape. DJF will assume responsibility for the landscape and grounds maintenance of the 400 Sussex Street property. Neighboring property owners will see a consistently maintained frontage — regularly mowed and edged turf, pruned and healthy plantings, maintained bed edges and mulch, seasonal color where appropriate, and prompt spring and fall cleanup. Maintaining this property to the standard we hold ourselves to for our clients is both a matter of professional credibility and a direct visual benefit to every property that looks onto or passes this site.

Conclusion

DJF is asking the Commission to allow a lower-intensity, environmentally conscious, business-hours use to replace a marine repair operation, in an existing building, with no site expansion and no changes to access, drainage, or parking — and to do so with the property's landscape under the care of a company whose reputation depends on how its grounds look.

We are glad to provide any additional information the Commission or Village staff would find useful, and Robert Bardunias, Chief Operating Officer, will attend the public hearing to answer questions.

Respectfully submitted,

Robert Bardunias
Chief Operating Officer
David J. Frank Landscape Contracting, Inc.
N120W21350 Freistadt Road
Germantown, WI 53022

Attachments:

- Conditional Use Grant Application Form
- Professional Services Reimbursement Agreement
- Floor Plan — Suite B

WAUKESHA COUNTY
Land Information System

Map Title





Legend

- Site Address
- Site Address Units
- Tax Parcels
- Assessor Plat — Assessor
- CSM — CSM
- Condominium — Condomin
- Subdivision — Subdivisio
- Override 1
- Override 2

* Stone, mulch & Natural materials

Notes

Printed Date: 8/6/2026 6:04 PM

0 47 95 142 190

1 inch equals 95 feet

SEWRPC, Waukesha County Land Information Office, Waukesha County LIS, Waukesha County Land Information Office

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.

CONDITIONAL USE GRANT
To permit the "Contractor office with outdoor storage".

Before the Planning Commission of the Village of Pewaukee, Waukesha County, Wisconsin, in regard To Premises located at 400 Sussex Street in the Village of Pewaukee, Waukesha County, State of Wisconsin, and further defined as follows:

PWV 0897993
Legal Description to be provided by applicant

WHEREAS, the Zoning Code and Zoning District Map of the Village of Pewaukee, pursuant to State Statutes, provide that the premises may not be used of right for purpose hereinafter described but that, upon petition, such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinances; and

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the Village of Pewaukee having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, IT IS GRANTED, subject to compliance with the terms and conditions hereinafter stated, that the Premises may be used for the purpose of "Contractor office with outdoor storage".

GRANTED by action of the Planning Commission of The Village of Pewaukee this November 12, 2026.

_____	_____
Village Planning Commission Secretary	Planning Commission Chairperson
Mackenzie Quigley, Village Clerk	Jeffrey Knutson, Village President

Original filed at the Pewaukee Village Hall.

The **CONDITIONS** of this Grant are:

1. That all conditions made by the Plan Commission at their meeting of November 12, 2026 pertaining to development are met.
2. Full execution and recording of the Conditional Use Grant prior to beginning construction and occupying the site.

   Hours of Operation will be limited to 7:00am – 4:00pm Monday through Friday with the potential for weather to impact the exact daily start and end times.

3. Applicant shall provide a survey and legal description for the area associated with the proposed request prior to recording of the Conditional Use Grant.
4. Final plans for outdoor storage layout shall be submitted to Village staff for review and approval prior to recording of the Conditional Use Grant.
5. 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.
6. 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.
7. 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.
8. 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.
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 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.
10. 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.
11. 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.
12. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.
13. 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.

LAND COVENANT

To permit the use **"Contractor office with outdoor storage".**

Acceptance of Conditions of Conditional Use Grant.

THIS COVENANT, made this ___ day of _____, 2026 by: David J. Frank Landscape Contracting Inc. & Capital Acquisitions LLC hereinafter collectively referred to as GRANTEES, for the use and benefit of all persons from time to time resident or owning property within the boundaries of the Village of Pewaukee, Waukesha County, Wisconsin, and for the use and benefit of said Village of Pewaukee in its own right and as agent for the purpose of enforcing these presents on behalf of the above described class of persons, hereinafter referred to as GRANTOR.

The premises affected by these presents (hereinafter called the Premises) is **400 Sussex Street** Village of Pewaukee, Waukesha County, State of Wisconsin, further described as follows:

PWV 0897993
Legal Description to be provided by applicant.

GRANTEES warrant and covenant that at the time of the ensealing and delivery of these presents they are all of the owners of the Premises and that no other person has any estate or interest therein except by reason of easements for public utilities, building restrictions, dedications to the public or public bodies, instruments not of record, and mortgages to banks, savings and loan associations or insurance companies.

GRANTEES represent that petition on their behalf was made to the Village of Pewaukee pursuant to the zoning code of the said Village, for grant permission to erect and/or conduct on the Premises a use there permissible not by right but only by Conditional Use Grant; that in connection therewith GRANTEES made certain representations and agreements as to site, improvements and operation plans which were incorporated into the Conditional Use Grant; that based thereon the Conditional Use Grant was approved by the Plan Commission on the August 13, 2026 and that a true copy thereof is on file with the Plan Commission of the Village of Pewaukee.

NOW, THEREFORE, GRANTEES hereby accept the said Conditional Use Grant and covenant strictly to comply with all the terms and conditions thereof. GRANTEES acknowledge that, in accordance with the provisions of the Zoning Code, failure to comply with any conditions of the Conditional Use Grant is cause for the termination of said Grant by the Village. GRANTEES also acknowledge that approval of the Conditional Use Grant allows the appropriate Village officials to conduct reasonable and routine inspections of the property. This Covenant shall run with the land and shall be binding on the GRANTEES and all persons claiming any estate or interest in the Premises by, through or under the GRANTEES, as long as the said Premises are used as described in the Conditional Use Grant for the purpose of "contractor office with outdoor storage"

IN WITNESS WHEREOF, GRANTEE(S) have hereunto set their hand(s) and seal(s) this ___ day of _____, 2026.

_____ _____
Signed: Date:

_____
Printed Name, as authorized agent/signatory for
Property Owner Capital Acquisitions LLC

Acknowledgment

For: Property Owner Capital Acquisitions LLC

STATE OF WISCONSIN)

_____ County) personally came before me this _____ day of _____, 2026, the above named _____ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, State of Wisconsin
My Commission expires: _____

AND….

IN WITNESS WHEREOF, GRANTEE(S) have hereunto set their hand(s) and seal(s) this ___ day of _____, 2026.

_____ _____
Signed: Date:

_____
Printed Name, as authorized agent/signatory for
David J. Frank Landscape Contracting Inc.

Acknowledgment

For: Business Owner David J. Frank Landscape Contracting Inc

STATE OF WISCONSIN)

_____ County) personally came before me this _____ day of _____, 2026, the above named _____ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, State of Wisconsin
My Commission expires: _____

Foth

Staff Review

TO:	Village of Pewaukee Plan Commission
CC:	Matt Heiser – Village Administrator, Mackenzie Quigley - Clerk
FROM:	Mark Lyons, Planning Consultant
RPT DATE:	October 29, 2026
MTG DATE:	November 12, 2026
RE:	6b –Conditional Use Grant and Business Plan of Operation Amendment

BACKGROUND:

1. Petitioner: Fletcher Arms Lake Country
2. Property Owner: Eaton ETC LLC
3. Location/Address: 1228 Hickory Street
4. Tax Key Number: PWV 0922983001
5. Area: 1.37 AC
6. Existing Zoning: B-5 Light Industrial District
7. Proposed Zoning: N/A

OVERVIEW:

The Petitioners are requesting approval to add an additional indoor range within the existing building. The subject site has been approved for multiple Conditional Use Grants and amendments for indoor shooting range uses dating back to 2013. The property was originally approved for WCTC for indoor range uses and training. The current applicant was approved for a CUG amendment and Business Plan of Operation for the site in 2021.

SUBMITTAL:

The enclosed submittal includes the Conditional Use Grant application & GIS Map.

PLANNER COMMENTS:

1. Zoning Requirements: The proposed storage area improvements and additional indoor range is consistent with the current use of the property, but based on the prior CUG approvals will require an amendment to the existing CUG.

   Site Plan: The applicant is not proposing any changes to the existing site plan as all proposed changes are within the existing building.

   Business Plan of Operation: The applicant has identified a need for additional storage and work area. In order to accommodate that need, the applicant is proposing to remodel the existing building to include an approximate 2,000 sq. ft, 2nd floor storage area. In addition to the storage improvements the applicant has also identified an approximately 2,500 sq. ft. area at the northwest corner of the building where they would like to add an additional indoor range. The applicant has not indicated any changes to the presently approved hours of operation for the business. The proposed changes are consistent with the current operation of the business.

Considerations:
In evaluating the applicant's request, the Plan Commission will want to consider the basis for approval as outline in Section 40.152 which includes; health, general welfare, safety and economic impact of the Village of Pewaukee and the immediate neighborhood. Specific consideration shall be given to the proposed conditional use's effect on the movement of traffic, environment, area aesthetics, village services and precedent of future development. The code specifically outlines the Plan Commission may deny an application if it concludes any of the following:

(1) Materially endanger the public health, general welfare and safety; or
(2) Substantially injure the value of adjoining or abutting property; or
(3) Be inharmonious with the areas in which it is to be located; or
(4) Will not be in general conformity with the master plan, or other officially adopted plans

As the applicant is proposed to amend the existing CUG, all conditions of the prior CUG will also need to be maintained.

STAFF RECOMMENDATION:

Depending on confirmation by the Village of Pewaukee Plan Commission of the above-described comments, the Village of Pewaukee Plan Commission may take the following actions listed below.

The Village of Pewaukee Plan Commission Approves the Conditional Use Grant Amendment Request of Fletcher Arms Lake Country for the property located at 1228 Hickory Street, subject to the following conditions:

1. That all conditions made by the Plan Commission at their meeting of November 12, 2026 are met.
2. Full execution and recording of the Conditional Use Grant prior to building permit approval.
3. This approval is subject to the applicant comply with all applicable conditions of the 2013, 2018 and 2021 Conditional Use Grant approvals.
4. This approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission.
5. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission, Village Engineer, Department of Public Works 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. 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.

8. 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.
9. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.
10. 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.

EXHIBIT:

A. GIS Property Location Map
B. Petitioner Application

1228 Hickory Street Zoning Map



0 0.0075 0.015 0.0225 0.03 mi

N

1" = 141'
1:1,695

DISCLAIMER: The Village of Pewaukee does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072
262-691-5660

Notes

None

Business Plan of Operations
Submittal Requirements

1. The Village of Pewaukee utilizes a diligent planning process to guide the development of the Village. The Village provides planning services, code enforcement, and building inspection services through a combination of contracted services (Consulting Planner, Consulting Engineering and Building Inspection Services) and Village staff.

2. All businesses need to complete and return a Business Plan of Operation form which is reviewed by Village staff to determine the proposed use. Including but not limited to:
    - New construction
    - Remodeling
    - Tenant build out
    - Change of occupancy

3. Submit a fully completed application (attached below) along with a digital copy of all attachments you wish to have considered by the Village.

4. Commercial and industrial businesses are required to complete the City of Brookfield's Notice of Intent to Discharge Wastewater Form as part of the submittal.

5. If necessary, contact the Village Planner (Contact Information) to discuss your project and determine if a Business Plan of Operation Application is required.

Revised 12/12/23

VILLAGE OF Pewaukee

Business Plan of Operation Application

[redacted] Pewaukee WI 53072 • villagehall@villageofpewaukeewi.gov • 262-691-5660

Office use only:	
Zoning Admin Approval:	Date
Planner Approval:	Date

BUSINESS & PROPERTY

Tax Key No. PWV 0922993001 FEIN#: [redacted]

Business Name: FLETCHER ARMS LAKE COUNTRY Current Zoning:

Business Address: 1238 HICKORY ST Pewaukee, WI 53072

Mailing Address: 1238 HICKORY ST

Email: GENA@FLETCHERARMS.COM Phone: 414-517-4161 CELL

TENANT INFORMATION

Tenant Name: SAME AS ABOVE FEIN#:

Mailing Address: Email:

List any special requirements or improvements we need to know about:

BUSINESS INFORMATION

Description of Business: RETAIL

Type of business: ☑ Retail ☑ Office ☐ Warehouse/Storage ☐ Industrial ☐ Institutional ☐ Wholesale ☐ Other

New Use? ☐ YES ☑ NO or Expanded Use? ☑ YES ☐ NO Operation Days and Hours: 2-7 MONDAY, 11-8 WEEKDAYS, 10-4 WEEKEND

Maximum Number of Employees: Full-time 5 Part-time 4

Expected Customers per Day: 100 Delivery Trucks per day: 4 Vehicles per day: 70

Available Parking Spaces: Loading Spaces: 1 Overnight Parking: ☐ YES ☑ NO

Outdoor Storage: ☐ YES ☑ NO - If yes, list type:

Sewage Disposal: Public Sewer Septic Tank / Storm Water Retention/Detention? ☐ YES ☑ NO

Water Supply by: ☑ Public Water ☐ Main ☐ Private Well ☐ Other

Solid Wase ☑ (garbage) Disposal by: WASTE MANAGEMENT

List Where any Flammable Substances are stored:

Applicant and Property Owner Signature

Gena Fletcher & Gena Fletcher 9/9/2026

Applicant Signature & Print Name Owner Signature & Print Name Date

Send to Building Services Send to Clerk Save to Property File

Commercial & Industrial businesses are required to fill out the below form. The discharge produced must comply with all conditions of the City of Brookfield Municipal Code Chapter 13.20 at www.cityofbrookfield.com

Notice of Intent to Discharge Wastewater

Business Name: FLETCHER ARMS LAKE COUNTRY

Business Address: 1228 HICKORY ST Pewaukee, WI 53072

Mailing Address: 1228 HICKORY ST

Company Representative: SEAN EATON Title: OWNER

Phone: 414-617-4121 Email: SEAN@FLETCHERARMS.COM

Description of business:

RETAIL STORE

Number of Employees: Full-time 8 Part-time 30

Operation Days and Hours: [illegible] # of Shifts: 1-2

SIC OR NAICS CODE: _____

Reason for filing survery:

- ☐ Change of occupancy
- ☐ Construction of a new facility
- ☐ Proposing to discharge from a facility where there is currently no discharge or adding a new sewer connection
- ☐ Significantly Altering the volume or characteristics of an existing discharge
- ☐ Applying for reissuance of an existing discharge permit
- ☑ Per request by municipality—discharge ongoing with no expected changes
- ☐ Update previous information

Date when new or altered discharge is expected to begin _____

Estimated sanitary sewer discharge (report gallons/day):

	Current:	Proposed:
Process wastewater	_____	_____
Sanitary wastewater	_____	_____
Cooling water	_____	_____

- Note: A review of quarterly water usage bills may be helpful in assigning flow values. Total gal/day (for all uses) = qtr usage (in 1000 gallons) x 1000/# operating days in qtr. This daily total is then distributed into estimated gal/day of process, sanitary, and/or cooling. Process wastewater is any discharge other than sanitary, non-contact cooling or boiler blowdown water. Sanitary flow may be estimated as 20 gal/day/employee.

Use this space to describe the process that will result in the discharge of sanitary/industrial process wastewater:

NO WASTEWATER CHANGES ARE OCCURING

List chemicals/pollutants expected to be present in your discharge:

NONE

Describe any wastewater pretreatment and/or facilities to be used:

NONE

List toxic organic compounds (solvents, flammable compounds etc:

NONE

How are these toxic organic compounds disposed of:

Statement to Abide

I Certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sean Eaton	9/9/2026	SEAN EATON
Authorized Representative Signature	Date	Printed Name

Comments:

We are trying to add a second floor in two areas of the building. There will not be any changes made to water usage at all.

Staff comments:

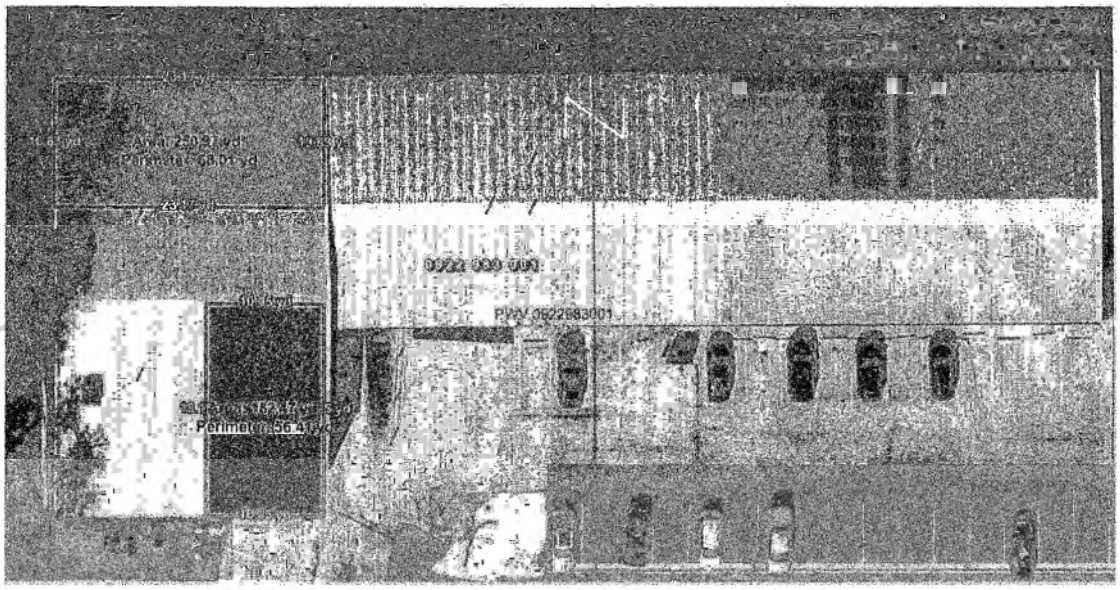
FLETCHER ARMS

To the Village of Pewaukee,

Our Retail business, Fletcher Arms Lake Country located at 1328 Hickory St, is requesting permission for internal upgrades. As there will be no external changes, or any changes in the operation of the business I was advised that a CUG was not needed. Just the Business Plan of Operations application. We are requesting two separate projects:

1. Build a wooden floored second story in the non-customer facing storage and work area of approximately 2000 square feet. This will gives us additional storage, and office space. Due to the 16 foot high ceilings in this area adding this floor will greatly increase the HVAC conditions and efficiencies.

2. In the north east portion of the building we would like to add another indoor range. Approximately 2500 square feet.



Conditional Use Grant (CUG) Procedures & Submittal Requirements

1. Submit a fully completed application (attached below) along with a digital copy of all attachments you wish to have considered by the Plan Commission.
    - One paper copy of the submittal including:
        - A Cover Letter/Narrative including
            - Proposed use of the property
            - Existing use of the property
            - Operational information on the business (if appliable) such as hours and work outside/inside of a facility
            - How the proposed site layout/structures relate to the proposed use
            - Anticipate effects of the proposed use on adjacent / surrounding properties
        - One (1) set of plans (drawn to scale) sufficient in detail to enable the Plan Commission to evaluate your application. Plans should be 11"x17" or less. If providing documents larger than 11"x17", the applicant shall provide eleven (11) printed copies, folded down to 8.5"x11". The Village will not print your submission. Examples including but not limited to:
            - Detailed Site Development Plan as described in the attached application
            - Landscaping plans, Sign plans, Architectural plans, Exterior lightning plans
            - See the attached application below for additional information
            - Grading Plan and detailed stormwater drainage plans (if applicable)
    - One digital copy of the submittal as identified above (USB/Email).
    - $190 application fee
    - Completed Reimbursement Agreement pursuant to 40.116(b)
        - The Village Planner, the Village's consulting Engineer, the Village Attorney and any other professionals engaged by the Village to review/evaluate/comment on your proposal may bill the Village for their services/expenses. These costs will be passed back through for reimbursement to the applicant and/or property owner. Any fees not paid will be placed on the real estate tax bill of the corresponding property.

2. Application must be submitted to Village Hall by 12:00 p.m. approximately **four weeks prior** to the scheduled Plan Commission meeting (subject to change based on holiday schedules) Please see the Village website for exact submittal dates. Plan Commission meetings are held on the second Thursday of each month at 6:00 p.m. at Village Hall.

    The four-week submittal requirement allows the Village time to review the application, obtain additional information from you if necessary, and set up the required public hearing.

3. The following Village of Pewaukee Standards for reviewing and approving conditional uses shall apply. The applicant is responsible for demonstrating compliance to these standards and is encouraged to show compliance in their submittal narrative:

    Village of Pewaukee Basis for Approval (Section 40.152)

    1. Materially endanger the public health, general welfare and safety; or
    2. Substantially injure the value of adjoining or abutting property; or
    3. Be inharmonious with the areas in which it is to be located; or
    4. Will not be in general conformity with the master plan, or other officially adopted plans.

4. The Village shall review applications for completeness. Incomplete applications and applications submitted without the required documents and/or payments will not be considered. Upon verification

of a full submittal, the Village shall refer the item to the Plan Commission for the next available meeting.

5. Upon referral the Plan Commission shall hold an official public hearing in the manner provided for in Section 40.115. All property owners within 300' of the subject property will be sent a notice of the public hearing.

6. Following the public hearing and necessary investigation, the Plan Commission shall, as soon as practical, render its decision.

7. If the Conditional Use Grant is approved, Village staff shall prepare the necessary documentation to be signed by the applicant, property owner and Village. It will then be recorded in the Waukesha County Register of Deeds office. The cost of the recording will be billed to the applicant.

CONDITIONAL USE GRANT APPLICATION FORM

235 Hickory St, Pewaukee WI 53072—villagehall@villageofpewaukeewi.gov– 262-691-5660

PROPERTY / PROPERTY OWNER INFORMATION

Property Address: 1228 HICKORY ST Tax Key: PWV 0922983001

Property Owner Name: FLETCHER ARMS LAKE COUNTRY Zoning of Property: _____

APPLICANT INFORMATION

Applicant Name: SEAN EATON Applicant Phone #: 4145174121

Applicant Address: W290N1187 ELMHURST RD Applicant Email: SEAN@FLETCHERARMS.COM

Applicant Email: SEAN@FLETCHERARMS.COM

DESCRIPTION OF REQUEST (Please be thorough and attach additional pages if needed)

Business Name, If applicable: FLETCHER ARMS LAKE COUNTRY

FEIN, if applicable: 80-0915962

Description of Proposed Use (Restaurant/Retail/Office) RETAIL, NO CHANGES TO THE OPERATION OF THE EXISTING BUSINESS

DIRECTIONS / NOTES—See page 4 for specific items required

NOTE: As this is for consultative purposes only, an engineering review will not take place at this time. An engineering review will take place if/when a formal application for approval is submitted.

Please include the following required items with this application:

- ☐ 1. One paper copy of the submittal, including plans/drawings/applicable attachments in a size 11x17 page size or less. Also provide one full size scale copy if larger than 11x17.
- ☐ 2. One digital copy of the submittal, including plans/drawings/applicable attachments. (USB/Email)
- ☐ 3. Completed Professional Services Reimbursement Form
- ☐ 4. Signatures on page 3
- ☐ 5. Conditional Use for Restaurant/Night Club must be attached if applicable

For Office Use Only Staff Initials:_____ Date/Time Received: _____

Provide detailed information with your application that addresses the following:

1. Development Plans of the proposed use in sufficient detail to enable the Commission to evaluate your application such as architectural & landscape treatment, proper placement of the building(s) on the lot, traffic generation & circulation, provision for parking, site grading and drainage, exterior lighting, dumpster location and screening, outside storage of any sort, and manner of control devices (when necessary) to eliminate noise, dust, odor, smoke or other objectionable operating conditions & ensure general compatibility of the proposed use within its surroundings.

2. It is the responsibility of the applicant/owner to ensure that the proposed project complies with the Village's Land Development Code. It is also highly recommended that the applicant/owner review the Village's adopted Land Use Plan to ensure a proper understanding of the Village's future vision for the area in question.

SEAN EATON _____ _____

Property Owner Printed Name **Signature of Property Owner**

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

SEAN EATON _____ _____

Applicant's Printed Name **Signature of Applicant**

Return the completed application forms along with the required attachments, **$190** application fee, and a digital copy of the submittal (plus paper copies if required) to Pewaukee Village Hall, 235 Hickory Street, Pewaukee, WI 53072.

If you have any questions, please call Village Hall at (262) 691-5660.

See the municipal code regarding site structure design criteria for the commercial, industrial, park, institutional, and multi-family residential developments for a complete listing of plan requirements. Additional plan details may be required on a case-by-case basis if the Village's review staff or the Planning Commission finds such information is necessary to complete a full and proper project review.

DETAILED SITE PLAN

- engineering scale
- Location/vicinity map
- north arrow
- footprint of dimensioned property lines
- existing & proposed buildings
- footprint of existing adjacent buildings
- driveway location
- parking stalls
- adjacent public streets
- easements
- setback & offset dimensions
- pond/detention location
- floodplain and/or wetland boundary
- sign location (may require additional approval)
- exterior light locations
- phasing lines
- floor area ratio
- open space ratio
- site acreage
- sidewalks/pedestrian walkways
- dumpster/recycling area location
- ground HVAC and/or utility installations
- fence location
- such other details as may be determined necessary

DETAILED ARCHITECTURAL PLAN

- architectural scale
- all building views/elevations w/scale
- detailed materials specifications
- building height dimension
- general floor plan with dimensions
- exterior building materials and colors
- dimensioned building façade sign
- exterior utility boxes
- exposed HVAC equipment
- dumpster/recycling area location and screening
- samples of building materials (for presentation to Planning Commission
- building mounted lighting fixtures
- such other details as may be determined necessary

DETAILED LANDSCAPING PLAN

- existing and proposed two-foot contour lines at the local datum (floodplain property should be identified at USGS datum)
- pond/detention location
- stormwater and erosion control devices

SIGNAGE PLAN

- scaled design drawing of freestanding and/or facade signs
- sign specifications and color (wattage, material, dimensions)

EXTERIOR LIGHTING

- light fixture design detail and specifications
- iso footcandle lighting dispersion plan

REV 8-1-2024

PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT

235 Hickory St, Pewaukee WI 53072—villagehall@villageofpewaukeewi.gov—262-691-5660

PROPERTY INFORMATION ☐

Property Address: 1228 HICKORY ST Tax Key: PWV 0922983001

Property Owner's Name: SEAN EATON Phone Number: 4145174121

RESPONSIBLE PARTY INFORMATION - *All invoices will be mailed to this address.* ☐

Business Name: FLETCHER ARMS LAKE COUNTRY FEIN: 80-0915962

Person Responsible for Payment / Business Contact Name: SEAN EATON

Mailing Address: 1228 HICKORY ST

Responsible Party / Contact Phone Number: 4145174121

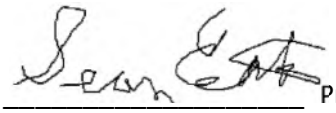
Responsible Party / Contact Email Address: SEAN@FLETCHERARMS.COM

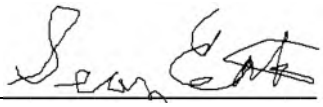
AGREEMENT / SIGNATURES - *Property Owner signature is required.* ☑

Pursuant to the Village of Pewaukee Code of Ordinances Sec 40.116(b), the Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Planner, or any other of the Village's professional staff or other expert consultants are retained by the Village in order to complete a proper project review results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Treasurer shall charge those service fees incurred by the Village to the applicant/property owner. Also, be advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are the responsibility of the property owner or responsible party.

By signing this form, I, the undersigned, have been advised that pursuant to the Village of Pewaukee Code of Ordinances, if the Village Attorney, Village Engineer, Village Planner, or any other Village professional staff or other expert consultants retained by the Village in order to complete a proper project review provides services to the Village because of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred. In addition, I have been advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are my responsibility.

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

Property Owner Signature:  Printed Name: SEAN EATON Date: 10/20/2026

Applicant Signature:  Printed Name: SEAN EATON Date: 10/20/2026

For Office Use Only Staff Initials:_____ Date Received: _____

CONDITIONAL USE GRANT
To permit the "Amendment for an additional indoor range".

Before the Planning Commission of the Village of Pewaukee, Waukesha County, Wisconsin, in regard To Premises located at 1228 Hickory Street in the Village of Pewaukee, Waukesha County, State of Wisconsin, and further defined as follows:

PWV 0922983001
PARCEL 1 CERT SURV 8869 VOL 79/118 PT NW1/4 SEC 15 T7N R19E

WHEREAS, the Zoning Code and Zoning District Map of the Village of Pewaukee, pursuant to State Statutes, provide that the premises may not be used of right for purpose hereinafter described but that, upon petition, such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinances; and

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the Village of Pewaukee having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, IT IS GRANTED, subject to compliance with the terms and conditions hereinafter stated, that the Premises may be used for the purpose of "Amendment for an additional indoor range".

GRANTED by action of the Planning Commission of The Village of Pewaukee this November 12, 2026.

_____
Village Planning Commission Secretary
Mackenzie Quigley, Village Clerk

_____
Planning Commission Chairperson
Jeffrey Knutson, Village President

Original filed at the Pewaukee Village Hall.

The **CONDITIONS** of this Grant are:

1. That all conditions made by the Plan Commission at their meeting of November 12, 2026 are met.
2. Full execution and recording of the Conditional Use Grant prior to building permit approval.
3. This approval is subject to the applicant comply with all applicable conditions of the 2013, 2018 and 2021 Conditional Use Grant approvals.

4. This approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission.
5. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission, Village Engineer, Department of Public Works 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. 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.
8. 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.
9. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.

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

CAUTION:

Please be advised that the Village has received reports of fraudulent emails and invoices that appear to be official correspondence from our zoning and planning staff. These fraudulent messages direct applicants to pay an invoice via wire transfer. These messages are extremely sophisticated and replicate Village logos and staff identities. These messages are not sent by Village of Pewaukee staff. The Village of Pewaukee never requests funds via wire transfer for permit applications. Please do not respond with these messages or invoices. Anyone who receives a suspicious email or invoice should avoid responding directly and should call Village Hall at 262-691-5660.

CONDITIONAL USE GRANT
To permit the "Amendment for an additional indoor range".

Before the Planning Commission of the Village of Pewaukee, Waukesha County, Wisconsin, in regard To Premises located at 1228 Hickory Street in the Village of Pewaukee, Waukesha County, State of Wisconsin, and further defined as follows:

PWV 0922983001
PARCEL 1 CERT SURV 8869 VOL 79/118 PT NW1/4 SEC 15 T7N R19E

WHEREAS, the Zoning Code and Zoning District Map of the Village of Pewaukee, pursuant to State Statutes, provide that the premises may not be used of right for purpose hereinafter described but that, upon petition, such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinances; and

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the Village of Pewaukee having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, IT IS GRANTED, subject to compliance with the terms and conditions hereinafter stated, that the Premises may be used for the purpose of "Amendment for an additional indoor range".

GRANTED by action of the Planning Commission of The Village of Pewaukee this November 12, 2026.

_____
Village Planning Commission Secretary
Mackenzie Quigley, Village Clerk

_____
Planning Commission Chairperson
Jeffrey Knutson, Village President

Original filed at the Pewaukee Village Hall.

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1. That all conditions made by the Plan Commission at their meeting of November 12, 2026 are met.
2. Full execution and recording of the Conditional Use Grant prior to building permit approval.
3. This approval is subject to the applicant comply with all applicable conditions of the 2013, 2018 and 2021 Conditional Use Grant approvals.

4. This approval is subject to the Petitioner complying at all times with the plans and documents presented to the Village of Pewaukee Plan Commission.
5. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission, Village Engineer, Department of Public Works 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. 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.
8. 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.
9. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.

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

LAND COVENANT

To permit the use **"Amendment for an additional indoor range".**

Acceptance of Conditions of Conditional Use Grant.

THIS COVENANT, made this ___ day of _____, 2026
by: David J. Frank Landscape Contracting Inc. & Capital Acquisitions LLC hereinafter collectively referred to as GRANTEES, for the use and benefit of all persons from time to time resident or owning property within the boundaries of the Village of Pewaukee, Waukesha County, Wisconsin, and for the use and benefit of said Village of Pewaukee in its own right and as agent for the purpose of enforcing these presents on behalf of the above described class of persons, hereinafter referred to as GRANTOR.

The premises affected by these presents (hereinafter called the Premises) is **1228 Hickory Street** Village of Pewaukee, Waukesha County, State of Wisconsin, further described as follows:

PWV 0922983001
PARCEL 1 CERT SURV 8869 VOL 79/118 PT NW1/4 SEC 15 T7N R19E

GRANTEES warrant and covenant that at the time of the ensealing and delivery of these presents they are all of the owners of the Premises and that no other person has any estate or interest therein except by reason of easements for public utilities, building restrictions, dedications to the public or public bodies, instruments not of record, and mortgages to banks, savings and loan associations or insurance companies.

GRANTEES represent that petition on their behalf was made to the Village of Pewaukee pursuant to the zoning code of the said Village, for grant permission to erect and/or conduct on the Premises a use there permissible not by right but only by Conditional Use Grant; that in connection therewith GRANTEES made certain representations and agreements as to site, improvements and operation plans which were incorporated into the Conditional Use Grant; that based thereon the Conditional Use Grant was approved by the Plan Commission on the August 13, 2026 and that a true copy thereof is on file with the Plan Commission of the Village of Pewaukee.

NOW, THEREFORE, GRANTEES hereby accept the said Conditional Use Grant and covenant strictly to comply with all the terms and conditions thereof. GRANTEES acknowledge that, in accordance with the provisions of the Zoning Code, failure to comply with any conditions of the Conditional Use Grant is cause for the termination of said Grant by the Village. GRANTEES also acknowledge that approval of the Conditional Use Grant allows the appropriate Village officials to conduct reasonable and routine inspections of the property. This Covenant shall run with the land and shall be binding on the GRANTEES and all persons claiming any estate or interest in the Premises by, through or under the GRANTEES, as long as the said Premises are used as described in the Conditional Use Grant for the purpose of "amendment for an additional indoor range"

IN WITNESS WHEREOF, GRANTEE(S) have hereunto set their hand(s) and seal(s) this ___ day of _____, 2026.

_____ _____
Signed: Date:

_____
Printed Name, as authorized agent/signatory for
Property Owner Eaton ETC LLC

Acknowledgment

For: Property Owner Eaton ETC LLC

STATE OF WISCONSIN)

_____ County) personally came before me this _____ day of _____, 2026, the above named _____ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, State of Wisconsin
My Commission expires: _____

AND….

IN WITNESS WHEREOF, GRANTEE(S) have hereunto set their hand(s) and seal(s) this ___ day of _____, 2026.

_____ _____
Signed: Date:

_____
Printed Name, as authorized agent/signatory for
Fletcher Arms Lake Country

Acknowledgment

For: Business Owner Fletcher Arms Lake Country

STATE OF WISCONSIN)

_____ County) personally came before me this _____ day of _____, 2026, the above named _____ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

_____
Notary Public, State of Wisconsin
My Commission expires: _____