



PLAN COMMISSION AGENDA

February 8, 2024 – 6:00 pm
Village Hall
235 Hickory Street, Pewaukee, WI 53072

To view the meeting: https://www.youtube.com/live/9nEVczWqIWg?si=qzfy5KbcEo7YJm_y

1. Call to Order, Roll Call, Pledge of Allegiance, & Moment of Silence.
2. Public Hearings:
 - a. Conditional Use Grant request of applicant Llazar Konda, to locate a restaurant use with full bar and outdoor seating in tenant space 1-H of the multi-tenant building located at 161 W. Wisconsin Avenue. This B-2 Downtown Business zoned property is owned by Siepmann Development Company.
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 – January 11, 2024
5. Old Business. – None.
6. New Business.
 - a. Discussion and possible action on Conditional Use Grant request of applicant Llazar Konda, to locate a restaurant use with full bar and outdoor seating in tenant space 1-H of the multi-tenant building located at 161 W. Wisconsin Avenue. This B-2 Downtown Business zoned property is owned by Siepmann Development Company.
 - b. Review, discussion and possible action/recommendation to the Village Board regarding a draft amendment to Chapter 70, Section 70.103, of the Village Code pertaining to Administrative Exceptions for signs.
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: February 2, 2024

**Plan Commission Meeting
January 11, 2024 – 6:00 pm
Village Hall**

235 Hickory Street, Pewaukee, WI 53072

<https://www.youtube.com/live/FYOsgeph5lw?si=kf1PiXj1NmBrBuDQ>

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

President Knutson called the meeting to order at approximately 6:01 p.m.

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

Excused: Comm. Ryan Lange.

Also present: Village Planner, Mary Censky; Village Engineer, Tim Barbeau; Village Attorney, Matt Gralinski; and Village Deputy Clerk, Jenna Peter.

2. Public Hearings –

- a. **Conditional Use Grant request of Russell Kramer, d/b/a Redline Power Sports LLC, to locate his motorcycle, ATV, and snowmobile service principal use, plus motorcycle sales accessory use, at tenant space C of the multi-tenant building located at 395 Forest Grove Drive. This 2.5-acre, B-5 Light Industrial zoned property is owned by 1505 LLC. – No comments.**
- b. **Conditional Use Grant request of property owner BABI LB VENTURE LLC, in c/o Matthew Quest, to locate the Pro 2 Pave asphalt and concrete paving contractors' shop, yard, and office use on approximately the east 2.4-acres of the 4.8-acre, B-5 Light Industrial zoned site located at 462 Hickory Street. – Property owner Matthew Quest introduced himself and said he would be available if the Commission had any questions.**

3. Citizen comments – None.

4. Approval of the Minutes –

Regular Plan Commission Meeting – December 14, 2023.

Comm. Hoff motioned/seconded by Comm. Grabowski to approve the December 14, 2023, Regular Plan Commission Meeting minutes.

Motion carried 5-0.

5. Old Business – None.

6. New Business

- a. **Conditional Use Grant request of Russell Kramer, d/b/a Redline Power Sports LLC, to locate his motorcycle, ATV, and snowmobile service principal use, plus motorcycle sales accessory use, at tenant space C of the multi-tenant building located at 395 Forest Grove Drive. This 2.5-acre, B-5 Light Industrial zoned property is owned by 1505 LLC.**

The applicant stated the business is geared towards service and repairs and no vehicles will be stored or displayed outside of the building after business hours.

Village Planner Recommendations:

- 1) Not more than three motorcycles may be displayed/parked outdoors for sale at any time and only during hours that the business use is open for business.
- 2) No materials, equipment, supplies, or similar may be stored outdoors at this site at any time.
- 3) No vehicles, such as but not necessarily limited to snowmobiles, motorcycles, ATV's, or similar, may be parked outdoors on this site during hours that the business is not open for business.
- 4) No vehicles, snowmobiles, motorcycles, ATV's or similar may be parked/stored on the grass at any time.
- 5) Any substantiated material adverse impacts upon surrounding properties or the Village generally resulting from this use (including, though not necessarily limited, to noise, odor, litter, animal infestation, loitering, glare, public safety, illegal activity,...) shall be the responsibility of the owner/applicant to correct timely upon notice from the Village and failure to do so may result in revocation of this conditional use grant or portions thereof.
- 6) Full execution and recording of the CUG document and related Land Covenant prior to the start of business occupancy at this location.

Comm. Grabowski motioned/ seconded by Comm. Belt to approve the Conditional Use Grant Request as presented with the Planner recommendations.

Motion carried 5-0.

- b. Conditional Use Grant request of property owner BABI LB VENTURE LLC, in c/o Matthew Quest, to locate the Pro 2 Pave asphalt and concrete paving contractors' shop, yard, and office use on approximately the east 2.4-acres of the 4.8-acre, B-5 Light Industrial zoned site located at 462 Hickory Street.**

Planner Censky stated the applicant is requesting approval to locate his Pro 2 Pave asphalt and concrete paving contractor's shop, yard, and office use on approximately the east 2.4-acres of the 4.8-acre site. The proposed use would be in lieu of any other tenant occupying this site meaning the Amazon vans use and Wally's Landscaping would vacate the property. Amazon will be out by the end of the month, however; it had come to Censky's attention that Wally's is not vacating until two months from now, causing overlap with the two businesses. Regarding Planner's recommendations, #6 was inserted for the Commission to give consideration to: *"The property owner shall install 2" wooden cedar posts at 10 feet on-center along the surveyed boundary of the floodway on this site. A ten-foot buffer shall be maintained at all times between the placement of any materials, equipment or supplies on this site and the floodway boundary."*

Village Planner Recommendations:

- 1) Full execution and recording of the CUG and related Land Covenant document prior to the start of occupancy by Pro 2 Pave at this site.
- 2) No parking or storage of any vehicles, equipment or supplies related to the Pro 2 Pave use may be parked or stored at this site prior to the business occupancy.
- 3) No parking or storage of any vehicles, equipment or supplies related to the Pro 2 Pave use may be parked or stored at this site prior to complete vacation of the site (as to use, materials, vehicles, equipment, and supplies) related to any existing tenancies.
- 4) Applicant to comply fully with all local, county, state, and federal regulations pertaining to the storage of any salt product and/or flammable liquids at this site.
- 5) No flammable liquids storage use is depicted as a part of this plan. Any such plans in the future shall be subject to prior review and approval by Village Staff as to the location, equipment, and screening of such use.
- 6) The property owner shall install 2" wooden cedar posts at 10 feet on-center along the surveyed

boundary of the floodway on this site. A ten-foot buffer shall be maintained at all times between the placement of any materials, equipment or supplies on this site and the floodway boundary.

- 7) The yard shall not be used for any other purpose than parking and storage unless outdoor business activity shall first and specifically be included under the conditional use grant approval by the planning commission.
- 8) Materials, equipment, and vehicles, in their parked/stored state, shall not emit any odor or noise discernible from surrounding properties zoned or legally used for residential purposes.
- 9) The yard shall be surrounded entirely by an opaque fence not less than six feet in height and including an operable and opaque gate to conceal the drive entry to the yard when not in use. The required fence height may be increased, at the planning commissions discretion, to not more than ten feet in height, if the character of items proposed to be parked/stored, or the means of storage (i.e. racking for instance) for an abundance of items in the yard is understood to be taller/higher than six feet. The outward facing side of such fencing shall be suitably landscaped, utilizing perennial trees and shrubs at a rate of no less than one tree and one shrub per 20 feet of fence, the location and type of such plantings being subject to the review and approval of the planning commission in order to maximize the aesthetic and screening benefits of such plantings. Deciduous trees shall be at least two inches caliper at chest height at planting, evergreen trees not less than six feet tall at planting and shrubs in ball or container state with no less than one gallon of native soil surrounding the roots at planting.
- 10) The required fencing shall be offset not less than ten feet from side and rear lot lines and not less than 50 feet from the ultimate road right-of-way unless there is an existing principal building situated less than 50 feet from the ultimate road right-of-way in which case the required setback for the fencing shall be the average of such existing building setback and 50 feet. If the accessory outdoor storage yard is located adjacent to property that is zoned or legally used for residential purposes, the fencing offset from the side and rear lot lines shall be increased to 20 feet.
- 11) The entire yard area must be surfaced using either asphalt, concrete, or a thoroughly compacted and dust free gravel base.
- 12) The surfaced yard area may not be included as open space attendant to below.
- 13) The materials, equipment, and supplies being stored outdoors may not have an inordinately high propensity toward flammability or combustibility and all areas of the storage yard shall be organized in such a manner as will allow sufficient access for fire protection/suppression as determined by the village's fire chief.
- 14) No materials, equipment or supplies may be stored in such a manner as would allow for animal infestation or in any other way adversely impact the public health or safety.
- 15) Any substantiated material adverse impacts upon surrounding properties or the Village generally resulting from this use (including, though not necessarily limited, to noise, odor, litter, animal infestation, loitering, glare, public safety, illegal activity,...) shall be the responsibility of the owner/applicant to correct timely upon notice from the Village and failure to do so may result in revocation of this conditional use grant or portions thereof.

Engineer Barbeau stated no site modifications are being proposed except for the inclusion of outdoor salt and stone bins south of the existing building and the possible addition of a fuel tank at the southeast corner of the existing building. Barbeau stated he is not in favor of having a fuel tank on this site because of the potential run off into the river; however, if it is to be allowed by the Plan Commission the owner should propose how they will address potential spills.

Barbeau recommends that the salt storage area be covered with a roof or tarp to minimize any migration of salt to the river.

Discussion followed regarding the odor from the asphalt trucks adversely impacting the neighborhood and the traffic flow of the vehicles going onto and out of the property. The applicant also expressed his concern with needing posts in the middle of the parking lot to mark the floodway due to snow removal.

Trustee Roberts motioned/seconded by Comm. Grabowski to approve the Conditional Use Grant for Pro 2 Pave as presented and subject to Planner and Engineer recommended conditions except with amendments to include in the recommendations that the traffic flow for all business equipment and vehicles (not including auto and light truck daytrip vehicles such as employee, owner, visitor) to and from the property must come and go to the east to/from Forest Grove Rd, include business hours in the CUG document, amend planner conditions item 6 to recommend staff work with the property owner to develop a suitable approach to marking the floodway boundary; excluding any inclusion of any fuel storage at this site until a full plan shall first be submitted to Village Staff for review and approval – such plans to comply fully with all applicable regulations, excluding any inclusion of outdoor salt storage until a full plan shall first be submitted to Village Staff for review and approval – such plans to comply fully with all applicable regulations to avoid potential of run-off into the river, and to allow the two-month overlap (i.e., February and March, 2024) of Pro 2 Pave with Wally’s Landscape.
Motion carried 5-0.

- c. **Review, discussion and consultative feedback to Staff regarding a draft amendment to Chapter 70 of the Village Code pertaining to Administrative Exceptions for oversized signs.**
Censky explained the Plan Commission is frequently presented with requests for Sign Code waivers for oversized and/or over-height signs. This is commonly due to businesses having excessive setbacks from the public way, challenging topography or visual encumbrances. The Commission has requested to allow the Sign Code Administrator to manage some of these requests to waiver through Administrative Exception up to 100% of the size of the sign. Attorney Gralinski had some comments how the language could be improved such as stating if for some reason the applicant is denied by the Sign Code Administrator, they can still come before the Plan Commission with their request. – No action was taken.

7. Citizen Comments – None.

8. Adjournment

Comm. Grabowski motioned/seconded by Comm. Hoff to adjourn the January 11, 2024, Regular Plan Commission meeting at approximately 7:05 p.m.
Motion carried 5-0.

Respectfully submitted,

Jenna Peter
Deputy Clerk

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: February 8, 2024

General Information:

Agenda Item: 6.a.

Applicant/Property Owner:

Llazar Konda, d/b/a Trattoria Il Faro.
Building owner is Siepmann
Development Company.

Requested Action:

Conditional Use Grant approval to
locate a restaurant use with full bar
and outdoor seating area.

Current Zoning:

B-2 Downtown Business District

Current Master Plan Classification:

Community Commercial

Surrounding Zoning/Land Use:

North: B-2 Downtown Business
District

South: B-2 Downtown Business
District

East: Pewaukee River

West: Pewaukee Lake

Lot Size:

N/A

Location:

161 (Unit 1. H.) West Wisconsin
Avenue

Background:

Section 40.265(2) of the Village Code specifically lists “Restaurants and nightclubs (including outside seating)” as a Conditional Use that may be considered for approval in the B-2 Downtown Business District.

The applicant requests such approval for his proposed Trattoria Il Faro restaurant, bar, and outdoor seating use at the above referenced location.

This tenant space shares the use/benefit of an existing off-street parking lot shared among the various tenants in this multi-tenant building. Based on the plans submitted, the Code required number of stalls to support this use would be approximately four stalls (i.e., ~ 1250 gross square feet floor area/300=5; $5 \times 80\%=4$).

Waukesha County GIS Aerial Map View



Google Map Street View



Recommendation:

The Planner does not object to the applicants request as submitted but recommends the following conditions be considered for attachment to any approval the Planning Commission may be inclined to grant:

- 1) Approval is subject to the terms of the attached DRAFT CUG document and related floor plan and seating area exhibit.

Village of Pewaukee Plan Commission
Engineer's Report for February 8, 2024

Llazar Konda Restaurant
161 W. Wisconsin Avenue, Suite 1H

Report

There will be no site modifications; therefore, no grading/drainage plan is necessary. They are proposing to have outdoor seating. I have reviewed the site and note that there is adequate room to place the outdoor seating and allow a 5-foot-wide sidewalk adjacent to the back of curb on W. Wisconsin Avenue. No changes in the sidewalk grade are planned and the drainage from the seating area will drain as it does now into the existing road gutter system. The extent of the outdoor seating will match the outdoor seating located south and adjacent to this property.

Access

No access changes are being proposed.

Sanitary Sewer and Water Main

No changes in the existing sanitary sewer and water are being proposed.

Recommendation

I have no objection to the proposed use or outdoor seating as shown in their proposed layout dated January 15, 2024.

Tim Barbeau, P.E.
Village Consulting Engineer
February 1, 2024

RECEIVED
JAN 15 2024

REV 10-10-23



By: _____

**CONDITIONAL USE APPLICATION—
RESTAURANT/NIGHT CLUB**

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

BUSINESS LOCATION INFORMATION

Property Address: 161 W WISCONSIN AVE 1H Tax Key: PWV 0898954002
Zoning of Property: _____ Property Owner Name: SIEDMANN DEV, COMP
Property Owner Email: INFO@SIEDMANNREALTY.COM Property Owner Phone #: 2626509700

APPLICANT INFORMATION

Restaurant Name: TRATTORIA "IL FARO"
Restaurant Mailing Address: 161 W WISCONSIN AVE 1H, PEWAUKEE, WI 53072
Email: LLAZAR KONDA77@GMAIL.COM Phone #: 262501593

PROVIDE A GENERAL DESCRIPTION OF THE RESTAURANT/NIGHT CLUB BUSINESS PLAN OF OPERATIONS

RESTAURANT, SERVING PIZZA AND SALADS. INCLUDING A FULL SERVICE BAR

FORMS REQUIRED ARE BELOW

- Conditional Use Grant Application
- Professional Services Reimbursement Notice
- Detailed Site Plan drawn to scale

PROPOSED DAYS & HOURS OF OPERATION

7 DAYS, MON - SUNDAY
11AM - 12AM

For Office Use Only: Staff Initials: [Signature] Date/Time Received: 1/15/24 @ 2:30pm
All forms are completed? yes Digital copy sent/attached? emailed

INDOOR SEATING AREA Please indicate total square footage, tables and seats.

586 sq. ft.

TOTAL WINDOW SEATING = 775 (25' x 31')
- 189 BAR
= 586 sq. ft.

BAR AREA SIZE Please indicate total square footage, tables and seats.

189 sq. ft. (21 x 9')

OUTDOOR SEATING AREA Please indicate total square footage, tables and seats.

234 sq. ft. (24 x 9')

DRIVE UP OR WALK UP WINDOW YES NO Explain below:

N/A

ADDITIONAL QUESTIONS

Carry-out sales: _____% of total sales

Alcohol sales: _____% of total sales

Employment: 5 total employees 5 full-time 0 part-time

Number of employees on the largest shift: 3

Time of day with largest shift: breakfast lunch dinner after 7pm

MENU DESCRIPTION

PROPOSED ENTERTAINMENT YES NO Explain below:

GUITAR, ONE SINGLE PERSON,
ACOUSTIC ONLY.



CONDITIONAL USE GRANT APPLICATION FORM

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

PROPERTY / PROPERTY OWNER INFORMATION

Property Address: 161 W WISCONSIN AVE 1H Tax Key: PWV 0898954002
Property Owner Name: SIERMANN DEV, COMP, Zoning of Property: _____

APPLICANT INFORMATION

Applicant Name: LLAZAR KONDA Applicant Phone #: 2625011593
Applicant Address: 800 RIDGWAY DR Applicant Email: LLAZAR KONDA@770
PEWAUKEE, WI GMAIL.COM
Applicant Email: _____

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

Business Name, if applicable: TBD / TRATTORIA 'IL FARO.'
FEIN, if applicable: 87-1966946.
Description of Proposed Use (Restaurant/Retail/Office) SERVING PIZZA AND
SALADS -

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. **11 paper copies are only required for documents larger than ledger size (11" X 17").**
- 2. One digital copy of the submittal, including plans/drawings/applicable attachments. (Jump drive)
- 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: _____



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

APPLICATION PROCESS FOR CONDITIONAL USE GRANT REQUESTS

Step 1: Read through [Article V](#) of the Village's Development Code regarding the Conditional Use Grant process and regulations.

Step 2: Submit a fully completed application form (see below) along with a digital copy of all attachments you wish to have considered by the Plan Commission as part of your application.

- **11 Paper Copies are only required for documents larger than ledger size (11" x 17").**
Any documents larger than 11"x17" are required to be printed on paper (11 copies), folded down to 8.5" x 11" size, and submitted with your original application. The Village will not print your submission. It is your responsibility to ensure the Plan Commission can adequately review your plans.
- Incomplete applications and applications submitted without the required documents and/or payment will not be accepted or processed.

Applications must be submitted to Village Hall by 10:00 a.m. **three weeks + 1 day (22 days) prior** to the scheduled Plan Commission meeting (subject to change based on holiday schedules). Plan Commission meetings are held on the second Thursday of each month at 6:00 p.m. at Village Hall. The three-week + 1 day (22 days) submittal requirement allows the Village time to review the application, obtain additional information from you, and set up the required public hearing. All property owners within 300' of the subject property will be sent a notice of the public hearing.

Step 3: Pay a \$190 application fee. The fee is collected to offset the cost of publishing required legal notices in the local newspaper and the cost of sending required mailings to neighboring property owners.

Step 4: Complete and return the Reimbursement Agreement.

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 property that corresponds to the incurred services.

Step 5: If your conditional use request is approved, a document will be prepared that contains the approval conditions. That document is required to be signed by the applicant, the property owner, and the Village. It will then be recorded in the Waukesha County Register of Deeds office. The cost for recording will be billed to the applicant.

Please note: Multiple Plan Commission meetings are sometimes required prior to final project approval.

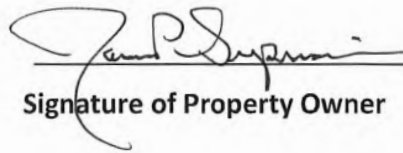
Provide detailed information with your application that addresses the following:

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.

SIEPMANN DEVELOPMENT CO.

BY: JAMES P. SIEPMANN

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.

LAZAR KONDA

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

DETAILED ARCHITECTURAL PLAN

architectural scale	dimensioned building façade sign
all building views/elevations w/scale	exterior utility boxes
detailed materials specifications	
building height dimension	exposed HVAC equipment
general floor plan with dimensions	dumpster/recycling area location and screening
exterior building materials and colors	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

Proposed Layout as of Jan 15, 2024



Floor to Finished Ceiling = 10.5'

Finished Ceiling to Bottom of Railing = 16"
 " 2nd Floor = 36"



PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT

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

PROPERTY INFORMATION

Property Address: 161 W WISCONSIN AVE 1H Tax Key: PWV 0898954002
 Property Owner's Name: SIEPMANN, DEV, COMP Phone Number: _____

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

Business Name: TRATTORIA IL FARO FEIN: 87-1966946
 Person Responsible for Payment / Business Contact Name: LLAZAR KONDA
 Mailing Address: 161 W WISCONSIN AVE, 1H, PEWAUKEE WI,
 Responsible Party / Contact Phone Number: 2625011593
 Responsible Party / Contact Email Address: LLAZAR.KONDA777@GMAIL.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: SIEPMANN DEV. CO.
BY: JAMES P. SIEPMANN Date: 1-15-24

Applicant Signature: Printed Name: LLAZAR KONDA Date: 1/15/2024

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

CONDITIONAL USE GRANT

To permit the use “restaurant/ tavern (i.e. Trattoria Il Faro) including both indoor and outdoor seating and consumption space”.

Before the Planning Commission of the Village of Pewaukee, Waukesha County, Wisconsin, in regard To Premises located at **161 W. Wisconsin Avenue-Suite 1-H** in The Village of Pewaukee, Waukesha County, State of Wisconsin, and further defined as follows:

PWV 0898954002

PARCEL 2 CERT SURV 9251 VOL 83/356 PT NW1/4 SEC 9 T7N R19E DOC# 2697282

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 “restaurant/ tavern use (i.e. Trattoria Il Faro) including both indoor and outdoor seating and consumption space.”

GRANTED by action of the Planning Commission of The Village of Pewaukee this 8th day of February, 2024.

Village Planning Commission Secretary
Cassandra Smith

Planning Commission Chairperson
Jeffrey Knutson

Original filed at the Pewaukee Village Hall.

The **CONDITIONS** of this Grant are:

- a. This grant shall become effective upon the execution and recording by the owners of the Premises of an acceptance hereof in such form as to constitute an effective covenant that shall run with the land subject to the provisions contained herein.
- b. This grant shall be void unless, pursuant to the building and Zoning Codes of the Village, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of the Planning Commission approval noted above.
- c. This grant is subject to amendment and termination in accordance with the provision of the Zoning Code of the Village.
- d. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and exhibited hereto.
- e. Any of the conditions of this Grant which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
- f. This Grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
- g. Failure to allow reasonable and routine inspections of the property constitutes grounds for revocation of the Conditional Use Grant.
- h. Conditions on the Operations:**
 1. Hours of operation (indoors and out) shall be limited to Monday thru Thursday 10:30am - 11:00 pm, Friday & Saturday 10:30 am – 12:00 am and Summer Sundays from 10:00 am - 10:00 pm. (vs 11 a.m. to 12 a.m. daily, seven days per week as requested by Applicant).
 2. This use is approved for up to 39 total seats indoors (i.e. 28 restaurant seats and 11 at the bar) and up to 20 guest seats outdoors (See approved floor/seating plans attached as Exhibit "A" which is made a part hereof by reference).
 3. Any music offered in the outdoor area (i.e. up to 5 times per month the use may include a 1-person acoustic guitar performer in the outdoor seating area) (vs unlimited times and frequency as requested by Applicant) shall not be permitted to cause a nuisance upon surrounding properties or the area in general and all music offered in the outdoor area shall be turned off by 9 p.m. Monday thru Thursday, by 10 p.m. Friday and Saturday, and by 7 pm on Sundays.
 4. This site/use shall, at all times, maintain full compliance with all requirements for handicapped accessibility into the building/tenant space as well as the outdoor seating area.
 5. The outdoor seating area shall be placed in such a way as will ensure that no less than 5 feet of clear passage remains clear, open, and available on the public sidewalk throughout the frontage of this use.
 6. Detailed plans for the proposed outdoor furnishings (including for instance but not necessarily limited to tables, chairs, umbrellas, heaters, lighting, trash cans, ...) shall be submitted for Village Staff review and approval prior to placing any of these things at the site. All furnishings and accessories shall be complimentary to the principal building and of sufficiently stable design/construction as not to pose a threat of being blown around/away. Placement of the outdoor seating area appurtenances in front of/adjacent to this tenant space shall not encroach upon the public way unless a permit/approval shall first be granted by the Village Board to use a portion of the public sidewalk.

7. Applicant shall secure the necessary licensure for alcohol sales, service and consumption on the premises understanding that the only physical areas considered/approved for this use are as depicted – reference Exhibit “A” attached hereto and made a part hereof by reference.
- i. Conditions on the Structures:** *(All boxes should be checked as complete by Village Staff prior to releasing the CUG document for signatures and recording.)*
1. The existing structure shall remain “per existing conditions” in all respects.
 2. Neither outdoor sales transactions and /or food or beverage preparation are permitted as a part of this grant.
- j. Conditions on the Site:**
1. The existing site shall remain “per existing conditions” in all respects.
 2. No new outdoor lighting and/or amplified audio system was proposed or approved as a part of this grant.
 3. No exterior site modifications are approved as a part of this conditional use grant.
 4. No outdoor storage of any equipment or supplies (except the approved furnishings ref Condition h.6. above) is permitted on this site.
 5. This tenant/use shares use of an existing and properly screened dumpster at this site and requires/is permitted no new dumpster or other trash receptacle storage outdoors on this site without prior approval of Village Staff and in accordance with the Village Code.
- k. Other:**
1. Recording of the Conditional Use Grant prior to the start of any interior or exterior remodeling or construction activity attendant to this project;
 2. Applicant to secure all necessary building permits prior to the start of any interior or exterior construction or remodeling activity attendant to this project;
 3. Any substantiated, material, adverse impacts arising with respect to such things as, (but not necessarily limited to) noise, odor, smoke, light, vibration, litter, loitering, glare, health, public safety, and similar... arising as result of this use/operation shall be the responsibility of the property owner and/or business operator to correct timely upon notice from the Village and failure to correct any such problem in a timely manner may result in action to initiate partial or complete revocation or modification of this grant to the extent permitted in accordance with Section 40.154(e) of the Land Development Code.
 4. Any exterior signage the applicant may wish to place at this site shall be subject to prior review and approval by Village Staff and shall also be subject to issuance of the required sign permit(s) prior to placement of any exterior signs attendant to this tenant occupancy.

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: February 8, 2024

General Information:

Agenda Item: **6.b.**

Applicant:

N/A

Status of Applicant:

Village initiated item

Requested Action:

Review, discussion, and possible action/recommendation to the Village Board to amend Section 70.103 of the Village Code regarding Administrative Exceptions to Sign Number, Area, Height, and/or Location.

Background:

The Planning Commission is frequently presented with requests for Sign Code waiver as to oversized and/or over-height signs. Commonly, these requests arise because certain business sites/buildings in the Village are disadvantaged as to visibility – usually having to do with topography, visual encumbrances, or excessive setback from the public way. In some cases, the requests arise due to the sign design itself containing a great deal of ‘white space’ within the bounded configuration of the display. Another example is the situation where the signable area of a façade is so large/broad, that a compliant sized sign may appear out of architectural scale to the building wall itself.

The Commission has requested Staff to consider a way to allow the Sign Code Administrator to manage some of these requests for waiver through Administrative Exception. The Planning Commission did review and discuss this topic, in concept, at their meeting of January 11, 2024. Draft language to this effect is provided below for review, discussion, and feedback from the Commission:

Sec. 70.103. - Appeals.

The Planning Commission may, in its judgment, waive or modify the provisions of this chapter where it would further the public interest and uphold the purpose of this chapter as put forth in section 70.100. Such waiver or modification may be based on, among other things, site-specific hardships such as topographic or architectural aberrations, traffic safety, accessibility and visual encumbrances or limitations.

Note— The Board of Zoning Appeals shall not have authority or jurisdiction over the provisions of the Sign Code.

70.103 B. – Administrative Exceptions.

The Sign Code Administrator (SCA) may, in his/her judgement, waive or modify the provisions of this chapter as to over-area and/or over-height signs as follows:

- (1) To the extent an applicant for Sign Permit requests a sign(s) that is not compliant with the permitted area or height standards for signs as set forth in this Chapter 70; and
- (2) To the extent the applicant presents in writing (and/or by similar supporting documentation) with such Permit application, a clear and convincing case that there are visibility disadvantages, typically having to do with, for instance but not necessarily limited to, topography, visual encumbrances, excessive setback from the public way, and similar, or that the architectural scale of a proposed wall sign is substantially more consistent with the scale of a particular façade or portion of a façade than a Code compliant sign area would be, and
- (3) To the extent it is determined that the requested Administrative Exception would mitigate this disadvantage, then
- (4) The SCA may consider and approve an Administrative Exception as to the area or height of any proposed sign as follows:
 - a. Such Administrative Exception shall not exceed a 100% increase in the sign area or height of signs.
- (5) The SCA shall take care to document and affix to the related Sign Permit, a statement summarizing the basis on which any Administrative Exception has been granted or denied; and
- (6) In the event a request for Special Exception is not granted by the SCA, the Sign Permit applicant retains the right to pursue a Sign Code waiver or modification at the Planning Commission level, reference Section 70.103 above.