VILLAGE OF PEWAUKEE
PLAN COMMISSION MINUTES
August 8, 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 Craig Roberts, Comm. Cheryl Mantz, Comm. Joe Zompa, Comm. Jim Grabowski, Comm. Eric Rogers, Comm. Ryan Lange and President Jeff Knutson.

Also Present: Mary Censky, Village Planner; Tim Barbeau, Village Engineer; Tom Schmitzer, Village Attorney; Scott Gosse, Village Administrator; Jackie Schuh, Deputy Clerk-Treasurer.

2. **PUBLIC HEARING**
   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.**

None.

   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.**

None.

3. **Citizen Comments**
   Lily Levenhagen @ 760 Glacier Rd – Ms. Levenhagen made a presentation on chickens and why they should be allowed in the Village of Pewaukee.
   Tom Calder @ 504 High St – Mr. Calder wants the Commission to say no to Capri re-zoning, yes to owner-occupied single-family homes, protect the cemetery and to listen to the citizens.
   Kathy Matrise @ 1150 E Wisconsin Ave – Ms. Matrise believes the Capri development is too dense for the proposed property, will bring property values down, increase traffic, raise drainage and sewage issues and alienate members of Queen of Apostles. She believes that granting of a demolition permit before building plans are approved is premature. Document regarding her statements submitted by Matrise and on file at the Village Hall.
   Kathy Losniecki @ 227 Main St – Ms. Losniecki gave the history of the St. Mary’s/Queen of Apostles’ property and what she believes were the intentions of the man who deeded it to St. Mary’s.
   Paul Evert @ 327 Lookout Dr – Mr. Evert stated that the citizens are telling the Commission what they want and thinks the St. Mary issue is carrying on too long. He also stated that a boater from the community dragged weeds from the lake and left them in the street for DPW to clean up.
   Theresa Hoff @ 1276 Timber Ridge – Ms. Hoff believes that Pewaukee citizens have spoken with signatures on the petition and that a retro-active Historical Ordinance is needed to preserve the St. Mary’s property.
Sandy Moncada @ W276N2177 Spring Creek Dr – City of Pewaukee – Ms. Moncada cited that 43% of the housing stock is apartments and condos in the Village, which is more than other areas, and she believes St. Mary’s is the only place left with serenity and peace. She urged the Commission to visit the property and spend time there.

Frank Bunek @ 207 Westfield Way – Mr. Bunek is not worried about the church but the large development. He feels the monthly rent is much more than most people can afford.

Laurie Harrigan @ 508 Lookout Dr – Ms. Harrigan spoke in favor of allowing chickens in the village.

Kathleen King @ 725 Glacier Rd – Ms. King believes the Capri development is unnecessary and she is there to protest its demolition. She would like the Village of Pewaukee to honor those who built the church.

Jill Kosanke @ 2575 Hillview Dr in New Berlin – She is representing her mother at 527 W Wisconsin Ave. She and her siblings attended St. Mary’s and has family buried in the cemetery. She is against the development and believes that the traffic will be an issue.

Tim Freitag @ W271N188 Paces Dr in the City of Pewaukee – Mr. Freitag is in favor of chickens. He was a boy scout leader for years and they considered St. Mary’s their home. They have put flags on the graves. He warns that projects never come in at budget and are usually 60% more than what is stated. He asked if it is worth destroying something so beautiful for money?

4. Approval of the Minutes:

   Trustee Roberts moved, seconded by Comm. Rogers to approve the July 11, 2019 minutes of the regular Plan Commission meeting.

   Motion carried 6-0-1. Comm. Grabowski abstained.

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 spoke regarding 5G wireless, the draft ordinance and the revisions made on the recommendation of the Plan Commission from the July 11, 2019 meeting.

   Discussion among Plan Commission members followed regarding the application form and fees;

   Comm. Mantz moved, seconded by Comm. Lange to advance the information to the Village Board for consideration/action including the following modifications of Planner Censky:

   1. Notification requirements
   2. Preferred hierarchy – ruling out B-5 before moving to alternate and so on; burden on applicant to prove technically infeasible for them to be in the disputed district;
   3. Restoration of ROW once equipment is removed
      a) Immediately safe and accessible condition – no holes, etc.
      b) 30 days to permanently restore to prior condition, according to Village specifications
      c) Applicant will be billed for any work that must be performed by our DPW to restore, Village Administrator may give extension on the 30-day requirement, if deemed necessary, although there is a deadline for the applicant to make that request of extension

4. Fees
   a) Application Fee
   b) Safe Harbor Fee - FCC established fee based on cost of reviewing application
c) 2% Escalator – part of unique, individual agreement with applicants to place their equipment on Village property, in addition to Safe Harbor Fee

d) Right to adjust fee based on FCC changes

5. Set-back limits will be equal to the height of the large towers in residentially zoned areas in the case of new or modified equipment

6. Aesthetic screening – disguising poles as trees or such

7. Village may charge for each antenna on a structure, not just the structure itself;

Motion carried 7-0.

6. New Business

f. (Item f was moved up on the agenda.) 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.

Planner Censky stated that information was collected and language presented on September 10, 2015 in regards to the keeping of chickens in the Village. While the Planning Commission had recommended it, the Village Board ultimately voted against adopting this ordinance in December of 2015. Discussion followed regarding why it was not adopted, the lot size requirements, homeowner associations and public notifications.

Comm. Zompa moved, seconded by Comm. Rogers to advance to the Ordinance to allow keeping of chickens to the Village Board with the recommendation of .25-acre lot restriction and staff review/consideration as to possibly adding some of the elements of the language from the Milwaukee County Ordinance (78-6.5 Keeping of Chickens in the City) into our Ordinance before it goes on to the Board.

Motion carried 7-0.

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.

President Knutson inquired whether information regarding the conditional use grant was obtained as requested at the last meeting. Administrator Gosse stated that the previously approved detached garage offset/setback reduction CUG was not on the agenda and it could not be required to be nullified as a condition of this/tonight’s request. President Knutson requested this item be tabled until further information he is seeking can be obtained.

Comm. Roberts moved, seconded by Comm. Mantz to table item 6a in relation to the CUG for 494 Park Avenue.

Roll call vote. Motion carried 6-1 with Comm. Grabowski voting no.

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.
Based on feedback at the July 11, 2019 meeting regarding the special event to be held October 7-10, 2019 at 111 Prospect Avenue, Planner Censky presented the DRAFT Conditional Use Grant and related Land Covenant.

Comm. Mantz moved, seconded by Comm. Zompa to approve with the recommendations of Planner Censky.
Motion carried 7-0.

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 4,368 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.

Planner Censky explained that the proposed accessory building would be single-story, of similar brick, colors and look of existing building. New changes (after writing of the Staff Report) to the proposal include door color, windows on the doors, bollards, and siding color. Revised plans reflecting these changes have been provided. Although some existing parking will be removed to build the new building, the vehicles and equipment currently in those stalls will be housed inside the building. Village Engineer Barbeau described the drainage of the property and possible changes to the pond for water retention, as well as the back wall acting as a retaining wall for soil movement.

Comm. Grabowski moved, seconded by Comm. Zompa to approve with the following recommendations of Planner Censky and Engineer Barbeau:

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) Landscape tree plantings shall be not less than 2” caliper at chest height at planting.
4) All final engineering shall be subject to submission and approval of a storm water management report and potential modifications to the pond and staff approval thereof.

Motion carried 7-0.

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.

Planner Censky described the current ordinance regarding signage in the Village. She stated that the applicant’s tenants are requesting to include more colorful and unique logos on their signage to enhance individual branding, while still adhering to other aspects of the Code. Discussion followed regarding other signage in the Village.

Comm. Grabowski moved, seconded by Comm. Lange to approve removing the Master Sign Plan for Lake Country Market located at 690 Westfield Way in favor of subjecting them simply to the Village
Sign Code as written.
Motion carried 7-0.

   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”.
Administrator Gosse spoke regarding definitions, processes and requirements for a property to be considered for historical preservation and/or designation, establishing a commission, as well as appeal processes and notification of the public. Discussion followed regarding whether properties could be designated retroactively to which Attorney Schmitter stated he would defer to Attorney Blum, but he believes it cannot be retroactive. Administrator Gosse spoke of the steps necessary for this ordinance to become part of the Village Code and he confirmed that the very earliest it would go to the Village Board would be the first meeting in September. Trustee Roberts had issues with the subjective nature of the ordinance, that there are no checks and balances and that the board is only involved if there is an appeal. Discussion followed regarding whether the newly established commission would have final designation powers or the Village Board. Administrator Gosse suggested language reflecting that the Historical Preservation Commission be the recommending body and the Village Board being the deciding body.
Comm. Grabowski moved, seconded by Comm. Mantz to send the ordinance back to the Village Board with the following recommendation:
   1) That Historical Preservation designation come as a recommendation of the commission pending Village Board approval;
Motion carried 7-0.

7. Citizen Comments
Chuck Beyer @ 494 Park Ave – Mr. Beyer spoke regarding the process he followed to develop on the property. He made decisions to build based on discussions with Village Staff, but now the Commission is saying they cannot move forward with plans. He is surprised by this result as he loves the Village and wants to live here.
Kathryn Sobotke @ 329 Evergreen Ln – Ms. Sobotke is concerned that the neighbor’s approval is needed to have chickens but not the Capri development.
Tom Calder @ 504 High St - Mr. Calder spoke in favor of chickens in the Village. He also stated that the Plan Commission can say no to Capri. He wants the commission to stand up for the community and do the right thing.
Jean Beyer @ 494 Park Ave – Ms. Beyer wants a quick resolution to the issue with building their home. She wants to know when they will have an answer on this.
Amy Butterfield @ 817 Quinlan Dr – Ms. Butterfield recited the Village Mission Statement from the website. She spoke of the history contained in the St. Mary’s building and she is worried that a demolition could be delayed for historical preservation has a chance.
Kathy Losiniecki @ 227 Main St – Ms. Losiniecki spoke about having given information and phone numbers regarding the historical preservation long ago. She stated that a presentation is being given at the Village Board meeting.
Theresa Hoff @ 1276 Timber Ridge – Ms. Hoff wants the commission to stand up and protect the citizens, our environment and our community. She stated that their group will proceed with legal action, if necessary.
Paul Evert @ 327 Lookout Dr – Mr. Evert wants a meeting set up with Queen of Apostles and come up with an agreement and get this thing solved.
8. **Adjournment**
Motion carried 7-0.

Meeting adjourned at approximately 9:21 p.m.

Respectfully Submitted,

Jackie Schuh
Deputy Clerk-Treasurer