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

2. Public Hearings
   a. On the Conditional Use Grant request to raze/replace an existing, legal nonconforming, single-family dwelling with a new single-family dwelling that will have a setback from the Park Avenue right-of-way that is equal to the existing dwelling setback but not compliant with the Code requirement (ref Section 40.209(a)) of 35 feet. The property address is 494 Park Avenue. The property owner/applicant is Chuck Beyer. The property is Zoned R-5 Single-Family Residential District.
   b. On the Conditional Use Grant to conduct a temporary, outdoor event on Monday–Thursday, October 7–10, 2019 from approximately 6am-10pm daily in the parking lot area of the property at 111 Prospect Avenue. Applicant/property owner is Wisconsin Shirdi Sai in c/o Satya Karri. The property is Zoned IPS Institutional and Public Service District.

3. Citizen Comments – This is an opportunity for citizens to share their opinions with Board Members on any topic they choose. However, due to Wisconsin Open Meeting laws, the Board is not able to answer questions or respond to your comments. All comments should be directed to the Board. 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:

5. Old Business
   a. Review, discussion and possible recommendation to the Village Board of proposed draft Ordinance changes related to Wireless Facilities in the Village – such proposed changes being precipitated by the recent FCC 2018 Small Cell Order.

6. New Business
   a. Review and Possible Action on the Conditional Use Grant request to raze/replace an existing, legal nonconforming, single-family dwelling with a new single-family dwelling that will have a setback from the Park Avenue right-of-way that is equal to the existing dwelling setback but not compliant with the Code requirement (ref Section 40.209(a)) of 35 feet. The property address is 494 Park Avenue. The property owner/applicant is Chuck Beyer. The property is Zoned R-5 Single-Family Residential District.
   b. Review and Possible Action on the Conditional Use Grant request to conduct a temporary, outdoor event on Monday–Thursday, October 7–10, 2019 from approximately 6am-10pm daily in the parking lot area of the property at 111 Prospect Avenue. Applicant/property owner is Wisconsin Shirdi Sai in c/o Satya Karri. The property is Zoned IPS Institutional and Public Service District.
c. Review, discussion and possible action on the Building/Site/Operating Plan Amendment request of the City of Pewaukee Fire Department (in c/o David Raschka of Thrive Architects) to construct a 4,364 square foot detached accessory storage/parking garage structure at the site of Fire Station #2 located at 125 College Avenue. The applicant holds a lease with property owner WCTI. The property is zoned IPS Institutional and Public Service District.

d. Review, discussion and possible action on the request of property owner 690 Westfield Way LLC and William A. Patch (in c/o Saf Sarich of The Kenmore Group LLC as Property Manager) to amend the Master Sign Plan for the multi-tenant Lake Country Market development, 690 Westfield Way, to remove the unique size, quantity, design, and similar requirements in favor of applying the Village’s regular Sign Code standards to the development. The property is Zoned B-1 Community Business.

e. Review, discussion and possible recommendation to the Village Board regarding adoption of a new and complete Historic Preservation Ordinance as Article XIV of the Village’s Land Development (i.e. zoning) Code in place of the existing, and rather limited, Section 40.436(d) pertaining to “Properties of historical significance”.

f. Review, discussion and possible recommendation to the Village Board regarding Zoning Code language changes proposed in order to permit, through conditional use, the keeping of chickens on single-family residentially zoned properties in the Village.

7. **Citizen Comments** – This is an opportunity for citizens to share their opinions with Board Members on any topic they choose. However, due to Wisconsin Open Meeting laws, the Board is not able to answer questions or respond to your comments. All comments should be directed to the Board. 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: August 2, 2019
1. **Call to Order, Pledge of Allegiance, Moment of Silence and Roll Call**
President Knutson called the meeting to order at approximately 7:01 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. Rogers, Comm. Lange and President Jeff Knutson. Comm. Grabowski was excused.

Also Present: Mary Censky, Village Planner; Tim Barbeau, Village Engineer; Ron English, Village Attorney; Jackie Schuh, Deputy Clerk-Treasurer.

2. **PUBLIC HEARING**
   a. On the Conditional Use Grant request to construct a replacement detached garage with offset to the side lot line less than that required by Code in the R-5 Single Family Residential Zoning District in which this property is located. The property address is 228 Orchard Avenue. The property owners/applicants are James and Kathryn Adam.

   No comments.

   b. On the Conditional Use Grant Amendment request to expand the outdoor storage portion of their existing, approved use of boat lift and pier sales, service, repair and storage and boat storage use on the north ½ of this property to now include the south ½ of the property, located at 230 Sussex Street, as well. Applicant is Rick Ruzga and Sam Ruzga d/b/a Lake Country Barge. The property owner is 230 Sussex Street LLC. The property is Zoned B-5 Light Industrial District.

   Matt Greenwood @ 202 Sussex St – Mr. Greenwood asked if they are keeping the fence up and what the plans are.

   c. On a Conditional Use Grant Amendment to construct building additions to the Pewaukee Lake Elementary School, the Pewaukee High School, the Asa Clark Middle School and the STEAM program building area that bridges between the Asa Clark Middle School and the Pewaukee High School at the main Pewaukee School District campus, 404 Lake Street. The property owner/applicant is Pewaukee School District. The property is Zoned IPS Institutional and Public Service District.

   Dan Deppe @ 326 Lake St – Mr. Deppe spoke regarding disruptions caused by construction traffic in his neighborhood.

   Paul Evert @ 327 Lookout Dr – Mr. Evert spoke regarding traffic issues due to construction.

   Mary Mullen @ 316 Lake St – Ms. Mullen asked whether construction cones are necessary in the drive of the Pewaukee School District.

   d. **Item withdrawn at applicant's request.** On a Conditional Use Grant request to operate a contractors business office with accessory outdoor storage yard including construction of a 42’ x 60’ storage building and exterior modifications to existing building, located at 462 Hickory Street. Applicant is Thunder Road, LLC and the property owner is First Student, Inc. The property is Zoned B-5 Light Industrial District.

3. **Citizen Comments** – Comments should be addressed directly to the Plan Commission and should be limited to a maximum of three minutes per speaker. President Knutson asked for only new business comments not related to the Capri development as those will be heard later in the meeting.

None.
4. Approval of the Minutes:
Comm. Rogers moved, seconded by Comm. Mantz to approve the June 13, 2019 minutes of the Regular Plan Commission meeting with the following corrections:
Item 6e – “The commission approved 3 stalls at the May meeting, but Village Board denied them....”
Motion carried 6-0.

5. Old Business
   a. Review, discussion and possible recommendation to the Village Board of proposed draft Ordinance changes related to Wireless Facilities in the Village – such proposed changes being precipitated by the recent FCC 2018 Small Cell Order.
Planner Censky guided the board through various proposed language changes and additions to various sections of the Village Code pertaining to wireless facilities in the Village. Discussion followed. The following topics were specifically requested to be followed-up on by staff:
(i) Adding the neighbor notification requirement into the draft. It was noted that the Village should welcome the opportunity to gather any unique information that the neighbors would know based on proximity, for instance, and it gives greater transparency to the process. It should also include the requirement that a local contact name/title/telephone number/email address be provided by the applicant as the contact person for any technical questions the public might have about the proposed equipment as to, for instance, environmental safety (i.e. radio waves) and similar concerns.
(ii) Requiring camoflage of the structures/equipment. Do we actually have to hold same standards than for WEPCO or others who need to put structures in the right-of-way. (iii) Putting a time horizon on when the right-of-way needs to be restored (ref paragraph on page 17 of the draft Ordinance 40.427.2 and Section 12 on page 20). (iv) Clarification about ongoing use/occupancy fees for being in the right-of-way or on our/the Village’s structures, and how much. Seeking clarification, can WEPCO say no to a wireless provider who wants to attach to their pole? Can the Village say no? Looking for clarification how the Village enforces the preferred locations hierarchy.
Comm. Zompa moved, seconded by Comm. Lange to table Item 5a.
Motion carried 6-0.

   b. Review, discussion and possible action on Site/building/operational plans approval for “Commercial Acute Care Medical Facility of less than 20,000 square feet...” for Lot 14 located at the northwest corner of Capitol Drive and Highway 164 (Pewaukee Road). The Applicant is Ryan Marks on behalf of Froedtert & the Medical College of Wisconsin with consent of the property owner Meadow Creek Limited Partnership. The property is zoned B-3 Community Business with PUD Planned Unit Development District Overlay.
Planner Censky stated that the applicant has made recommended changes to the architecture as discussed at the June Plan Commission meeting. She went on to list her recommendations at this point. Discussion followed.
Comm. Zompa moved, seconded by Trustee Roberts to approve the site/building/operational plans with the following recommendations of Planner Mary Censky:
1) The north side/end of the main gabled building section shall be finished in the same materials as the south side;
2) The backside of the mansard raised elements shall be finished with a color matched material to the outward facing elevation that they can be viewed from;
3) Revised landscaping plan review and approval by Staff which introduces plantings in the foreground of the retaining wall wherever the wall exceeds 4 feet in height;
4) The plan details as to the top finish of the 2 flat-roofed building sections along the south end of the building shall be subject to review and approval by the Village staff;
5) The plan shall confirm that no rooftop appurtenance of any sort shall be permitted that will be visible from the surrounding view;
6) Sign plan review, approval and permit issuance (provided no waiver is required and based on the basic design information provided as to materials and colors) by Village Staff;
7) Village Engineer review and approval of all utility, grading, drainage, stormwater management, and erosion control plans prior to issuance of any building or construction permit in support of this project.
Motion carried 6-0.

6. New Business

a. Review, discussion and possible approval on the application of WCTC (in c/o Jeff Leverenz, Director of Facilities-Services) for a sign code waiver to install a changeable letter electronic message (reader type) sign at the “S” Building. The property is located at 800 Main St. Property is zoned IPS Institutional and Public Service District.

Planner Censky stated that the sign is a directional sign to assist visitors to campus. She discussed applicable Sections 70.115(d)(2)(a) and 70.115(d)(7) of the Sign Code.

Comm. Zompa moved, seconded by Comm. Mantz to approve the sign code waiver with the following recommendations of Planner Mary Censky:

1) Applicant to secure all necessary building and electrical permits prior to the start of any work toward installing the ground monument sign;

2) In the event the monument changeable copy sign shall become a nuisance or hazard due to excessive glare, hotspot, or movement/flicker, the applicant agrees to timely modify/correct the sign displays upon written notice from the Village in order to mitigate.

Motion carried 6-0.

b. Review and Possible Action on the Conditional Use Grant request to construct a replacement detached garage with offset to the side lot line less than that required by Code in the R-5 Single Family Residential Zoning District in which this property is located. The property address is 228 Orchard Avenue. The property owners/applicants are James and Kathryn Adam.

Per Planner Censky, this is a legal non-conforming lot as to width and area. For that reason, they are eligible to request, through CUG, some relief from the setbacks and offsets of the R-5 District. A detached garage is permissible if there is no attached garage. This garage would replace an existing detached garage. Planner Censky listed her recommendations before applicant/owner Kathryn Adam confirmed that building materials would be similar to those of the house which they are re-siding at the same time as they plan to do the garage construction and that the new building would have gutters and downspouts. Discussion ensued.

Comm. Rogers moved, seconded by Comm. Zompa to approve the Conditional Use Grant contingent upon Building Inspection and/or Fire Dept. confirming that space between the new garage and the deck attached to the home is adequate and with the following recommendations of Planner Mary Censky:

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) The applicant acknowledges that this detached garage may not be used for any business and/or dwelling occupancy use without specific and prior approval being granted to that effect;

3) Removal of the existing detached garage prior to the start of any work in support of the new garage;

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

c. Review and Possible Action on the Conditional Use Grant Amendment request to expand the outdoor storage portion of their existing, approved use of boat lift and pier sales, service, repair and storage and boat storage use on the north ½ of this property to now include the south ½ of the property, located at 230 Sussex Street, as well. Applicant is Rick Ruzga and Sam Ruzga d/b/a Lake Country Barge. The property owner is 230 Sussex Street LLC. The property is Zoned B-5 Light Industrial District

Planner Censky spoke of the layout of the property, what the current CUG specifies and described the proposed fencing as chain-link with slats and a rolling gate. This space would only be used as storage for their equipment. She noted that
although their plan indicates razing the current building, the surface and existing slab would not be disturbed due to potential contaminates in the ground. Discussion followed.

Comm. Mantz moved, seconded by Comm. Rogers to approve the Conditional Use Grant contingent on the following conditions:

1) All unenclosed storage of owned boats, docks, lifts, materials, equipment and supplies shall be located only behind opaque fencing and out of sight from the public and/or surrounding view;

2) No occupancy of this south portion of the site shall be permitted until the conditional use grant and related land covenant have been fully executed and recorded in the Register of Deeds office and the fencing fully installed according to plan approval;

3) The 6-foot-tall fence with gate, extending from the south side of the building to the south lot line and connecting into the existing fence which runs east along the south lot line shall be setback from the road right-of-way not less than 15 feet. Five (5) moveable planters with large plantings shall be arranged along the proposed new fence facing the street and the location and type of such planters/planting being subject to the review and approval of the Village Staff in order to maximize the aesthetic and screening benefits of such plantings.

4) This new/south portion of the yard shall not be used for any other purpose than parking and storage unless outdoor business activity shall first and specifically be included under the Conditional Use Grant approval by the Planning Commission;

5) The rolling gate shall be in closed position during closed business hours;

6) The existing southerly building shall be razed/removed from the site in its entirety prior to the start of fencing installation;

7) Surfacing of the area within this south portion of the lot shall be asphalt, concrete or a thoroughly compacted and dust-free gravel base;

8) Any required stormwater management, grading, drainage, erosion control and/or utility plans shall be subject to the review and approval of the Village Engineer prior to recording of the CUG;

9) All perimeter vegetation along the south and east sides of the property shall remain intact to the maximum extent practicable. In the event the existing perimeter vegetation shall be so substantially reduced over time as to make the view into the storage area conspicuous from surrounding residential properties and/or the public way, then the Planning Commission may require additional future plantings to mitigate such view;

10) The required fencing/gates shall be installed prior to use occupancy;

11) No new signage or exterior lighting is proposed or approved as a part of this CUG Amendment;

12) Provision in the Conditional Use Grant document that any substantiated adverse impacts upon the surrounding neighbors or the Village as a whole which arise as a result of this use shall be the responsibility of the owner to correct timely upon notice from the Village and the owner acknowledges that failure to do so may result in action toward modification and/or termination of the Conditional Use approval.

Motion carried 6-0.

d. Review and Possible Action on the Conditional Use Grant Amendment to construct building additions to the Pewaukee Lake Elementary School, the Pewaukee High School, the Asa Clark Middle School and the STEAM program building area that bridges between the Asa Clark Middle School and the Pewaukee High School at the main Pewaukee School District campus, 404 Lake Street. The property owner/applicant is Pewaukee School District. The property is Zoned IPS Institutional and Public Service District.

Planner Censky turned the floor over to architect Mike Hacker and Superintendent John Gahan to talk the Commission through the amended architectural plans for the school addition. They spoke of the changes made since the last Planning Commission review and they had samples of building materials. Discussion by the Commission followed. There was still some concern among Commissioners for the lack of dimension and architectural interest in the north facing façade of the High School addition and the STEAM area addition as well as south elevation of Pewaukee Lake Elementary.

Comm. Roberts moved, seconded by Comm. Lange to approve the Conditional Use Grant contingent upon staff review and approval of final architectural plans reflecting some of the advice and feedback given at tonight’s meeting and also the following conditions:
1) Village Engineer review and approval of all grading, drainage, utility, stormwater management and erosion control plans attendant to this project and prior to issuance of a building/construction permit;
2) Village Staff approval of a Code compliant building lighting plan prior to issuance of a building/construction permit;
3) Applicant to secure all necessary building, electrical, plumbing... and any other required permits, prior to the start of construction at the site;
4) Recording of the Conditional Use Grant Amendment and related Land Covenant, prior to the issuance of a building permit for the project.
Motion carried 6-0.

e. Item withdrawn at applicant’s request. * Review and Possible Action on the Conditional Use Grant Application to operate a contractor’s business office with accessory outdoor storage yard including construction of a 42’ x 60’ storage building and exterior modifications to existing building, located at 462 Hickory Street. Applicant is Thunder Road, LLC and the property owner is First Student, Inc. The property is Zoned B-5 Light Industrial District.
f. Review and Possible Action regarding the temporary outdoor use request of Wisconsin Shirdi Sai (in c/o Satya Karri) proposed to be held October 7-10, 2019.
Planner Censky spoke regarding the proposed event details. Satya Karri represented Wisconsin Shirdi Sai and answered questions from the Commission. Items clarified included: parking at WCTC with a shuttle that runs every 20 minutes, it is a 4 day event – there was a typo on one sheet - while the event will be done by 8:30pm, people may not be cleared out until approximately 9:30pm, WCTC is devoting parking lot area to this event not just “use what’s available” approach, sound system will be shut off at 9pm and begin at 6am, the morning activity will be confined to the tent area, there will be mobile heaters in the tents, and officers for traffic/crowd assistance. As this was a consultation, no action was needed.

7. Citizen Comments – Comments should be addressed directly to the Plan Commission and should be limited to a maximum of three minutes per speaker.
   Dan Deppe @ 326 Lake St – Mr. Deppe spoke regarding the speakers at the beach being too loud at events.

8. Adjournment
Motion carried 6-0.

Meeting adjourned at approximately 9:53 p.m.

Respectfully Submitted,

Jackie Schuh
Deputy Clerk-Treasurer
STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky
Date Prepared: August 8, 2019

**General Information:**

Agenda Item: 5.a.

**Applicant:**

N/A

**Status of Applicant:**

Village initiated item

**Requested Action:**

Review, discussion and possible recommendation to the Village Board as to draft Ordinance changes proposed relating to Wireless Facilities in the Village – such proposed changes being precipitated by the recent FCC 2018 Small Cell Order.

**Background/Discussion:**

At the May, 2019 meeting, Planning Commissioners received a draft of the proposed language changes/additions to various sections of the Village Code pertaining to wireless facilities in the Village. The proposed changes were drafted bearing in mind the guidance offered by the League of Wisconsin Municipalities which solicited the drafting of a model ordinance by the law firm Boardman & Clark LLP (ref http://www.lwm-info.org/1538/Telecommunications-Including-Small-Cell for the Memorandum and Model Ordinance offered by Attorney Anita GuUucci in this regard).

On July 11, 2019, the Planner guided Commissioners through/explained the various changes proposed. The items was tabled on this date in favor of receiving further information on certain topics within the draft ordinance(s) and making certain proposed changes as noted by Commissioners.

The revisions and staff follow-up on those specific topics of inquiry (reference the draft minutes for 7-11-19) and one additional change will be presented by the Planner at this month’s meeting.

Please bring the wireless ordinance draft materials, as distributed at the May meeting, along with you to the August 8, 2019 meeting.
STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky
Date Prepared: August 8, 2019

General Information:

Agenda Item: 6.a.

Applicant: Charles Beyer

Status of Applicant: Property owner.

Requested Action:

Review, Discussion and possible action on Conditional Use Grant request to construct a replacement single family residential dwelling with a setback from the front/public street right-of-way line less than that required by Code.

Lot Area: Approximately .2006 acres/8,738 sq.ft.

Lot Width: 50 feet

Property Location: 494 Park Avenue

Discussion:

This lot is legal nonconforming as to both area and width (i.e. minimums required = 10,500 sq.ft and 70 feet respectively). Section 40.209(b) provides that the required setback (i.e. 35 feet in this case) can be reduced at the Planning Commissions discretion through Conditional Use on lots that are legal nonconforming as to minimum size and width.

The applicant proposes to remove the existing single family residence (which is currently legal nonconforming as to required minimum home size) on the site and replace it with a new home which will exceed the minimum required home size of 1200 square feet.

In order to maintain an appreciable space for useable backyard, the applicant requests approval to situate the new home at the same setback as the existing home (i.e. 21.7 feet from the edge of right-of-way) vs the 35 foot setback as required by the Code for the R-5 District.

Recommendation:
The Planner recommends that if the Planning Commission is inclined toward an approval of this request, the following conditions be considered for attachment thereto:

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 home will not adversely impact drainage conditions on neighboring properties as a result of the new construction;

2) Issuance of all required raze, building, electrical, and any other such/similar permits prior
to the start of any work on the proposed new home;
3) Recording of the Conditional Use Grant and related Land Covenant prior to issuance of any permits in support of this project.
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.
Village of Pewaukee Plan Commission
Engineer’s Report for August 8, 2019

Chuck Beyer
494 Park Ave.

Report

Grading
Recently, Mr. Beyer proposed to rebuild a garage located southeast of his house that has access via Spring Street. As part of that work, Mr. Beyer was requested to prepare a grading and drainage plan. On June 21, 2019, I approved a final grading and drainage plan (plan date is June 20, 2019). The plan addresses drainage around the garage as well as the existing house. Assuming that the house will be in generally the same location and elevation on the lot, the grading plan is acceptable as prepared and approved on June 21, 2019.

Recommendation

Should the Conditional Use be granted subject to the approval of a grading plan, I submit that the grading plan approved June 21, 2019 would suffice, unless major changes are being proposed for the location and elevation of the house.

Tim Barbeau, Village Consulting Engineer
July 31, 2019
Address/Parcel No. of Property Involved: 494 Park Ave

Zoning of Property: R-5

Current Owner of Property: Charles & Jean Beyer

Applicant – Name: Charles & Jean Beyer
Address: 21880 Foxhaven #5, Waukesha WI
Phone: 414-807-6682
Fax: 
Email: cwbeyer@tools4mfg.com

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

  Location of new home using original setback off Park Ave (21' 7") and 10'
  setbacks on each side as shown on attached Plat Survey.

Provide detailed information with your application that addresses the following:

1. Development Plans of the proposed use in sufficient detail to enable the Commission to evaluate the suitability of architectural & landscape treatment, proper placement of the building(s) on the lot, traffic generation & circulation, provision for parking, drainage, exterior lighting, control devices (when necessary) to eliminate noise, dust, odor, smoke or other objectionable operating conditions & general compatibility of the proposed use with the area in which it is located.
2. It is the responsibility of the applicant/owner to ensure that the proposed project meets the Village's Land Development Code. It is also highly recommended that the applicant/owner review the Village's adopted Land Use Plan.

Signature of Property Owner as listed on this Application:

Application will not be processed without the Owner's Signature regardless of who is listed as the Applicant. This signature authorizes the Village of Pewaukee to process the Conditional Use Approval Application proposed for my property and further authorizes the Village or its representatives to conduct reasonable and routine inspections of my property for the purposes of evaluating this application.

Signature of Applicant (if different than Owner):

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

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

Pursuant to the Village of Pewaukee Code of Ordinances, 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 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 Clerk shall charge that service for the fees incurred by the Village. 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.

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 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 by the Village. 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.

RESPONSIBLE PARTY & MAILING ADDRESS

Charles Beyer
Name of Company and/or Individual

_21880 Foxhaven Run #5_ Waukesha WI 53186
Street City State Zip

Phone: 414-807-6682 Fax: E-Mail: cwbeyer@tools4mfg.com

Signature of Applicant & Date

[Signature]
7-11-19

Signature of Property Owner & Date

Village Official Accepting Form & Date

SEND ALL PROFESSIONAL SERVICES INVOICES TO: (Check One)

X Property Owner

Applicant
STAFF REPORT

To: Village of Pewaukee Plan Commission
By: Mary Censky
Date Prepared: August 8, 2019

General Information:
Agenda Item: 6.b.

Applicant: Wisconsin Shirdi Sai (in c/o Satya Karri)

Status of Applicant: Property owner.

Requested Action: Review, discussion and possible approval of a Conditional Use Grant for the temporary outdoor use request of Wisconsin Shirdi Sai (in c/o Satya Karri) proposed to be held October 7-10, 2019.

Current Zoning: IPS Institutional and Public Service District

Current Master Plan Classification: Institutional

Requested Master Plan Classification: N/A

Surrounding Zoning/Land Use: North: R-5 Single Family Residential
South: R-5 Single Family Residential
East: R-5 Single Family Residential
West: R-5 Single Family Residential

Location: 111 Prospect Avenue

Discussion:
The applicant received consultative feedback from the Planning Commission at the July 11, 2019 meeting. The attached draft of CUG and related exhibits capture the details of what was discussed.

Recommendation:
The Planner does not raise any objections to the plan proposed and as setforth in the DRAFT Conditional Use Grant and related Land Covenant attached.
CONDITIONAL USE GRANT
To permit the temporary use “religious celebration”.

Before the Planning Commission of the Village of Pewaukee, Waukesha County, Wisconsin, in regard
To Premises located at 111 Prospect Avenue
In The Village of Pewaukee, Waukesha County, State of Wisconsin, and further defined as follows:

PWV 0896001 and PWV 0896005 more specifically described
as follows:
PT LOT 1 BLK A LAKEVIEW ADDITION TO THE VILLAGE OF PEWAUKEE PT SE1/4 SEC 8 & SW1/4 SEC 9 T7N R19E; COM SW COR SEC 9 N 873.50 FT TO NWLY LI PROSPECT AVE; N43°18′E 136.01 FT; N45°13′E 297.07 FT; N46°28′E 697.00 FT THE BGN BEING MOSTLY COR LOT BLK A LAKEVIEW ADDITION TO THE VILLAGE OF PEWAUKEE; N46°28′E 146.42 FT TO SWLY LI MAIN ST; N26°37′W 135.95 FT; S63°23′W ON LI WHICH IS 126.00 FT SE OF & PARALLEL TO NWLY LI LOT 1 BLK A LAKEVIEW ADDITION 165.00 FT; S26°37′E 49.60 FT; N56°04′E 24.00 FT; S27°05′E 132.00 FT TO BGN :: ALSO N 126 FT LOT 1 BLK A LAKEVIEW ADDITION TO THE VILLAGE OF PEWAUKEE :: DOC # 4272422, and
PT LOT 4 BLK A & VAC ALLEY PLAT OF LAKEVIEW ADDITION TO THE VILLAGE OF PEWAUKEE PT SE1/4 SEC 8 & SW1/4 SEC 9 T7N R19E; COM NELY LI LAKE ST & NWLY LI PROSPECT AV; N42°00′W ALG NELY LI LAKE ST 290.54 FT THE BGN BEING N42°00′W OF & 10.90 FT DISTANT FROM THE COR BETW LOTS 3 & 4 BLK A LAKEVIEW ADDITION; N42°00′W ALG SWLY LI LOT 4 43.00 FT; N47°46′E PARALLELE TO LI BETW LOTS 3 & 4 144.90 FT TO NELY LI OF VAC ALLEY; S25°29′E ALG NELY LI VAC ALLEY 50.13 FT; S47°46′W 130.65 FT TO BGN :: DOC # 4272422, respectively.

WHEREAS, the Zoning Code and Zoning District Map of the Village of Pewaukee, pursuant to State Statutes, provide that the premises may not be used of right for purpose hereinafter described but that, upon petition, such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinances; and

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the Village of Pewaukee having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, IT IS GRANTED, subject to compliance with the terms and conditions hereinafter stated that the Premises may be used for the purpose of “religious celebration”.

GRANTED by action of the Planning Commission of The Village of Pewaukee this 8th day of August, 2019.

Village Planning Commission Secretary
Cassandra Smith

Planning Commission Chairperson
Jeffrey Knutson

Original filed at the Pewaukee Village Hall.
The **CONDITIONS** of this Grant are:

a. This grant shall become effective upon the execution and recording by the owners of the Premises of an acceptance hereof in such form as to constitute an effective covenant that shall run with the land subject to the provisions contained herein.

b. This grant shall be void unless, pursuant to the building and Zoning Codes of the Village, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of the Planning Commission approval noted above.

c. This grant is subject to and termination in accordance with the provision of the Zoning Code of the Village.

d. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and exhibited hereto.

e. Any of the conditions of this Grant which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.

f. This Grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.

g. Failure to allow reasonable and routine inspections of the property constitutes grounds for revocation of the Conditional Use Grant.

h. **Conditions on the Operations:**
   1. Dates of approval for this temporary use shall be limited to "Monday October 7th, 2019 through Thursday October 10th, 2019". By November 11th, 2019, the site shall be returned to it's original condition as before the temporary use was approved and implemented.
   2. Hours of use for this celebration shall be limited to 6:00am-9:00pm daily with last people departing the site no later than 10 pm daily.
   3. Amplified audio and/or live music of any sort shall end by 9 pm daily.
   4. Applicant to provide not less than 1 off-duty police officer at the site during all hours of the celebration to assist in overseeing the crown and traffic circulation for safety.
   5. The site layout during the event shall be as shown on the attached Exhibit "A", page 1 of 1, which is made a part hereof by reference.
   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, such consent to be memorialized and notated in the Village file associated with this property/CUG.
   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, such consent to be memorialized and notated in the Village records for this property.
   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 being personally delivered by Village official(s) and failure to do so may result in immediate revocation of this temporary use conditional use grant.

10. Parking, where permitted on the nearby public streets, shall be in accordance with the Village's signs posted.

11. No alcohol service or consumption is proposed or approved as a part of this temporary use.
12. Overflow parking is reported to be available for this use at the WCTC and Pewaukee Library locations. Free shuttle rides to/from the WCTC remote parking area are planned to be provided by the property owner.

13. The use shall comply fully with any/all applicable requirements attendant to the ADA.

14. Recording of the Conditional Use Grant prior to the start of the use.

i. Other Conditions: None.
LAND COVENANT
To permit the temporary use “religious celebration”.

Acceptance of Conditions of Conditional Use Grant

THIS COVENANT, made this ___ day of ______, 2019 by: GRANTEES, for the use and benefit of all persons from time to time resident or owning property within the boundaries of the Village of Pewaukee, Waukesha County, Wisconsin, and for the use and benefit of said Village of Pewaukee in its own right and as agent for the purpose of enforcing these presents on behalf of the above described class of persons, GRANTORS.

The premises affected by these presents [hereinafter called the Premises] is located at 111 Prospect Avenue in the Village of Pewaukee, Waukesha County, State of Wisconsin, further described as follows:

PWV 0986001 and PWV 0986005 more specifically described as follows:
PT LOT 1 BLK A LAKEVIEW ADDITION TO THE VILLAGE OF PEWAUKEE PT SE1/4 SEC 8 & SW1/4 SEC 9 T7N R19E; COM SW COR SEC 9 N 673.35 FT TO NWLY LI PROSPECT AVE; N43°18'1" E 138.01 FT; N45°13'13" E 297.07 FT; N46°28'13" E 697.00 FT THE BGN BEING MOST SLY COR LOT BLK A LAKEVIEW ADDITION TO THE VILLAGE OF PEWAUKEE; N46°28'13" E 146.42 FT TO SWLY LI MAIN ST; N26°37'15" W 135.95 FT; S63°23'14" W ON LI WHICH IS 126.00 FT SE OF & PARALLELS TO NWLY LI LOT 1 BLK A LAKEVIEW ADDITION 165.00 FT; S26°37'15" E 49.60 FT; N56°04'13" W 24.00 FT; S27°05'18" W 132.00 FT TO BGN :: ALSO N 126 FT LOT 1 BLK A LAKEVIEW ADDITION TO THE VILLAGE OF PEWAUKEE :: DOC# 4272422, and
PT LOT 4 BLK A & VAC ALLEY PLAT OF LAKEVIEW ADDITION TO THE VILLAGE OF PEWAUKEE PT SE1/4 SEC 8 & SW1/4 SEC 9 T7N R19E; COM NELY LI LAKE ST & NWLY LI PROSPECT AV; N42°00’0” W ALG NELY LI LAKE ST 290.54 FT THE BGN BEING N42°00’0” W OF & 10.90 FT DISTANT FROM THE COR BETW LOTS 3 & 4 BLK A LAKEVIEW ADDITION; N42°00’0” W ALG SWLY LI LOT 4 48.00 FT; N47°46’0” PARALLELS TO LI BETW LOTS 3 & 4 144.90 FT TO NELY LI OF VAC ALLEY; S25°29’0” ALG NELY LI VAC ALLEY 50.13 FT; S47°46’0” W 130.65 FT TO BGN :: DOC# 4272422, respectively.

GRANTEES warrant and covenant that at the time of the enrolling and delivery of these presents they are all of the owners of the Premises and that no other person has any estate or interest therein except by reason of easements for public utilities, building restrictions, dedications to the public or public bodies, instruments not of record, and mortgages to banks, savings and loan associations or insurance companies.

GRANTEES represent that petition on their behalf was made to the Village of Pewaukee pursuant to the zoning code of the said Village, for grant permission to erect and/or conduct on the Premises a use there permissible by right but only by Conditional Use Grant; that in connection therewith GRANTEES made certain representations and agreements as to temporary use plans which were incorporated into the Conditional Use Grant; that based thereon the Conditional Use Grant was approved by the Plan Commission on the 8th day of August, 2019 and that a true copy thereof is on file with the Plan Commission of the Village of Pewaukee.

NOW, THEREFORE, GRANTEES hereby accept the said Conditional Use Grant and covenant strictly to comply with all the terms and conditions thereof. GRANTEES acknowledge that, in accordance with the provisions of the Zoning Code, failure to comply with any conditions of the Conditional Use Grant is cause for the termination of said Grant by the Village. GRANTEES also acknowledge that approval of the Conditional Use Grant allows the appropriate Village officials to conduct reasonable and routine inspections of the property. This Covenant shall run with the land and shall be binding on the GRANTEES and all persons claiming any estate or interest in the Premises by, through or under the GRANTEES, as long as the said
Premises are used as described in the Conditional Use Grant for the purpose of “temporary use religious celebration”.

IN WITNESS WHEREOF, GRANTEE(S) have hereunto set their hand(s) and seal(s) this ___ day of ______________, 2019.

__________________________  __________________________
Signed:                       Signed:

__________________________  __________________________
Printed Name, as Property Owner  Printed Name, as Property Owner

Acknowledgment

For: Property Owner

STATE OF WISCONSIN  
__________________________  
County  
personally came before me this ___ day of ______________, 2019,  
the above named ___________________ to me known to be the person(s) who executed the 
foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires: ______________________

And...

For: Property Owner

STATE OF WISCONSIN  
__________________________  
County  
personally came before me this ___ day of ______________, 2019,  
the above named ___________________ to me known to be the person(s) who executed the 
foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires: ______________________
To: Village of Pewaukee Plan Commission
By: Mary Censky
Date Prepared: August 8, 2019

General Information:

Agenda Item: 6.c.

Applicant: City of Pewaukee Fire Department in c/o David Raschka of Thrive Architects

Status of Applicant: Land Leaseholder

Requested Action: Building, Site and Operating Plan approval

Current Zoning: IPS Institutional and Public Service District

Current Master Plan Classification: Institutional

Surrounding Zoning/Land Use:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning/Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>IPS Institutional and Public Service District</td>
</tr>
<tr>
<td>South</td>
<td>City of Pewaukee</td>
</tr>
<tr>
<td>East</td>
<td>IPS Institutional and Public Service District</td>
</tr>
<tr>
<td>West</td>
<td>City of Pewaukee</td>
</tr>
</tbody>
</table>

Lot Size: 19.5 acres

Location: 125 College Avenue

Background:
The City of Pewaukee Fire Department seeks building and site plan review/approval to construct a new detached garage/storage building off the north edge of the existing pavement/parking area at Fire Station #2. The building is proposed to be 4,368 square feet in area. Architecturally, it will have 6 overhead-doors and 2 man-doors on the south elevation. The south and east elevations are comprised of red brick principally with some accent materials on the east intended to further emulate the likeness to the existing main firehouse building. The north and west sides, which are largely cut into the rising topography going north and west will be comprised of horizontal lap smart siding. The roof is proposed to match that of the existing building—standing seam metal in design. Colors of the new building are directly related to colors of the existing building.

The existing parking spaces on this north side of the pavement will no longer be available as parking stalls per se. The vehicles and equipment that are parked in these stalls presently are going to be relocated into the building. The remaining stalls along the south edge of the existing pavement + expansion brings the total stalls available after the fact to 11 which the Fire Chief states will be more than adequate to serve the staff and the very minimal/occasional visitor needs at this site.
The proposed light fixtures (one over each of the doors) are Code compliant as to the cutoff design standard.

Landscaping proposed includes two deciduous trees to be placed in the greenspace area near the southeast corner of the new building.

No signage is proposed as a part of this request.

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

1) Village Engineer review and approval of all grading, drainage, erosion control, utility, stormwater management and similar plans prior to issuance of any building, grading, electrical,… permits attendant to this project;

2) Applicant to secure all necessary building, grading, electrical,… permits prior to the start of any construction or building activity attendant to this project;

3) Planning Commission review and approval of the actual building materials and colors samples;

4) Landscape tree plantings shall be not less than 2” caliper at chest height at planting.
Village of Pewaukee Plan Commission
Engineer’s Report for August 8, 2019

Pewaukee Fire Station No. 2 Storage Bldg.
125 College Ave.

Report

Grading
The proposed building will be built north of the existing northerly asphalt driveway to the fire station. The grade rises up to the north. The building will be built into the hill resulting in a full exposure on the south side of the building and a partial exposure to the north. The grade at the lower level will match the existing grade. Some minor grading will be required around the building to assure positive drainage around the back of the building. The site engineer provided me with an updated grading plan this week which I have included for the packets.

Storm Water
The new building and parking will add additional impervious areas to the storm water management system for the site. Calculations to confirm that additional flow from the hard surfaces are not prepared for my review at this time, but are in process (likely not going to be ready by meeting time).

Recommendation

I recommend approval of the grading plan (undated), but received on July 31, 2019, since it will have no adverse effects on adjacent properties. Final staff approval shall be subject to submission and approval of a storm water management report and potential modifications to the pond.

Tim Barbeau, Village Consulting Engineer
August 1, 2019
To: Village of Pewaukee Plan Commission

General Information:

Agenda Item: 6.d.


Status of Applicant: Property Manager

Requested Action:

To amend the Master Sign Plan for this multi-tenant Lake Country Market development to remove the unique size, quantity, design, and similar requirements in favor of applying the Village’s regular Sign Code standards to the development.

Existing Zoning:

B-1 Community Business

Requested Zoning:

Same

Surrounding Current Land Use:

North: R-M Multi-Family Residential
South: B-1 Community Business
East: B-1 Community Business
West: B-3 Office and Service Business

Master Plan Classification:

Community Commercial

Lot Size/Project Area:

4.46 acres

Location:

690 Westfield Way

Summary:
The applicant requests Planning Commission approval to remove the specific terms of a master sign plan that was approved by the Planning Commission for this site back in April, 1999. Instead, the applicant requests to be placed on the same playing field as most other commercial development in this area along Capitol Drive which is to limit their signage by the terms of the Village’s Chapter 70 Sign Code.

The applicant represents that tenants have become much more brand specific in their sign request, wishing to include unique logos and color schemes for instance where the master plan does not permit this. The applicant indicates that they still intend to have a number of private restrictions on the signs at this center which would be enforced by the ownership and
management, but simply want to enhance the ability of tenants to a bit more creative and individualized in their signs.

**Recommendation:**
The Planner raises no particular objection to the applicants request as presented.
Application is due 3 weeks prior to the Meeting Date.

Village of Pewaukee

Planning Commission
Miscellaneous Approval Application Form

Return Completed Form along with 11 copies of all materials to be reviewed as well as a digital copy of any attachments submitted.

Address/Parcel No. of Property Involved: 690 Westfield Way, Pewaukee WI // Tax Key No: PWV 0902 989

Zoning of Property: B-1 Community Business

Current Owner of Property: 690 WESTFIELD WAY, LLC

Applicant – Name: 690 WESTFIELD WAY, LLC
Address: c/o The Kenmore Group, LLC, 2835 N Sheffield Ave STE 403, Chicago IL, 60657
Phone: 773-383-5040 (Saf Sarich / Manager)
Fax:
Email: SAF@TheKenmoreGroup.com

Type of Request: Check All That Apply

- [x] Sign Plan Approval
- [ ] Final Plat Approval
- [ ] Certified Survey Map
- [ ] Other (Describe Below):  

Signature of Property Owner as listed on this Application:

By: Safet M Sarich, Jr., Member
The Kenmore Group, LLC, Manager
690 Westfiled Way, LLC (Owner)

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 Application as it pertains to 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):
PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

Pursuant to the Village of Pewaukee Code of Ordinances, 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 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 Clerk shall charge that service for the fees incurred by the Village. 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.

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 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 by the Village. 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.

RESPONSIBLE PARTY & MAILING ADDRESS

<table>
<thead>
<tr>
<th>Name of Company and/or Individual</th>
<th>690 WESTFIELD WAY, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>c/o The Kenmore Group, LLC</td>
<td></td>
</tr>
<tr>
<td>2835 N Sheffield Ave, STE 403</td>
<td></td>
</tr>
<tr>
<td>Street</td>
<td>Chicago</td>
</tr>
<tr>
<td>City</td>
<td>IL</td>
</tr>
<tr>
<td>State</td>
<td>Zip</td>
</tr>
<tr>
<td>Phone: 773-383-5040</td>
<td>E-Mail: <a href="mailto:SAF@TheKenmoreGroup.com">SAF@TheKenmoreGroup.com</a></td>
</tr>
</tbody>
</table>

Signature of Applicant & Date  
7/18/19

Signature of Property Owner & Date

Village Official Accepting Form & Date

Owner: 690 Westfield Way, LLC
By: Safet M Sarich, Jr., Member
The Kenmore Group, LLC, Manager

SEND ALL PROFESSIONAL SERVICES INVOICES TO:
(Check One)

X Property Owner

Applicant
# 2019 Plan Commission Submittal Deadlines

<table>
<thead>
<tr>
<th>Plan Commission Meeting</th>
<th>Agenda Item Deadline</th>
<th>CUG deadline</th>
<th>Before:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/10/2019</td>
<td>12/20/2018*</td>
<td>12/19/2018*</td>
<td>10 a.m.</td>
</tr>
<tr>
<td>2/14/2019</td>
<td>1/24/2019</td>
<td>1/23/2019</td>
<td>10 a.m.</td>
</tr>
<tr>
<td>3/14/2019</td>
<td>2/21/2019</td>
<td>2/20/2019</td>
<td>10 a.m.</td>
</tr>
<tr>
<td>8/8/2019</td>
<td>7/18/2019</td>
<td>7/17/2019</td>
<td>10 a.m.</td>
</tr>
<tr>
<td>9/12/2019</td>
<td>8/22/2019</td>
<td>8/21/2019</td>
<td>10 a.m.</td>
</tr>
<tr>
<td>10/10/2019</td>
<td>9/19/2019</td>
<td>9/18/2019</td>
<td>10 a.m.</td>
</tr>
<tr>
<td>11/14/2019</td>
<td>10/24/2019</td>
<td>10/23/2019</td>
<td>10 a.m.</td>
</tr>
<tr>
<td>1/9/2020</td>
<td>12/19/2019*</td>
<td>12/18/2019*</td>
<td>10 a.m.</td>
</tr>
</tbody>
</table>

- Conditional Use Grants are due before 10 a.m. the third Wednesday before the Plan Commission Meeting to meet publication requirements.
- All other agenda items are due the third Thursday before the Plan Commission Meeting.

*Subject to change based upon possible publication deadline changes.
Planning Commission  
Village of Pewaukee  
235 Hickory Street  
Pewaukee WI 53072  

July 18, 2019  

RE: 690 Westfield Way, Pewaukee, WI – Alteration of Master Sign Program  

Dear Village of Pewaukee Planning Commission,  

Background:  
We are writing on behalf of the subject property located at 690 Westfield Way in Pewaukee, WI. The property is currently owned by 690 WESTFIELD WAY, LLC, and is managed by The Kenmore Group, LLC.  
The property was built in 1999 by the developer RAP of Pewaukee, LLC. At the time of construction, the developer established a Master Sign Program for the property. This Master Sign Program was reviewed and passed by the Planning Commission on April 15, 1999. The current Master Sign Program restricts the size, font sizes, colors of the property’s Tenant signs, along with a multitude of other restrictions and guidelines. (See attached Village of Pewaukee Plan Commission Meeting Minutes from April 15, 1999 & the property’s current Master Sign Program from 1999)  

Proposal:  
690 Westfield Way, LLC (the property’s Owner) is proposing the removal of the current Master Sign Program. Instead we suggest that the property, and all of its Tenants, simply comply with the The Village of Pewaukee sign ordinance / building code (see attached).  

We are proposing this change for the following reasons:  

1) The current Master Sign Program is too restrictive for the current and prospective Tenants. This is particularly the case when it comes to the restrictions for sign colors and fonts. For example, if a new Tenant would like to hang a sign above their storefront using their own design and colors, they would most likely not be able to do this. Based on the current Master Sign Program, their sign would have to be either maroon or white letters (depending on where on the building the sign was located). We find this too restrictive and would like to suggest that any new sign should only need to comply with the Village sign ordinances, and approval of the Landlord.  

2) The sign ordinance of The Village of Pewaukee is much less restrictive than the Master Sign Program, and seems to only restricts the size of business signs, and not the font, font size or colors. See attached Village Code (Sec. 70.100 & 70.115 (d)). What the village has outlined in its code should be sufficient guidelines for signage requirements.
3) In the Business District / Retail Area immediately surrounding the subject property (along Capitol Drive, between Highway 16 and Pewaukee Rd.) many of the other Retail Centers do not seem to have Master Sign Programs, and their Tenants are allowed to use many different logos / graphics / colors for their signage. We would like for our property and our Tenants to be offered the same privileges.

Should you have any other questions or concerns, please do not hesitate to contact us. We look forward to meeting you in the Planning Commission Meeting on August 8, 2019.

Sincerely,

[Signature]

Safet M. Sarich, Jr., Member
The Kenmore Group, LLC, Manager
690 Westfield Way, LLC, Owner
VILLAGE OF PEWAUKEE
PLAN COMMISSION MEETING MINUTES
April 15, 1999
Village Hall
235 Hickory Street
Pewaukee, WI

The meeting was called to order at 7:00 p.m. by Chairman Laimon
Roll Call - Present: Vetro, Rogers, Millard, Shong, Laimon and
Yonke. Also present: Administrator Sheiffer, Planner Steinke,
Engineer Barbeau and Interested Public.

Public Hearings - On Conditional Use Permit for Duplex at 1231-
1237 Hillwood Blvd. - No public comments were made.
On Conditional Use for Addition to 322 Hickory St. Partially
Within Floodplain Fringe Overlay District - No public comments
were made.

Approval of Minutes - Vetro moved, seconded by Rogers to
approve the minutes of the March 11, 1999 meeting as
presented. Motion carried, 6-0.

Agenda Item 4-a Lake Country Market Located Behind Applebees:
1) Review and Action on Site Plan Amendment Proposed - Following
discussion, no action was taken on this item pending staff
comparison and presentation of old and new site plan to determine
specific differences. Developer Patch was unable to specifically
explain how additional parking spaces were created in the front
of the development.
2) Continued Review of Hong Kong Buffet Restaurant Including
Scheduling of Public Hearing - Planner Steinke and Engineer
Barbeau explained they could not recommend approval of this
conditional use permit request because parking is deficient for
the restaurant as proposed. 188 stalls are needed for customers
for the development and additional spaces for employees. The
applicant was advised to downsize the restaurant. The applicant
is to notify the Village Administrator by April 22, 1999 if they
wish to proceed with the public hearing for the rest. No action
was taken on this application.
3) Review and Action on Sign Plan for Development - Millard
moved, seconded by Rogers to approve the sign plan for the
development as proposed and recommended by Planner Steinke.
Motion carried, 6-0.

Agenda Item 4-b Conditional Use Permit for Duplex Proposed for
1231-1237 Hillwood Blvd. A motion was made by Rogers, seconded by
Millard, to approve the conditional use permit with the condition
that the applicant bring the landscape plan back with more
substantial plantings for staff approval. Motion carried, 6-0.

Agenda Item 4-c Initial Discussion on Parking to be Required On-
Site Related to Development of Village Owned Lakefront Property
Planner Steinke stated the more square footage related to
buildings that can be created, the more likely the re-development
of the Lakefront will be successful (critical mass concept).
MASTER SIGN PROGRAM
LAKE COUNTRY MARKET
VILLAGE OF PEWAUKEE, WI

The following sign criteria has been established to assist tenants in complying with their individual lease obligations as well as the codes established by the Village of Pewaukee, WI. These basic standards have been made to govern the design, size, fabrication and installation of tenant signs, and is intended to afford all tenants with excellent visual identification, both day and night, and to protect against poorly designed, fabricated and installed signs.

The sign standards have been selected to harmonize with and complement the building materials and will assist in creating the proper atmosphere for the overall development.

In order to achieve these objectives and to ensure consistency in the manufacturing of the signs, Lake Country Market, RAP of Pewaukee, LLC has selected Bauer Sign Company, W184 S8408 Challenger Drive, Muskego, WI 53150; (414) 679-2500, Robert A. Hacker, General Manager, to construct and install all tenant signs. Lake Country Market, RAP of Pewaukee, LLC may reasonably approve other manufacturers upon prior written approval.

Three copies of detailed, scaled drawings must be submitted for written approval to the center's leasing office: 260 Regency Court, Suite 105, Brookfield, WI 53045 prior to construction.

Tenants will be liable and shall bear all costs for the removal and/or changes of signs, sign installation and any damage to the building by sign installations.

The Village of Pewaukee sign ordinance and these specifications shall govern. The more stringent of requirements shall take precedent.

SPECIFICATIONS FOR ALL TENANTS

1) Letter style to be approved by Landlord. The wording of the sign shall be limited to the name of the business. The use of corporate crests, shields or logos will be permitted subject to prior written approval of landlord.

2) All signs are to be individually mounted, internally illuminated channel letters, directly mounted to the fascia of the building's sign band as defined on the approved elevation drawings for each tenants lease space.
3) Letters are to be constructed from .063 gauge aluminum backs with a minimum of .050 gauge aluminum returns, 5 inches in depth, welded and caulked for weather sealing. Interior of the letters are to be sprayed white to enhance illumination. Faces are to be 1/8" white Plexiglass acrylic with vinyl overlays. Either Light Beige (3M Translucent 230-149) for tenants with brick frontage; or Burgundy (3M Translucent 230-49) for tenants with Dryvit frontage will be allowed. Letters are to be trimmed with 1" Metallic Red trimcap. Letter returns are to be painted Duronodic Bronze. Illumination is to be by 13mm double stroke, 6500 Snow White neon tubes powered by 60mA transformers, remote mounted in the canopy.

4) All installations are to meet or exceed NEC (National Electrical Code) requirements, be UL Listed and display the appropriate UL labelling as well as the manufacturer label. No other visible markings will be allowed.

5) No secondary signs are to be placed on the building wall elevations, except that rear elevation signs will be allowed for the purpose of identifying delivery doors. These signs are subject to landlord approval.

6) Each tenant will be allowed one (1) sign to be mounted on the appropriate space frontage. Letters are to be a minimum of 24" in height with a maximum of 48" in height, subject to the maximum square footage allowed by local codes and total length does not exceed 80% of the lineal front footage of the tenant space. If two (2) lines of copy are required, then the total height of sign may not exceed 48". Tenants on end cap spaces will be allowed a second sign on the end wall subject to permit approval by the Village.

7) No sandwich or easel/portable signs are allowed.

8) No pulsing or moving signs are allowed.

9) No window signs are allowed without the approval of the landlord.

10) No cabinet or box sign is allowed.

11) Standard address numerals for postal identification of premises will be required. Numeral height shall not exceed 4". Style, color and placement will be uniform as designated by the landlord.

12) Upon vacating the premises, tenant shall be responsible for the removal of his sign and restoring the fascia to its original condition. If tenant fails to do so within 10 days of notification by landlord, then the landlord may perform this work and charge the tenant accordingly. The tenant's security deposit will be made available for such work if tenant fails to do so.
ARTICLE I. - IN GENERAL

Sec. 70.100. - Purpose.

The purpose of this chapter shall be to:

(1) Regulate the size, type, quantity, construction standards, maintenance and placement of signs situated within the boundaries of the Village of Pewaukee, Wisconsin.

(2) Promote the public health, safety, welfare and comfort of the general public by:
   a. To enable the public to locate goods, services, activities, places and facilities without difficulty or confusion;
   b. To protect property values, public investment and overall neighborhood character by promoting an attractive, harmonious and aesthetically-pleasing environment free from excessive visual clutter of signs and preventing conditions which have undesirable impacts on surrounding properties;
   c. Reducing distractions and obstructions from signs which could adversely impact pedestrian and/or traffic safety; and
   d. Alleviating potential hazards caused by signs projecting over or encroaching upon the public right-of-way; and
   e. Preserving or enhancing the natural beauty and unique physical characteristics of the village as a community in which to live and work by requiring new and replacement signage which is:
      1. Aesthetically harmonious with the nearby buildings, surrounding neighborhood aesthetics and other signs in the area as to, for instance but not necessarily limited to, materials, colors, scale, placement/location, landscaping, manner/hours of illumination;
      2. Complementary to the village's architectural character and unobtrusive style of development.

(Ord. No. 2016-14, § II, 9-20-2016)

Sec. 70.101. - Scope of regulations.
a. **Area.** Such signs shall not exceed 24 square feet in area per sign on parcels zoned R-1—R-6, R-5(LO), RM, B-2, MH and IPS.

b. **Area.** Such signs shall not exceed 40 square feet in area per sign on parcels zoned B-1 and B-3—B-5.

(2) **Location.** Such signs shall not be located closer than ten feet to any property line or driveway.

(3) **Height.** Such signs shall not exceed seven feet as measured from preconstruction grade at the base of the sign.

(d) On properties zoned B-1—B-5, IPS, P-1 and containing permitted and approved use(s) and building(s):

(1) **Wall signs.**

a. **Number.** There shall be no more than one wall sign for each principal building except for the case of buildings occupied by multiple tenants which are more specifically regulated in subsection (d)(9) below, and except for the case of buildings that front two or more streets or a street plus the lakefront in which case one wall sign may be permitted for each facade facing a street or the lakefront.

b. **Area.** The gross surface area of a wall sign shall not exceed 40 square feet (not to exceed 30 square feet for properties zoned B-2) or 75 percent of the building occupants/tenant's lineal facade frontage, whichever is less.

c. **Secondary entrance wall sign.** Businesses with a secondary customer entrance (i.e. a rear or side entrance) may display an second wall sign on the wall containing the secondary entrance.

1. Maximum number per lot: Only one secondary entrance wall sign may be allowed for each business with a secondary entrance.

2. Maximum permitted area per sign: One-half the area of the primary allowed entrance wall sign provided that the secondary entrance abuts a parking lot. If the secondary entrance abuts a pedestrian way, service drive or loading area only, the sign shall not exceed eight square feet in area.

d. **Location.** A wall sign may be located on the outermost wall of any principal building but shall not project more than ten inches from the wall to which the sign is to be affixed.

e. **Height.** A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
(2) Freestanding ground signs. On properties zoned B-1 — B-5, IPS, P-1 and containing permitted and approved use(s) and building(s):
   a. Number. There shall not be more than one freestanding ground/monument sign for each principal building except where a building is situated on a lot that abuts two or more streets, then one freestanding sign may be allowed for each abutting street frontage.
   b. Area. The gross surface area of a ground sign shall not exceed 50 square feet of area (not to exceed 40 square feet for properties zoned B-2).
   c. Location. A ground sign may not be located closer than ten feet to any property line, or driveway. No freestanding ground signs shall be placed closer than 50 feet to another freestanding sign on any single property measured as the crow fly's between the nearest points on the sign or sign structure of the two freestanding permanent signs.
   d. Height. A ground sign shall not project higher than ten feet, as measured from preconstruction grade at the base of the sign.

(3) Projecting signs. On properties zoned B-1—B-5, IPS, P-1 and containing permitted and approved use(s) and building(s):
   a. Number. There shall not be more than one projecting sign for each principal building or individual tenant occupant therein.
   b. Area. The gross surface area of a projecting sign shall not exceed 15 square feet.
   c. Location. A projecting sign shall not extend more than five feet over the lot line and in no case shall extend to within five feet of the back of curb. Projecting signs shall be spaced a minimum of 25 feet apart. Projecting signs shall not be located within 50 feet of any freestanding ground sign.
   d. Height. The minimum clearance to grade beneath the sign shall be eight feet as measured from the lowest part of the sign. The maximum height shall be 15 feet.

(4) Awning, canopy and marquee signs. On properties zoned B-1—B-5, IPS, P-1 and containing permitted and approved use(s) and building(s):
   a. Number. Not more than one awning, canopy or marquee sign exceeding an aggregate gross surface area of four square feet shall be permitted for each principal building or individual tenant occupant therein.
   b. 
Area. Awning, canopy and marquee signs which are four square feet or less in aggregate gross surface area are exempt from the provisions of this chapter. 
The gross surface area of an awning, canopy or marquee sign shall not exceed 50 percent of the surface area to which such sign is to be affixed or 30 square feet in area, whichever is less.

c. Height. The minimum clearance to grade beneath the awning, canopy or marquee shall be eight feet measured from the lowest part of the awning, canopy or marquee.

d. No awning, canopy or marquee shall extend closer than two feet to the back of curb.

e. The roofs of all awnings, canopies and marquees shall be used for no other purpose than to form and constitute a roof. The roofs of all awnings, canopies and marquees shall not drain directly onto the public right-of-way.

f. Awnings, canopies and marquees shall not interfere with street trees and/or traffic signs and signals.

g. Translucent and/or internally lit plastic awnings, canopies or marquees are not permitted.

(5) **Window signs.** On properties zoned B-1—B-5, IPS, P-1 and containing permitted and approved use(s) and building(s): Each building or individual tenant occupant space therein shall be allowed to display window signage not exceeding 30 percent (not exceeding 25 percent for properties located in the zoned B-2) of the glass area of the window upon which the sign is displayed. Window signage shall not be placed on door windows or other windows needed to be kept clear for pedestrian safety. During business hours, each building or individual tenant occupant space therein shall be allowed to display on each public street that it fronts, one neon sign not exceeding 2.25 square feet in area or 40 percent of the window area, whichever is less. Such signs shall emit a steady light. Blinking, flashing, strobe or other light animation shall not be allowed. If the signage is applied directly to windows, it must be professionally designed and of a permanent material so as not to peel, chip, crack, smudge or rub off easily.

a. Window obstruction by interior signs shall not exceed more than 30 percent (not to exceed 25 percent for properties located in the "downtown area") for any one window, nor more than ten percent of all combined window areas on the same facade of the structure. Area devoted to signage within windows shall count toward the wall sign area maximum as may also be permitted for the use.
(6) **Special conditions.** On properties zoned B-1—B-5, IPS, P-1 and containing permitted and approved use(s) and building(s): All signs on a lot shall exhibit uniformity in design, colors, size, materials, lighting, etc., and shall be so located as will prevent visual distraction and cluttered appearance among signs.

(7) **Changeable copy and electronic message signs.** On properties zoned B-1—B-5, IPS, P-1 and containing permitted and approved use(s) and building(s): Changeable copy and electronic message signs shall only be allowed with prior planning commission approval. In reviewing the permit request the planning commission may approve or deny any application based upon, but not limited to, architectural design, size, interference with surrounding development, area, shape, height, manner or intensity of lighting, location, pedestrian and vehicular traffic safety.

(8) **Sandwich board signs.** On properties zoned B-1—B-5, IPS, P-1 and containing permitted and approved use(s) and building(s):

a. Sandwich board signs are self-supporting A-shaped freestanding temporary signs with only two visible sides that contain signage.

b. The maximum area shall be eight square feet per side of sign with the maximum height being 48 inches.

c. Only one sandwich board sign per building or per tenant occupant space therein shall be permitted. Sandwich board signs shall not be placed more than ten feet from the front primary entrance of the building or tenant occupant space unless a staff waiver is granted during permit review due to extenuating circumstances.

d. Sandwich board signs shall not be placed so as to cause the width of any public walkway to be reduced below four feet in width, nor shall they be erected or maintained in a manner that prevents free ingress or egress from any door, window or fire escape.

e. A no-fee sandwich board sign permit is required prior to the installation or placement of the sign. If the sign is to be located within the public right-of-way, business owners shall sign a disclaimer that holds harmless and indemnifies the village from any liability for use of said public right-of-way.

f. A sketch including dimensions, materials and location of the sandwich board sign must be attached to the permit application. The permit application must be approved and signed by village staff prior to display of a sandwich board.
sign. If a sign is displayed prior to obtaining a sandwich board sign permit, application may be denied. Replacement of an approved sandwich board sign shall require a new permit.

g. Sandwich board signs shall not be illuminated, nor shall they contain moving parts or have balloons, streamers, pennants, or similar adornment attached to them. Attaching sandwich board signs to structures, poles, objects, signs, etc. by means of chains, cords, rope, wire, cable, etc. is prohibited. Signs shall be removed from public sidewalk if there is any snow accumulation (signs may not be displayed until such snow is removed) except those located on private property. Signs shall only be displayed during business operating hours.

h. Sandwich board signs placed in violation of this section may result in immediate removal of the sign by the village and the temporary sign permit privileges for any violating business being denied for the remainder of the year.

i. Sandwich board signs within the public right-of-way but which present an unreasonable impediment to visibility, ingress or egress may be moved or removed by the village as may be necessary to maintain the public health, safety and welfare and for municipal purposes (i.e., code enforcement, snow removal, traffic issues, maintenance, etc.).

(9) *Multiple-tenant signs.* Nonresidential multiple-tenant buildings shall be permitted one wall sign per tenant not exceeding 30 square feet in area or 75 percent of the tenant’s lineal facade frontage, whichever is less. The multiple tenants may also share the sign space on the permitted freestanding sign(s). Major tenants may be allowed a larger wall sign subject to planning commission approval.

(10) *[Master sign plan approval.]* Prior to issuance of a sign permit for any business located in a multiple-tenant building, a master sign plan for that building depicting the design, dimensions, location, materials, content, color scheme, type of illumination, if any, method of construction and attachment for all signs planned to be installed on the building and property (based upon anticipated full occupancy) shall be approved by the planning commission.

(11) *[Distance between signs.]* Distance between signs on an individual parcel shall generally be measured in the shortest straight line, as the crow would fly, between two signs.

(Ord. No. 2016-14, § II, 9-20-2016)

Sec. 70.116. - Existing signs.
To: Jeff Knutson, President
Plan Commission

From: Scott A. Gosse
Village Administrator

Date: July 29, 2019

Re: Agenda Item 6e, Review and Possible Recommendation Regarding Draft Historic Preservation Ordinance

BACKGROUND
Village Attorney Matt Gralinski, at the request of the Village Board, has drafted an ordinance to create an historic preservation ordinance that meets the requirements of Wisconsin Statutes Section 62.27(7)(em) as the Village does have a property that is listed on the National Register of Historic Places. Attached for your review and consideration please find a copy of the ordinance reviewed by the Village Board at its July 2nd meeting that has been referred to the Plan Commission for review and possible recommendation to the Village Board for adoption as part of the Zoning Code.

ACTION REQUESTED
The action requested of the Plan Commission by the Village Board is to review the attached draft Historic Preservation Ordinance and forward a recommendation to the Village Board regarding its possible adoption.

ANALYSIS
The ordinance, as written, would establish an Historic Preservation Commission, and would grant the Commission ability, through due process, designate local Landmarks, Landmark Sites, and Historic Districts through the process established in Section 40.483. The designation criteria for such is set forth in Section 40.482(b) of the draft ordinance. Property owners impacted by a decision of the Historic Preservation Commission that disagree with a decision of the Commission would be able to appeal the decision to the Village Board (Section 40.483(b)).

Attachment
ORDINANCE NO.____

ORDINANCE TO CREATE A NEW ARTICLE UNDER CHAPTER 40 OF THE MUNICIPAL CODE OF THE VILLAGE OF PEWAUKEE REGARDING HISTORIC PRESERVATION

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin do ordain as follows:

SECTION I

Article XIV of Chapter 40 of the Municipal Code of the Village of Pewaukee is hereby created as follows:

ARTICLE XIV. HISTORIC PRESERVATION

Sec. 40.480 — Purpose and Intent

(a) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of Improvements or sites of special character or special historic, archaeological, or aesthetic interest or other significant value is a public necessity and is required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this article is to:

(1) Effect and accomplish the protection, enhancement, and perpetuation of such Improvements and of districts which represent or reflect elements of the Village’s cultural, social, economic, political, and architectural history.

(2) Safeguard the Village’s historic and cultural heritage, as embodied and reflected in such Landmarks, Landmark Sites, and historic districts.

(3) Foster civic pride in the notable accomplishments of the past.

(4) Stabilize and improve property values.

(5) Protect and enhance the Village’s attraction to residents, tourists, and visitors and service as a support and stimulus to business and industry.

(6) Improve and enhance the visual and aesthetic character of the Village.

(7) Educate the public regarding the need and desirability of a Village historic preservation program and its enhancement of the quality of life.

Sec. 40.481 — Definitions. The following words, terms and phrases, when used in this
article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certificate of Appropriateness means the certificate issued by the Commission approving alteration, rehabilitation, construction, or reconstruction of a Landmark, Landmark Site, or any Improvement in a Historic District.

Commission means the Historic Preservation Commission created under this article.

Historic District means an area designated by the Commission which contains two or more Landmarks or Landmark Sites, as well as those abutting parcels which the Commission determines shall fall under the provisions of this section to assure that their appearance and development is harmonious with such historic structures or historic sites.

Improvement means any building, structure, place, work of art, or other object constituting a physical betterment of real property or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.

Improvement Parcel is the unit of property which includes a physical betterment constituting an Improvement and the land embracing the site thereof and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term “improvement parcel” shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

Landmark means any Improvement that is

(1) Individually listed in the National Register of Historic Places;

(2) Individually listed on the Wisconsin State Register of Historic Places; or

(3) Designated by the Commission as a Landmark under this article.

Landmark Site means any parcel of land of historic interest or value in tracing the history or aboriginal man or upon which an historic event has occurred and which has been designated a Landmark under this article, or an Improvement Parcel or part thereof on which is situated a Landmark and any abutting Improvement parcel or part thereof used as an constituting part of the premises on which the Landmark is situated.

Sec. 40.482 — Historic Preservation Commission

(a) Composition. A historic preservation commission is hereby created, consisting of five members. Of the initial members so appointed, one shall serve a term of one year, two shall serve a term of two years, and two shall serve a term of three years. Thereafter, the term for each member shall be three years. The village president shall
appoint the commissioners subject to confirmation of the village board.

(b) Landmark, Landmark Site, and Historic District designation criteria. For purposes of this article, a Landmark or Landmark Site designation may be placed on any site, natural or improved, including any building, Improvement, or structure located thereon, or any area of particular historic, architectural, or cultural significant to the village, such as structures or sites which:

(1) Exemplify or reflect the broad cultural, political, economic, or social history of the nation, state, or community; or

(2) Are identified with historic personages or with important events in national, state, or local history; or

(3) Embody the distinguishing characteristics of an architectural type of specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or

(4) Are representative of the notable work of a master builder, designer, or architect who influenced his or her age; or

(5) Have yielded, or may be likely to yield, information important to prehistory or history.

(c) Additional operating guidelines. The Commission may adopt specific operating guidelines for Landmarks, Landmark Sites, and Historic District designation, provided such operating guidelines are in conformance with the provisions of this article.

(d) Powers and Duties of the Commission

(1) Designation. The Commission shall have the power, subject to Sec. 40.482(b) and 40.482(e), to designate historic Landmarks, Landmark Sites, and Historic Districts within the Village limits. Such designation shall be made based upon the criteria established under Sec. 40.482(b). Once designated by the Commission, such Landmark, Landmark Site, and historical district shall be subject to the provisions of this article.

(2) Regulation of construction, reconstruction, and alteration

a. Any application for a permit from the building inspector involving a designated Landmark, Landmark Site, or Improvement in an Historic District shall contemporaneously be filed with an application to the Commission for a Certificate of Appropriateness.

b. No owner or person in charge of a Landmark, Landmark Site, or Improvement in an Historic District shall alter or reconstruct all or
any part of the exterior of such property, construct any Improvement upon such designated property or cause or permit any such work to be granted upon such property, unless a Certificate of Appropriateness has been granted by the Commission. Unless such approval has been granted by the Commission or the village board, the building inspector shall not issue any permit for any such work.

c. Upon the filing of an application with the Commission, the Commission shall determine:

1. Whether, in the case of a Landmark or Landmark Site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the Improvement or site upon which such work is to be done.

2. Whether, in the case of the construction of a new Improvement upon a Landmark Site or within a Historic District, the exterior of such Improvement would adversely affect or not harmonize with the external appearance of the other neighboring Improvements on such site or within the district.

3. Whether, in the case of any property located in a Historic District, the proposed construction, reconstruction, or exterior alteration does not conform to the purpose and intent of this article.

4. Whether the denial of a Certificate of Appropriateness will deprive the owner of all reasonable use of, or economic return on, the property.

d. If, based on the determinations outlined in Sec. 40.482(d)(2) c., the Commission determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. Upon the issuance of such Certificate, the building permit shall then be issued by the building inspector. The Commission shall make this decision within 90 days after the filing of a complete application with the Commission. If, at the end of the ninety-day period, the Commission has not made its decision, the application shall be deemed approved by the Commission. Nothing contained herein shall be deemed to prevent the appeal of any denial hereunder to the village board after the Commission has denied an application.

e. Should the Commission fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the
guidelines in this article, the applicant may appeal such decision to the village board within 45 days of the Commission's final decision. In addition, if the Commission so fails to issue a Certificate of Appropriateness, the Commission shall work with the applicant for a period of 45 days following the date of denial in an attempt to obtain a Certificate of Appropriateness within the guidelines of this article. Nothing contained in this subsection shall be deemed to prevent the appeal of an earlier denial by the Commission, whether such appeal might occur during or after the forty-five-day period where the parties are required to cooperate as described immediately above.

f. Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness, provided that the work involves repairs to existing features of a Landmark, Landmark Site, or Improvement within an Historic District, does not change the exterior of the Landmark, Landmark Site, or Improvement within an Historic District and does not require the issuance of a building permit.

g. Agencies of the village and all public utility and transportation companies, undertaking projects affecting Landmarks, Landmark Sites, or Historic Districts, shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the village.

(3) Regulation of demolition.

a. No person in charge of a Landmark, Landmark Site, or Improvement within a Historic District shall be granted a permit to demolish such property without the written approval of the village board.

b. Any application to the building inspector for a permit to demolish a Landmark, Improvement on a Landmark Site, or Improvement within a Historic District shall contemporaneously be filed with the Commission. The Commission shall review the application and shall, within 90 days of the filing of a complete application, make a recommendation to the village board with respect to that demolition.

c. Upon receipt of the recommendation of the Commission or, if no recommendation is made, 90 days after the filing of the original application, the request for demolition shall be submitted for review and consideration by the village board. The board shall make its decision respecting demolition within 120 days of the board's receipt
of the recommendation from the board’s receipt of the recommendation from the Commission or the expiration of the time period allowed for the Commission’s review.

d. In evaluating the petition for demolition, the village board shall consider the following:

1. The age and physical condition of the Landmark, Improvement on a Landmark Site, or Improvement within a Historic District.

2. The cost of repairs of the Landmark, Improvement on Landmark Site, or Improvement within a Historic District as compared to the fair market value of that Improvement.

3. Whether the denial of a demolition permit would result in the loss of all reasonable and beneficial use of or return from the property.

4. Whether any hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

5. The historic significance of the Landmark, Improvement on a Landmark Site, or Improvement within a Historic District.

e. Upon approval of the petition for demolition by the village board, the building inspector shall issue the permit to demolish the property provided all other codes and village ordinances are complied with.

f. Should the Commission fail to recommend issuing a demolition permit due to the failure of the proposal to conform to the guidelines in this article, the applicant may appeal such decision to the village board within 45 days of the Commission’s final decision. In addition, if the Commission fails to recommend issuing a demolition permit, the Commission shall work with the applicant for a period of 45 days following the date of denial in an attempt to obtain a Certificate of Appropriateness within the guidelines of this article. Nothing contained in this subsection shall be deemed to prevent the appeal of an earlier denial by the Commission, whether such appeal might occur during or after the forty-five-day period where the parties are required to cooperate as described immediately above.

(4) Other permits required. The issuance of a Certificate of Appropriateness or demolition permit under this article shall not relieve the applicant from obtaining the other permits and approvals required by
law. Building permits or other municipal permits shall be invalid if they are obtained without the presentation of the Certificate of Appropriateness required for the proposed work. Insofar as they are applicable to a Landmark, Landmark Site, or Improvement in a Historic District designated under this article, any provision of the plumbing code, electrical code, or building or housing code of the village shall apply, unless waived by the appropriate state or village appeals body.

(5) Time to commence work. Any work authorized under a Certificate of Appropriateness or demolition permit issued under this article shall be commenced within 12 months after the issuance of the Certificate or permit. The village may inspect the work during and after construction or demolition in order to ensure compliance with this article. Failure to comply with a Certificate of Appropriateness or demolition permit or failure to obtain a Certificate of Appropriateness or demolition permit shall be a violation of this article. In addition to the other penalties and remedies, the village shall issue a stop work order, and all work shall cease at the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect.

(6) Recognition of landmarks, landmark sites, and historic districts. At such time as a Landmark, Landmark Site, or Historic District has been properly designated, the Commission may cause to be prepared and erected on such property at village expense a suitable plaque declaring that such property is a Landmark, Landmark Site, or Historic District. Such plaque shall be so placed as to be easily visible to passing pedestrians. The plaque shall state the accepted name of the property, the date of its construction of significant, and other information deemed proper by the Commission.

(7) Other duties. In addition to those duties already specified in this article, the Commission shall:

a. Work closely with the State of Wisconsin historic preservation officer and the state historic preservation review board in attempting to include such properties hereunder designated as Landmarks or landmarks sites or Historic Districts in the National Register of Historic Places and the State Register of Historic Places.

b. Work for the continuing education of the citizens of the village about the historic heritage of this village and the Landmarks and Landmark Sites designated under the provisions of this article.

Sec. 40.483 – Designation Procedures

(a) Designation of Landmarks, Landmark sites, and Historic Districts

(1) Notice. The Commission may, after notice and public hearing, designate
Landmarks, Landmark Sites, and Historic Districts, or rescind such designation, after application of the criteria in Sec. 40.482(b) above. At least ten (10) days prior to such public hearing, the Commission shall notify, by 1st class mail, the owners of record, as listed in the office of the village assessor, who are owners of the property in whole or in part as well as the owner of all lands located within 200 feet of the boundaries of the property affected. Such notice shall include the time and place of the public hearing as well as the place, structure, or object to be designated a Landmark or Landmark Site or the defined geographical area to be designated an Historic District. Notice of the hearing shall be published as a Class 1 legal notice pursuant to Chapter 985 of the Wisconsin Statutes. The Commission shall also notify the following: the village administrator, the department of public works, the department of parks and recreation, building inspector, village planner, fire and police departments, and plan commission. Each such department shall respond to the Historic Preservation Commission by filing its own comments on the proposed designation.

(2) Public hearing. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the Commission may designate the property as either a Landmark or Landmark Site or the geographically defined area as an Historic District, or rescind such designation. After the designation or rescission has been made, notification shall be sent to the property owners as well as the owner of all lands located within 200 feet of the boundaries of property affected. Notification shall also be given to the village clerk, building inspector, plan commission, and the village assessor. The Commission shall cause the designation or rescission to be recorded, at village expense, in the county register of deeds office.

(b) Appeal. Any owner of property that is affected by the designation of a Landmark, Landmark Site, or Historic District may appeal said decision to the village board. The village board may overturn a decision of the Historic Preservation Commission by a simple majority vote of the village board.

(c) Amendment. Any owner of property that is affected by the designation of a Landmark, Landmark Site, or historic district or the village may seek an amendment of the designation of a property as a Landmark, Landmark Site, or its inclusion in an historic district. Consideration of an amendment shall be commenced by written request filed with the Commission stating the specific amendment sought, the basis for the amendment and specifically, whether the amendment meets the criteria for the designation of a Landmark, Landmark Site, or Improvement within a historical district. The notice and public hearing requirements for the establishment of a Landmark, Landmark Site, or historic district shall be followed with respect to
consideration of the amendment. Following any public hearing, the Commission shall make a determination on the application for amendment. If any person is aggrieved by decision of the Commission with respect to the amendment, they may appeal that decision to the village board.

Sec. 40.484 — Conformance with regulations

(a) Every person in charge of a Landmark, Landmark Site, or Improvement in a historic district shall maintain the same or cause or permit it to be maintained in a condition consistent with the provisions of this article. The village board may appoint the building inspector to enforce this article. Notwithstanding the foregoing, limited and sensitive upgrading of mechanical, electrical and plumbing systems, and other work required by applicable building codes, to make the property functional is permitted. Nothing in this subsection relieves an owner from having to obtain any other building permits or municipal permits as required by village ordinance. Insofar as they are applicable to a Landmark, Landmark Site, or Improvement in a historic district designated under this article, any provision of the plumbing code, electrical code, or building or housing code of the village shall apply, unless waived by the appropriate state of village appeals body.

(b) In accordance with Wisconsin Statute Section 62.23(7)(em) 2m., any owner of property designated under this article as a Landmark, Landmark Site, or Improvement within a historic district may, when undertaking repairs or replacement of such property, use materials that are similar in design, color, scale, architectural appearance, and other visual qualities to the original materials.

Sec. 40.485 — Maintenance of Landmarks, Landmark Sites, and historic districts.

(a) Maintenance. Every person in charge of a Landmark, Improvement on a Landmark Site, or an Improvement in an historic district shall keep in good repair all of the exterior portions of such Improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such Improvements to deteriorate, decay, or become damaged or otherwise fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such Improvement to be kept in good repair.

(b) Conditions dangerous to life, health or property. Nothing contained in this article shall prohibit the making of necessary construction, reconstruction, alteration, or demolition of any Landmark, Improvement on a Landmark Site, or Improvement within a historic district pursuant to an order of any government agency or pursuant to any court judgment for the purpose of remedying conditions determined to be dangerous to life, health, or property. In such case, no approval from the Commission shall be required.

Sec. 40.486 — Restoring Landmarks

Any damaged structure which has been designated as a Landmark pursuant hereto
may be restored in its present location upon recommendation by the Commission and approval of the village board.

Sec. 40.487 – Penalties for violations

Except as otherwise provided, any person who shall violate any provisions of this article, or any rule, regulation, or order made hereunder, upon conviction of the same, shall be subject to a penalty as provided in Sec. 1.102 of this Municipal Code.

SECTION II

Section 40.436(d) of the Municipal Code of the Village of Pewaukee is hereby repealed.

SECTION III

All Ordinances or parts of Ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

SECTION IV

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the ordinance.

SECTION V

This Ordinance shall take effect upon passage and publication as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Pewaukee, and shall indicate the date and number of this amending Ordinance therein.

PASSED AND ADOPTED by the Village Board of the Village of Pewaukee, this day of __________________, 2019

APPROVED:

__________________________
Jeff Knutson, Village President

Countersigned:

__________________________
Cassie Smith, Village Clerk
STAFF REPORT

To: Village of Pewaukee Plan Commission  
By: Mary Censky  
Date Prepared: August 8, 2019

General Information:
Agenda Item: 6.f.

Applicant: N/A
Status of Applicant: N/A
Requested Action: Review, discussion and possible recommendation to Village Board regarding Zoning Code language changes as would permit, through conditional use, the keeping of chickens on single-family residentially zoned properties in the Village.

Background/Discussion:
In September, 2015 the Planning Commission did recommend to the Village Board in favor of adopting an ordinance that would allow keeping of chickens on residentially zoned properties in the Village on a very limited basis (see draft ordinance language below from 2015). The Village Board ultimately voted against adopting this ordinance in December, 2015.

A recent inquiry has prompted a return of this topic to the Planning Commission agenda as a new matter and owing to the amount of time that has passed since it’s original consideration.

The Planning Commission is asked to decide whether to initiate a new recommendation to the Village Board in this matter and, if so, whether to use the same or different language at this time.

Language as recommended on September 10, 2015 by Pewaukee Planning Commission to Village Board re chicken keeping:

ARTICLE VII DIVISION 4. – KEEPING OF DOMESTICATED CHICKENS
Sec. 40.427.2. – Keeping of Domesticated Chickens.
(a) Purpose. This section is intended to establish a process and the recommended threshold conditions under which small scale keeping of domestic chickens for personal use and enjoyment on residentially zoned lots at least one acre in size may be considered for approval through Conditional Use.
(b) Definitions. All terms used herein shall have the meaning described below:
Domesticated Chicken(s) means Gallus gallus domesticus.
(c) Keeping of up to four (4) domesticated chickens on a non-commercial basis and subject to the following conditions may be permitted unless one or more of these conditions has been specifically waived or modified by the Planning Commission, having first determined that relief or digression from such condition(s) in a specific circumstance is warranted, that such waiver or modification is unlikely to result in adverse impacts upon the surrounding properties, neighborhood or the Village as a whole, and that the final plan will uphold the spirit and intent of this Ordinance:
   a. The minimum lot size required in order to be considered for a conditional use approval to keep domesticated chickens shall be one acre in area;
   b. The minimum size requirements for a hen house (a hen house is required) is not less than three (3) cubic feet of space per bird and the hen house must connect to a secure and fully ventilated pen (also required) which contains not less than seven cubic feet of space per bird and an appropriately sized nesting box (also required) shall be provided at the rate of not less than one box per every two birds. Pens shall be properly sized as will permit full spread of the kept birds wingspan and allow the bird(s) to walk/run;
c. No person shall keep a rooster or a crowing hen;
d. No chickens may be kept within a principal residence or garage;
e. Chicken keeping shall be conducted only by the owner occupant (or a tenant with the property owners express written consent for the use) of a property zoned and used as single family detached residential. No chicken may be kept at mobile homes, condominiums, apartment complexes, duplexes, or any other multiple-family property;
f. No person shall keep chickens in any location on the property other than in the back yard;
g. Hen houses and chicken pens shall not be located closer than 75 feet from the ordinary high water mark of any lake, river, or stream;
h. If a chicken dies, it must be disposed of promptly in a sanitary manner;
i. Chickens shall be kept and handled in a sanitary manner;
j. Chickens shall be kept as pets and for personal use only. No owner shall sell or barter eggs or engage in chicken breeding or fertilizer production for commercial purposes including, but not limited to, farmer’s markets;
k. The slaughtering of chickens is prohibited unless it is accomplished/processed at a properly licensed off-premises facility;
l. Chickens must be kept in hen house and chicken pen at all times when not being monitored by a responsible individual, over 18 years of age and able to immediately return the hens to the chicken pen or hen house if necessary. Chickens shall always be secured within the hen house during non-daylight hours;
m. All structures and enclosures related to the keeping of chickens must be at least 50 feet from a neighboring principal residence, at least five feet from the side and rear property lines, and at least five feet from the residence upon the property where the chickens are kept;
n. Noise from chickens may not be loud enough at the property boundaries to disturb a person of ordinary sensitivity;
o. The hen house and pen system shall be properly designed, laid-out and maintained as will provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood through use of materials, colors, architecture and spatial site layout that are complimentary to the existing buildings on the premises and the surrounding area;
p. Enclosures must be clean, dry and kept in a neat and sanitary condition at all times, and exist in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact;
q. The hen house shall be enclosed on all sides and have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire or fence of no more than one-inch openings;
r. All enclosures for the keeping of chickens must provide adequate ventilation as well as sun protection, and be sanitary, insulated, weatherproof and impermeable to rodents, wild birds, and predators, including dogs and cats and similar. It must also be structurally sound, moisture-proof and maintained in good repair with sufficient space for freedom of movement and retention of body heat with elevated perches for natural roosting position. The nesting boxes must be elevated off the ground;
s. Any proposed lighting attendant to the chicken keeping use shall be presented for consideration;
t. Provisions must be made for the routine removal and lawful disposal of chicken manure in order to prevent any adverse effects related to odor or unsanitary conditions;
u. Any person given a chicken keeping conditional use grant approval, shall provide evidence of proper Livestock Premises Registration with the State of Wisconsin as an exhibit to be included with the Conditional Use permit document prior to recording;
v. Approved chicken keeping accessory structures and related fencing/enclosures may require the issuance of a building permit(s). It is the applicants responsibility to secure any required permits prior to the start of any construction or installation.

*Please note: Any request for a conditional use permit must be accompanied by site and architectural plans for review by the plan commission, presented in such detail as may be required by the plan commission in order to make an entirely informed decision as to the suitability and compatibility of the proposed use(s) and structure(s).