

**VILLAGE OF PEWAUKEE
PLAN COMMISSION MEETING
October 8, 2015**

1. Call to Order, Pledge of Allegiance, Moment of Silence and Roll Call at 7:00 p.m.

President Knutson called the meeting to order at approximately 7:03 p.m. The Pledge of Allegiance and a moment of silence followed.

Roll Call was taken with the following present: Comm. Craig Roberts, Comm. Shane Leveille, Comm. Tom Reilly, Comm. Eric Rogers, and President Jeff Knutson. Comm. Chris Bernauer and Trustee Joe Zompa were excused.

Also Present: Scott Gosse, Administrator; Mary Censky, Village Planner; Tim Barbeau, Village Engineer; Mark Blum, Village Attorney; Chaz Schumacher, Interim Clerk-Treasurer.

2. PUBLIC HEARING

- a. *On a Conditional Use Grant Application for a 4,858 sq. ft. dine-in, deli-style restaurant (including an incidental/accessory, seasonal, outdoor seating area) to locate as a tenant occupant in the easternmost leasable space at 690 Westfield Way, zoned B-1 Community Business. (Applicant – Gordon Sloan)*

Gordon Sloan – 14825 Woodland Place, Brookfield, WI - Applicant – Introduced himself to the Plan Commission. He stated his business has been successful the last 28 years in the City of Brookfield and he hopes for the same success in the Village.

President Knutson closed the hearing at approximately 7:05 p.m.

- b. *On a Conditional Use Grant Amendment Application to modify the site plan in order to create a second drive thru ordering lane/space and to add related site accessories (such as menu board) within the McDonald's property located at 621 Ryan Street, zoned B-1 Community Business. (Applicant – McDonalds USA LLC in c/o Steve Jeske)*

There were no public comments.

President Knutson closed the hearing at approximately 7:06 p.m.

3. Citizen Comments

There were no citizen comments

4. Approval of the Minutes of the Regular Meeting on September 10, 2015

Comm. Rogers moved, seconded by Comm. Roberts to approve the September 10, 2015 minutes as presented. Motion carried 5-0.

5. NEW BUSINESS

- a. *Review and Possible Action on a Conditional Use Grant Application for a 4,858 sq. ft. dine-in, deli-style restaurant (including an incidental/accessory, seasonal, outdoor seating area) to locate as a tenant occupant in the easternmost leasable space at 690 Westfield Way, zoned B-1 Community Business. (Applicant – Gordon Sloan)*

Planner Mary Censky began the discussion stating the applicant is looking to lease a vacant tenant space in the eastern most space of a multi-tenant center known as the Lake Country Market. The space was previously occupied by Panera Bread. The applicant's application reflects proposed business hours of 7 a.m. to 9 p.m. with possible extensions to 10 p.m. for special groups. The applicant is planning for up to 125 person occupancy with no plans to change the exterior of the building except for a 39 square foot sign. She had no objections from a planning standpoint but recommended the following conditions:

1. Applicant to submit, for Village staff review and approval prior to placement, detailed information as to the materials, colors, construction, manner of securing,... for the outdoor seating area tables, chairs and/or related accessories;
2. Recording of the Conditional Use Grant prior to the start of site work; and
3. Applicant to secure all necessary building permits prior to start of work on the buildout project.

Comm. Roberts asked if there was an existing Conditional Use Grant and if the signage was within the requirements. Planner Censky stated the signage is within the allowed 40 square feet. She stated there currently is not a conditional use grant for the property as the previous tenant, Panera Bread, predated the zoning code requiring one.

Comm. Roberts asked if the parking was acceptable. Censky responded it is.

President Knutson asked the applicant about occasional private parties and some of them going past 10 p.m. potentially. He asked if a party went until 11 or midnight would it require Planning Commission approval or would staff be able to approve it. Planner Censky stated it would require the Planning Commission approval if going later than 10 p.m. unless the applicant were to ask for ability to occasionally extend his hours as part of the approval. The applicant stated he has had parties go later than 10 p.m. but he generally tries to limit them because he is back at the store by 5 a.m. Discussion followed.

Comm. Reilly moved, seconded by Comm. Rogers to approve the Conditional Use Grant Application for 690 Westfield Way with the following conditions:

1. **Applicant to submit, for Village staff review and approval prior to placement, detailed information as to the materials, colors, construction, manner of securing,...for the outdoor seating area tables, chairs and/or related accessories;**
2. **Recording of the Conditional Use Grant prior to start of site work;**
3. **Applicant to secure all necessary building and sign permits prior to start of work on the buildout project;**
4. **The hours of operation can be occasionally extended to a 12:00 a.m. closing time at applicants discretion but if the later closing hour (than as originally proposed by applicant of 9p.m. usually and 10p.m. occasionally) should result in any adverse impacts on the surrounding area, the later hours may be reviewed/reconsidered and possibly altered by the Planning Commission as an amendment to the Conditional Use.**

Motion carried 5-0.

President Knutson requested the Commission move to item "C" as items "B" and "D" are directly related.

- c. *Review and Possible Action on a Conditional Use Grant Amendment request to modify the site plan in order to create a second drive thru ordering lane/space and to add related site*

accessories (such as menu board) within the McDonald's property located at 621 Ryan Street, zoned B-1 Community Business. (Applicant – McDonalds USA LLC in c/o Steve Jeske)

Planner Mary Censky presented the request, stating it is a site plan amendment within the confines of the existing conditional use grant. The request is due to increased drive through traffic. There are some space constraints and the drive through will not have the fly over arms or clearance bars. She has reviewed the landscaping plans and they look good but she would like them finalized at staff level. She requested the Planning Commission consider attaching the following conditions to the approval:

1. Village Engineer review and approval of all required grading, drainage, stormwater management and utility plans;
2. Applicant to submit, for Village staff review and approval prior to issuance of a building permit, Code compliant detailed plans for landscaping of the new island and re-landscaping of the existing, albeit modified, island;
3. Recording of the Conditional Use Grant (per existing Conditions) and this related amendment prior to the start of work; and
4. Applicant to secure all necessary building and site disturbance permits prior to start of any field work on the project.

Comm. Roberts inquired about the loss of ten parking spaces and if this would keep the applicant compliant with code and square footage. Censky stated it would be compliant. She had spoken with the architect and he further represented that the applicant feels, based on their operations experience for quite some time already, that they would be able to give up even more than ten and it would still be satisfactory to meet actual demand.

Comm. Roberts moved, seconded by Comm. Leveille to approve the conditional use grant amendment for McDonald's, located at 621 Ryan Street, subject to the following conditions:

- 1. Village Engineer review and approval of all required grading, drainage, stormwater management and utility plans;**
- 2. Applicant to submit, for Village staff review and approval prior to issuance of a building permit, Code compliant detailed plans for landscaping of the new island and re-landscaping of the existing, albeit modified, island;**
- 3. Recording of the Conditional Use Grant (per existing Conditions) and this related amendment prior to the start of work; and**
- 4. Applicant to secure all necessary building and site disturbance permits prior to start of any field work on the project.**

Motion carried 5-0.

b. Review and Construction/Interpretation of the Planned Unit Development Ordinance/Agreement and related Exhibit(s) for the Meadow Creek Market development as relates to an area interpreted by Staff to have been intended to be considered a part of the "Conservancy" but sufficiently vague in the mapped depiction as to warrant a construction/Interpretation by the Planning Commission. (Applicant – Meadow Creek Limited Partnership in c/o of Jim Forester)

Planner Mary Censky stated this is a request for interpretation by the Planning Commission for the inclusion of buildable area in the Meadow Creek Market PUD. She stated the area of vacant land is approximately 1.5 acres and is an apparently buildable area (in the sense that it is level and at grade with the internal road and has sufficient space outside of any environmentally restricted areas on which to place a building and related site features).. Censky stated there were 3 phases of development that were identified within the original PUD document. There is a fourth category called the conservancy area. The Planning Commission needs to evaluate if the area in question was originally approved as part

of the developable area and, if so, it was attached to Phase I, II, or III. This would attach the area to the language of the PUD and the PUD language would apply to that site. If the Planning Commission determines it was intended to be buildable then the Village would move forward with the development stage and review the proposed project. If the Commission determines it was intended to be part of the conservancy, then the applicant would need to request a PUD amendment to take it out of there. The owner of the property has provided a map showing a conservancy area within the PUD that contains more conservancy square footage than indicated on the key of the PUD map. The owner contends that this would indicate the conservancy area has been met. Censky stated in the past the area has been appraised as common real estate for property tax purposes and then sometime in the more recent past the parcel began to be assessed as buildable.

President Knutson asked the two longest serving members of the Commission if they recalled what the intent was of the original approval. Comm. Rogers and Comm. Reilly both stated they didn't recall this specifically. Discussion followed.

The applicant, Jim Forester, stated the original map shows 29.78 acres of conservancy with the remaining 121 acres to be developed. He stated the area in question has been assessed as common real estate not conservancy and he has been paying property taxes at that rate. He explained on the map shows main lines for water, sewer, and stormwater for the area in question. They were not stubbed in as there was no knowledge of what would be built on the property.

Engineer Tim Barbeau stated he recalls drawing Exhibit 1 and that Menards was pushed as far west as possible and that created these two smaller parcels of land but that the intent for the parcels were not discussed.

Comm. Roberts stated he doesn't have concerns with the parcels being considered buildable. He asked what the definition of conservancy from the DNR is, is it designated as such by them and if so, would it make this more problematic. Discussion followed.

Comm. Leveille inquired into the floodplain location. Engineer Barbeau stated it is narrow due to the ravine located there. Leveille asked if the road could be located differently so it skirts the ravine more. Barbeau stated the intent of the road was as a through road to Westfield Way, it's possible it could have been moved over. Discussion followed.

Comm. Roberts moved, seconded by Comm. Rogers to confirm the interpretation of the Meadow Creek Market PUD concerning whether the lands depicted on the attached preliminary Certified Survey Map in Exhibit A and referred to as Lot 16 and such portion of Lot 17 lying north of Lot 16 immediately west of the Menards development, and south of those lands depicted as being conservancy on the attached map Exhibit B, that said lots are not considered conservancy areas; where "conservancy" in this context/summary means only that it is land set aside within the Meadow Creek Market PUD as unbuildable; based on the following findings: ("Conservancy" in this context/summary means only that it is land set aside within the Meadow Creek Market PUD as unbuildable)

- 1. The total square footage of conservancy areas as shown on the Meadow Creek Market PUD "site design criteria" is met based upon the conservancy areas depicted on Exhibit B without the inclusion of Lot 16 or the portion of Lot 17 as described above;**

2. The Village of Pewaukee Assessor has consistently deemed Lot 16, as well as the portion of Lot 17 described above, as developable lands and not lands which would carry a conservancy designation;
3. The wetland appears delineated current through September 2015 on Lot 16 and current through the portion of Lot 17 referenced above and despite those delineations, there appears developable areas on both lots. The Waukesha County GIS maps suggest that while somewhat constrained by wetland and floodplain limitations, there appears to be buildable areas within both Lot 16 and the portion of Lot 17 described above.
4. The configuration of the road which separates Lot 16 from the portion of Lot 17 as described above is situated sufficiently to the north and west to allowed for developable areas which likely would not have been the case if the lots were not intended to be developed, as it would have made more sense for the road to be situated further to the south and west.
5. The conservancy area as depicted on Exhibit B is reasonably consistent with the wetland and environmental corridor areas shown on the County GIS Map.

Motion carried 5-0.

- d. *Review and Possible Action/Recommendation to the Village Board to amend the Planned Unit Development Ordinance/Agreement and Related Exhibit(s) for the Meadow Creek Market development to redesignate an area presently considered as "Conservancy" within the project to developable status. (Applicant – Meadow Creek Limited Partnership in c/o Jim Forester)*

No Action taken.

6. Citizen Comments

There were no citizen comments

7. Adjournment

Comm. Rogers moved, seconded by Comm. Roberts to adjourn the October 8, 2015 Plan Commission meeting. Motion carried 5-0.

Meeting adjourned at approximately 8:21 p.m.

Respectfully submitted,

Chaz M. Schumacher
Interim Clerk-Treasurer