VILLAGE OF PEWAUKEE
PLAN COMMISSION MINUTES
May 10, 2019

1. Call to Order, Pledge of Allegiance, Moment of Silence and Roll Call
President Knutson called the meeting to order at approximately 7:05 p.m. The Pledge of Allegiance was recited and a moment of silence followed.

Roll Call was taken with the following Plan Commission members present: Trustee Roberts, Comm. Mantz, Comm. Zompa, Comm. Grabowski, Comm. Rogers, Comm. Lange, and President Jeff Knutson.

Also Present: Mary Censky, Village Planner; Mark Blum, Village Attorney; Ed Hill, Village Trustee; Scott Gosse, Village Administrator; Cassie Smith, Village Clerk.

2. PUBLIC HEARING –
   a. Conditional Use Grant request of Jeff and Robin Willms and also in c/o Charles Beyer to construct a detached residential garage with setback and offset less than that required by Code on their existing, legal nonconforming lot (as to width and area) located at 494 Park Avenue. Property owner is Jeffrey and Robin Willms. Property is Zoned R-5 Single Family Residential District.
   None.
   b. Conditional Use Grant Amendment request of the Pewaukee School District for building changes/additions and paving/access-way upgrades at the main campus located at 404 Lake Street. The property owner is Pewaukee School District. The property is Zoned IPS Institutional and Public Service.
   None.
   c. Conditional Use Grant Amendment request to develop an outdoor dining/seating area accessory to their existing restaurant/bar use, Artisan 179, using three of the public parking stalls situated in the W. Wisconsin Avenue right-of-way directly in front of the business located at 179 W. Wisconsin Avenue. Applicant is Carrie Boehm d/b/a Artisan 179. Property owner is Siepmann Development Company. Property is Zoned B-2 Downtown Business District.
   Kathy Matrise @ 1150 E Wisconsin Ave – Ms. Matrise asked if there are three parking spaces that can be given up.
   d. Conditional Use Grant Amendment request to develop an outdoor dining/seating area accessory to their existing coffeehouse/cafe use, Brewers Two Coffeehouse, using an existing raised, landscaped area situated in the W. Wisconsin Avenue right-of-way directly in front of the business located at 203 W. Wisconsin Avenue. Applicant is Ellen Grabo d/b/a Brewers Two Coffeehouse. Property owner is Duncan’s, Inc. Property is Zoned B-2 Downtown Business District.
   None.
   e. Conditional Use Grant Amendment request to develop an outdoor seating area accessory to their existing bar use, Velocity and the HandleBar, using four of the public parking stalls situated in the W. Wisconsin Avenue right-of-way directly in front of the business located at 203 W. Wisconsin Avenue and to expand the percentage of their existing total interior floor space dedicated to the bar use. Applicant is Scott Hoggatt d/b/a Velocity and the HandleBar. Property owner is Duncan’s Inc. Property is Zoned B-2 Downtown Business District.
   Eli Kelling @ 571 E Wisconsin Ave - Mr. Kelling stated that the dining area doesn’t block the sidewalk or the street.
   f. Conditional Use Grant request to locate a restaurant/bar use at 1405 Capitol Drive (in the Meadow Creek Market development) using 4,800 square feet of indoor space and an adjacent 2,500 square feet of
accessory outdoor seating area. Applicant is James Forester d/b/a Good Eats. Property owner is Chestnut Limited Partnership. Property is zoned B-1 w/ PUD Overlay.

None.

3. Citizen Comments – Comments should be addressed directly to the Plan Commission and should be limited to a maximum of three minutes per speaker.

Frank Runek @ 207 Westfield Way – Mr. Runek stated he spoke to the Village Board on Tuesday and is back to present to the Plan Commission. He stated we have 12 senior facilities in the 53072 zip code and one closed due to changes in medicare. The Village doesn’t need a huge building over in that area and the trees there are over 100 years old. If a senior center was put in the elderly could come together. He is also concerned about the increase expense of Fire and EMS calls.

Kathy Matrise – 1150 E. Wisconsin Ave – Ms. Matrise stated this is a nice community and would like the community to stop replacing the old with new and learn to appreciate the old. She doesn’t know how the huge structure downtown was passed and said the citizens need to pay more attention. She stated that Capri may have something that looks good on paper but what is the cost of operation. It is too busy in the summer.

Kathleen King – 723 Glacier Rd – Ms. King stated she was at the Village Board to express her concerns on Tuesday. She stated that Capri wants to tear down the church because it needs too much in repairs but an engineer has examined the building and said it is in sound condition. Capri said there is a need for this in the community but she feels this development would disrupt the neighborhood; with the digital world the online deliveries as well as the Fire and EMS would add a lot of traffic to this area. The current open space should be made into single family homes.

Kathy Sobottke @ 329 Evergreen Ln – Ms. Sobottke stated she opposed Capri’s development and stated it doesn’t fit into the neighborhood. This property would be a better fit as single-family homes. The population of the Village has been stagnant since 2010 and the population has even decreased. This property would bring more housing and help with taxes.

Marita Pietrykowski 225 Meadowside Ct – Ms. Pietrykowski stated the parish has reviewed the adjusted plans from the original plans. She stated she was on the committee that sent the letter to the historical society to have the church listed as a historical marker and it was denied. No one has seen the new plan and some see it as repurposed. She stated who will save the church, the Village or the historical society?

Sandra Mancoda @ W276 N2177 Spring Creek Dr – Ms Mancoda stated she lived across from St. Mary’s church. She stated that Capri’s business practices are disturbing, and she has a document that showed one property that was switched to a non-profit. What would a non-profit mean to the tax payers. She asked the parish to go back to the drawing board and asked the Commission to vote no.

Amy Butterfield @ 817 Quinlan Dr. – Ms. Butterfield stated Agape shows their love to the community and they add so much to the community as well as providing a way for people who do not know the Lord to come and get to know him. She talked about a different town where the community came together and saved the church. She has heard people on both sides state they do not want the church to come down so why are we doing it.

Paul Evert @ 327 Lookout – Mr. Evert stated there are pros and cons with all being said; hopefully the Village Board and Plan Commission will listen to the taxpayers on what they want. He stated he is against all the parking stalls being used as dining and is concerned about alcohol being sold and crossing the sidewalk. He also stated that Capri is not worried about the Village.

Tom Calder @ 504 High St. – Mr. Calder stated he is not a member of the church and is not catholic, but he is a taxpayer. He stated that the Village could turn the old River Hills facility and the Queen of Apostles property into residential housing as the Village needs more single-family homes. He stated we should be working with developers to see if they can come to an agreement with the church. He stated that the Village should make St. Mary’s, Pick-n-Save, and the Koepp property a TID District. He asked the Committee to listen to the citizens and remember the citizens wanted the library as it is now, and it happened.
Torrey Butterfield @ 817 Quinlan Dr – Mr. Butterfield stated he was here on Tuesday and explained his personal story with his father. He stated that he found support in the church and wants to save the church because it is needed and necessary.

David Moll @ 403 W Wisconsin Ave – Mr. Moll stated he would like the church saved also but he thinks the community needs to figure it out on their own. Capri doesn’t fit, it is a single-family community.

Ryan Cook @ 411 W Wisconsin – Mr. Cook stated he has the same feelings and said the church is beautiful and doesn’t need to be torn down. He would like to keep the community residential.

Debbie Roth @ 430 W Wisconsin – Ms. Roth stated that the lakefront blends in well but if this development goes in it will stick out and stated that this is a historical marker.

Mary Mohr @ 307 W Wisconsin – Ms. Mohr stated she lived in her home over 50 years by the church and is a member of the church. The property has been for sale for over three years. They would like to sell to a single-family home development but no one came forward with an offer.

Josett Bruger @ N22W24340 Cloister Cir #D - Ms. Bruger stated she urges the Commission to consider the new plans for the proposed development based on facts not emotions. Capri is planning on preserving part of the church and the cemetery. She stated they would like to accept Agape’s offer but their offer is not realistic.

Heidi Grunewald @ 452 Leanore Ct – Ms. Grunewald stated that the Queen of Apostles property should be single family homes. Third Street needs to be redone and if no sidewalks will be added what will happen. The road is not able to handle all the traffic on the road now. The big development should not go in; it should be residential.

Eric Grunewald @ 452 Leanore Ct – Mr. Grunewald stated he supports what his wife said and stated he is concerned about the winter because the pedestrians have no sidewalks on Third Street. He stated a plan is needed especially with the school expanding.

Theresa Hoff @ 1276 Timber Ridge – Ms. Hoff stated she has been a voting member since 2004 and is opposed of tearing down the church to create the open-air church. There are no other properties to build in the Village and she is concerned about the EMS and Fire Department expenses. She stated her concern of flipping the property to non-profit and stated her comments were the same as Tuesday.

Amy Sandlass - 414 Cheshire Rd – Ms. Sandlass stated she has lived in her home for a few years now; it is a safe community where it is safe to get to the school, library, and parks but now the safety has declined. The congestion with over 250 residents, employees, and deliveries would not make sense in this area.

Amy Schoenemann @ W277N2788 Chickory Ln – Ms. Schoenemann stated she is part of the Capri Development team and wanted to stated that Capri helps elderly people stay in their community. She stated that change is difficult and that Capri has a goal to be reputable. She stated Capri is a for profit company and she knows that cosmetic updates have been done to the church but a recent inspection showed at least $1.5 million to update. Her final comment was that this is senior, assisted, and memory care units which is much needed.

Darlene Kelly – 128 Hill St – Ms. Kelly stated that the topic of Queen of Apostles has many dynamics and asked why the church can’t renegotiate the property. She urges the Plan Commission to think outside the box and requests the remaining property to be single family.

Jeanett O'Toole @ 402 W Wisconsin Ave – Ms. O'Toole stated that when the property went up for sale no one knew that the church and cemetery wasn’t safe. She stated multiple offers from single family developers were made and not accepted and Capri can’t guarantee payment in lieu of taxes. She talked about the mold and asbestos. They have over 3,000 signatures that do not want the church torn down and stated WI State Statute 62.23. If the Village doesn’t comply the people propose to take action.

Bill Kucharski @ 324 High Street – Mr. Kucharski stated Agape is wonderful. He stated that at least 7 years ago offers were made so that they could rebuild the school. The offers were all low. He stated he knows the utilities and infrastructure updates would have to be paid by the tax payers.

Robbyn Kucharski @ 324 High Street – Ms. Kucharski stated that she is concerned about traffic especially on Oakton and Capitol as well as the sharp turn on High Street. She doesn’t believe the traffic study shows the traffic accurately especially during events. Adding additional residents and more traffic is not a good idea.
Cliff Gidlund @ 344 Park Ave – Mr. Gidlund stated he is a new resident and new to this controversy; sounds like the biggest problem is Queen of Apostles needs money. In Wausau a church was saved because Corporations gave money to restore the church; maybe this is an idea.

Cathy Losiniecki @ 227 Main Street – Ms. Losinicki stated she wants to save the church and appreciates the time given to state concerns. She went to the Register of Deed office where she found that the property was deeded for a subdivision a long time ago.

4. Approval of the Minutes:
   Comm. Grabowski moved, seconded by Comm. Lange to approve the April 11, 2019 as stated.
   Motion carried 6-0; Comm. Mantz abstained.

5. Old Business
   a. Chiropractic and Wellness review and interpretation/clarification of proposed building materials and elevations adjustments.
   Planner Censky stated that this item was brought to the Plan Commission last month for consideration of various minor adjustments made in the final plans as compared to the original as approved. At that time, the Commission asked the applicant to provide material samples and color renderings to clarify the proposed changes. Dr. Tad showed the materials to the Commission. Censky showed the updated renderings and where the windows were removed on the west elevation per Trustee Roberts and Comm. Grabowski’s request. Dr. Tad responded to Grabowski’s comment stating the color is similar to the blue awnings on the building up the street but not necessarily exact. Comm. Grabowski, Comm. Lange, Comm. Rogers, and Trustee Roberts stated they do not have concerns with the new materials as shown. Censky stated no, in response to Comm. Mantz’s question asking if there are concerns with the other businesses in that area. Comm. Mantz stated she likes development and the project in this area as it is a really good use of the property.
   Comm. Grabowski moved, seconded by Comm. Mantz to approve the building materials and elevations adjustments for Chiropractic and Wellness as presented.
   Motion carried 7-0.

6. New Business
   a. Possible action on Sign Code Waiver request of the Pewaukee Chamber of Commerce attendant to their weekly, seasonal Farmers Market approved to locate in a portion of the parking lot at Koepp Park, 201 Oakton Avenue. The property is zoned B-2 Downtown Business District.
   Planner Censky stated that this is a request for a temporary sign for a period from June 12 – September 25, 2019 which is being requested for the Farmers Market. The banners/flags will go up on Tuesday night and removed on Wednesday after the market closes. The Plan Commission would need to grant a waiver because the request is over 30 days in total. Comm. Grabowski stated he is happy this is moving downtown in the Village.
   Comm. Lange moved, seconded by Comm. Grabowski to approve the Sign Code Waiver request of the Pewaukee Chamber of Commerce for to place the temporary banner/flag type signs in the grassy terrace behind the sidewalk and at the split rail fence (as per the diagram submitted) on Tuesday and remaining through Wednesday evening each week in support of the seasonal Farmers Market being held on Wednesdays between the dates of June 12 – September 25, 2019 at Koepp Park, 201 Oakton Avenue with the following recommendations:
      1) Any poles, posts, stakes, ropes, ties, and similar that may be used to support and/or attach the temporary flags/banner in place during the display period shall be removed from the site entirely each time the flags/banner are removed:
      2) Applicant to secure any permit as may be required under the Sign Code.
   Motion carried 7-0.

   b. Possible Action on Conditional Use Grant request of Jeff and Robin Willms and also in c/o Charles Beyer to construct a detached residential garage with setback and offset less than that required by Code on their existing, legal nonconforming lot (as to width and area) located at 494 Park Avenue. Property owner is Jeffrey and Robin Willms. Property is Zoned R-5 Single Family Residential District.
Planner Censky stated this property is a single-family residence without any garage and they would like the opportunity to have a garage. They are considering using the existing slab to build a new detached garage where the old one was but the offset is not within code. The existing slab offset is 6.4’ off the east lot line and 9.5 feet from the road right-of-way. Censky read the recommendations from her report. Trustee Roberts stated almost all properties on Park Ave. are non-compliant and since they want to match the old offset he is ok with it. The applicant responded to Trustee Roberts stating the shed from the picture is still there but will be removed soon.

Comm. Mantz moved, seconded by Comm. Zompa to approve the Conditional Use Grant request of Jeff and Robin Willms and also in c/o Charles Beyer to construct a detached residential garage with setback and offset less than that required by Code on their existing, legal nonconforming lot (as to width and area) located at 494 Park Avenue as presented with the following recommendations:

1) Applicant to submit, for Village Engineer review and approval prior to issuance of a building permit, a plan confirming that stormwater runoff changes, if any, that would arise out of construction of this garage will not adversely impact drainage conditions on neighboring properties as a result of the garage construction;

2) Issuance of all required building, electrical, and any other such/similar permits prior to the start of any work on the proposed new garage.

Motion Carried 7-0.

c. Possible Action on Conditional Use Grant Amendment request of the Pewaukee School District for building changes/additions and paving/access-way upgrades at the main campus located at 404 Lake Street. The property owner is Pewaukee School District. The property is Zoned IPS Institutional and Public Service.

Planner Censky stated the School District was here last month and presented the improvements of paving and driveway realignments to make proper expansion to the parking area and to increase the number of stalls on the campus. The applicant also is presenting a gym addition to the middle school. Censky stated she reviewed the building plans and as far as architecture, materials, color,… they are consistent with the buildings there now and also spatially code compliant. The driveway connection to Tower Court is for safety purposes only and it will be gated/locked as such. The recommendations were read. Trustee Roberts stated that they talked about an access point in back of the High School last meeting and asked if those concerns had been addressed. Censky responded that the Fire Chief had not expressed a need for that connection. Comm. Zompa asked if the curbs have the ability to drive over. A representative for the School district replied yes, for the most part, and went on to explain the plans on the screen, including about where the signs will be, and gave an overview of the project. Censky responded to Comm. Zompa stating staff will pursue the Fire and Police Chief sign-off on the plans. Discussion followed.

Comm. Grabowski moved, seconded by Comm. Lange to approve the Conditional Use Grant Amendment request of the Pewaukee School District for building changes/additions and paving/access-way upgrades at the main campus located at 404 Lake Street as presented with the following recommendations:

1) Village Engineer review and approval of all grading, drainage, utility, stormwater management and erosion control plans attendant to this project prior to issuance of a construction permit;

2) Village Engineer review and approval/acceptance of the proposed traffic management and site circulation/control plans and the construction plans/details associated therewith to the extent such improvements may be located in the public way, prior to issuance of a construction permit;

3) Village Staff approval of a Code compliant site and building lighting plan, prior to issuance of a construction permit;

4) Approval by both the Fire and Police Chiefs of the plan for the gate and related access control mechanism for the proposed safety access-way connecting to Tower Drive, prior to issuance of the Conditional Use Grant Amendment;

5) Applicant to secure all necessary building, electrical, plumbing, right-of-way, … and any other required permits, prior to the start of construction at the site;

6) Recording of the Conditional Use Grant Amendment and related Land Covenant, prior to the issuance of a construction permit for the project.

7) Staff to gain approval from the Fire and Police Chief on final plans.
Motion Carried 7-0.

d. Possible Action on Conditional Use Grant Amendment request to develop an outdoor dining/seating area accessory to their existing restaurant/bar use, Artisan 179, using three of the public parking stalls situated in the W. Wisconsin Avenue right-of-way directly in front of the business located at 179 W. Wisconsin Avenue. Applicant is Carrie Boehm d/b/a Artisan 179. Property owner is Siepmann Development Company. Property is Zoned B-2 Downtown Business District.

Planner Censky stated the next three items on the agenda are all quite similar. This applicant would like to use three parking stalls in front of the building, after the curb to create a dining area. The capacity would be 28 seats. The applicant would be responsible to put up barriers which would be heavily weighted barriers for safety. Recommended conditions were then read and explained. Comm. Lange stated he has a safety concerns for this and the next couple items. He would like to support the businesses but wants to ensure safety for the patrons. He suggested a more permanent-type fencing. President Knutson stated Administrator Gosse and himself met with the owners and Mr. Seipman who stated he would open three stalls to the public in the back of the building if this is approved. Comm. Lange stated there is no physical barrier to prevent people from walking through the barriers and into traffic. Trustee Roberts stated he knows parking downtown is an issue but he thinks we need to grant this submittal. Planner Censky stated that this request is for this year only. There was concern from Commissioners about all the other businesses downtown wanting to do this. Comm. Grabowski stated that the downtown is crowded and he would like the Police and Fire departments to sign off; safety is the #1 concern as this is risky but he is in favor. Trustee Roberts stated he likes the concept and people love to be outside but safety needs to be #1. Roberts also stated that there should be clear signage for the three new public parking spaces in back. Comm. Mantz stated consistency is important and all street parking spots could potentially be taken because all businesses might want to do this. Her other concern is the amount of traffic on the sidewalk and how that will be affected by the number of employees going back and forth. Comm. Lange stated that he is excited the businesses want to do this and that parking issues are something people expect. The applicant stated the planters are concrete and weigh 17,000 lbs. each without soil and plantings. The applicants stated they could try to figure out something to connect or put between the planters. Discussion Followed.

Comm. Grabowski moved, seconded by Comm. Lange to approve the Conditional Use Grant request to develop an outdoor dining/seating area accessory to their existing restaurant/bar use, Artisan 179, using three of the public parking stalls situated in the W. Wisconsin Avenue right-of-way directly in front of the business located at 179 W. Wisconsin Avenue as presented with the following recommendations:

1) This use approval shall expire on November 1, 2019 by which date the right-of-way shall have been fully restored to its original condition before the street dining use was approved and implemented;

2) Applicant shall secure the necessary licensure for alcohol sales, service and consumption on the right-of-way premises understanding that the only physical areas considered/approved for this use are as shown on the attached site plan;

3) The outer (street facing side) of the required enclosure/barrier separating the dining area from the vehicle accessible part of the right-of-way shall be setback no less than 2 feet from the vehicle accessible part of the right-of-way (1 foot separation from adjacent parking stalls and/or curbed island);

4) All parts of the proposed right-of-way dining appurtenances shall be bound within the street facing side of the existing curb face;

5) The enclosure/barrier separating the dining area from the vehicle accessible part of the right-of-way shall be subject to review and approval of Village Staff including not only as to consistency with the materials, colors, character,... of the adjoining building but also as to adequacy in terms of protection from harm given the close proximity of moving vehicles. At the applicant’s expense, the Village staff may engage qualified outside consultants for assistance in establishing this standard of protection;

6) Public safety consent as to the plan in light of any effects it may have on their ability to maintain proper protection of all persons and property in the surrounding environment;

7) Director of Public Works approval as to the manner of attachment of anything that is proposed to be affixed to any public object and/or the public way;

8) Electric service to the outdoor dining area may not be run on grade across the sidewalk;
9) 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;
10) Village Staff final review and approval of all appurtenances proposed to be placed in the parking stall areas;
11) The only food and/or beverage that may be consumed within this specific street dining space shall be limited to that emanating from the adjacent, approved use, Artisan 179;
12) Days and daily hours of operation shall be limited to 11:00am-11:00pm, Sunday through Friday and 11:00am-12am Friday and Saturday.
13) The street dining area shall comply fully with any/all applicable requirements attendant to the ADA;
14) Recording of the Conditional Use Grant Amendment prior to the start of any right-of-way occupancy;
15) Village Board approval of a right-of-way access/occupancy/use permit and agreement prior to recording of the Conditional Use Grant Amendment;
16) Execution of a hold harmless and indemnity agreement satisfactory to the Village Attorney and approved by the Village Board for the seating area/railing improvements that will remain in the right of way for inclusion as an exhibit to the Conditional Use Grant Amendment;
17) Provision of general liability and property damage insurance naming the Village of Pewaukee as an additional insured shall be provided to the Village Attorney for review and approval as to adequacy;
18) There is no new/extra lighting proposed for this street dining use;
19) Village Board shall make the final determination as to who has precedence in terms of the right-of-way use on any dates/times where use of this specific right-of-way space may have been requested by multiple parties/special events;
20) Staff approval on safety concerns including barricades/fencing by Police and Fire Departments.
21) Proper signage will indicate 2 additional public parking spots are available behind the building.

Motion Carried 5-2 with Comm. Zompa and Mantz voting nay.

e. Possible Action on Conditional Use Grant Amendment request to develop an outdoor dining/seating area accessory to their existing coffeehouse/cafe use, Brewers Two Coffeehouse, using an existing raised, landscaped area situated in the W. Wisconsin Avenue right-of-way directly in front of the business located at 203 W. Wisconsin Avenue. Applicant is Ellen Grabo d/b/a Brewers Two Coffeehouse. Property owner is Duncan’s, Inc. Property is Zoned B-2 Downtown Business District.

Planner Censky stated this is a similar request as the previous item. Brewers Two would like to use the triangular green area around the pedestrian crossing on W. Wisconsin in front of her shop as dining. Censky showed the plans on the screen. The applicant would like to put pavers in and take out the turf. The question to the Commission is whether the applicant would need to take the pavers out and replace the grass after each season?. Comm. Grabowski stated he doesn’t believe the applicant should have to remove the pavers each year until they’re done using the right-of-way completely. Censky showed some fencing proposed in response to Trustee Roberts question. Grabowski stated this barrier/fencing should still have Fire and Police approval. Comm. Mantz stated she doesn’t have a problem with replacing the turf unless the seating is abandoned or they don’t continue to use it. The applicant stated they would be ok with looking into getting traffic safety information and stated the hours they are looking for are 6am-8pm.

Comm. Mantz moved, seconded by Comm. Rogers to approve the Conditional Use Grant to develop an outdoor dining/seating area accessory to their existing coffeehouse/cafe use, Brewers Two Coffeehouse, using an existing raised, landscaped area situated in the W. Wisconsin Avenue right-of-way directly in front of the business located at 203 W. Wisconsin Avenue as presented with the following recommendations:

1) This use approval shall expire on November 1, 2019;
2) The outer (street facing side) of the required enclosure/barrier separating the dining area from the vehicle accessible part of the right-of-way shall be setback no less than 2 feet from the vehicle accessible part of the right-of-way (1 foot separation from adjacent parking stalls and/or curbed island);
3) All parts of the proposed right-of-way dining appurtenances shall be bound within the grassy edge of the existing curb face;

4) Director of Public Works shall review/approve the detailed plans for removal the existing grass in these islands and replacement with permeable pavers. The pavers can stay in place after November 1, 2019 but if the applicant doesn’t renew/intend to renew the use the following season, then they are responsible to remove the pavers and return the space to original turf condition upon written request of the Village;

5) The enclosure/barrier separating the dining area from the vehicle accessible part of the right-of-way shall be subject to review and approval of Village Staff including not only as to consistency with the materials, colors, character, ... of the adjoining building but also as to adequacy in terms of protection from harm given the close proximity of moving vehicles. At the applicant’s expense, the Village staff may engage qualified outside consultants for assistance in establishing this standard of protection;

6) Public safety consent as to the plan in light of any effects it may have on their ability to maintain proper protection of all persons and property in the surrounding environment;

7) Director of Public Works approval as to the manner of attachment of anything that is proposed to be affixed to any public object and/or the public way;

8) Electric service to the outdoor dining area may not be run on grade across the sidewalk;

9) 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;

10) Village Staff final review and approval of all appurtenances proposed to be placed in the right-of-way areas;

11) The only food and/or beverage that may be consumed within this specific street dining space shall be limited to that emanating from the adjacent, approved use, Brewers Two Cafe;

12) Days and daily hours of operation shall be limited to 6am-8pm daily.

13) The street dining area shall comply fully with any/all applicable requirements attendant to the ADA;

14) Recording of the Conditional Use Grant Amendment prior to the start of any right-of-way occupancy;

15) Village Board approval of a right-of-way access/occupancy/use permit and agreement prior to recording of the Conditional Use Grant Amendment;

16) Execution of a hold harmless and indemnity agreement satisfactory to the Village Attorney and approved by the Village Board for the seating area/railing improvements that will remain in the right of way for inclusion as an exhibit to the Conditional Use Grant Amendment;

17) Provision of general liability and property damage insurance naming the Village of Pewaukee as an additional insured shall be provided to the Village Attorney for review and approval as to adequacy;

18) Village Board shall make the final determination as to who has precedence in terms of the right-of-way use on any dates/times where use of this specific right-of-way space may have been requested by multiple parties/special events.

Motion Carried 6-1 with Comm. Zompa voting nay.

Possible Action on Conditional Use Grant Amendment request to develop an outdoor seating area accessory to their existing bar use, Velocity and the HandleBar, using four of the public parking stalls situated in the W. Wisconsin Avenue right-of-way directly in front of the business located at 203 W. Wisconsin Avenue and to expand the percentage of their existing total interior floor space dedicated to the bar use. Applicant is Scott Hoggatt d/b/a Velocity and the HandleBar. Property owner is Duncan’s Inc. Property is Zoned B-2 Downtown Business District.

Planner Censky stated this Applicant is looking to expand the indoor tavern/bar space by 400 feet and also to expand an outdoor seating area into the four parking stalls outside across from the building and sidewalk in the street right-of-way. Comm. Grabowski asked if the Duncan’s have approved any additional public parking in exchange. Comm. Mantz stated her concern for the Chiropractor and stated that many people going into the Chiropractor have a need to utilize the parking along the street. The applicant stated he is open to reduce the number of stalls if that is best. Trustee Roberts stated the
Applicant would need to give private stalls up to public parking. The Applicant stated they need more room for their guests inside during special events.

Comm. Mantz moved, seconded by Comm. Zompa to approve the Conditional Use Grant to expand the percentage of their existing total interior floor space dedicated to the bar use as presented and with the following recommendations:

1) As to the indoor expansion of the tavern use:
   a. Applicant to secure all permits necessary for building modifications as may be proposed to integrate the expanded tavern space with the existing;
   b. Applicant shall secure the necessary licensure for alcohol sales, service and consumption within this expanded tavern use area understanding that the only physical areas considered/approved for this use are as shown outlined in blue on the attached floor plan;
   c. Conditional Use Grant Amendment to be recorded prior to issuance of building permits and/or occupancy for the revised indoor space.

Motion Carried 7-0.

Comm. Lange moved, seconded by Comm. Grabowski to approve the Conditional Use Grant to develop an outdoor seating area accessory to their existing bar use, Velocity and the HandleBar, using three of the public parking stalls situated in the W. Wisconsin Avenue right-of-way directly in front of the business located at 203 W. Wisconsin Avenue with the following recommendations:

As to the outdoor street dining use:

1) This use approval shall expire on November 1, 2019 by which date the right-of-way shall have been fully restored to its original condition before the street dining use was approved and implemented;
2) Applicant shall secure the necessary licensure for alcohol sales, service and consumption on the right-of-way premises understanding that the only physical areas considered/approved for this use are as shown on the attached site plan;
3) The outer (street facing side) of the required enclosure/barrier separating the dining area from the vehicle accessible part of the right-of-way shall be setback no less than 2 feet from the vehicle accessible part of the right-of-way (1 foot separation from adjacent parking stalls and/or curbed islands);
4) All parts of the proposed right-of-way dining appurtenances shall be bound within the street facing side of the existing curb face;
5) The enclosure/barrier separating the dining area from the vehicle accessible part of the right-of-way shall be subject to review and approval of Village Staff including not only as to consistency with the materials, colors, character, ... of the adjoining building but also as to adequacy of protection from harm given the close proximity of moving vehicles. At the applicant’s expense, the Village staff may engage qualified outside consultants for assistance in establishing this standard of protection;
6) Public safety consent as to the plan in light of any effects it may have on their ability to maintain proper protection of all persons and property in the surrounding environment;
7) Director of Public Works approval as to the manner of attachment of anything that is proposed to be affixed to any public object and/or the public way;
8) Electric service to the outdoor dining area may not be run on grade across the sidewalk;
9) 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.
10) Village Staff final review and approval of all appurtenances proposed to be placed in the parking stall areas;
11) The only food and/or beverage that may be consumed within this specific street dining space shall be limited to that emanating from the adjacent, approved use, the Handlebar;
12) Days and daily hours of operation shall be limited to 12pm-9pm weekdays and 12pm-10pm on the weekends.
13) The street dining area shall comply fully with any/all applicable requirements attendant to the ADA;
14) Recording of the Conditional Use Grant Amendment prior to the start of any right-of-way occupancy;
15) Village Board approval of a right-of-way access/occupancy/use permit and agreement prior to recording of the Conditional Use Grant Amendment;
16) Execution of a hold harmless and indemnity agreement satisfactory to the Village Attorney and approved by the Village Board for the seating area/railing improvements that will remain in the right of way for inclusion as an exhibit to the Conditional Use Grant Amendment;
17) Provision of general liability and property damage insurance naming the Village of Pewaukee as an additional insured shall be provided to the Village Attorney for review and approval as to adequacy;
18) Applicant shall secure the necessary licensure for alcohol sales, service and consumption on the right-of-way premises understanding that the only physical areas considered/approved for this use are as shown on the attached site plan with a reduction to just 3 stalls;
19) 3 private parking stalls need to be predesignated from private parking to public parking with signage indicating this to be installed by the applicant or property owners;
20) No painting the right-of-way pavement.
21) Village Board shall make the final determination as to who has precedence in terms of the right-of-way use on any dates/times where use of this specific right-of-way space may have been requested by multiple parties/special events;

Motion Carried 5-2 with Comm. Zompa and Comm. Mantz voting nay.

g. Possible Action on Conditional Use Grant request to locate a restaurant/bar use at 1405 Capitol Drive (in the Meadow Creek Market development) using 4,800 square feet of indoor space and an adjacent 2,500 square feet of accessory outdoor seating area. Applicant is James Forester d/b/a Good Eats. Property owner is Chestnut Limited Partnership. Property is zoned B-1 w/ PUD Overlay

Planner Censky stated this application is for a tavern restaurant with outdoor dining in the terrace way. The total seats will be per the application materials submitted. This use is a permitted use, by CUG, in the B-1 District and the PUD. The hours would be 6am-2am. No outdoor lights will be added at this time. No changes to building or outdoor fixtures are proposed. Planner Censky read through and explained the recommended conditions.

Censky stated yes to Comm. Mantz, this is a restaurant. The commission discussed the times and if there would be outdoor music. Jim Forester stated they would not have outdoor music and that the anticipated construction start date is July 1, 2019.

Comm. Mantz moved, seconded by Comm. Rogers to approve the Conditional Use Grant to locate a restaurant/bar use at 1405 Capitol Drive (in the Meadow Creek Market development) using 4,800 square feet of indoor space and an adjacent 2,500 square feet of accessory outdoor seating area with the following recommendations:

1) Sign plan review and approval by the Planning Commission if the proposed future signage does not comply by dimension, number or design with the regulations set forth in the Village Code or is not in keeping with the character the building architecture, color/materials scheme and/or other approved signs within this development area;
2) Staff review and approval of the detailed outdoor seating area plans such as fence/rail surround design (if proposed or required), fixture specifications (i.e. tables, chairs, umbrellas, serving stations, ...) and sound system if any is proposed;
3) In no way may the outdoor dining/seating area compromise the accessibility to the tenant building space for public safety purposes;
4) Full compliance with all ADA requirements shall be maintained at all times including as may apply to the outdoor dining/seating area and related appurtenances;
5) Any substantiated material adverse impacts upon surrounding properties resulting from this use (including, though not necessarily limited, to noise, odor, litter, lighting, loitering, public safety, parking, ...) shall be the responsibility of the owner 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.

Motion Carried 7-0
h. Distribution of Draft Ordinances Related to Small Cell Wireless Facilities.
Comm. Grabowski moved, seconded by Comm. Lange to defer item 6h to the June meeting.
Motion Carried 7-0.

7. Citizen Comments
Paul Evert @ 327 Lookout – Mr. Evert stated the attorney gave indication from A-Z about the on street parking/dining downtown. What about the special events. He is concerned with giving away parking stalls which are for public parking. He questioned who will spend money on the barricades for one year only.
Tom Calder @ 504 High St. – Mr. Calder stated thank you Joe for making safety the most important here. When you take away public parking you are taking away from the tax payers. He is glad that only one year was approved and was disappointed that no representative from the Fire Department was there. He stated that the decisions of the Plan Commission need to stand the test of time.
Sandy Mancoda @ W276N2177 Spring Oak Dr – Ms. Mancoda thanked the Commission for listening to the citizens concerns about Capri and stated she is concerned with the cost of living there.
Theresa Hoff @ 1276 Timber Ridge – Ms. Hoff thanked the Commission for listening. She stated her concerns for giving up public parking spaces and the Capri development. The Commission should listen to what the voters want.

Adjournment
Motion carried 7-0.

Meeting adjourned at approximately 10:40 p.m.

Respectfully Submitted,

Cassie Smith
Village Clerk