VILLAGE OF PEWAUKEE
PLAN COMMISSION MINUTES
September 12, 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. Eric Rogers, Comm. Ryan Lange and President Jeff Knutson.

Also Present: Mary Censky, Village Planner; Mark Blum, Village Attorney; Scott Gosse, Village Administrator; Jackie Schuh, Deputy Clerk-Treasurer.

2. **Public Hearings**
None.

3. **Citizen Comments**
Chuck Beyer @ 494 Park Ave – Mr. Beyer informed the Commission that he and his wife are present and ready to answer any questions they may have regarding his property.
Al Tefft @ 438 Cheshire Ln – Mr. Tefft spoke against the Capri development and gave reasons why he believes it is not good for the Village.
John Fay @ 126 Highland Ave – Mr. Fay spoke in favor of allowing the owners at 494 Park Ave to raze and rebuild their home.

4. **Approval of the Minutes:**
   a. Regular Plan Commission Meeting – August 8, 2019.
Comm. Rogers moved, seconded by Comm. Zompa to approve the August 8, 2019 minutes of the regular Plan Commission meeting as written.
Motion carried 6-0.

5. **Old Business**
   a. Remove from Table, Review, Discussion 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.

Comm. Mantz moved, seconded by Comm. Zompa to remove item from the table.
Motion carried 6-0.

Planner Censky presented the details of this property in regards to setbacks and new home code requirements of an attached garage. President Knutson explained that current code states that only a 2.5+ acre yard may have both an attached and a detached garage. The property being discussed does not meet the acreage requirement yet the new home must have an attached garage, also per code. Discussion
followed regarding ramifications of granting the CUG, whether there are issues with homes having more than one garage and questions as to when information was obtained for this project.

Comm. Lange moved, seconded by Comm. Zompa to approve the Conditional Use Grant with the following recommendations of Planner 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 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.

Motion carried 6-0.

b. Request for Reconsideration of Prior Vote on 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".

Comm. Mantz moved, seconded by Eric Rogers to open this item for reconsideration of the prior vote.

Motion carried 6-0.

The Commission discussed the meaning of current wording in the ordinance, who will have decision-making powers regarding properties and appeals, etc., what criteria will be used to determine an historic property and what role the Plan Commission and/or Village Board should play in the process.

Comm. Mantz moved, seconded by Comm. Zompa to withdraw the statement in the draft ordinance that recommends that the Village Board be the decision-making body and replace it with the Historic Preservation Commission being the decision-making body instead.

Motion carried 5-1 with Trustee Roberts voting nay.

Discussion continued regarding Sec. 40.482(b) Historic Preservation Commission and criteria to be used to determine the designation of an historic building/property.

Trustee Roberts moved, seconded by Comm. Lange to amend Sec. 40.482(b) as follows:

(6) Are consistent with the US Department of the Interior, National Park Service National Historic Landmark Criteria as set forth in 36 CFR Vol 1 (7-11 edition) Sec. 65.4

Motion carried 6-0.

Further discussion occurred regarding the composition of the Historic Preservation Commission.

Comm. Zompa moved, seconded by Comm. Mantz to amend Sec. 40.482(a) to include the appointment of at least one non-elected member of the Plan Commission to the Historic Preservation Commission.

Motion carried 6-0.

Additional discussion occurred regarding the benefits to the property owner to receive an historical designation and whether it is added to the deed.

Comm. Zompa moved, seconded by Comm. Rogers to amend Sec. 40.483 Designation Procedures to include a section that stipulates that Village staff will be required to record a document with the Waukesha County Register of Deeds reflecting the landmark status of the property as determined by the Historic Preservation Commission including the date of the determination.

Motion carried 6-0.
Comm. Lange moved, seconded by Comm. Zompa to approve recommendation of Ordinance No. 2019-13 to the Village Board with the above items as amended.
Motion carried 6-0.

6. New Business
   a. Review, discussion and possible action on the Business Site Plan/Plan of Operations Amendment request to construct an additional detached accessory storage structure in the yard area of the Century Fence business property located at 1300 Hickory Street. The applicant is A W Bryant, d/b/a Century Fence, in c/o John Connell. The property is zoned B-5 Light Industrial District.
   Planner Censky stated the applicant has updated their original plans for an open-air accessory storage structure since they first presented to the Commission in June, 2019. Censky states the new structure is in line with other buildings in the area color-wise, is of metal components and will have a concrete foundation. The height of the building is within code as are the 10-ft offsets from the east and south lot lines.
   Comm. Mantz moved, seconded by Trustee Roberts to approve the structure with Planner Censky’s recommendations:
      1) Village Engineer review and approval of all utility, grading, drainage, stormwater management and erosion control plans attendant to this project prior to issuance of any construction, building, electrical,... permits being issued in support of the project;
      2) Specific building materials and color specifications as proposed/presented by the applicant at tonight’s meeting;
      3) This approval, if granted, will void the previous (i.e. June 13, 2019) conditional approval for a similar accessory structure proposed to have been constructed in the very same location.
Motion carried 6-0.

   b. Review, discussion and possible recommendation to Village Board regarding Zoning Code language changes to Sections Sec. 40.210.3., 40.163., 40.173., 40.183., 40.193., and 40.203., regarding the construction of a new home with an attached garage or alteration of an existing home to add an attached garage when there is an existing, detached garage structure already located on the same lot.
   Planner Censky spoke regarding some inconsistencies within our ordinances as to intent when it comes to attached and detached garages as they pertain to existing homes, new homes, garage sizes and lot sizes. Discussion followed regarding different garage scenarios within the Village as they pertain to different properties/circumstances, greenspace issues, when a shed becomes a garage, fire safety, challenges for small properties with lack of storage and whether the code, as written, contains loopholes.
   Comm. Lange moved, seconded by Comm. Rogers to amend the code as it pertains to Sec. 40.210.3 through 40.203 with the following:
      1) Removal of all references of 2.5-acre requirements throughout 40.123.3 to 40.203, with the exception as noted in number 3 below. This would mean detached garage would be permitted on all properties, even those with an existing attached garage, as long as the building of the detached garage meets the height, size, setback, ... requirements;
      2) Removal of the sentences throughout 40.123.3 to 40.203 that states, “All new residential home construction shall include at least one, but not more than one, attached garage structure.”
      3) Retain the 2.5-acre requirement in sentences throughout 40.123.3 to 40.203 that reads “If a garage greater than 900 square feet shall be sought for a property with an existing residence
and a lot area greater than 2.5 acres, approval by the planning commission as conditional use shall be required.”

Motion carried 6-0.

7. Citizen Comments

Tom Calder @ 504 High St – Mr. Calder has grave concerns regarding the possible razing of St. Mary’s Church when the community is against it, wants to see single-family homes built there and asks for a roll-call vote of a full Plan Commission and Village Board when it comes to voting on the possible rezoning of the St. Mary Church.

Jim Fischer @130 W. Wisconsin Ave – Mr. Fischer is representing Queen of Apostles Church and stated the raze permit has been approved for the Church only and that their church hopes to continue to work with Capri on this development.

Kathleen Matrise @ 1150 E. Wisconsin Ave – Ms. Matrise re-iterated that the Historical Society presenter Joe stated there are strict criteria used in determining whether a property should be historically preserved. She does not believe that more senior housing is needed and is against Capri.

Sandy Moncada @ W276 N2177 Spring Creek Dr – Ms. Moncada spoke against the Capri development and believes that in 3-4 years Capri would be turned to non-profit, just like 14 other properties.

Theresa Hoff @ 1276 Timber Ridge – Ms. Hoff stated that the raze permit is for St. Mary’s Church only and not the other buildings, signs are being stolen and believes that the Capri development will create sewage problems in our community.

8. Adjournment

Comm. Rogers moved, seconded by Comm. Zompa to adjourn.

Motion carried 6-0.

Meeting adjourned at approximately 8:45 p.m.

Respectfully Submitted,

Jackie Schuh
Deputy Clerk-Treasurer