

In attendance:

Mayor S. Bierce, Alderman B. Bergman, S. Sullivan and C. Wunder.

Also in attendance:

City Planner & Community Development Director N. Fuchs, Administrator S. Klein, Department of Public Works Director M. Wagner and Deputy Clerk A. Hurd.

1. Call to Order and Pledge of Allegiance

Chairman Bierce called the meeting to order at 7:00pm and requested everyone stand for the Pledge of Allegiance.

2. Discussion and Action Regarding a Mitigation Plan for the Keith Tubin Property Located at N37 W26745 Kopmeier Drive (PWC 0894014)

Ms. Wagner stated the homeowner was over the 27.5 percent allowed on a lot and was going up almost to the maximum of 35 percent. She recommended approval of the plan contingent on a narrative being created and reviewed by City staff, and the plan itself and the Plan Commission minutes being recorded with Waukesha County.

A motion was made and seconded (B. Bergman, S. Sullivan) to approve the mitigation plan contingent on staff's recommendations. Motion Passed: 4-For, 0-Against.

3. Discussion and Action Regarding a Recommendation to the Common Council to Approve the Conditional Use Permit for Michael's House of Prime Located at W278 N2316 Prospect Avenue to Add Outdoor Seating and Outdoor Music to Their Existing Restaurant Operations (PWC 0935039)

Mr. Fuchs noted the applicant submitted an outdoor entertainment permit that was not done in previous years, and they do not currently have a conditional use permit. The conditional use would be needed for the restaurant operations and the proposed outdoor dining area. The applicant is proposing 45 seats outside. The area is about 2,500 square feet behind the building with two speakers for music and cafe lights. Mr. Fuchs recommended approval contingent upon the conditional use being personal to this use and not run with the land, alcohol must stay within the premises description of the liquor license, the outdoor activities are restricted to 10pm to 8am Sunday thru Thursday and 10:30pm to 8am Fridays and Saturdays, the noise level not exceeding 65 decibels at the property line, and the lights must be shut off by 10pm Sunday thru Thursday and 10:30pm Fridays and Saturdays.

The owner of Michael's House of Prime noted that his property is actually lots 51, 52 and 53 of Edgewood Station, but the draft conditional use permit only listed two of those lots, and he requested a correction be made.

A motion was made and seconded (B. Bergman, C. Wunder) to recommend approval of the conditional use permit for Michael's House of Prime conditioned upon staff's comments. Motion Passed: 4-For, 0-Against.

4. Discussion and Action Regarding Applications for Outdoor Activity on Premises Where Alcoholic Beverages are Consumed
 - 4.1 Michael's House of Prime
 - 4.2 Smokey's Musky & Bait Shop
 - 4.3 Boomers Sports Pub & Grill
 - 4.4 Waukesha Gun Club

Ms. Hurd noted that Smokey's permit was tabled at the previous meeting to figure out the supplemental business being run out of the bait shop.

Boomer's was late filing their application last month. Their only change to the permit from the previous year was the addition of bags, which would be played 11am to 8pm on Sundays, and 11am to 9pm the rest of the week.

Waukesha Gun Club was late filing their application last month and they do not have any changes from the previous year.

Mr. Fuchs noted that Smokey's has had an approval for a Business Plan of Operation for the boat rental business since 2013, so they are operating legally.

A motion was made and seconded (S. Sullivan, C. Wunder) to approve the outdoor activity permits.

Motion Passed: 4-For, 0-Against.

5. Discussion and Action Regarding a Petition for a Rezoning Public Hearing for Duplainville Land Company, LLC/John Zignego to Rezone Property Located at W226 N2940 Duplainville Road From M-1 General Wholesale Business To M-2 Limited Industrial (PWC 0931997001) and From M-2 Limited Industrial to LC Lowland Conservancy (PWC 0914992001 & PWC 0914991)

Mr. Fuchs stated all of the requests were related to the construction of a repair garage on the east side of the railroad tracks. It is approximately 24,800 square feet. The rezoning request will eliminate a split zoning issue, as half of the property east of the railroad tracks is zoned M-1 and half is zoned M-2. City staff requested the entire property be zoned M-2 to be consistent with the other Zignego properties.

The certified survey map combines all of the Zignego owned properties into one parcel with the railroad tracks bisecting that lot. The total parcel will be 29.32 acres.

The conditional use is for the use of the facility, as it is not a listed permitted use in the M-2 district.

Mr. Fuchs referred to the site and building plans and noted there are some conditions in the staff report. The City is looking for some form of Rail-road approval, because access to the property is solely thru a private crossing. There is also a list of Engineering comments that need to be addressed. Mr. Fuchs stated there is no new landscaping. Building lighting is being proposed, and there is a wall screening and some taller trees, but in case lighting shows thru staff included a condition that it must be shut off by 9pm on the southeast and west sides of the building. There are 21 overhead doors on north and south sides of the building. The rooftop mechanicals will be screened by a metal screened wall, and there will be signage on the north side of the facade.

Mr. Fuchs noted there were two issues of concern, one of which being the access across the railroad tracks. If a train should stop on the tracks, there is no access to the property, which is a concern for EMS. Mr. Fuchs mentioned the applicant claimed the building would not increase activities or necessitate new employees. The other issue was the noise, and there was a concern with trucks backing out of the bays, as there are 10 or 11 bays on the south side. There is a screening wall on the south property line, but trucks can still be heard on the residential road to the south.

Chairman Bierce opened the public hearing at 7:17pm.

Greg Zinda (The Station Bar & Grill) questioned if he should be concerned about changing his property to LC Lowland Conservancy in the future. Mr. Fuchs stated there is a wetland on the property zoned as M-2 and they are requesting it be changed to LC because it is the appropriate district. The applicant cannot develop within the wetland area.

Michael Webber (N29 W22211 Kathryn Court) stated he was concerned about stormwater drainage issues and safety and health issues on Kathryn Court. He requested more information and wanted to know what would be done to fix their drainage problem.

Mr. Fuchs stated the City is studying the area and waiting for the report from AECOM. It is being addressed as a separate issue from the Zignego request, as this building will not be impactful to the existing drainage patterns there. Ms. Wagner added that as part of the certified survey map, the City is requesting a drainage easement along the east property line of Zignego and thru the current outlot area. This will help the City when they do the stormwater project.

Discussion then took place regarding the area of concern.

Tim Zignego, owner of the property, described the drainage issues and explained the flow of the water.

Dave Gunderson (W226 N2828 Foxwood Lane) questioned if the banging at 6am would now be done indoor once the building is built. Mr. Zignego apologized for the banging at 6am and stated he did not know what it was but he will investigate it. He noted the last time they had a noise complaint, it was the tailgates on the dump trucks. They have now converted their dump trucks to non-swinging tailgates.

Tricia Casper (N28 W22544 Peachwood Court) played a recording of the noise and stated it is sometimes at 11:00 at night. She questioned the hours of operation and questioned if they would be cleaning cement out of their trucks during the late evening hours. Mr. Zignego felt people should call and tell them immediately of the noise complaints. He believed the noise was someone cleaning out the inside of a concrete drum with a hammer. That work is not allowed outside, and it can be done inside the new building.

Mr. Zignego referred to the pull-thru possibility of a building and stated he would prefer not to do that, as it would not be as efficient as having one stall for each piece of equipment. He suggested not using the doors facing Springdale Estates after a certain time.

Commissioner Sullivan questioned why the building was so far south when there is plenty of land to the north. Mr. Zignego stated the noise complaints come from in the yard, so if they put a 300 foot long concrete building up, any yard noise will now be behind that. If the building was put up against the railroad, it would act as a reflector and bounce the noise back to Springdale Estates.

Dan Gies (N28 W22352 Foxwood Lane) stated he had concerns about any doors facing south because noise will come out. He felt any door should face the north towards the other industrial properties. Mr. Gies requested a two week notice for any explosives being used to clear cement out of the trucks. He was concerned about the noise as it relates to air tools, and he requested this repair shop be put at Zignego's other location instead of this location near a residential neighborhood. Mr. Gies was also concerned that the building would be seen from the neighboring yards. He requested there be no south-facing doors, and the berm be increased in size so that there is zero risk of shrapnel from any explosives being used.

Todd Vogelsang (N29 W22232 Kathryn Court) requested the items on site to be cleaned up and covered up such as the concrete and rebar. There are also noxious weeds on the property. He questioned if the proper permits were pulled when the land was filled.

Jeff Wozniak (N28 W22416 Foxwood Lane) stated the first ten years that he lived in his home, Zignego was a model neighbor and there were no abnormal noise complaints. He felt the last few years have been a disaster with noise. He did not believe a berm or a concrete wall would stop the noise.

Jeff Holzhauer (W226 N2836 Foxwood Lane) agreed with the previous noise complaints. He questioned what the hours of operation would be. He felt the building would be seen once the leaves on the trees are gone.

Mr. Zignego confirmed that they do not use explosives.

Dominic Ferrante with Briohn Builders noted that they commissioned a sound expert to do a study on site, and it was just completed yesterday.

Mike Webber again addressed the safety and health issues. He requested the water situation at the corner be fixed.

Brian Dziwulski (N24 W22637 Meadowood Lane) stated he was the Alderman for District 3 and noted that anytime he receives a call regarding noise, he contacts the Sheriff's Lieutenant and the noise stops. He stated he has not gotten any more complaints and Zignego was compliant with the Sheriff's Department.

Chairman Bierce closed the public hearing at 7:51pm.

Commissioner Sullivan felt the easements were paramount of importance to solve the drainage issue. He was concerned about the noise and did not know if a wall or berm could be built big enough to stop the noise.

Commissioner Bergman stated he had issues with the site and building plan. He questioned why the location of the building was chose so adjacent and close to the residences to the south of this parcel, instead of to the north where there are railroad tracks on both sides. Mr. Ferrante felt the building would act as a barrier to the noise in the yard, as the concrete wall does. The building will have an enclosed, solid concrete wall with 60 decibels of control.

Mr. Zignego stated the noise complaints he has received in the past have come from outside in the yard. The building will be another 300 feet of sound barrier because the yard is north of the Springdale residents. Mr. Zignego felt the noise of cleaning a mixer drum with a hammer should not happen and could be done inside. The building will be used for what is now done outside.

Commissioner Bergman referred to the safety concern regarding the railroad and getting EMS to the site. He questioned if there would be the same number of employees in the back with this new building. Mr. Zignego noted there are currently 10 to 15 mechanics working in that area and he did not see that number growing.

Mr. Ferrante referred to the access issue with the railroad and noted that he spoke to the Fire Chief, and he was comfortable with the activity within reason.

Mr. Zignego stated the hours of operation proposed were 6am to 8pm Monday thru Friday, and there would also be Saturday hours, or in the event of an emergency. The hours are greatly reduced in the winter and they only work 8 to 10 hours a day five days a week.

Further discussion took place regarding the process of cleaning out the concrete drums and the type of equipment and tools used. Mr. Zignego reiterated that the work should not be done outside, and this building will allow them the opportunity to do it inside.

Tricia Casper (N28 W22544 Peachwood Court) questioned if trucks from other parts of the state would be brought to do more work in the new building. Mr. Zignego clarified that this garage is for the paving company and they do jobs throughout Wisconsin. Most of their equipment is taken care of at this location. They are simply taking an existing and inefficient building that is too small and creating a new building.

Commissioner Bergman felt they should focus on the hours of operation and address a stop time with the owner. Chairman Bierce suggested writing the conditional use to have no outdoor activity after 8:00pm.

Mr. Zignego suggested specifically adding verbiage to the conditional use that concrete mixers will not be cleaned outside. He also suggested having complaints go to a supervisor's phone instead of the Sheriff's Department, so that if there is an issue, they can stop it immediately.

Chairman Bierce suggested approving this contingent on the wording in the conditional use and letting staff and Zignego figure it out. Mr. Fuchs stated he could draft conditions of approval that would address specific hours of operation for specific uses and locations. That could either be brought back to the Plan Commission, or it could be made as part of this approval and then be taken to Common Council. Chairman Bierce stated he had no problem having staff work with the applicant, because everyone would have a chance to see what the final document looks like.

Discussion took place regarding the idea of having a phone number for a supervisor. Mr. Fuchs suggested the calls go through City staff and to always have a contact for the manager on site.

A motion was made and seconded (S. Sullivan, C. Wunder) to approve the rezoning. Motion Passed: 4-For, 0-Against.

6. Discussion and Action Regarding a Certified Survey Map for Duplainville Land Company, LLC/John Zignego for Property Located at W226 N2940 Duplainville Road for the Purpose of Combining all Parcels Owned by Zignego Into One Lot (PWC 0913997001, PWC 0914991, PWC 0914992001)

Mr. Fuchs noted that there should be an addition of the drainage and access easement as requested by the Engineering Department.

A motion was made and seconded (B. Bergman, C. Wunder) to approve the CSM as submitted with staff and Engineering comments. Motion Passed: 4-For, 0-Against.

7. Discussion and Action Regarding a Recommendation to the Common Council for a Conditional Use Permit and Site and Building Plans for Duplainville Land Company, LLC/John Zignego for Property Located at W226 N2940 Duplainville Road for the Purpose of Constructing a One-Story 25,000 Square Foot Repair Garage Building (PWC 0913997001, PWC 0914991, PWC 0914992001)

Chairman Bierce suggested structuring this so that staff could negotiate with Zignego with the noise abatement hours and any other concerns that have been discussed at this meeting.

Commissioner Bergman reminded the Commission that this building will only be seen by the employees that use it. He felt rooftop screening would be a waste of money because no one will ever see the units. He felt it was probably a better building than it needed to be on this site.

Chairman Bierce also noted that staff would tie into figuring out what the best plan was moving forward as far as communicating the noise complaints so we have a path to get to Mr. Zignego quickly.

A motion was made and seconded (S. Bierce, B. Bergman) to recommend approval of the conditional use permit and site and building plans to the Common Council, subject to the conditions within the staff report, and staff and the applicant working out conditions for noise abatement and noise abatement hours, and coming up with a plan for communication between the citizens and Zignego, and possibly the Sheriff's Department. Motion Passed: 4-For, 0-Against.

8. Discussion and Action and Public Hearing Regarding Proposed Amendments to Chapter 17 of the City of Pewaukee Zoning Ordinance Including Striking a Portion of Sub-section 17.0706c Related to Digital Signs; Adding New Sub-section 17.0706d and Re-lettering the Subsequent Sections Accordingly Related to Adding Electronic Message Boards Signs as Permitted Under Certain Conditions; and Striking a Portion of Sub-section 17.0711 Related to Lighting, Design and Color.

Mr. Fuchs gave a brief background regarding the possible change to allowing electronic message boards and explained the changes that could be made to the ordinance. He noted that the change could be limited to institutional uses, banks and financial institutions, and restaurants, bars and taverns, or it could be made City-wide. He noted that staff was not recommending a change to the ordinance and he recommended keeping the code as is and keeping the signs prohibited.

Chairman Bierce opened the public hearing at 8:46pm.

Brian Pritzkow (N37 W26853 Kopmeier Drive) stated he was not sure why staff would not recommend this. He discussed manual changing signs and felt the electronic signs would be a safety consideration for that. The signs can be regulated and he felt the business community wants it for the City. He noted that the Village of Pewaukee already allows them. Mr. Pritzkow added that instead of a bar having banners, they would now only have one sign if this were allowed. He felt it would elevate the City and increase value to business owners.

Greg Zinda, owner of the Station Bar & Grill, stated he may want to do this at his bar and felt it would be a big improvement.

Ramona Marena with Lemberg Electric stated she was representing Inlanta and explained how their electronic sign permit had inadvertently been issued. She did not believe the City would look like Las Vegas, as the City can control the look. She felt the signs would be safe, clean and energy efficient.

Chairman Bierce closed the public hearing at 8:53pm.

Mr. Fuchs clarified that the City does not allow manual changeable copy signs, except for charitable or religious institutions. Mr. Fuchs was in favor of striking that section of the code that does allow them, as they do not look good and he did not know many establishments that use them.

Commission Bergman understood the argument that we are a rural, lake country community, but he felt this would be a solution to the issue of bars having banner signs outside. He felt this was a good way to do this on a limited basis and he was in favor of it.

Mr. Fuchs was concerned with identifying uses as opposed to making it City-wide, as there will be businesses that don't fall into one of the categories that will want one. He felt overall, businesses should be put on a level playing field and if the City were to allow electronic message board signs for some commercial uses, it should allow them for all commercial uses, or not allow them at all.

Commissioner Bergman questioned if this was the look that we wanted the City to have.

Mr. Fuchs noted that size, height and brightness standards can be regulated, but the City cannot regulate content.

Administrator Klein stated the signs and flags at bars are a property maintenance issue and they are not allowed. He did not see a need for electronic signs and there are plenty of other ways to do community outreach. Mr. Klein stated he was totally opposed to it.

The Plan Commission took no action.

9. Adjournment

A motion was made and seconded (C. Wunder, B. Bergman) to adjourn the meeting at 9:12pm.

Motion Passed: 4-For, 0-Against.

Respectfully Submitted,

Ami Hurd
Deputy Clerk