



PLAN COMMISSION AGENDA

September 14, 2023 – 6:00 pm
Village Hall
235 Hickory Street, Pewaukee, WI 53072

To view the meeting: https://www.youtube.com/live/5bdTtNNA_GU?feature=share

1. Call to Order, Roll Call, Pledge of Allegiance, & Moment of Silence.
2. Public Hearings:
 - a. On the Conditional Use Grant Request of Cansas Steidl, d/b/a Myxn Bar LLC, to include tavern use throughout her custom personal scent mixing, and specialty retail boutique use located at 145 W. Wisconsin Ave – Unit 3. This property is zoned B-2 Downtown Business District. The property owner is Joseph Grasz Development LLC.
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 – July 13, 2023
 - b. Regular Plan Commission Meeting – August 10, 2023
5. Old Business. – None.
6. New Business.
 - a. Review, discussion, and possible action on the Conditional Use Grant request of Cansas Steidl, d/b/a Myxn Bar LLC, to include tavern use throughout her custom personal scent mixing, and specialty retail boutique use located at 145 W. Wisconsin Ave – Unit 3. This property is zoned B-2 Downtown Business District. The property owner is Joseph Grasz Development LLC.
 - b. Review, discussion, and consultative feedback to applicant Matthew Backhaus, d/b/a StreetWorks Exotics, regarding plans to construct a 4,500 sq. ft. addition to their existing automobile service use building located at 600 Hickory Street. This 1.88-acre, B-5 Light Industrial zoned property is owned by Road Runner Venture LLC.
 - c. Review, discussion, and consultative feedback to applicant Richard Yezzi, d/b/a Alltrux Holdings, LLC, about adding a conditional use opportunity in the B-5 Light Industrial District for medium and heavy-duty trucks sales. The applicants existing automotive service use/facility is located at 1291 Hickory Street. This 3.27-acre site is owned by Zimmermann & Schwartz Real Estate LLC.
 - d. Review, discussion, and consultative feedback to applicants/property owners, Jeff and

Brenda Wistl, on their conceptual plans to remodel/refinish the exterior of an existing detached accessory building on their .2-acre, B-2 Downtown Business zoned property located at 521 Oakton Avenue.

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: September 8, 2023

PLAN COMMISSION MINUTES

July 13, 2023 – 6:00 pm

Village Hall

235 Hickory Street, Pewaukee, WI 53072

<https://www.youtube.com/live/7Ql0pg-1svc?feature=share>

DRAFT-DRAFT-DRAFT-DRAFT-DRAFT

1. Call to Order and Roll Call

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

Plan Commission members present: Comm. Theresa Hoff, Comm. Cheryl Mantz, Comm. Brian Belt, and President Jeff Knutson.

Comm. Lange and Trustee Roberts were excused.

Comm. Grabowski – Absent.

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

2. Public Hearings

a. On the Conditional Use Grant Request of Cansas Steidl, d/b/a Myxn Bar LLC, to have a small tavern space set aside within the footprint of her proposed specialty retail and custom scent mixing business tenant space located at 145 W. Wisconsin Ave. This property is zoned B-2 Downtown Business District. The property owner is Joseph Grasch Development LLC. – no comments.

3. Citizen Comments

Pamela Beltz – Presbyterian Homes – Wanted to let the Commission know she was there for discussion on item 6f.

4. a. Approval of the Minutes – Regular Plan Commission Meeting – June 8, 2023.

Comm. Mantz motioned, seconded by Comm. Hoff, to approve the June 8, 2023, Regular Plan Commission Meeting minutes as presented.

Motion carried 4-0.

The items below were not presented in order.

5. Old Business - none.

6. New Business

a. Review, discussion, and possible recommendation to the Village Board regarding an ordinance to amend Section 40.471 of the Village Code regarding the regulation of transient commercial lodging uses in residential districts. Village initiated item.

Village Attorney Gralinski explained to the Commission some of the language needs to be cleaned up. Amendments include an expansion of the definition of transient commercial lodging uses to include any residential use including “legally nonconforming, conditional uses, mixed uses or as authorized as part of a Planned Unit Development Ordinance”, whether or not the uses are located in a residentially zoned district.

Comm. Belt motioned, seconded by Comm. Mantz to approve the recommendations to the Village Board as written.

Motioned carried 4-0.

b. Review, discussion, and consultative feedback to applicant Matthew Backhaus, d/b/a Streetworks, on his request for the Village to introduce a means through which he could gain a 'conditional approval' that would allow Backhaus/Streetworks to hold his Motor Vehicle Dealer License based at a B-5 Light Industrial zoned site (i.e., 600 Hickory Street). The applicant represents that there would be no outside display area for vehicles available for sale. This property is owned by Road Runner Venture LLC in c/o Matthew Backhaus.

Gralinski disclosed to the Commission the applicant is a client of his but has had no communication with them on this agenda item and does not believe there is a conflict of interest.

Planner Censky explained the applicant currently holds a Wisconsin Motor Vehicle Dealers License using his business address in Waukesha. His principal place of business moved to the Village of Pewaukee back in early/mid 2022. Richard, representing Streetworks stated there are approximately 30 vehicles in the building currently, 95% of the cars are owned by private citizens. They don't currently have any cars for sale, the business is mostly luxury car refurbishing.

Belt asked if there could be language included that vehicles can only be displayed outside during normal business hours.

Censky stated this was all good information to start a language draft to take to the Village Board.

c. Review, discussion, and possible action/recommendation to the Village Board to release an existing Pedestrian Easement in effect at 321 Riverside Drive. The applicant/property owner is Riverside 321 Partners LLC in c/o Christian Hlavinka.

Censky stated the developer's engineer turned up an easement that was previously recorded on that property for pedestrian or park access. It cuts through the middle lots within the approved new subdivision plat for this area. The easement needs to be vacated by the Village.

Comm. Belt motioned, seconded by Comm. Hoff to approve the recommendation to the Village Board to vacate the easement.

Motion carried 4-0.

d. Review, discussion, and possible action/recommendation to the Village Board to approve the Final Plat of Riverside Preserve – a 36-lot (+4 outlots), single-family residential subdivision. This 13-acre site, located at 321 Riverside Drive, is zoned R-5 Single-Family Residential with Residential Infill Redevelopment Overlay (RIRO). The property owner/applicant is Riverside 321 Partners LLC in c/o Christian Hlavinka.

Censky stated the final plat is consistent with the preliminary plat approved by the Village back in May 2021.

Village Planner Recommendations:

- 1) Applicant to comply fully with any/all requirements as set forth by the Wis DOA in their review of this plat;
- 2) Applicant to comply fully with any/all requirements as set forth by the Waukesha County in their review of this plat;
- 3) Applicant to comply fully with any/all requirements as set forth by the Villages Consulting Engineer and/or Director of Public Works in their review of this plat;
- 4) Applicant to fulfill all obligations of the Development Agreement associated with this plat, which obligations may be pre-requisites to the final plat approval, and/or to placement of Village signatures onto and recording of the final plat.

Village Engineer's Recommendations:

1. The first line of the land description under the subdivision name should begin with "A replat of Lots 9 through 14...." (both sheets).
2. Signatures are required prior to recording the plat
3. The plat should indicate 100-year elevations for the floodplain
4. The plat notes a "30' wide water main easement" between Lots 19 and 20. The Village will require a separate easement document to be recorded with the final plat that includes detailed easement rights and restrictions.
5. The reference to drainage easements in Note 7 should not include that they are granted to the Village of Pewaukee. Although the easements are required for drainage purposes and have restrictions noted on the plat, the Village should not be responsible for the maintenance of them.
6. A note should be added stating that snow storage from the public roads shall be allowed in Outlot 1; however, the Homeowners Association shall maintain that Outlot.
7. A note shall be added that states that winter snowplow operations may result in snow being plowed into driveways and onto front lawns of homes, especially in the cul-de-sacs.
8. A Stormwater Maintenance Agreement shall be provided for approval by the Town Board prior to execution of the final plat.

Comm. Hoff stated that DNR property abuts the subdivision and people hunt on that land. Could that be stated somewhere on the paperwork?

Comm. Hoff motioned, seconded by Comm. Belt to approve the recommendation to the Village Board with the Village Planner and Engineer's recommendations and adding a notation there is hunting allowed on the abutting DNR land.

Motion carried 4-0.

e. Review, discussion, and possible action on the Conditional Use Grant Request of Cansas Steidl, d/b/a Myxn Bar LLC, to have a small tavern space set aside within the footprint of her proposed specialty retail and custom scent mixing business tenant space located at 145 W. Wisconsin Ave. This property is zoned B-2 Downtown Business District. The property owner is Joseph Grasc Development LLC.

Censky explained 176 sq. ft. of the tenant floor space will be set aside with a bar and stools for the "tavern" area. The space is proposed to be cordoned-off from the general retail area and the scent mixing bar by a nautical rope strung from 4-foot tall stanchions. Access to the alcohol bar area is through a single opening in the rope. No direct access to the alcohol bar area is available without first entering the main tenant space (i.e., there is no exterior door leading directly into/out of the alcohol bar area). The proposed hours of operation are 10 a.m. to midnight daily. Parking to support this, and similar uses of the nonresidential spaces in this building, was preplanned into the original Beachscape project approval.

Village Planner Recommendations:

- 1) Applicant acknowledges and accepts that no open alcohol may be served, carried, or consumed within this Myxn Bar tenant space except within the 176 sq.ft. cordoned of area as depicted in the support materials provided by the applicant in support of this request.
- 2) Applicant to submit, for Village Staff review and approval prior to final collation of Exhibit A to the Conditional Use Grant, a revised plan for cordoning off the alcohol bar area using a more substantial barrier than rope hung from stanchions(i.e., such as 4-foot tall rigid railings permanently fastened into the floor, for example).
- 3) Applicant to secure all necessary sign, building and/or electrical permits prior to the start of any construction or installation in support of the proposed Myxn Bar use at this site.

4) Full execution and recording of the Conditional Use Grant prior to the alcohol bar space within this business space being used to conduct sales, service, or consumption of alcohol.

Discussion followed regarding concerns about people walking outside of the cordoned-off area with their drinks and confusion on how that can be enforced.

Comm. Mantz motioned, seconded by Comm. Hoff to defer this agenda item.

Motioned carried 4-0.

f. Review, discussion, and possible action/recommendation to the Village Board, on the request of Senior Housing Partners, in c/o Anne O'Connor as Development Manager for Senior Housing Partners & Owner's Rep. for Kirkland Crossing, LLC, to modify Section 40.400.1. of the Village Code, increasing the percentage of units that may be used for senior independent living within a project developed under the Elderly Housing Overlay (EHO) zoning district.

Censky reviewed the agenda item with the Commission.

Village Planner Recommendation:

If the Planning Commission should determine that a 75% maximum threshold for independent living units is acceptable, the Planner recommends the following language option be considered:

40.400.1.(1) Development projects which include housing for the elderly:

- a. Independent living units shall be permitted ~~only as a subordinate use~~ within a development project that also includes assisted living and/or nursing home units and in that case, the number of independent living units shall not exceed ~~50~~ 75 percent of the combined total number of units in the development.

Comm. Mantz motioned, seconded by Comm. Hoff to approve the recommendation to the Village Board with the Planner's recommendation that "only as a subordinate use" is struck and 50% is replace with 75%.

Motion carried 4-0.

7. **Citizen Comments** – none.

8. **Adjournment**

Comm. Mantz motioned, seconded by Comm. Hoff to adjourn the July 13, 2023, Regular Plan Commission meeting at approximately 7:50 p.m.

Motion carried 4-0.

Respectfully submitted,

Jenna Peter
Deputy Village Clerk/Treasurer

PLAN COMMISSION MINUTES

August 10, 2023 – 6:00 pm

Village Hall

235 Hickory Street, Pewaukee, WI 53072

<https://www.youtube.com/live/EVdeo4HDge0?feature=share>

DRAFT-DRAFT-DRAFT-DRAFT-DRAFT

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

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

Plan Commission members present: Comm. Mark Grabowski, Comm. Theresa Hoff, Comm. Cheryl Mantz, Comm. Ryan Lange, Comm. Brian Belt, Trustee Craig Roberts and President Jeff Knutson. Also present: Village Planner, Mary Censky; Village Engineer, Tim Barbeau; Village Attorney, Matt Gralinski; Village Administrator, Scott Gosse; and Village Deputy Clerk/Treasurer Jenna Peter.

2. Public Hearings –

a. On the Conditional Use Grant Request of Pewaukee Parks & Recreation Dept. (in c/o Nick Phalin, Director) request to install a “Fitness Court” feature on ~1,600 sq. ft. of space within existing Peffer Park located at 330 Main Street. This .95-acre, P-1 Park and Recreation zoned parcel, is owned by the Village of Pewaukee. – Administrator Gosse read a letter to the Commission explaining that this project is no longer eligible for a grant. Without the funding, the Pewaukee Parks & Recreation Department requested to have the Conditional Use Grant withdrawn.
No public hearing took place on this agenda item.

3. Citizen Comments –

Paul Evert @ 327 Lookout Dr.- Mr. Evert was concerned as to why the funding for the Peffer Park project was approved at a Village Board meeting before it came to the Plan Commission. He is against the equipment going in and said there was no suggested maintenance plan of the equipment after it would have been installed.

John Covert @ 513 Main St. – Mr. Covert stated he is happy the exercise equipment is not going through. He is concerned with the traffic on Main Street and people not obeying the speed limit.

Charlie Merkel @ 305 Main St. – Mr. Merkel stated he didn’t want this agenda item potentially coming back. He sees a lot of free fitness equipment in parks go to waste from no use. He believes the grant money would be better used towards Village Park. He feels the homeowners were notified of this agenda item at the last second.

Nancy Roncke @ 261 Main St. – Ms. Roncke also expressed her concern that the funding for this project was approved before coming to the Plan Commission. In the future she would urge multiple bids for projects. Ms. Roncke reached out to other companies for quotes on the same project and both came in significantly lower than the original bid. She then referenced a letter put together with Sara Laimon.

4. a. Approval of the Minutes – Regular Plan Commission Meeting – June 8, 2023.

Comm. Hoff motioned/seconded by Comm. Mantz to approve the Jun 8, 2023 Regular Plan Commission minutes as presented.

Motion carried 4-0.

Comm. Lange, Comm. Grabowski and Trustee Roberts Abstain.

5. **Old Business - none.**

6. **New Business**

a. **Review, discussion, and possible action on the Conditional Use Grant request of Pewaukee Parks & Recreation Dept. (in c/o Nick Phalin, Director) to install a “Fitness Court” feature on ~1,600 sq. ft. of space within existing Peffer Park located at 330 Main Street. This .95-acre, P-1 Park and Recreation zoned parcel, is owned by the Village of Pewaukee. – agenda item withdrawn.**

b. **Review, discussion, and possible recommendation to the Village Board to add a new conditional use, ‘Regular Automobile’, ‘Light Truck’, and ‘Motorcycle’ sales/display use [not to exceed one (1) outdoor vehicle display space and/or up to three (3) indoor vehicle display spaces], as a subordinate and accessory use in support of an approved principal conditional use “Automobile service facility” in the B-5 Light Industrial zoning district.**

Planner Censky explained the Village Code does not presently provide for vehicle sales/display as a use or site plan element in any zoning district. Discussion followed regarding the definition of “light truck”.

Comm. Grabowski motioned/seconded by Comm. Hoff to approve the changes to the ordinance as written by the Village Planner, removing the weight wording, adding outside display only during business hours, and changing not to exceed up to “three” outdoor vehicle display spaces. Motion carried 7-0.

c. **Review, discussion, and possible recommendation to the Village Board to repeal and recreate Division 22. of the Village Code – “Floodplain Zoning Ordinance” in accordance with the requirements of the Federal Emergency Management Association (FEMA) and the Wisconsin Department of Natural Resources (WDNR).**

Engineer Barbeau presented the Floodplain Ordinance Update report. He stated the Village received a Letter of Final Determination from FEMA which requires communities to update their floodplain ordinance. The Wisconsin DNR provided a model ordinance which Barbeau edited to be Village specific. Barbeau highlighted the summary of modifications made to the ordinance. He also suggested implementing Wisconsin Act 175 which means there is not a 50% cap on the value of improvements to legal nonconforming properties in the floodway.

Comm. Mantz motioned/seconded by Comm. Grabowski to recommend to the Village Board the Flood Plain Ordinance including Act 175. Motion carried 7-0.

7. **Citizen Comments –**

Paul Evert @ 327 Lookout Dr. – Mr. Evert stated approved Conditional Use Grants need to be kept up on to make sure all the conditions placed are being followed.

8. **Adjournment**

Comm. Lange motioned, seconded by Comm. Hoff to adjourn the August 10, 2023, Regular Plan Commission meeting at approximately 7:30 p.m. Motion carried 7-0.

Respectfully submitted,

Jenna Peter
Deputy Village Clerk/Treasurer

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: September 14, 2023

General Information:

Agenda Item: 6.a.

Applicant:

Cansas Steidl, d/b/a Myxn Bar LLC

Property Owner:

Joe Grasc Development LLC

Requested Action:

Conditional Use Grant approval to include tavern use throughout her existing custom personal scent mixing, and specialty retail boutique use.

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: B-2 Downtown Business District

West: Part R-M Multi-Family Residential use & zoning/Part Pewaukee Lake

Lot Size:

1.34 acres

Location:

145 W. Wisconsin Ave.-Unit #3

Discussion:

The applicant has already opened her specialty retail boutique and custom scent mixing business use in this tenant space. She would now like to include tavern use within and concurrent with the boutique and scent mixing use of this business space.

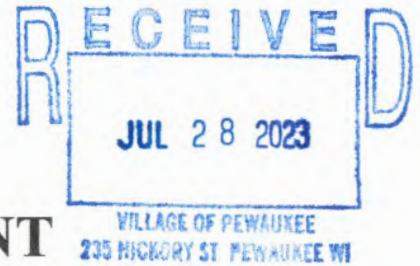
The proposed hours of operation are 10 a.m. to midnight daily.

Parking to support this, and similar uses of the nonresidential spaces in this building, was preplanned into the original Beachscape project approval.

Recommendation:

If the Planning Commission is inclined toward an approval of Conditional Use Grant in this case, the Planner recommends the following conditions be considered for attachment thereto:

- 1) Full execution and recording of the Conditional Use Grant prior to the start of alcohol sales, service, or consumption in this space.
- 2) Prior to the start of alcohol sales, service, or consumption in this space, the applicant shall secure, and at all times going forward, maintain, the necessary liquor/alcohol licensure needed to operate this tavern use in this space.
- 3) Full compliance with the terms and conditions of the Conditional Use Grant (see DRAFT copy attached).



CONDITIONAL USE GRANT APPLICATION FORM

Complete all items entirely:

| | |
|--|--|
| Property Address: | 145 W. Wisconsin Ave Unit #3 |
| Property Tax Key: | PWV |
| Zoning of Property: | Commercial |
| Property Owner Name: | Joseph Grasch Development LLC |
| Property Owner Mailing Address: | W284 N3234 Lakeside Rd Pewaukee |
| Property Owner Phone: | 414-406-2001 |
| Property Owner Email: | jgrasch@hcipropertieswi.com |
| Applicant - Name: | Cansas Steidl |
| Applicant Mailing Address: | 145 W. Wisconsin Ave Unit #3 Pewaukee |
| Applicant - Email: | Cansas@myxnscents.com |
| Applicant - Phone: | 414-303-8677 |
| Description of Request (Please be thorough and attach additional pages if needed) | Requesting a Class B Beer license for our boutique that does custom mixing of peoples scents. See attached / enclosed separate page of all info. |

Myxn Bar LLC Business Operations

145 W Wisconsin Ave Unit #3

Pewaukee, WI 53072

We are a custom mixing bar for your personal or business scents. We hold 12,500 recipes on file now just like a restaurant. We purchased this business in Naples FL and due to the hurricane the traffic was way down this year. It is going to take 3 years at least to rebuild down there. So we live in WI full time and brought it back to WI and Pewaukee will be perfect because my husband sailed for 12 years on Pewaukee and our friends and family are all in Lake Country area.

Our mixing boutique will be open Monday through Sunday 10am to Midnight. The reason for Midnight is because we have a lot of custom mixing parties that can go late depending on what time they start and how many people we have to mix with.

We will have 1 large bar in our boutique for mixing and the consumption of alcohol. We will not be allowing anyone under the age of 21 in without a parent or legal guardian.

All alcohol receipts will be kept in the locked back room/storage room in a file cabinet. Also our extra beer will be kept back in that locked back room as well. (See drawing on blank layout of retail space)

We will also be serving Charcuterie boards and cold sandwiches eventually just not in the first month. We have opened the boutique and it is going great, people are excited to mix and be able to have a beverage as well.

Thank you



Cansas Steidl

Myxn Bar LLC

414-303-8677



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.

Joseph T. Corrad
Property Owner Printed Name

[Handwritten Signature]
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.

Cansas Steidl
Applicant's Printed Name

Cansas Steidl
Signature of Applicant

Return the completed application forms along with the required attachments, \$100 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.



PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

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.

Complete the information below:

| | | |
|------------------------|-----------------------|---|
| Responsible Party Name | Cansas Steidl / Myxn | ENTER EMAIL TO SEND INVOICES: Unit 3 Cansas@ myxnscents. com |
| Mailing Address | 145W. Wisconsin Ave | |
| City, State and Zip | Pewaukee, WI 53072 | |
| Email: | Cansas@myxnscents.com | |
| Phone: | 414-303-8677 | |
| | | |

Joseph Carracch
Property Owner Printed Name


Signature of Property Owner/Date Signed

Cansas Steidl
Applicant Printed Name

Cansas Steidl 7/27/23
Applicant Signature/Date Signed

Village Staff Acceptance -- Date



0 45.42 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: Myxn Bar

Printed: 6/30/2023



CONDITIONAL USE GRANT

To permit the use “**tavern use throughout and concurrent with her custom personal scent mixing, and specialty retail boutique use**”.

Before the Planning Commission of the Village of Pewaukee, Waukesha County, Wisconsin, in regard To Premises located at **145 W. Wisconsin Avenue-Unit #3** in The Village of Pewaukee, Waukesha County, State of Wisconsin, and further defined as follows:

PWV 0898001005

RETAIL UNIT 3 BEACHSCAPE LAKE CONDOMINIUMS & THE PERCENTAGE OF INTEREST IN THE COMMON AREAS AS ASSIGNED AND CREATED UNDER DECLARATION RECORDED AS DOC #4441398 :: LOCATED IN LOT 1 CSM #11786 PT NW1/4 SEC 9 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 purposes 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 state that the Premises may be used for the purpose of “tavern use throughout and concurrent with her custom personal scent mixing, and specialty retail boutique use”.

GRANTED by action of the Planning Commission of The Village of Pewaukee this 14th day of September, 2023.

Village Planning Commission Secretary
Cassie Smith

Planning Commission Chairperson
Jeffrey Knutson

Original filed at the Pewaukee Village Hall.

The **GENERAL 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. Construction and operation of the use granted shall be subject to full compliance with any other applicable rules/laws as set forth by any other governmental or quasi-governmental departments/entities with jurisdiction over this site, construction and/or operation such as, but not necessarily limited to, the Village's Building Inspections, Public Works, Police and Fire Departments, Waukesha County, Wisconsin DNR, the State of Wisconsin, ... and similar.
- f. 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.
- g. This Grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
- h. Failure to allow reasonable and routine inspections of the property constitutes grounds for revocation of the Conditional Use Grant.
- i. **Conditions on the Use/Operations:**
 1. The tavern use is expressly limited to the floor space depicted in Exhibit "A" which is made a part hereof and incorporated herein by reference;
 2. Access to/from this tavern use area shall be limited to complying expressly with Exhibit "A" to this CUG;
 3. Permitted Days/Hours of use for this tavern use shall be limited to 10 a.m. to midnight, daily.
 4. Any substantiated material adverse impacts upon surrounding properties or the Village generally resulting from this use (including, though not necessarily limited, to noise, odor, litter, animal infestation, loitering, glare, public safety, illegal activity,...) shall be the responsibility of the owner/applicant to correct timely upon notice from the Village and failure to do so may result in revocation of this conditional use grant amendment or portions thereof.
 5. The applicant shall, at all times that this tavern use is in operation, hold the required beer/liquor licensing as may be required by the State of Wisconsin and/or Village of Pewaukee.
- j. **Conditions on the Existing Structures and Site:**
 - a. All per existing conditions and approvals.
- k. **Other:** None.

SEE EXHIBIT "A" ATTACHED BELOW

INSERT FULL FLOOR PLAN OF UNIT #3 HERE

DRAFT

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: September 14, 2023

General Information:

Agenda Item: **6.b.**

Applicant/Property Owner:

Matt Backhaus d/b/a StreetWorks Exotics
with consent of underlying property owner
Road Runner Venture LLC

Requested Action:

Discussion and feedback regarding plans to
construct a 60x75 ft building (4,500 square
feet) addition at the southwest corner of the
existing building on this site.

Existing Zoning:

B-5 Light Industrial District

Proposed Zoning:

Same

Surrounding Zoning/Land Use:

North: Railroad tracks
South: B-5 Light Industrial use and zoning
East: B-5 Light Industrial use and zoning
West: WEPCO transformer substation

Existing Master Plan Classification:

Industrial-Business Park

Proposed Master Plan Classification:

Same

Location:

600 Hickory Street

Lot Size:

1.88 acres

Discussion:

The applicant currently operates an “automobile service” (i.e. StreetWorks Exotics restoration and preservation of classic vehicles including related manufacturing, assembly, and fabrication thereof) NOT INCLUDING new and/or used vehicle sales/display for sale at any time” through Conditional Use Grant approval. They are hoping to add a limited share of vehicle sales use at this site as well, if recently recommended changes the Village Zoning Code are ultimately ratified by the Village Board.

The applicant finds that they are in need of additional building space at this time. They hope to address this by constructing an addition in the front, right-side corner of the existing building – essentially filling in an existing corner cut-out (see concept image below).



In the B-5 District, the following basic spatial and bulk standards apply:

Lot size:

The minimum lot size in the B-5 district shall have an area of not less than one acre.

Building size/floor area ratio:

Except as otherwise provided for hereunder the buildings floor area ratio in the B-5 district shall not exceed 30 percent.

Building height.

The height of any structure in the B-5 district shall not exceed 50 feet ...

Minimum building setback.

Except as otherwise provided for hereunder all structures within the B-5 district shall be set back 50 feet from the ultimate road right-of-way.

Minimum building offset.

Except as otherwise provided for hereunder no principal building or structure in the B-5 district, hereafter erected, shall be placed closer than 20 feet to a side or rear lot line. No accessory structure shall be placed closer than ten feet to a side or rear lot line. If, however, adjoining property is zoned residential, no principal commercial building or structure shall be placed closer than 30 feet to the adjoining residentially zoned lot line.

Open space ratio.

Except as otherwise provided for hereunder in the B-5 district a minimum of 35 percent of the developed site shall be retained as open space. Open space configuration and distribution shall be subject to specific planning commission approval. The open space ratio may be reduced to 30 percent subject to planning commission approval of a landscape plan that provides at least 150 percent of the standard landscape requirement specified in section 40.445(d).

Lot width.

The minimum lot width in the B-5 district shall be 100 feet.

Off-street parking.

Off-street parking in the B-5 district shall be in accordance with applicable regulation set forth in section 40.426.

Sec. 40.325. - Minimum parking and driveway offset.

No driveway or parking area in the B-5 district shall be located closer than 20 feet from a side or rear lot line unless specifically waived by the planning commission.

Sec. 40.326. - Minimum parking setback.

No driveway, excluding the portion of driveway required for road access, or parking area in the B-5 district shall be located closer than 25 feet to the ultimate road right-of-way.

Sec. 40.327. - Loading docks.

Loading docks in the B-5 district shall generally not face a dedicated or reserved public street.

To the extent the applicant's project may not meet some of these standards (such as, for instance, the maximum building size/floor area ratio, minimum building offset to side lot line, and minimum open space, all of which appear may be cut close in this case), Section 40.413(8) of the Village Code provides that in the B-5 District:

"The village recognizes that many of the B5 zoned lands in the village were developed prior to the enactment of article VI, division 15 of this Code and, thus, that the inflexible application of some of the standards set forth in said division 15 may hinder development in this zoning district which would lead to economic stagnation and the possibility of blight. Therefore, in analyzing remodeling or additions in the B5 district which enhance structures built prior to the enactment of this division 15, the planning commission may allow deviations from the building size/floor area ratio, open space ratio requirements, building setback and building offset under section 40.318, section 40.322, section 40.320 and section 40.321 respectively whenever it finds the deviation will not adversely impact public health, safety or welfare and when it concludes that the proposed remodeling or addition will foster development and redevelopment or buildings that predate the enactment of division 15. Prior to exercising such discretion, the plan commission shall make a specific finding that the development or redevelopment is consistent with the general architectural character, size and proportion of existing buildings in the neighborhood of the development or redevelopment and that permitting the deviation from the existing B5 standards will not adversely impact the public health, safety or welfare".

As with any commercial or industrial use or building expansion/addition in the Village, a fully detailed set of architectural, site, landscaping and exterior lighting plans is required to be submitted along with the application, when/if this item comes back as an actionable request.

Recommendation:

No recommendation is offered at this time because this request is for review, discussion and consultative feedback only.

Village of Pewaukee Plan Commission
Engineer's Report for September 14, 2023

StreetWorks Exotics Building Addition

Report

Based on the information provided, the owner is requesting to construct an addition to the west of the current facility on land that is currently stone material. The building does not take up the entire stone area. No additional parking is provided, but there is room on the remaining stone for parking.

Site Drainage

Stormwater runoff from the existing stone area flows from north to south towards Hickory Street. There is a shallow catch basin located in the asphalt curb of the road that captures sheet flow runoff from the west side of the site where the building addition is proposed. Since the existing surface where the building will be located is currently stone, there is no increase in the impervious area. Therefore, no stormwater management is required. However, a grading plan and erosion control should be submitted for approval to make sure that water gets directed to the catch basin on the roadway.

Access

No access changes are being proposed.

Recommendation

For consultation only. No recommendation at this time.

Tim Barbeau, P.E.
Village Consulting Engineer
September 9, 2023

Application is due three weeks prior to meeting date.



**Planning Commission Consultation
Application Form**

Address/Parcel No. of Property Involved: 600 Hickory St

Zoning of Property: B5

Current Owner of Property: Roadrunner LLC (Mathew Backhaus)

Applicant – Name: Mathew Backhaus

Address: 600 Hickory St

Phone: 262-547-0052

Fax: _____

Email: streetworkshotrods@gmail.com

Name of Business that Consultation is for: Streetworks

Describe Nature of Business (Restaurant, Retail, Office, etc.):

Automobile restoration/repair

Signature of Property Owner as listed on this Application:

A handwritten signature in black ink, appearing to be "M Backhaus", is 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 Consultation 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):

**** For Consultation Purposes, an Engineering Review will not take place. Engineering Reviews will begin if and when an Application for Final Approval is processed.***

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

August 23rd, 2023

Streetworks

600 Hickory St

Pewaukee WI 53072

To whom it may concern:

Dear Village of Pewaukee. First off, thank you so much for your warm greetings, we absolutely appreciate it and love being here. As our business grows, we are hoping to grow this property and our footprint in Pewaukee with it. We would like to propose that we build an addition to our existing buildings. We are looking to add an approximately 60x75 ft building (4,500 square feet) to our west property edge. I have attached a picture of the proposed area for the addition (see blue area in the aerial picture). We would greatly appreciate a chance to discuss this in further with the Village.

Thank you as always,

Mathew Backhaus

Streetworks

GAP
LISTS IN LEGAL
DESCRIPTION
-CP-



0900 995

130

82.06'



0900 994

331.82'

50'

WICKORY ST

210.90'

87.79'

0900 978

158.00'

0900 965

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: September 14, 2023

General Information:

Agenda Item: 6.C.

Applicant/Property Owner:

Richard Yezzi, d/b/a Alltrux Holdings, LLC
with consent of underlying property owner
Zimmermann & Schwartz Real Estate LLC

Requested Action:

Discussion and consultative feedback about adding a conditional use opportunity in the B-5 Light Industrial District for medium and heavy-duty trucks sales in the B-5 Light Industrial District (i.e., 1291 Hickory Street).

Existing Zoning:

B-5 Light Industrial District

Proposed Zoning:

Same

Surrounding Zoning/Land Use:

North: Railroad tracks

South: B-5 Light Industrial use and zoning

East: B-5 Light Industrial use and zoning

West: B-5 Light Industrial use and zoning

Existing Master Plan Classification:

Industrial-Business Park

Proposed Master Plan Classification:

Same

Location:

1291 Hickory Street

Lot Size:

3.27 acres

Discussion:

The Village Code does not list new or used vehicle/automobile sales as a use, either by right or through conditional use, in any of our zoning districts. The Planning commission did recently recommend an amendment to the Zoning Code that may allow for such use, through Conditional Use Grant, provided the sales/display use is a subordinate and accessory use conducted in support of an approved principal conditional use "Automobile service facility". The proposed new language goes on to say that outside display shall only be permitted during regular business hours. It defines 'Regular Automobile' as autos, including vans and sport utility vehicles, when more than 50% of the internal capacity is dedicated to seating, and eligible to be licensed by the State of Wisconsin Department of Transportation (WDOT) as a 'Regular Automobile', 'Light Truck' as a motor truck with original manufacturers design features intended to facilitate carrying cargo and pulling loads and eligible to be licensed by WDOT as a 'Light Truck', and 'Motorcycle' as a two or three-wheeled motor vehicle steered by a handlebar from a saddle-style seat and eligible to be licensed by WDOT as a 'Motor Cycle' or 'Moped'.

This applicant currently operates an approved/permitted automotive service facility in the B-5 District.



It is oriented toward servicing medium-duty to heavy-duty trucks. He indicates that his request would not necessarily include the need for any outdoor display spaces to be included in the Code as he "...does not plan on holding any inventory onsite within the Village of Pewaukee".

Any Code changes made to this effect would be applicable district-wide and could not be limited uniquely to one-off sites on a case-by-case basis.

Recommendation:

No recommendation is offered at this time because this request is for review, discussion and consultative feedback only.



August 9, 2023

Village of Pewaukee
Plan Commission
235 Hickory Street
Pewaukee, WI 53072

To the Honorable Members of the Plan Commission:

Alltrux Holdings LLC (Alltrux), a subsidiary of JX Enterprises, Inc., purchased American Truck Parts and Total Appearance within the Village of Pewaukee on August 1, 2022 and is currently operating as a repair facility. We are extremely grateful to be able to operate these businesses within the Village. Currently the property is zoned with a status of B-5, light industrial.

Streetworks submitted a proposal to obtain a conditional approval to be able to hold a dealership license within the Village of Pewaukee. Per the August 10th plan commission agenda (section 6.b), this appears to be limited to "Regular Automobiles, Light Truck and Motorcycle sales/display use...". Alltrux is respectfully requesting that the commission expand this to include Heavy and Medium duty trucks. If approved, Alltrux will promptly file for conditional approval.

Alltrux has the opportunity to secure the franchise rights to sell Battle Motors Heavy and Medium Duty trucks and we are hopeful that we will be able to obtain zoning approval in order to request a Wisconsin Dealers License within the Village of Pewaukee. This opportunity is not a traditional dealership model though. We are in agreement with the manufacturer that all equipment will be shipped directly to our customer and Alltrux will not take possession within the Village of Pewaukee. Alltrux's role in the sale will be to facilitate the invoice, title and registration for our customers. We do not plan on holding any inventory on site within the Village of Pewaukee. We will be utilizing our site within the Village as an administrative function and will continue to operate as a repair facility.

Thank you for your time and consideration

A handwritten signature in black ink, appearing to read 'R. C. Yezzi, Jr.', written in a cursive style.

Richard C. Yezzi, Jr.
Vice President of Operations
Alltrux Holdings, LLC.

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: September 14, 2023

General Information:

Agenda Item: **6.d.**

Applicant/Property Owner:

Jeff and Brenda Wistl

Requested Action:

Review and feedback on the conceptual plans to remodel the exterior of an existing detached accessory building.

Existing Zoning:

B-2 Downtown Business District

Proposed Zoning:

Same

Surrounding Zoning/Land Use:

North: R-5 Single Family Residential
South: B-5 Light Industrial use and zoning
East: B-2 Downtown Business District
West: B-2 Downtown Business District

Existing Master Plan Classification:

Community Commercial

Proposed Master Plan Classification:

Same

Location:

521 Capitol Drive

Lot Size:

1.88 acres

Discussion:

The exterior condition of this applicants existing detached accessory structure is very deteriorated. They want to continue to use this building for storage purposes.





The building appears to be legal nonconforming as to setbacks/offsets to the east, north, and west lot lines. Section 40.150(b)(1) of the Village Code provides that “Legal, nonconforming structures or lots may be repaired, maintained, renovated or remodeled (including additions, modifications, extensions

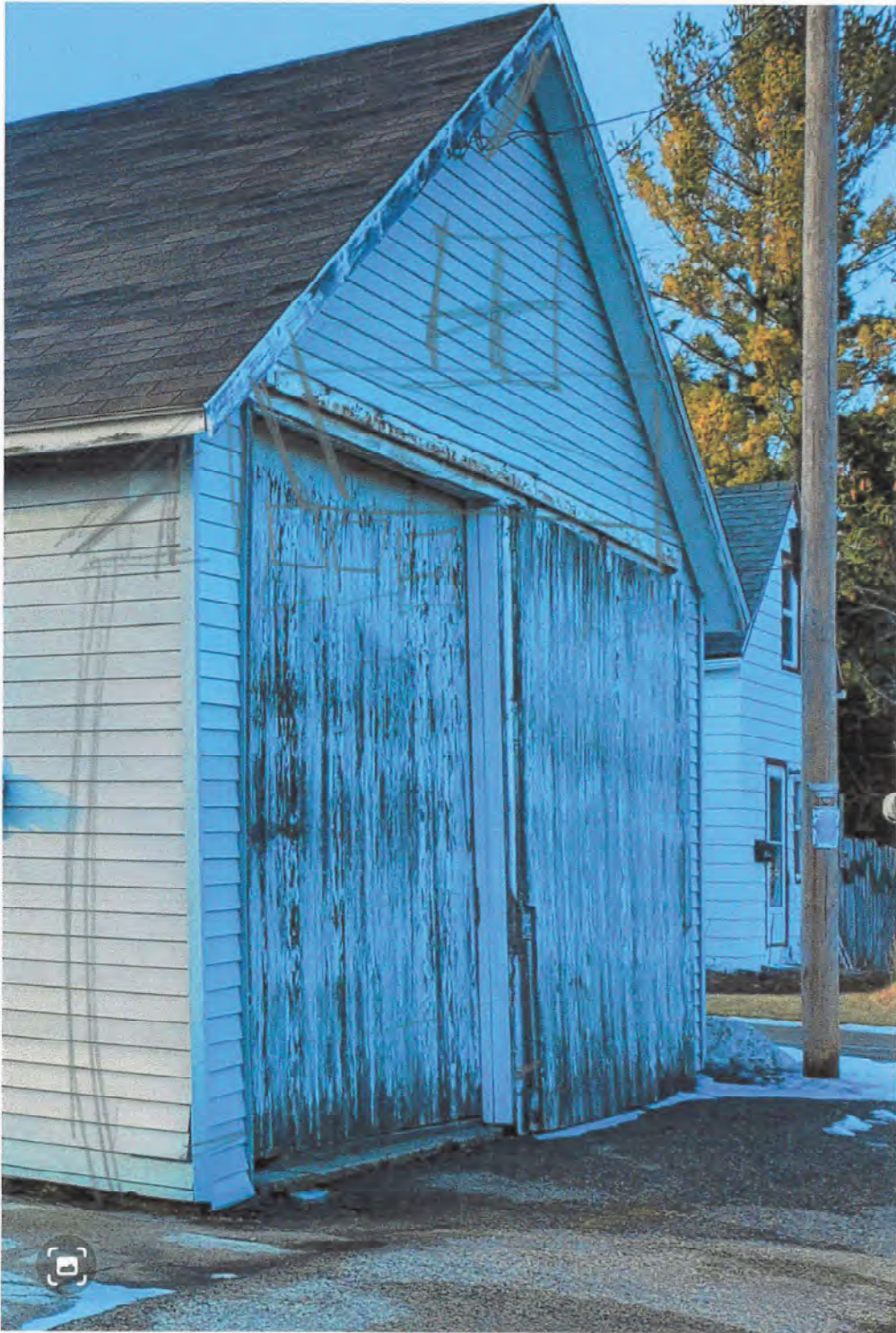
and expansions thereto) within their existing footprint and beyond the existing footprint to the extent such further addition, modification, extension or expansion of the structure or lot makes it no more nonconforming based upon the current bulk and/or spatial requirements of the zoning district in which the property is located”.

The rendering and elevation concepts provided by the applicant suggest that the only ‘extension’ of the building may be the awning feature proposed to be added along the south elevation, which is not a point of nonconformity. The awning feature depicted on the east side elevation may not change the extent of nonconformity as to offset to the east lot line, depending on the depth of the awning.

According to Section [40.274\(1\)c.](#) of the Code, and Section 2.3 of the [Downtown Design Guidelines](#), acceptable primary building materials in the B-2 District list, as an alternative to brick and stone, cedar siding or cement resin siding may be used in combination with brick, stone, or other accepted masonry”.

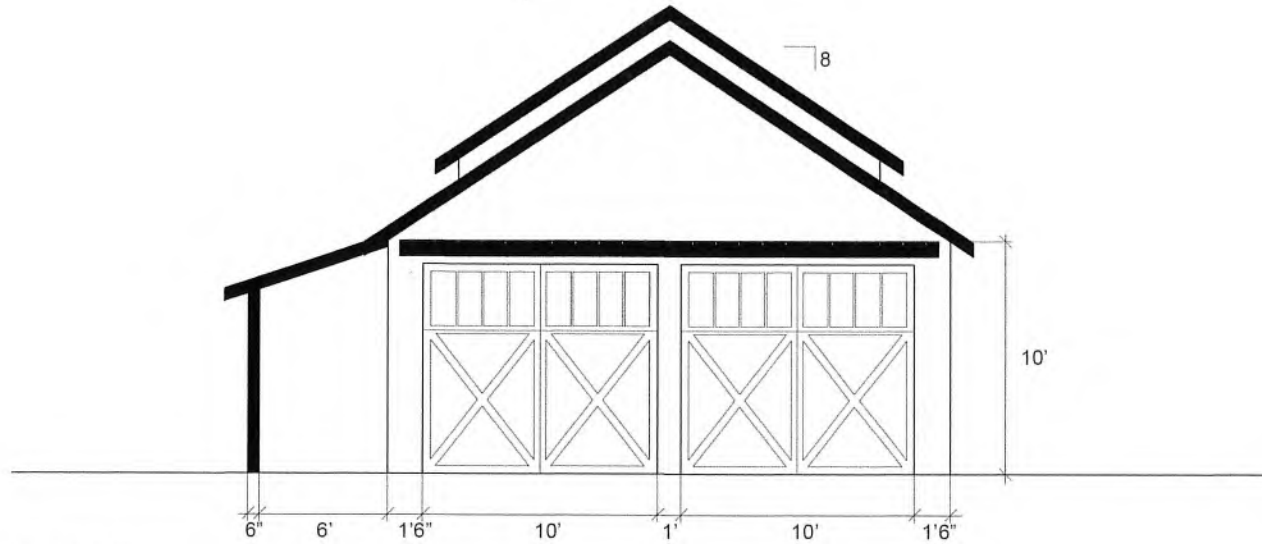
Recommendation:

No recommendation is offered at this time because this request is for review, discussion and consultative feedback only.

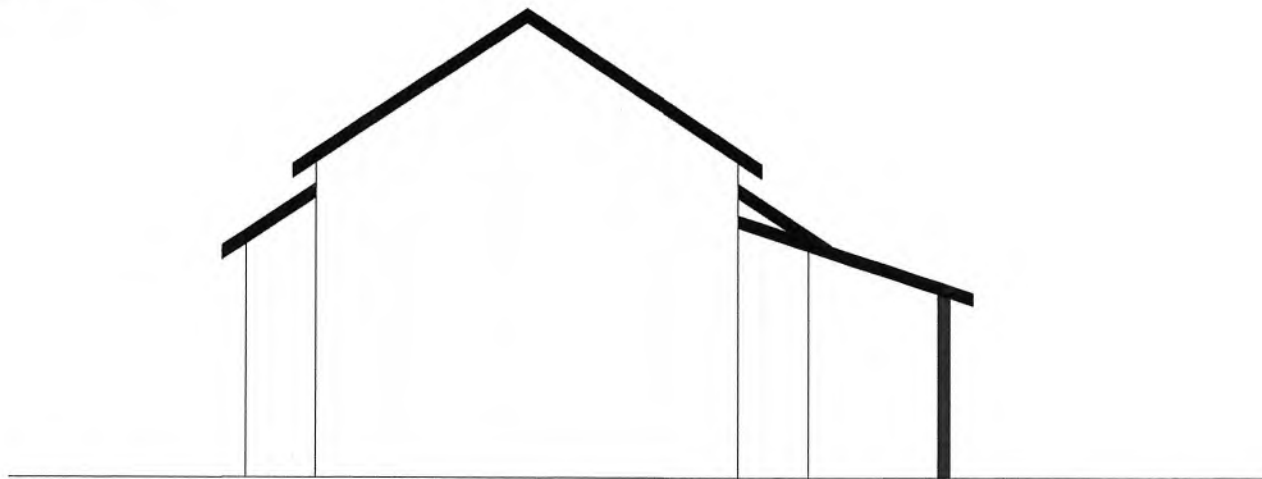




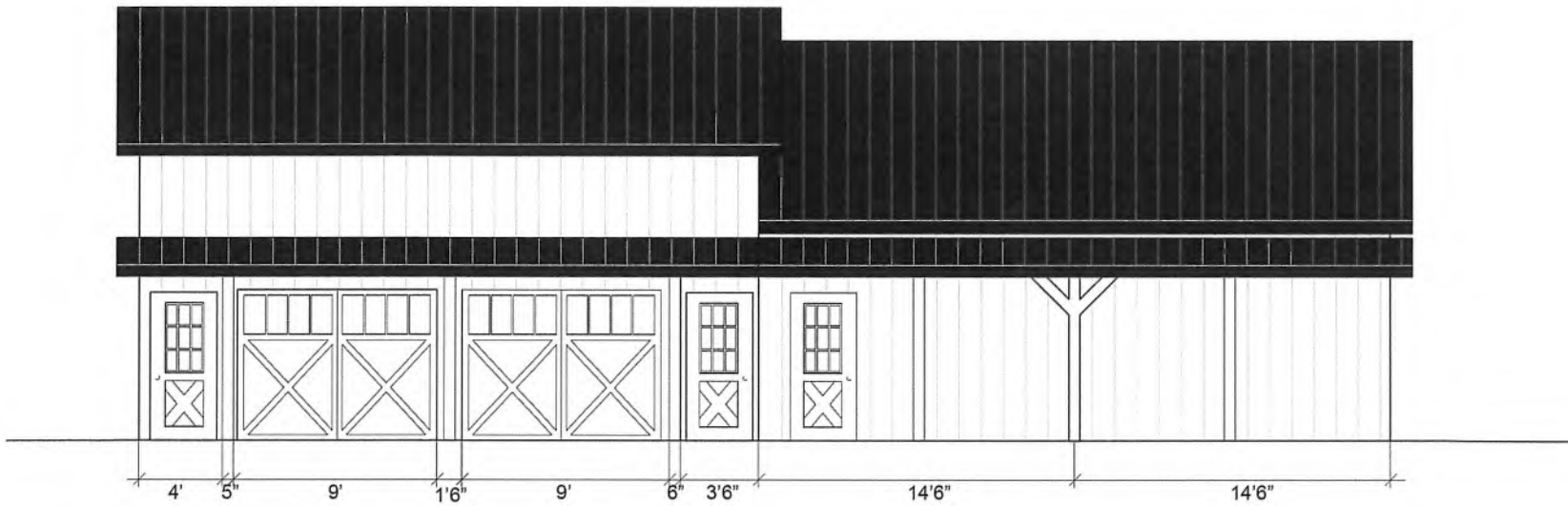




EAST ELEVATION
SCALE: 1' = 1/16"

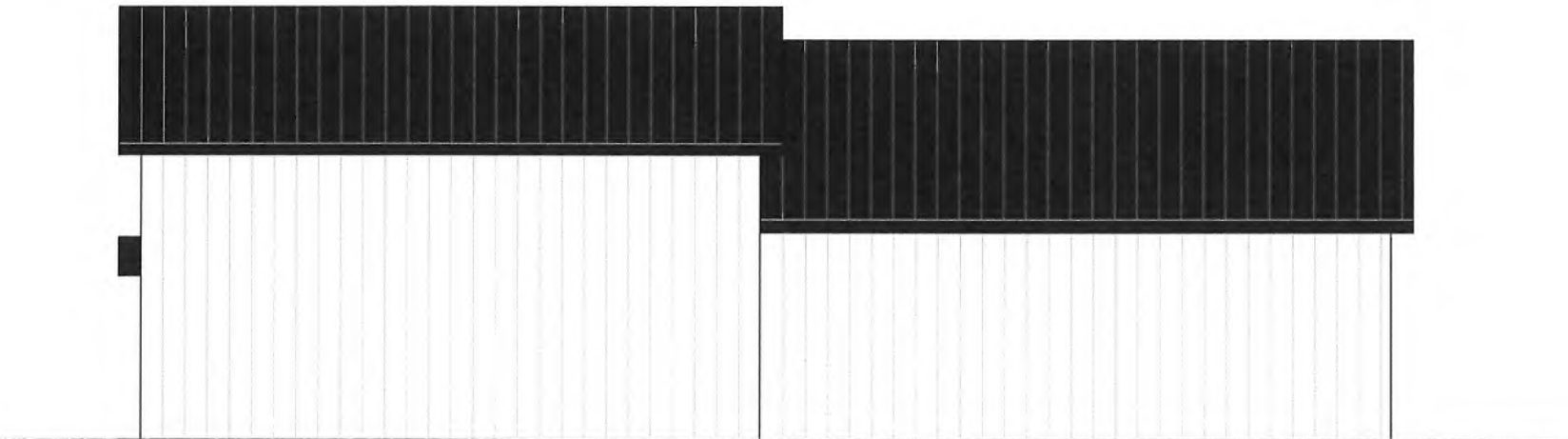


WEST ELEVATION
SCALE: 1' = 1/16"



SOUTH ELEVATION

SCALE: 1' = 1/16"



NORTH ELEVATION

SCALE: 1' = 1/16"