



PLAN COMMISSION AGENDA

July 14, 2022 – 7:00 pm

Village Hall

235 Hickory Street, Pewaukee, WI 53072

1. Call to Order and Roll Call
2. Public Hearings.
 - a. On the Conditional Use Grant request of applicant/property owner Lisa Nguyen, d/b/a Shekhinah Spa, to establish a mixed principal use (i.e. first floor spa/salon w/ second floor residence) on her .31 acre, B-2 Downtown Business District zoned property located at 311 Oakton Avenue.
 - b. On the Conditional Use Grant request of tenant occupant Mary Eckl, d/b/a Big Guy's Magic, to establish a temporary outdoor retail use/seasonal structure which may exceed two consecutive days or three days cumulatively in any 30-day period and which may not comply with the setback and offset requirements of the B-2 Downtown Business District it's located in. This 0.10-acre lot is located at 125 Oakton Avenue, and it is owned by Donn Droegkamp.
3. Citizen Comments – *This is an opportunity for citizens to share their opinions with Commission Members on any topic they choose. However, due to Wisconsin Open Meeting laws, the Commission is not able to answer questions or respond to your comments. All comments should be directed to the Commission. Comments are limited to 3 minutes per speaker. Speakers are asked to use the podium and state their name and address.*
4. Approval of the Minutes:
 - a. Regular Plan Commission Meeting – June 9, 2022
5. Old Business.
 - a. Review and discussion regarding possible updates to the Village's 'Off-Street Parking Requirements' as set forth in Chapter 40, Article VII, Division 2. of the Village Code.
6. New Business.
 - a. Review and Action on the Conditional Use Grant request of applicant/property owner Lisa Nguyen, d/b/a Shekhinah Spa, to establish a mixed principal use (i.e. first floor spa/salon w/ second floor residence) on her .31 acre, B-2 Downtown Business District zoned property located at 311 Oakton Avenue.
 - b. Review and Action on the Conditional Use Grant request of tenant occupant Mary Eckl, d/b/a Big Guy's Magic, to establish a temporary outdoor retail use/seasonal structure which may exceed two consecutive days or three days cumulatively in any 30-day period and which may not comply with the setback and offset requirements of the B-2 Downtown Business District it's located in. This 0.10-acre lot is located at 125 Oakton Avenue, and it is owned by Donn Droegkamp.

- c. Review, discussion and possible action on the request for rear yard reduction applicable to open air decks to 10 feet for nine lots (i.e. Lots 6 – 10 and Lots 38 – 41) in the Glen at Pewaukee Lake Subdivision Plat. The applicant is Cornerstone Development in c/o Joe Orendorf and John Wahlen, and Alan Peters of True Vine Development. This 14-acre neighborhood is zoned R-5 Single-Family Residential with Residential Infill-Redevelopment Overlay District.
- d. Discussion Regarding Meeting Etiquette.

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: July 8, 2022

PLAN COMMISSION MINUTES
June 9, 2022 – 7:00 pm
Village Hall
235 Hickory Street, Pewaukee, WI 53072

1. Call to Order and Roll Call

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

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

Also present: Village Planner, Mary Censky; Village Attorney, Matt Gralinski; Village Administrator, Scott Gosse.

2. Public Hearings

- a. On a Conditional Use Grant request of property owner/applicant Steven Anderson to construct a carport addition to his principal residence with a setback from the Lake Street public right-of-way line of zero (0) feet where approximately 17.5 would be required by Code.**

Terry Conley, 210 Park Avenue, stated she is opposed to the proposal as it would block a portion of her lake view and would have a negative impact on her property value due to the decreased lake view. She stated Lake Street provides the Fire Department access to Pewaukee Lake. She said this is a small lot and it has a garage already. She stated she is concerned as the car port could be used for storage and that many years ago there was a variance that was denied for this property.

- b. On a Conditional Use Grant request of applicant/business operator Mathaeus Christian Myga to operate a walk-up window service type restaurant, (i.e. Schnitzelbunker) at 145 Park Avenue. The owner of this .24-acre, B-2 Downtown Business District zoned property is Laimon Family Limited Partnership.**

Jim Grabowski, 128 Park Avenue, spoke in support of the application. He stated he feels this is a good idea and will bring additional traffic to the downtown area and it does not need parking accommodation for inside seating as there is none. He further stated that he does not have an issue with the additional foot and car traffic it may bring to the community.

Terry Conley, 210 Park Avenue, stated she is in support of this application. The proposed location for this business was the original location for Park Avenue Pizza and the proposed use will bring more diversity for food options.

- 3. Citizen Comments: None.**

- 4. Approval of the Minutes – Regular Plan Commission Meeting – May 12, 2022**
Comm. Belt motioned, seconded by Comm. Grabowski to approve the minutes of the May 12, 2022, Regular Plan Commission meeting as presented.
Motion carried unanimously.

- 5. Old Business.**

- a. Review and discussion regarding possible updates to the Village’s ‘Off-Street Parking Requirements’ as set forth in Chapter 40, Article VII, Division 2. of the Village Code.**
President Knutson stated that this matter will be deferred to the next meeting.

- 6. New Business.**

- a. **Conditional Use Grant request of property owner/applicant Steven Anderson to construct a carport addition to his principal residence with a setback from the Lake Street public right-of-way line of zero (0) feet where approximately 17.5 would be required by Code. This .13-acre property is located at 201 Park Avenue, and it is zoned R-5 (LO) Single-Family Residential with Lakefront Overlay District.**

Planner Censky stated that there is a provision in the code for owners of non-conforming lots to apply to the Plan Commission for a Conditional Use Grant (CUG) for a waiver from setbacks and offsets from the lot lines. Censky stated that the front of this house faces Park Avenue and the driveway and garage face Lake Street. The garage currently has a very small setback from the Lake Street property line – approximately 1.2 feet. The code allows for an addition to a nonconforming structure as long as it would not make the structure more nonconforming. In this case currently before the Plan Commission the proposed setback for the carport is depicted as a one-foot setback but the property owner has said verbally that he would like zero feet if possible. The property owner is proposing other changes to the house; however, those changes do not require Plan Commission approval. The carport would be connected to the garage and the house and the garage would be changed to a flat roof from a pitched roof.

Comm. Hoff questioned the height of the garage with the proposed change and its impact on the lake view. Bryan Tom, representative for the property owner, stated that the current height of the garage is 13.5 feet and the proposed height to the top of the railing would be 15 feet.

Comm. Grabowski stated that there is a storm sewer outfall on Lake Street with a catch basin in Park Avenue that runs adjacent to the subject property and proposed carport location in the Lake Street right-of-way.

President Knutson stated that he is not too against the carport as long as it is at least one foot back from the right-of-way. Knutson questioned the setback of the existing garage with proposed deck to the lake. Planner Censky stated that the applicant is not changing the garage setback to the lake with the change to the garage.

Comm. Grabowski stated he is fine with reducing the setback and he said the storm sewer pipe is not a deep pipe – maybe up to approximately two feet deep. Trustee Roberts asked if there could be a waiver from liability if the Village would ever need to go in and maintain the pipe in the future. Comm. Grabowski stated he would be comfortable approving subject to Director Naze's review and consent that it is not a conflict with the storm sewer pipe maintenance.

Discussion continued related to whether or not there are other carports in the Village and the type of material for the carport. Trustee Roberts inquired of the setback of the garage from the lot line. Planner Censky stated per a 1996 survey on file the distance is 1.2 feet. Trustee Roberts stated he does not want to make the structure more nonconforming and would like the carport to be at least 1.2 feet back. President Knutson stated he would like it to be at least 1.5 feet back. Attorney Gralinski stated that the Commission cannot go more than 1.2 feet which is the current structure setback.

Comm. Grabowski motioned, seconded by Comm. Belt to approve a 1.2 foot setback subject to approval from Director Naze as it relates to the proximity of the storm sewer pipe and the Planner's recommendations in the staff report.

Attorney Gralinski stated that he would be more comfortable with the matter coming back to the Plan Commission at a future meeting to allow Director Naze time to review for any concerns he may have.

Comm. Grabowski withdrew his motion and Comm. Belt withdrew his second on the motion on the floor.

Comm. Mantz motioned and Trustee Roberts seconded to table this item pending a review by Director Naze. Motion carried 6-0-1 with Comm. Hoff abstaining.

- b. Conditional Use Grant request of applicant/business operator Mathaeus Christian Myga to operate a walk-up window service type restaurant, (i.e. Schnitzelbunker) at 145 Park Avenue. The owner of this .24-acre, B-2 Downtown Business District zoned property is Laimon Family Limited Partnership.**

Planner Censky stated that the tenant space to be used for this proposal will be on the left side when entering the building. They will be serving food out of the window facing Park Avenue. The application did not include plans for the interior space use or the service window and any awning that may be added. The property has approximately 12 shared parking spots on the east side of the building. There is no indoor or outdoor seating proposed. Planner Censky then reviewed the proposed conditions listed in her staff report.

Discussion occurred with the applicant, Mr. Mathaeus Myga, regarding business hours with the consensus to look at a window for hours of operation from 9AM – 9PM Sunday – Saturday. Discussion then took place related to the plans for the possible window awning and other possible exterior changes and whether the changes should be presented for Plan Commission approval or deferred to staff for approval subject to Plan Commission review for any staff related concerns. The consensus of the Commission was to allow for staff review and approval with any staff concerns referred for Plan Commission review and action.

Comm. Mantz inquired about the location of any exhaust fan with Mr. Myga stating that piping already exists in the building it would be placed on the roof. Trustee Roberts stated that there is a requirement for screening of the exhaust fan that the applicant should keep in mind.

Trustee Roberts motioned, seconded by Comm. Lange to approve the Conditional Use Grant to operate a walk-up window service type restaurant, (i.e. Schnitzelbunker) at 145 Park Avenue with the following conditions:

- 1) Hours of operation shall be Sunday – Saturday from 9AM – 9PM;**
- 2) Staff review and approval as to detailed plans to be prepared and submitted by the applicant for the window, awning, exterior lighting, exhaust hood and partially screened outdoor storage area (i.e., size, location, style,...) discussed/proposed as a part of this use with such approved detailed plans to be exhibited to the Conditional Use Permit. Staff shall refer any matters of concern submitted by the applicant to the Plan Commission for review and approval;**
- 3) If an outdoor dumpster(s) and/or similar waste containment equipment needs to be placed at this site in support of this proposed new use, the Village Staff must be consulted for review and approval of plans as to the location and screening of such equipment prior to its placement at the site;**
- 4) Final drafting and recording of the Conditional Use Grant prior to issuance of any building, electrical, plumbing, and similar... permits in support of the interior and/or exterior changes planned/necessary to implement this use.**

Motion carried unanimously.

- c. Review, discussion and possible action/recommendation to the Village Board regarding a proposed amendment to the rear yard requirements as set forth in the Residential Infill-Redevelopment Overlay District (i.e. Division 18.5 Section 40.367.7) pertaining to lots with**

rear yards abutting, principally, the rear yard of other newly platted lots and/or outlots within the same development. The applicant is Cornerstone Development in c/o Joe Orendorf and John Wahlen, and Alan Peters of True Vine Development. This property is zoned Residential Infill-Redevelopment Overlay District.

Planner Censky stated that the Plan Commission considered a version of this language in consultation form at its meeting last month. The proposed language would allow reduced yards for open air decks on select lots meeting certain conditions stated in the draft ordinance language. Trustee Roberts stated that this language would be applicable to other types of developments with similar zoning which was confirmed by Planner Censky.

Motion by Comm. Belt, seconded by Comm. Mantz, to recommend to the Village Board the proposed amendment to the rear yard requirements as set forth in the Residential Infill-Redevelopment Overlay District (i.e. Division 18.5 Section 40.367.7) pertaining to lots with rear yards abutting, principally, the rear yard of other newly platted lots and/or outlots within the same development. Motion carried unanimously.

7. Citizen Comments – None.

8. Adjournment

Trustee Roberts motioned, seconded by Comm. Lange to adjourn the June 9, 2022, Regular Plan Commission meeting at approximately 8:01 p.m.

Motion carried 7-0.

Respectfully submitted,

Scott Gosse
Village Administrator

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: July 7, 2022

General Information:

Agenda Item: 5.a.

Applicant:

N/A

Status of Applicant:

Village initiated item

Requested Action:

Review and general discussion regarding the Village's parking requirements for all business zoning districts as it relates to the apparent decline in brick-and-mortar retail shopping and the continuing practice of working remotely-away from brick-and-mortar office environments. Of particular interest is the potential for excessive parking allocations displacing underutilized otherwise useable/developable space in the Village's business areas.

Discussion:

The Planner will provide an update on the status of locally based research about this topic.

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: July 14, 2022

General Information:

Agenda Item: **6.a.**

Applicant/Property Owner:

Lisa Nguyen, d/b/a Shekhinah Spa

Requested Action:

Conditional Use Grant approval to establish a mixed principal use (i.e. first floor spa/salon w/ second floor residence) in an existing building.

Existing Zoning:

B-2 Downtown Business

Master Plan Classification:

Community Commercial

Surrounding Zoning/Land Use:

North: Railroad tracks

South: B-2 Downtown Business

East: B-2 Downtown Business

West: B-2 Downtown Business

Lot Size/Project Area:

Approximately .31 acre +/-

Location:

311 Oakton Ave.

Discussion:

Section 40.265(22) of the Code provides that a mixing of multiple principal uses and/or multiple principal buildings may be permitted upon a single lot in the B-2 Downtown Business District subject to a finding by the Village Plan Commission that the site can adequately accommodate the multiple uses and/or buildings with respect to such matters which include but are not limited to, the dimensional standards of the district, site access and parking, and further provided such mixing of uses and/or buildings are mutually compatible and synergistic and will not be detrimental to the surrounding area and/or generate adverse impacts individually or collectively upon the public health, safety and welfare.

In this case, the applicant would like to convert the existing first floor residential use into a commercial use – Shekhinah Spa, and continue the existing second floor residential use of the property (see proposed floor plan attached). The applicant proposes essentially a “per existing conditions” site plan, the exception being that the existing driveway will be paved. She may power wash and repaint the existing building if/as needed, and she will clean up the perennial plants, weeded, and add, where necessary, wood chips and appropriate weed barrier. The lawn will be seeded where there are bare spots in the grass.

The proposed spa use is described a rather small enterprise – 3 part-time employees serving no more than 2 clients simultaneously at the site at any time. The proposed parking appears (i.e. two employees in the garage and two clients in the driveway) to be adequate based on this level of use.

Recommendation:

If the Planning Commission is inclined toward approval of this Conditional Use Grant request, the Planner recommends the following conditions be attached:

- 1) Applicant to secure all required Building Inspections approvals as to the occupancy types proposed within this structure;
- 2) Applicant to secure any/all building, electrical, plumbing and similar,... permits prior to the start of any modifications to the building;
- 3) Asphalt paving of the driveway shall be completed prior to the start of business operations at this site and the paving shall abide by the 3 foot sideyard offset requirement of the B-2 District;
- 4) Landcaping improvements as described above shall be completed prior to the start of business operations at this site;
- 5) The Planning Commission finding that the site can adequately accommodate the multiple uses with respect to such matters as, but not necessarily limited to, the dimensional standards of the district, site access and parking, and further provided such mixing of uses are mutually compatible and synergistic and will not be detrimental to the surrounding area and/or generate adverse impacts individually or collectively upon the public health, safety and welfare;
- 6) Drafting, signatures and recording of the Conditional Use Grant document prior to the placement of the tent at this site.



**Conditional Use Grant
Application Form**

Address/Parcel No. of Property Involved: 311 Oakton Ave. Pewaukee 53072

Zoning of Property: B2

Current Owner of Property: Lisa Nguyen

Applicant - Name: Lisa Nguyen

Address: 311 Oakton Ave. Pewaukee, WI 53072

Phone: (414) 416-5530

Fax: _____

Email: hedwellingspa@icloud.com

Nature of Request (If Requesting Approval for a New Business, Please Attach a Business Summary):

Spa Business on Bottom floor and Living Space on Top floor
for owner, Lisa Nguyen.

Spa consists of massage therapy, coaching & facials.
3 employees - Part time will be using the two treatment
rooms at different times during the week.

Living quarters consists of 1 Bathroom, 2 bedrooms, walk in closet
& kitchen.

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 the suitability of architectural & landscape treatment, proper placement of the building(s) on the lot, traffic generation & circulation, provision for parking, drainage, exterior lighting, control devices (when necessary) to eliminate noise, dust, odor, smoke or other objectionable operating conditions & general compatibility of the proposed use with the area in which it is located.

Shekhinah Spa Business Summary

Small Spa Business with a location in Waukesha 1800 E. Main St. Suite #200 Waukesha. The location in proposed location 311 Oakton Ave. Pewaukee 53072 will be our second location.

We have 3 part time employees

We offer massage therapy, health and life coaching, and will be possibly adding facials once the Pewaukee office is available.

Parking will consist of 2 parking spaces in garage for employees. Other employees will park in the public parking on Oakton Ave. Client parking will consist of 2 paved parking spots in the driveway that will be side by side south of the garage. The driveway will be paved with designated parking spaces. There will be only two clients in the building at a time, as we have two treatment rooms. We allow 30 min between appointments for clients to leave and arrive. Any overflow parking will be street or public parking on Oakton Ave.

Landscaping will not change very much. The perennial plants will be cleaned up, weeded, and added where necessary. Wood chips and appropriate weed barrier will be added. Lawn will be seeded where there are bare spots in the grass.

Building will be power washed and painted if necessary. Thinking a darker gray/green with white trim.

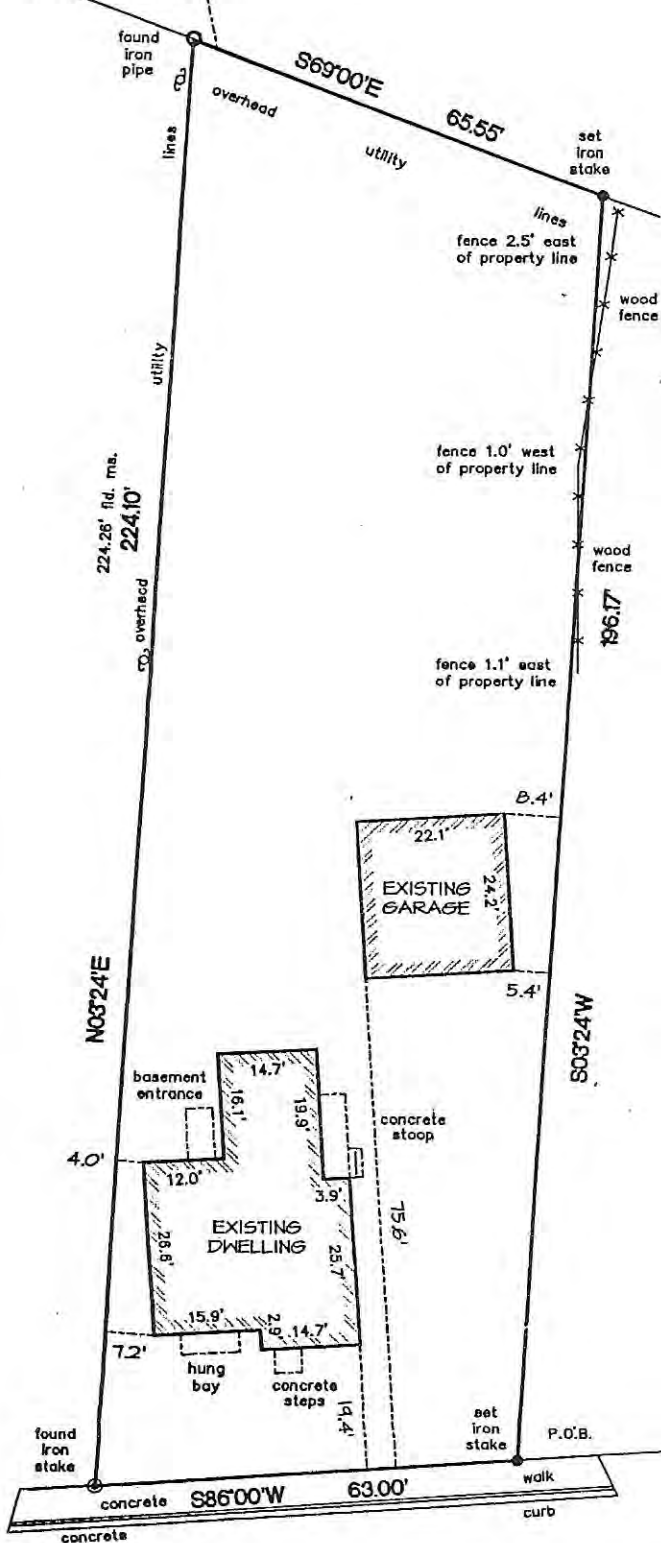
Sent from my iPhone

PLAT OF SURVEY

All that part of the Northwest 1/4 of Section 9, in Township 7 North, Range 19 East, in the Village of Pewaukee, bounded and described as follows: Commencing at the center of said Section 9; thence North 00° 18' East along the North 1/4 line of the Section, 24.82 feet to the North line of Oakton Avenue (Capitol Drive); thence South 86° 00' West along the North line of Oakton Avenue, 1139.90 feet to the place of beginning of the parcel hereinafter described; thence continuing South 86° 00' West along the North line of said street, 63.00 feet; thence North 3° 24' East, 224.10 feet to the South line right of way of the C.M. St. P&P, Railroad; thence South 69° 00' East along the South line of the railroad, 65.55 feet; thence South 3° 24' West, 196.17 feet to the place of beginning.

Survey location: 311 Oakton Avenue

The South line of the C. M. St. P. & P. Railroad right-of-way



SCALE : 1" = 30'

AREA OF PROPERTY = 13,124.4 SQ. FT.

(49.5' WIDE)
OAKTON AVE.

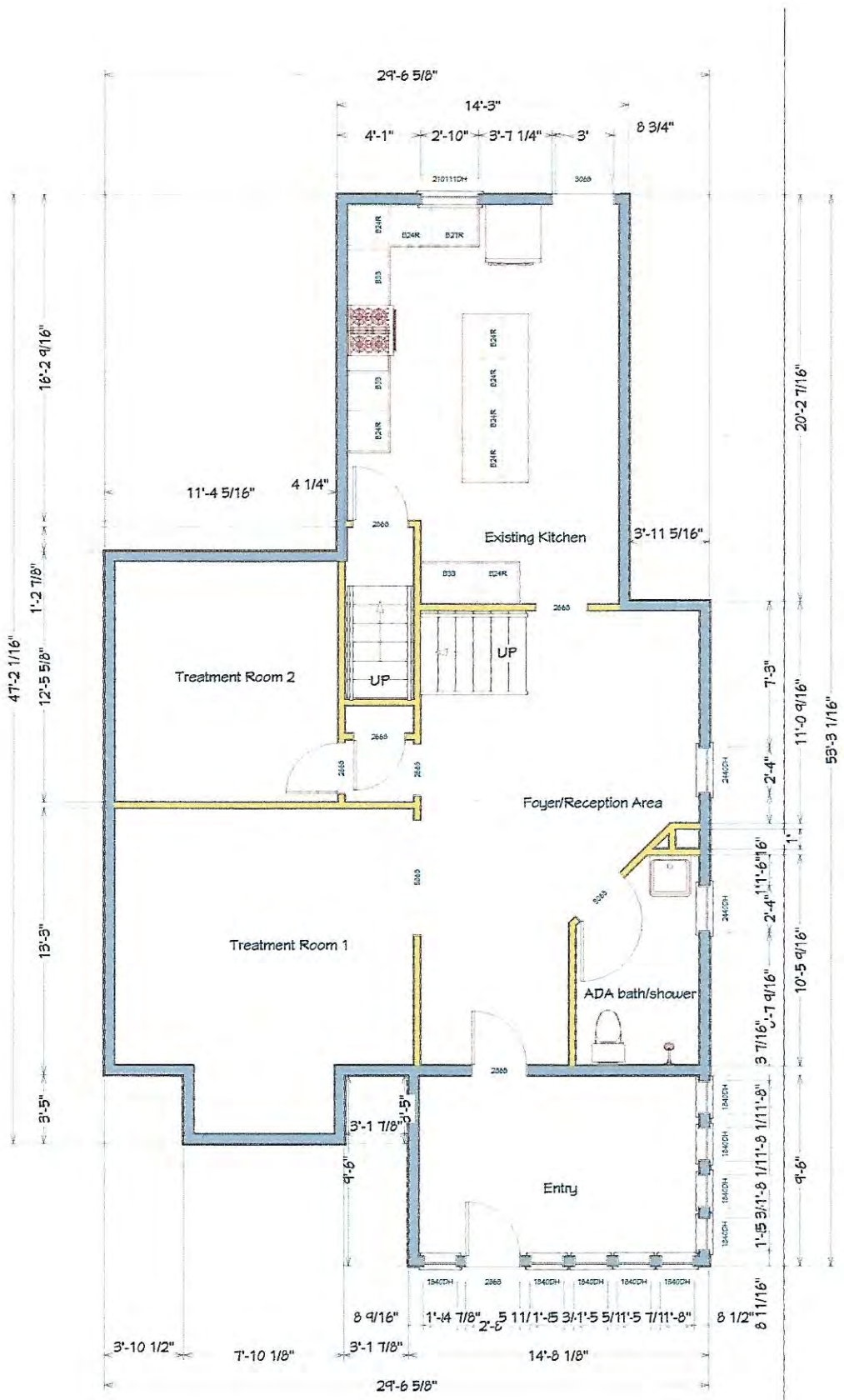
Surveyed for: **JEFF JEHOVSKI**

"I have surveyed the above described property from the legal description furnished by the client named on this survey."

"This survey is made for the use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title therein within one year from date hereof."

NOTE: THIS IS NOT AN ORIGINAL SURVEY UNLESS





Lisa Nguyen
 311 Oakton Avenue
 Pewaukee, WI

Existing Gravel Driveway
 Approx 20' wide at sidewalk



~~306 Oakton Ave~~

311 Oakton Ave - Shekhinah Spa Site

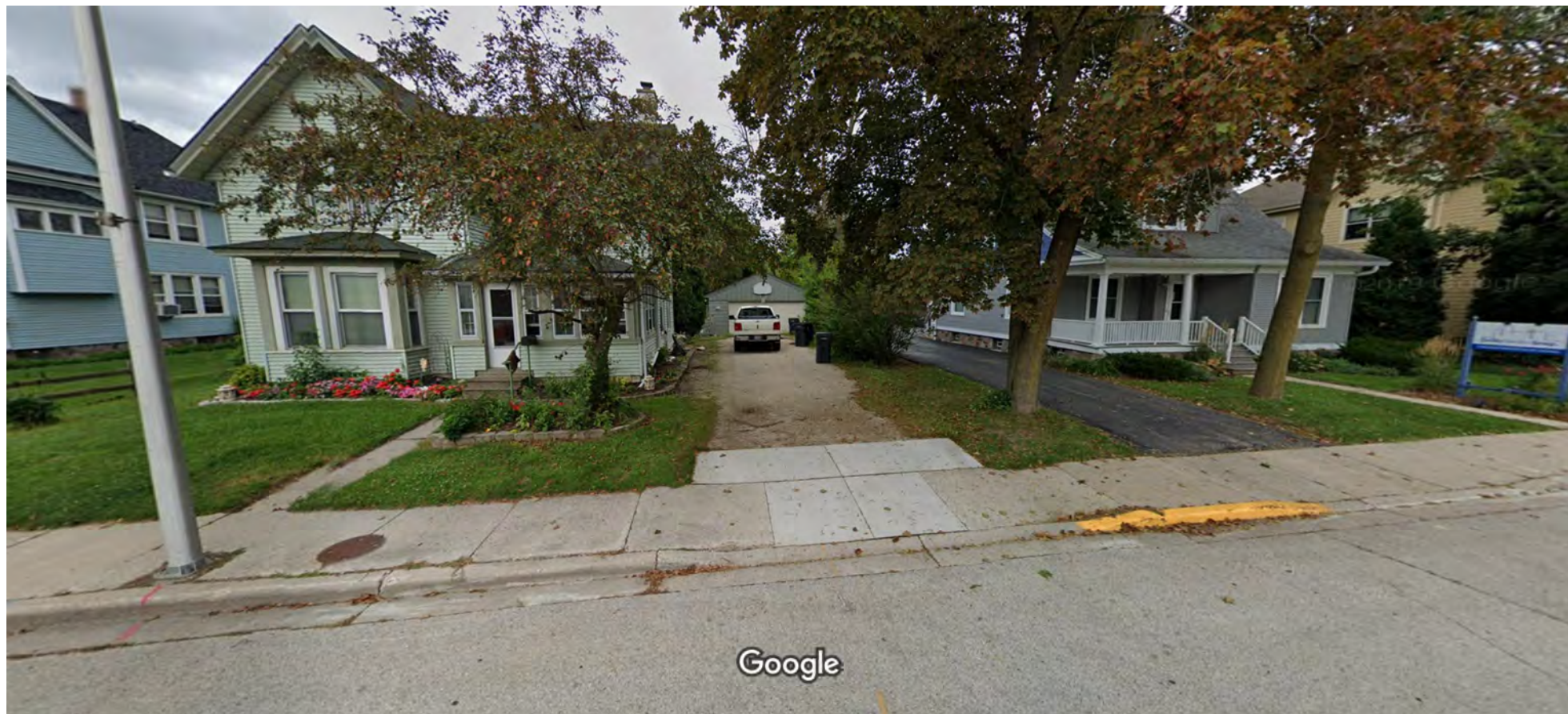


Image capture: Sep 2019 © 2022 Google

Pewaukee, Wisconsin

Google

Street View - Sep 2019

Shekhinah Spa Site



0 47.80 Feet

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Notes:

Printed: 7/7/2022



STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: July 14, 2022

General Information:

Agenda Item: 6.b.

Applicant:

Mary Eckl, d/b/a Big Guy's Magic

Status of Applicant:

Tenant occupant with permission of property owner Donn Droegkamp

Requested Action:

Conditional Use Grant approval to establish a temporary outdoor retail use/seasonal structure which may exceed two consecutive days or three days cumulatively in any 30-day period and which may not comply with the setback and offset requirements of zoning district it's located in.

Existing Zoning:

B-2 Downtown Business

Master Plan Classification:

Community Commercial

Surrounding Zoning/Land Use:

North: B-2 Downtown Business
South: B-2 Downtown Business
East: Pewaukee River
West: B-2 Downtown Business

Lot Size/Project Area:

Approximately .16 acre +/-

Location:

125 Oakton Ave.

Discussion:

Section Sec. 40.415. of the Village Code regarding "Temporary and/or seasonal uses and structures" provides that any temporary and/or seasonal structure or use intended to remain in place for nine months or less with the intent to discontinue such use upon the expiration of such fixed time, which structure and/or use does not include the addition of any permanent physical modifications or improvements to the property upon which it is located may be permitted subject to the approval of the Village of Pewaukee Village Administrator upon his review of potential impacts (including but not necessarily limited to such matters as traffic generation, noise emission, light emission, anticipated crowd size/attendance, proposed security, hours of operation, utility service needs such as gas or electricity, odor emission, refuse containment,

consistency with neighboring land uses, frequency of use occurrence, duration of use, parking provisions and sanitary provisions) of the use and/or structure.

It goes on to say that under the following circumstances, a conditional use permit shall be required prior to establishing the temporary or seasonal use or structure:

- Where such structure does not comply with the offset or setback requirements of the zoning district in which it is located;
- If the use involves sales/vending and/or retail-type peddling to the general public for more than two consecutive days or three days cumulatively in any 30-day period.

In this case, the applicant would like to place a 10-foot x 20-foot tent in the front grassy area of the site in a location that may not meet the 15-foot setback requirement of the B-2 Downtown Business District and which tent would remain in place through no later than October 31, 2022.

The applicant proposes to place the tent approximately 5 - 10 feet back from the edge of the concrete area in the front of the building. The tent will not have side walls.

The hours of operation (i.e. retail sales) in the tent would mirror the hours that the brick & mortar portion of the business is open at this same address.

All products will be removed from the tent on a nightly basis.

The tent will not have lights.

Recommendation:

If the Planning Commission is inclined toward approval of this Conditional Use Grant request, the Planner recommends the following conditions be attached:

- 1) The tent shall be maintained in good repair and securely fastened against the weather at all times;
- 2) No part of the tent and/or it's supporting appurtenances may be located closer than 5 feet to the concrete walk/seating area located in front of this building;
- 3) Other details, such as hours of operation, operating characteristics, lighting, duration and location of tent placement and no sidewalls, shall be as represented above;
- 4) The Planning Commission finding that this use and location are suitable for temporary use approval through conditional use grant on the basis that this lot, uniquely, has a sufficiently sized and landscaped front yard as will accommodate this tent, as compared to most other sites in the B-2 Downtown Business District, and that the use does not appear to present a hazard to the public or create undue pressure upon the public services (such as creating new or excessive parking demand);
- 5) Drafting, signatures and recording of the Conditional Use Grant document prior to the placement of the tent at this site.



**Conditional Use Grant
Application Form**

Address/Parcel No. of Property Involved: 125 OAKTON AVE.

Zoning of Property: B2

Current Owner of Property: DONN DROEGKAMP

Applicant - Name: MARY ECKL

Address: 125 OAKTON AVE. PEWAUKEE, WI 53072

Phone: 262-893-6841

Fax: _____

Email: MARYECKL@GMAIL.COM

Nature of Request (If Requesting Approval for a New Business, Please Attach a Business Summary):

Permit for tent outside to sell items.

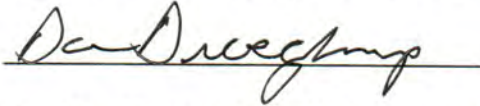
Items to be sold: Bird Houses, corn hole games, bug Assault gun, bubbles, flags. Tent will be 10' x 20' AND projected location is front GRASS AREA, completely off + AWAY from sidewalk.

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 the suitability of architectural & landscape treatment, proper placement of the building(s) on the lot, traffic generation & circulation, provision for parking, drainage, exterior lighting, control devices (when necessary) to eliminate noise, dust, odor, smoke or other objectionable operating conditions & general compatibility of the proposed use with the area in which it is located.

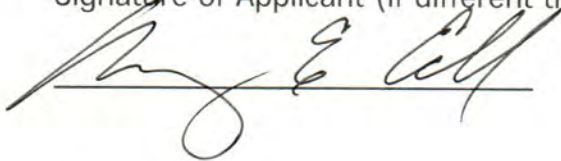
2. It is the responsibility of the applicant/owner to ensure that the proposed project meets the Village's Land Development Code. It is also highly recommended that the applicant/owner review the Village's adopted Land Use Plan.

Signature of Property Owner as listed on this Application:

A handwritten signature in black ink, appearing to read "Dan Dreyfus", written over a horizontal line.

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.

Signature of Applicant (if different than Owner):

A handwritten signature in black ink, appearing to read "Ray E. Cell", written over a horizontal line.

Please return Completed Application Forms along with required attachments and the \$100 Application Fee to Pewaukee Village Hall, 235 Hickory Street, Pewaukee, WI 53072. If you have any questions, please call Village Hall at (262) 691-5660.

****Please submit eleven sets of any applicable attachments as well as a digital copy of any attachments submitted.**



Two Brothers Winery

**Big Guy's Magic
125 Oakton Ave.
Pewaukee, WI 53072**



*Proposed
Tent site*

Big Guys Magic Site



0 47.80 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

Notes:

Printed: 7/7/2022





141 Oakton Ave

125 Oakton Ave - Big Guys Magic Site



Image capture: Sep 2018 © 2022 Google

Pewaukee, Wisconsin

Google

Street View - Sep 2018

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: July 14, 2022

General Information:

Agenda Item: **6.C.**

Applicant:

Cornerstone Development (d/b/a The Glen at Pewaukee Lake LLC) in c/o Joe Orendorf and John Wahlen, and Alan Peters of True Vine Development

Property Owner:

The Glen at Pewaukee Lake LLC

Requested Action:

Review, discussion and possible of rear yard reduction applicable to open air decks to 10 feet for nine lots (i.e. Lots 6 – 10 and Lots 38 – 41) in the Glen at Pewaukee Lake Subdivision Plat.

Current Zoning:

R-5 Single-Family Residential District with RIR Overlay District

Current Master Plan Classification:

Single-Family Residential

Requested Master Plan Classification:

Single Family Residential

Surrounding Zoning/Land Use:

North: R-5 Single Family Residential
South: R-5 Single Family Residential
East: R-5 Single Family Residential
West: R-5 Single Family Residential

Lot Size:

14.08 acres

Location:

Near 449 W. Wisconsin Avenue.

Background/Discussion:

Pursuant to Section 40.367.7. of the Village Code (see excerpt below), the applicant requests relief from the rearyard requirement - granting permission to place attached open air decks as close as 10 feet to the rear lot line on Lots 6 – 10 and Lots 38 – 41 of the Glen at Pewaukee Lake subdivision development.

DIVISION 18.5. - RESIDENTIAL INFILL-REDEVELOPMENT OVERLAY DISTRICT

Sec. 40.367.7. - Setbacks and yards.

Setbacks and yards in the residential infill-redevelopment overlay district shall be as follows:

Setback: All principal structures shall be setback not less than 25 feet from any public right-of-way.

Sideyard: The principal residence structure, including any attached garage elements, and detached garages, shall be offset from the side lot lines by not less than ten feet on one side and not less than zero feet on the other side. Principal residence structures including any attached garage elements and permitted detached garages may adjoin (share a common wall) along one side in accordance with this sideyard offset schedule provided such buildings are properly designed and approved by the building inspector as to all applicable building and/or fire safety code standards.

Any detached principal residence structure and any detached garage structure that does not share a common wall with an adjoining principal building shall maintain not less than five-foot side yard offsets.

Rearyard: All buildings shall be offset from the rear lot line by not less than 20 feet.

The Planning Commission may, at the time of plat review/approval, and upon specific request of the Developer, approve rear yard offset relief up to 10 feet for the attached, unenclosed, pervious deck portion of a principal residence provided the Developer shall first demonstrate that the lot abuts along at least 75% of its rear yard to another lot or outlot that is located within the same new development. The Planning Commission shall first find that permitting an attached, unenclosed, pervious deck feature as close as 10 feet to a rear lot line on a particular lot will not result in adverse conditions affecting the abutting lots, the neighborhood or the Village as a whole with respect to for instance, but not necessarily limited to surface water drainage. Further, if the request for the rearyard offset relief is denied, the Planning Commission shall state, in writing, their reasons for denial.

The definition of a “deck” in the Villages Zoning Code is: “a structure characterized by a flat horizontal surface or platform suspended above the grade of the land it covers and which may be supported by posts, beams, cantilevers or by other means. Decks more than six inches above ground at any point shall meet the minimum building setback and offset requirements”.

Recommendation:

The Planner raises no specific concerns or objections to the applicants request as presented.



June 22, 2022

Scott Gosse | Village Administrator
Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072

Subject: Request to Reduce Rear Setback
The Glen at Pewaukee Lake – Select Lots

Dear Mr. Gosse:

We are requesting a wavier modification to the Village's rear setback requirement to allow a reduced set for several select lots as outlined below. We kindly ask for a positive recommendation and approval to do so.

Working through our home and lot offerings at The Glen at Pewaukee Lake we are discovering some challenges related to decks vs. patios as they are not allowed past the current rear setback if the deck is elevated. We request a modification to the rear yard setback for decks on Lots 6-10, 38-41. On this select set of lots the total depths are rather shallow and thus the issue. The space behind these lots about another lot we control or an outlot. At minimum we'd like to extend an additional 10-feet into the rear setback with a deck.

Enclosed is an example to highlight the challenge; on Lot 10 we laid out the Hawthorne which is an 1,888 square foot home with courtyard entry two car garage. The home fits within the setback requirements; however, we are unable to add a deck to rear of this home based on current setback requirements. As we talk with potential buyers, they are asking for these outdoor spaces.

Please place us on the agenda for the July 14th Plan Commission meeting for review and action.

Respectfully,

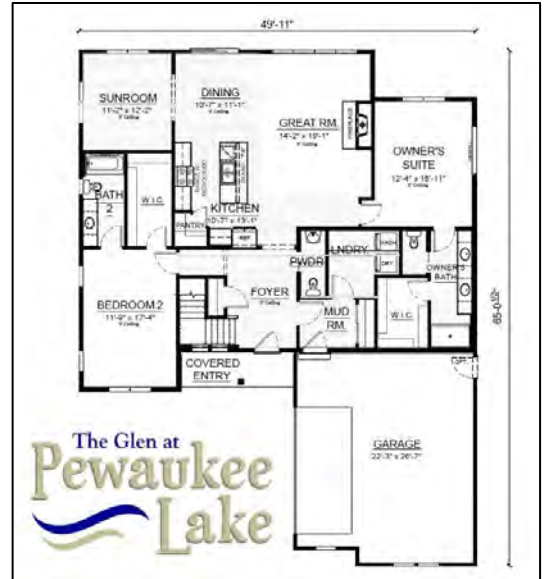
Joe Orendorf
Cornerstone Development
(262) 932-4188

Exhibit A - Requested Lots

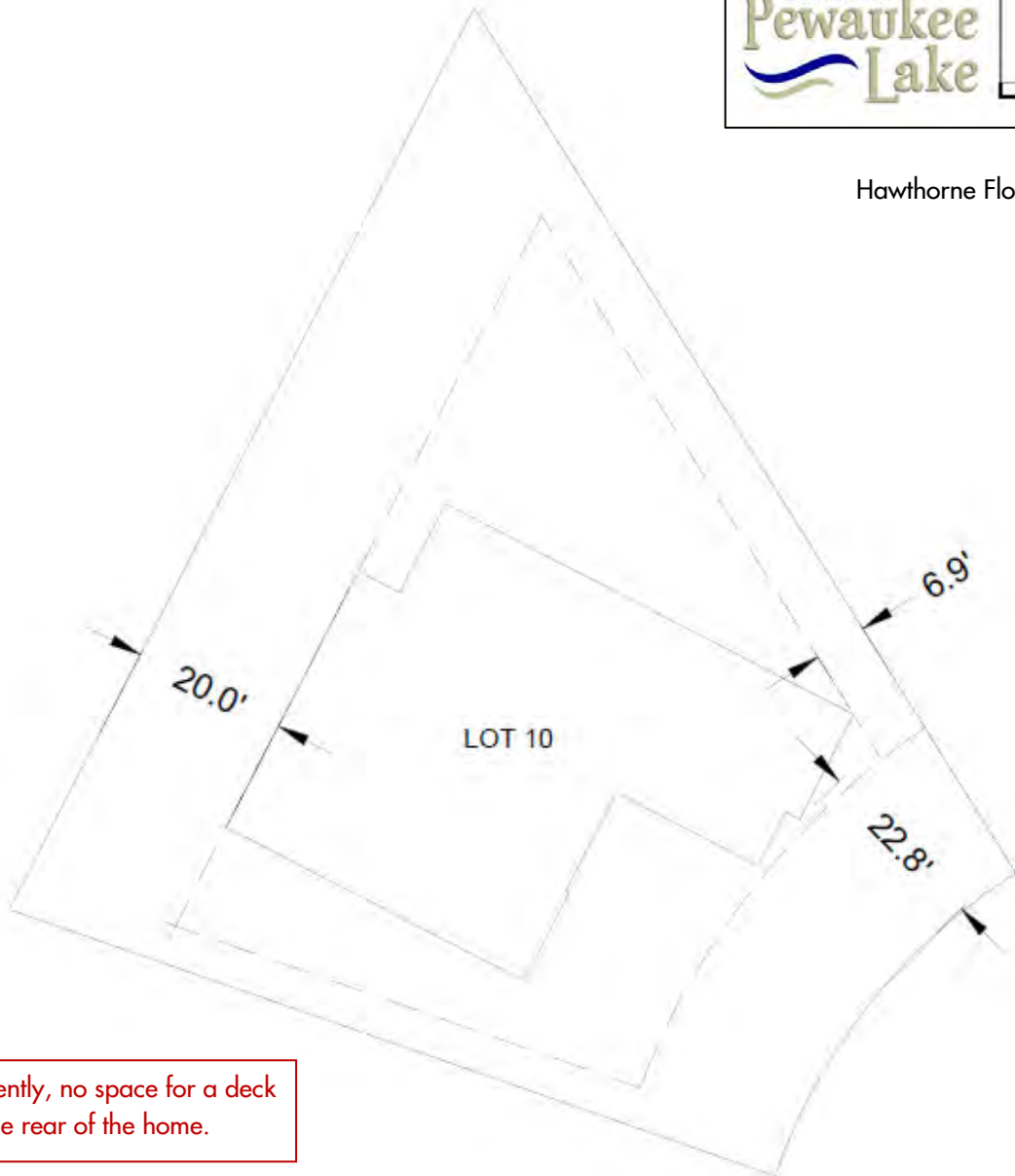
The requested lots are illustrated below. Lots 6-10, 38-41 (highlighted in green) are either open space or an existing lot within The Glen at Pewaukee Lake neighborhood that is controlled by the development team.



Exhibit B - Lot 10 with Hawthorne

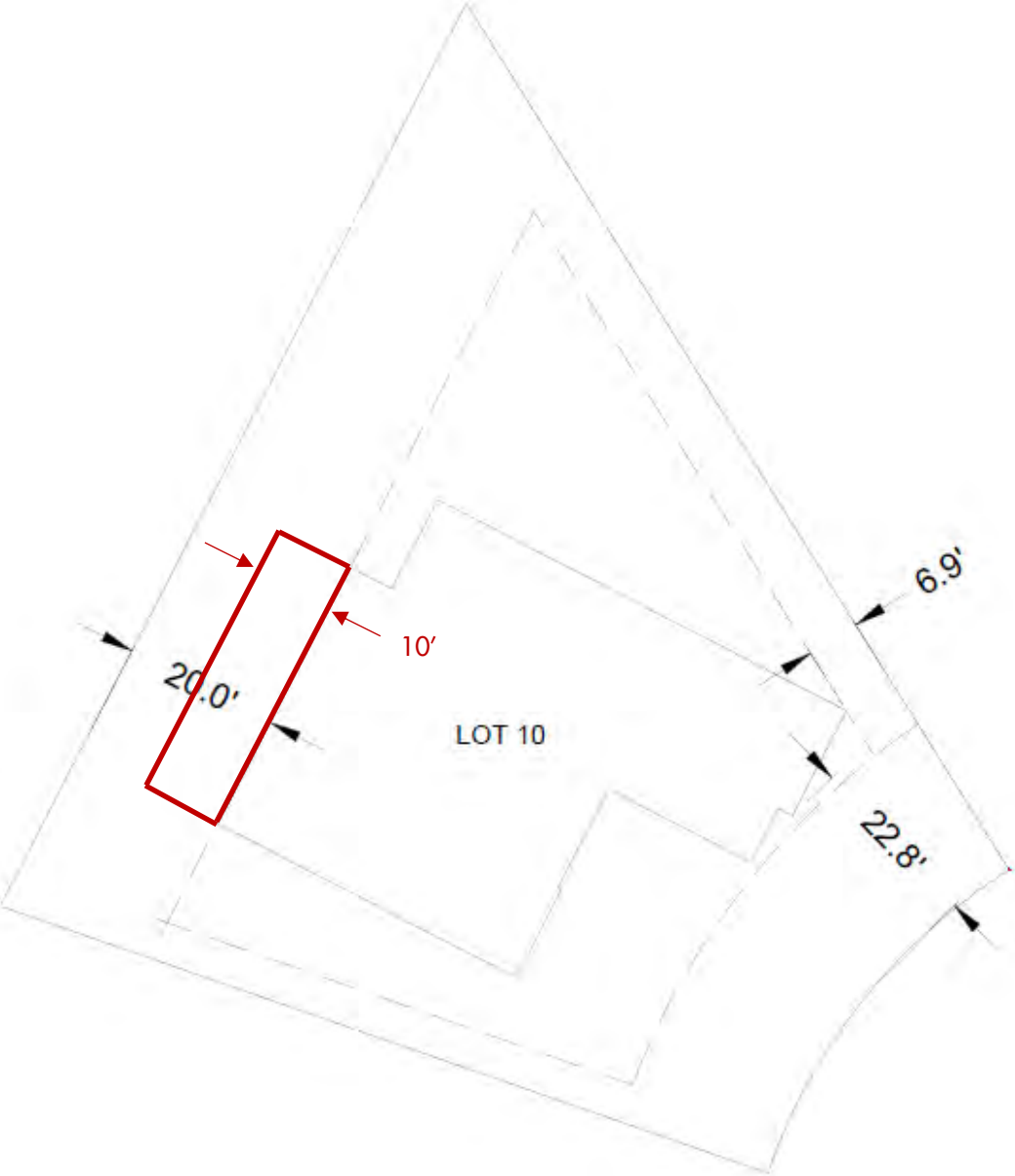


Hawthorne Floor Plan



Currently, no space for a deck off the rear of the home.

Exhibit C - Lot 10 Requested Setback



Requesting space for a deck off the rear of the home.

Glen at Pewaukee Lake Site



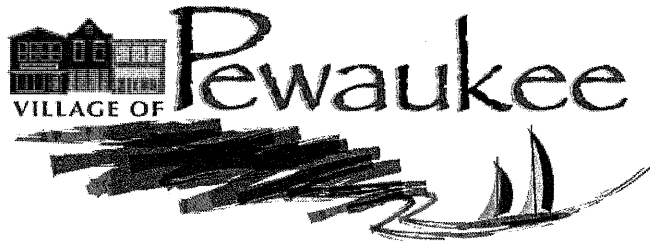
0 210.06 Feet

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Notes:

Printed: 11/4/2021





To: Jeff Knutson, President
Plan Commission

From: Scott A. Gosse
Village Administrator

Date: July 7, 2022

Re: Agenda Item 6d, Discussion Regarding Meeting Etiquette

BACKGROUND

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

ACTION REQUESTED

The action requested of the Plan Commission is to review the information to be discussed by President Knutson.

Fellow board members after last week's meeting I find it necessary to discuss this topic so that there can be a more productive and continuous meeting.

1. The chair runs the meeting.
2. To be recognized by the chair you must raise your hand or asked to be recognized before speaking. If more than one person asks the chair will decide who speaks first.
3. All members will be allowed to speak first before going back for follow up discussion by board members.
4. Board members are asked refrain from talking over making comments or any type of disruption while someone is speaking.
5. The chair will decide when discussion is repetitive or is over and will ask for a motion at that time.
6. To help the clerk get the right names please state who is making the motion and who is seconding the motion.
7. The chair will state the motion and that it was seconded and ask for either a voice vote or a roll call vote.