

Building Services

W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262) 691-9107 Fax (262) 691-6039

ZONING BOARD OF APPEALS MEETING NOTICE AND AGENDA

Wednesday, November 2, 2022

6:00 PM

Common Council Chambers ~ Pewaukee City Hall
W240 N3065 Pewaukee Road ~ Pewaukee, Wisconsin

-
1. Call to Order and Pledge of Allegiance
 2. Discussion and possible action to approve the Zoning Board of Appeals minutes dated September 7, 2022
 3. **PUBLIC HEARING**, discussion and possible action regarding the request of WE Energies for a variance to allow for the replacement of existing light poles upon properties located at W240N2989 Pewaukee Road, Pewaukee, WI 53072, Tax Key No. 0921998 and Tax Key No. 0921999. The subject property is zoned M-1 General Wholesale Business/Warehouse District. The application requests a variance from Section 17.0210d(6)(a) to allow for the replacement of the existing parking lot and storage yard lights with 33-foot light poles, exceeding the maximum light pole height of 20 feet. This public hearing is being held pursuant to the requirements and standards of Section 17.1300 of the City of Pewaukee Zoning Ordinance.
 4. Adjournment

Kelly Tarczewski
Clerk/Treasurer

October 20, 2022

NOTICE

It is possible that members of other governmental bodies of the municipality may be in attendance to gather information that may form a quorum. At the above stated meeting, no action will be taken by any governmental body other than the governmental body specifically referred to above in this notice.

Any person who has a qualifying disability under the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible format must contact the Clerk/Treasurer, Kelly Tarczewski, at (262) 691-0770 three business days prior to the meeting so that arrangements may be made to accommodate your request.

**CITY OF PEWAUKEE
ZONING BOARD OF APPEALS AGENDA ITEM 2.**

DATE: November 2, 2022

DEPARTMENT: Zoning Appeal

PROVIDED BY:

SUBJECT:

Discussion and possible action to approve the Zoning Board of Appeals minutes dated September 7, 2022

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

**CITY OF PEWAUKEE
ZONING BOARD OF APPEALS AGENDA ITEM 3.**

DATE: November 2, 2022

DEPARTMENT: Zoning Appeal

PROVIDED BY:

SUBJECT:

PUBLIC HEARING, discussion and possible action regarding the request of WE Energies for a variance to allow for the replacement of existing light poles upon properties located at W240N2989 Pewaukee Road, Pewaukee, WI 53072, Tax Key No. 0921998 and Tax Key No. 0921999. The subject property is zoned M-1 General Wholesale Business/Warehouse District. The application requests a variance from Section 17.0210d(6)(a) to allow for the replacement of the existing parking lot and storage yard lights with 33-foot light poles, exceeding the maximum light pole height of 20 feet. This public hearing is being held pursuant to the requirements and standards of Section 17.1300 of the City of Pewaukee Zoning Ordinance.

BACKGROUND:

FINANCIAL IMPACT:

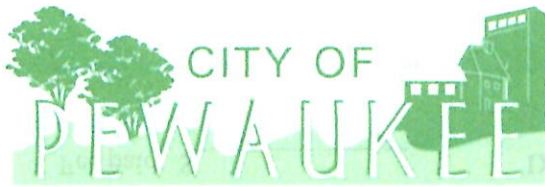
RECOMMENDED MOTION:

ATTACHMENTS:

Description

WE Energies Application

WE Energies Staff Report



Office of the Planner & Community Development Director
 W240 N3065 Pewaukee Road
 Pewaukee, Wisconsin 53072
 Phone (262) 691-0770
 Fax (262) 691-1798
fuchs@pewaukee.wi.us

APPLICATION FOR VARIANCE REQUEST

TO THE HONORABLE MAYOR AND ZONING BOARD OF APPEALS OF THE CITY OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN

The undersigned hereby petitions the Zoning Board of Appeals of the City of Pewaukee, Waukesha County, Wisconsin requesting a variance from: 17.0210 PRINCIPLES & STANDARDS FOR THE AESTHETIC EVALUATION OF SITE & BUILDING PROJECTS d. (6) STANDARD NUMBER SD-6.

Legal description of property to be rezoned – Please attach.

Common property description or name: WE ENERGIES
 Property Address: W240 N2989 PEWAUKEE RD. Tax Key Number(s): PWC 0921999 PWC 0921998
 Property owner(s) (Full Legal Name): We Energies
 Owner’s Address: 231 W. Michigan St. City/State/Zip: Milwaukee, WI 53203
 Phone: (414) 221-2869 Email: jennifer.zierer@wecenergygroup.com

Applicant (Full Legal Name):
 Name: Ryan Lee
 Company: WEC Energy Group
 Address: 333 W. Everett St. - A238
 City/State/Zip: Milwaukee, WI 53203
 Phone: (414) 221-3473
 Email: ryan.lee@wecenergygroup.com

Contact Person (Full Legal Name):
 Name: Jennifer Zierer
 Company: WEC Energy Group
 Address: 231 W. Michigan St.
 City/State/Zip: Milwaukee, WI 53203
 Phone: (414) 221-2869
 Email: jennifer.zierer@wecenergygroup.com

Variance submittals must include and be accompanied by the following:

- This Application form accurately completed with original signatures.
- Application Filing Fee, payable to the City of Pewaukee:
 - \$400.00
 - Note costs for publication, notice and all attorney fees related to the project shall be paid by the applicant and will be invoiced separately
- Five (5) complete collated sets of Application materials to include:
 - A written project narrative detailing the request and site & building improvements.
 - Scaled drawings, as may be applicable, including, but not limited to; a site plan, building elevations, colored renderings, and natural resource delineations.
- Variance Findings Form
- All application materials provided in a digital format (Adobe PDF). Materials may be submitted on a USB Flash Drive or emailed to tarczewski@pewaukee.wi.us.
- Note twelve (11) additional sets of plans will be required for the Zoning Board of Appeals following staff review of the initial submittal. These plans should be revised in response to staff comments as may be necessary.



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 W240 N3065 Pewaukee Road
 Pewaukee, Wisconsin 53072
 Phone (262) 691-0770
 Fax (262) 691-1798
fuchs@pewaukee.wi.us

The applicant and property owner(s) hereby certify that:

- 1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge;
- 2) the applicant and property owner(s) has/have read and understand all information in this application; and
- 3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval.

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

PETITIONER'S/APPLICANT'S SIGNATURE: RL (On behalf of We Energies)

NAME & TITLE (PRINT): Ryan Lee - Facilities Area Manager

SIGN AND DATED this 22nd **day of** September, 2022.

PROPERTY OWNER'S SIGNATURE: RL (On behalf of We Energies)

NAME & TITLE (PRINT): Ryan Lee - Facilities Area Manager

SIGN AND DATED this 22nd **day of** September, 2022.

PROPERTY OWNER'S SIGNATURE: _____

NAME & TITLE (PRINT): _____

SIGN AND DATED this _____ **day of** _____, _____.

City Staff-

RECEIVED at City Hall by: _____ on _____

Fee paid: \$_____. Date: _____.



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 W240 N3065 Pewaukee Road
 Pewaukee, Wisconsin 53072
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VARIANCE FINDINGS FORM

It is recommended that this form be completed and submitted as part of all variance requests.

Date: 09/22/2022 Property Owner: We Energies

Property Address: W240N2989 Pewaukee Road, Pewaukee, WI. 53072

Section 17.1007 states, “No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceedings:

- a. Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted principle use, permitted accessory use, or permitted conditional use in that particular district.

Please see attachment #2: Variance Findings Form, item a.

- b. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that the Ordinance should be changed.

Please see attachment #2: Variance Findings Form, item b.

- c. Economic or Financial Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted on the basis of economic/ financial gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

Please see attachment #2: Variance Findings Form, item c.

- d. Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

Please see attachment #2: Variance Findings Form, item d.



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 W240 N3065 Pewaukee Road
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- e. Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest. Please see attachment #2: Variance Findings Form, item e.

- f. Additional Requirements in Floodplain District: No variance in or related to a floodplain* shall be granted where:
 - (1) A change in the boundaries or elevation of the base flood floodplain (F-1 District) would result.
 - (2) A lower degree of flood protection than a point two (2) feet above the 100-year recurrence interval base flood for the particular area would result.
 - (3) Any action contrary to the provisions of Chapter NR-116 of the Wisconsin Administrative Code would result. (See sub-section 17.0435 and WisDNR requirements)
 - (4) The lot or parcel is larger than one-half acre and is not contiguous to existing structures constructed below the regional (base) flood elevation.
 - (5) No good or sufficient cause can be shown; greater than a minimum relief is necessary; there is increased risk to public safety or nuisances; rescue and relief costs would be increased; and, it is contrary to the purposes of this ordinance.
 - (6) Such variance would allow alteration of an historical structure and/or use.

N/A

- g. When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 per coverage. A copy shall be maintained with the variance record.

N/A

Attachment #1: Project Narrative

We Energies is committed to providing affordable, reliable and clean energy to our customers. To support this mission, we have undertaken a storage yard improvement project at our Pewaukee warehouse and distribution facility to improve efficiency and safety. The project is focused on repairing and replacing storm water drainage systems, pavements and transitions between different types of pavements, loading docks, fire hydrants, barricades, communication, security and lighting systems.

Work is progressing to complete all the improvements except replacing the lighting because replacing the existing poles and fixtures with equivalent height poles and fixtures requires the city to grant a variance to the Zoning Ordinance, Section 17.0210, d, (6) Standard Number SD-6 which limits the height of poles to 20'. Also, an exception is requested to allow the type of fixture currently in place to be replaced with a similar LED fixture to illuminate the storage yard.

Therefore, we would like to request a variance to replace the storage yard lighting at our facility located at W240N2989 Pewaukee Road in Pewaukee, WI. Many of the existing wood poles require replacement because they are approaching the end of their service life. We also would like to improve the efficiency of the storage yard lights by replacing the antiquated HPS lighting fixtures with LED fixtures.

We Energies intends to replace the existing wood poles with metal poles mounted on concrete bases immediately adjacent to the wood poles. The poles would be 30' poles mounted on 3' concrete bases for a total height above grade of 33' which is consistent with the existing conditions. Furthermore, we would like to replace the existing HPS light fixtures with LED fixtures in the same locations and orientation as the existing fixtures.

As mentioned, we would like to improve the safety and functionality of the yard by increasing the illumination level provided by the proposed LED fixtures. We have installed a mock-up of the proposed LED fixtures in the center of the yard to provide an example for the city's consideration. In response to city comments, We Energies will provide lower temperature (color) LED elements to provide a warmer light spectrum and install manufacturer provided visors on the fixture in addition to the conditions represented by the mock-up.

We have prepared and attached the Variance Findings Form dated September 22, 2022, in addition to the Application for Variance Request, including the required documentation to initiate the variance process with the City of Pewaukee for this lighting project.

Thank you for your attention to this matter.

We Energies
W240N2989 Pewaukee Rd.
Pewaukee, WI 53072

PWC 0921999 Zoned M-1
PWC 0921998
Variance Requested from 17.0210, d, (6) Standard Number SD-6

September 22, 2022

Attachment #2: Variance Findings Form

- a. PWC-0921999: M-1 District, General Wholesale Business/Warehouse District. We energies owns and operates the existing facility which is a permitted principal use. The subject of this request is to repair and improve existing infrastructure at the facility.
- b. The We energies warehouse and storage yard is used to store and distribute infrastructure components for the networks that the Utility operates including large transformers and poles for overhead wire systems. The materials are distributed to utility service centers, project sites and emergency locations in response to storm events and other accidental damage. Frequently, material necessary to repair storm damage is distributed after dark and adequate site lighting is crucial to safe operation. To maintain an efficient, responsive and safe distribution facility, the Utility must maintain illumination in the storage yard with minimal obstacles to limit the movement of materials. The poles that support overhead wires can be 70' long and are conveyed by forklift. The design to provide the intended level of illumination provided on 20' light poles with cut-off fixtures would create a condition where the light poles would be approximately 80' on center which is marginally larger than the material being conveyed in the yard and would also reduce the capacity of the yard competing with light pole placement. Additionally, some of the material conveyed by forklift in the yard is of such a size that visibility around the freight conveyed is compromised and we work diligently to limit the number of fixed obstructions in the yard to minimize accidents.
- c. The operating concern for the proposed improvements forms the basis of the request. We need to maximize the distance between the light poles to minimize the number of obstructions while conveying loads for the safe and efficient use of the storage yard. And we need to maintain the existing pole heights for effective distribution of illumination across the yard because of the distance between the poles.
- d. Like existing conditions, perimeter lighting will be directed inward toward the storage yard to limit the light spilling to neighboring properties.
The finish grade of the site is between 11' to 29' lower than adjacent properties to the North and East. In addition, view of the storage yard from the East is screened by the warehouse building. Therefore, views of the lights are obscured from the properties North and East of the yard.
There is a significant vegetative natural buffer between the yard and neighbors to the South that are minimally 630' away from any proposed light source. And there is a partial 30' high berm that blocks the view of the yard from the Southern neighbors.
The Manufacturing district to the West of the yard is screened by greenspace, and equipment storage.

All the perimeter light fixtures will be directed into the yard. Therefore, visible elements may only be seen from the opposite side of the yard or on the center poles where the lighting mock-up has been provided.

- e. The Owner wishes to replace existing wood light poles with metal light poles on concrete bases to maintain the existing light fixture height and mounting. No change in the existing light configuration is proposed.
- f. N/A
- g. N/A

THIS INDENTURE Made this 25th day of July, A. D., 1969,
between HARRY J. KOEPP, SR., and HAZEL KOEPP, his wife,

part 1st of the first part, and
WISCONSIN ELECTRIC POWER COMPANY

a Corporation duly organized and existing under and by virtue of the laws of
the State of Wisconsin, located at Milwaukee, Wisconsin,
party of the second part.

Witnesseth, That the said part 1st of the first part, for and in consideration
of the sum of One Dollar (\$1.00) and other good and
valuable consideration

to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and
acknowledged, has given, granted, bargained, sold, remised, released and quit-claimed, and by these presents
do give, grant, bargain, sell, remise, release and quit-claim unto the said party of the second part, and to its
successors and assigns forever, the following described real estate, situated in the County of Waukegan
State of Wisconsin, to-wit:

All that part of the East One-half ($E\frac{1}{2}$) of the Northeast One-quarter ($NE\frac{1}{4}$) of Section
Fifteen (15), Township Seven (7) North, Range Nineteen (19) East, in the Town of
Pewaukee, described as follows, to-wit: Commencing at a point on the East line of
the said $1/4$ section, which point is five hundred six and six tenths (506.6) feet
due South from the Northeast corner thereof; thence due South on said section line
seven hundred one and two tenths (701.2) feet; thence due West one thousand three
hundred twenty-eight and sixty-three hundredths (1328.63) feet to the $1/8$ th line
of said section; thence North no degrees two minutes forty seconds West ($N.0^{\circ}2'40''W.$)
on said line eight hundred ninety-three and twenty-four hundredths (893.24) feet to
the Southerly line of the right of way of Chicago, Milwaukee, St. Paul and Pacific
Railroad; thence on an arc of curve of said right of way and fence line one thousand
three hundred thirty-four and nine tenths (1334.9) feet, the chord of said arc bearing
South eighty-one degrees thirty-six minutes eleven seconds East ($S.81^{\circ}36'11''E.$) one
thousand three hundred seven and eighty-six hundredths (1307.86) feet to a point of
curve; thence South eighty-eight degrees sixteen minutes East ($S.88^{\circ}16'E.$) thirty-
five and forty-nine hundredths (35.49) feet to the place of beginning, reserving
therefrom the East fifty (50) feet thereof for highway purposes.

IF NECESSARY, CONTINUE DESCRIPTION ON REVERSED SIDE

To Have and to Hold the same, together with all and singular the appurtenances and privileges thereunto
belonging or in any wise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of
the said part 1st of the first part, either in law or equity, either in possession or expectancy of, to the only proper use,
benefit and behoof of the said party of the second part, its successors and assigns FOREVER.

In Witness Whereof, the said part 1st of the first part have hereunto set their hands and
seals, this 25th day of July, A. D., 1969.

SIGNED AND SEALED IN PRESENCE OF

Ione Chapas
Ione Chapas
Donald N. Koopp
Donald N. Koopp

Harry J. Koopp, Sr. (SEAL)
Harry J. Koopp, Sr.
Hazel Koopp (SEAL)
Hazel Koopp

(SEAL)

State of Wisconsin, County }
Personally came before me, this 25th day of July, A. D., 1969,
the above named HARRY J. KOEPP, SR., and HAZEL KOEPP, his wife,
to me known to be the persons who executed the foregoing instrument and acknowledged the same.

THIS INSTRUMENT WAS DRAFTED BY
Thomas R. Hamilton on behalf NOTARY Ione Chapas
of Wisconsin Electric Power Company NOTARY Public, Waukegan County, Wis.
My commission expires (if) 8/21/70

Section 29.11 (1) of the Wisconsin Statutes provides that all instruments to be recorded shall have plainly printed or typewritten thereon
the names of the grantor, grantee, witness and notary. Section 29.113 similarly requires that the name of the person who, of govern-
mental agency which drafted such instrument, shall be printed, typewritten, stamped or written thereon in a legible manner.

No. _____

TO

Quit Claim Deed

This instrument should be immediately placed on file to avoid trouble and litigation.

This space reserved for
REGISTER'S OFFICE) SS. **788036**
No. _____

Waukesha Co., Wis.
RECEIVED FOR RECORD THE 14th DAY
JUNE A. D. 1927 AT 3:02
O'CLOCK P. M. & RECORDED IN VOL. 1232
OF Deeds ON PAGE 238

Michael J. Harrison
By *Frank M. [Signature]* REGISTER
[Signature]

Return to

Return to OTIS F. KOSKE
Room 452, 251 W. Michigan St.
MILWAUKEE, WIS. 53201

PR
201

THE LEGAL BLANK COMPANY
MILWAUKEE, WIS.

VOL 1232 PAGE 299

788037

FEE

A 27.25 (9)
EXEMPT

VOL 1232

QUIT CLAIM DEED
FORM 800

THIS SPACE RESERVED FOR RECORDING DATA

PAGE 300

THIS INDENTURE, Made this 22nd day of July, A. D., 1969,
between HARRY J. KOEPP, SR., and HAZEL KOEPP, his wife,

WISCONSIN ELECTRIC POWER COMPANY, part 198 of the first part, and

a Corporation duly organized and existing under and by virtue of the laws of
the State of Wisconsin, located at Milwaukee, Wisconsin,
party of the second part.

Witnesseth, That the said part 198 of the first part, for and in consideration
of the sum of One Dollar (\$1.00) and other good and
valuable consideration

to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and
acknowledged, have given, granted, bargained, sold, remised, released and quit-claimed, and by these presents
do give, grant, bargain, sell, remise, release and quit-claim unto the said party of the second part, and to its
successors and assigns forever, the following described real estate, situated in the County of WAUKESHA

Lands located in the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section Fifteen (15),
Township Seven (7) North, Range Nineteen (19) East, Waukesha County, Wisconsin,
commencing at a point on the East line of the said $\frac{1}{4}$ section distant due South
1207.60 feet from the Northeast corner thereof; thence continuing due South on
Section line 478.0 feet; thence due West 1328.28 feet to 1/8th line; thence
North 0° 02' 40" West on said 1/8th line 478.0 feet; thence due East 1328.65 feet
to point of commencement.

(IF NECESSARY, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same, together with all and singular the appurtenances and privileges thereto
belonging or in any wise thereto appertaining, and all the estate, right, title, interest and claim whatsoever of the
said part 198 of the first part, either in law or equity, either in possession or expectancy of, to the only proper use,
benefit and behoof of the said party of the second part, its successors and assigns FOREVER.

In Witness Whereof, the said part 198 of the first part, hereunto set their hands and
seals, this 22nd day of July, A. D., 1969.

SIGNED AND SEALED IN PRESENCE OF

Tom S. Chapas
Tom S. Chapas
Donald N. Koopp
Donald N. Koopp

Harry J. Koopp Sr. (SEAL)
Hazel Koopp (SEAL)

State of Wisconsin }
Waukesha County }

Personally came before me, this 22nd day of July, A. D., 1969,
the above named HARRY J. KOEPP, SR., and HAZEL KOEPP, his wife,

to me known to be the persons who executed the foregoing instrument and acknowledged the same.

THIS INSTRUMENT WAS DRAFTED BY
Thomas R. Hamilton on behalf of
of Wisconsin Electric Power Company

Tom S. Chapas
Notary Public
My commission expires (is) 12/31/69

(Section 39.11 (1) of the Wisconsin Statutes provides that all instruments to be recorded shall have printed or typewritten thereon
the names of the grantors, grantees, witnesses and notary. Section 39.113 similarly requires that the name of the person who is given
mental agency which, drafted such instrument, shall be printed, typewritten, stamped or written thereon in a legible manner.)

No. _____

TO

Quit Claim Deed

The instrument should be immediately filed on file to avoid trouble and litigation.

REGISTERED FOR RECORD IN
MILWAUKEE CO. WIS. No. **788037**

RECEIVED FOR RECORD THE **14th** DAY

JUNE A.D. 19**71** AT **3:04**
O'CLOCK P.M. & RECORDED IN VOL **1232**

OF **Deeds** ON PAGE **300**

Michael J. Handlinger
BY *Michael M. [Signature]*

Return to

Return to OTIS F. KOEKE
Room 452, 231 W. Michigan St.
MILWAUKEE, WIS. 53201

PR
200

WISCONSIN LEGAL BLANK COMPANY
MILWAUKEE, WISCONSIN

VOL 1232 PAGE 301

788038

27.25 (9)
EXEMPT

VOL 1232

THIS SPACE RESERVED FOR RECORDING DATA

302

THIS INDENTURE, Made this 5th day of January, A.D. 1970, between HARRY J. KOEPP and HAZEL KOEPP, his wife

part 188 of the first part, and WISCONSIN ELECTRIC POWER COMPANY

a Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, located at Milwaukee, Wisconsin, party of the second part.

Witnesseth, That the said part 188 of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration

to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have given, granted, bargained, sold, remised, released and quit-claimed, and by these presents do give, grant, bargain, sell, remise, release and quit-claim unto the said party of the second part, and to its successors and assigns forever, the following described real estate, situated in the County of Waukesha:

All that part of the Northeast Quarter of Section 15, Town 7 North, Range 10 East, Town of Pewaukee, bounded and described as follows: Commencing at the north quarter corner of said Section 15; thence South, along the north quarter line of said Section, a distance of 1265.60 feet to a point on the center line of County Trunk Highway "68"; thence South 61 degrees 53 minutes East, along said center line, a distance of 1069.95 feet to the place of beginning of the parcel hereinafter described; thence continuing South 61 degrees 53 minutes East, along said center line a distance of 437.65 feet to a point on the East one-eighth line; thence North 00 degrees 07 minutes 20 seconds West, along said East one-eighth line, a distance of 1646.70 feet to a point on the South line of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way; thence North 71 degrees 58 minutes 20 seconds West, along said South line, a distance of 419.44 feet; thence South 00 degrees 35 minutes 46 seconds East, a distance of 1572.35 feet to the place of beginning; being subject to County Trunk Highway "68" to the south.

OR NECESSARY CONTINUE DESCRIPTION ON REVERSED SIDE

To Have and to Hold the same, together with all and singular the appurtenances and privileges thereto belonging or in any wise thereto appertaining, and all the estate, right, title, interest and claim whatsoever of the said part 188 of the first part, either in law or equity, either in possession or expectancy of, to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns FOREVER.

In Witness Whereof, the said part 188 of the first part have hereunto set their hand and seal, this 5th day of January, A.D. 1970

SIGNED AND SEALED IN PRESENCE OF

Ione Chapas
Donald D. Koopp

Harry J. Koopp
Hazel Koopp

State of Wisconsin, Waukesha County, Personally came before me, this 5th day of January, A.D. 1970, the above named HARRY J. KOEPP and HAZEL KOEPP, his wife

to me known to be the persons who executed the foregoing instrument and acknowledged the same

THIS INSTRUMENT WAS DRAFTED BY Thomas R. Hamilton on behalf of Wisconsin Electric Power Company Notary Public Ione S. Chapas My commission expires 12/31/70

(Section 19.31 (1) of the Wisconsin Statutes provides that all instruments to be recorded shall first comply with the provisions of this section, and that any instrument which, drafted such instrument, shall be returned, reprinted, stamped or written in accordance with the provisions of this section, shall be returned, reprinted, stamped or written in accordance with the provisions of this section.)

No. _____

TO

Quit Claim Deed

This instrument should be immediately placed on file to avoid trouble and litigation.

This space reserved for
REGISTER'S OFFICE) SS **88038**

Waukesha Co. Wis.) No. _____
RECEIVED FOR RECORD THE 15th DAY
JUNE A.D. 1971 AT 3:06
O'CLOCK P. M. & RECORDED IN VOL 1232
OF Deeds ON PAGE 302

Michael J. Haslinger
By _____
Deputy

Return to

Return to OTIS F. KOSKE
Room 452, 231 W. Michigan St.
MILWAUKEE, WIS. 53201

pd
200

WISCONSIN LEGAL BLANK COMPANY
MILWAUKEE, WISCONSIN

VOL 1232 PAGE 303

27,25(9) EXEMPT

THIS SPACE RESERVED FOR RECORDING DATA

788039

VOL 1232 PAGE 304

THIS INDENTURE, Made this 30th day of July, A. D. 1970, between HARRY J. KOEPP and HAZEL KOEPP, his wife,

part les of the first part, and WISCONSIN ELECTRIC POWER COMPANY

a Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, located at Milwaukee, Wisconsin, party of the second part.

Witnesseth, That the said part les of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration

to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged have given, granted, bargained, sold, remised, released and quit-claimed, and by these presents do give, grant, bargain, sell, remise, release and quit-claim unto the said party of the second part, and to its successors and assigns forever, the following described real estate, situated in the County of Waukesha

State of Wisconsin, to-wit: All that part of the Northeast one-quarter (NE 1/4) of Section Fifteen (15), Township Seven (7) North, Range Nineteen (19) East, Town of Pewaukee, bounded and described as follows: Commencing at the North quarter (N 1/4) corner of said Section Fifteen (15); thence South eighty-nine degrees forty-four minutes twenty-two seconds East (S 89° 44' 22" E.) along the north line of said Section Fifteen (15) a distance of three hundred eighty-six and eighty-one hundredths (386.81) feet to the southerly line of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way, the place of beginning of the land hereinafter to be described; thence southeasterly along said southerly right-of-way line a distance of four hundred thirty-six and fifty-two hundredths (436.52) feet more or less to the northwest corner of the property described in Volume 1068 of Deeds on Page 548 as Document No. 689121; thence due south along the westerly line of said property described in Document No. 689121 a distance of one hundred and no one-hundredths (100.00) feet; thence North seventy degrees fifteen minutes thirty-five seconds West (N 70° 15' 35" W.) a distance of two hundred and no one-hundredths (200.00) feet; thence North forty-nine degrees twenty-nine minutes forty-one seconds West (N 49° 29' 41" W.) a distance of two hundred eighty-eight and ninety-nine hundredths (288.99) feet to the place of beginning.

(IF NECESSARY, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same, together with all and singular the appurtenances and privileges thereunto belonging or in any wise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said part les of the first part, either in law or equity, either in possession or expectancy of, to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns FOREVER.

In Witness Whereof, the said part les of the first part have hereunto set their hand and seals this 30th day of July, A. D. 1970.

SIGNED AND SEALED IN PRESENCE OF

James S. Chapas, Ione S. Chapas, Donald N. Koeppe

HARRY J. KOEPP, HAZEL KOEPP (SEAL)

State of Wisconsin, WAUKESHA County, Personally came before me this 30th day of July, A. D. 1970, the above named HARRY J. KOEPP and HAZEL KOEPP, his wife,

to me known to be the persons who executed the foregoing instrument and acknowledged the same. Ione S. Chapas

THIS INSTRUMENT WAS DRAFTED BY: T. R. Hamilton on behalf of NOTARY PUBLIC, My commission expires (date) 7-27-70

No. _____

TO

Quit Claim Deed

This instrument should be immediately placed on file to avoid trouble and litigation.

This space reserved for
Register of Deeds

REGISTER'S OFFICE) SS. **788039**
Waukesha Co. Wis.) No. _____

RECEIVED FOR RECORD THE 14TH DAY
JUNE A. D. 1921 AT 3:08

O'CLOCK P.M. & RECORDED IN VOL. 1232
OF DEEDS ON PAGE 304

Michael J. [Signature]
[Signature]

Return to

Return to OTIS F. KOSKE
Room 152, 231 W. Michigan St.
MILWAUKEE, WIS. 53201

PA
201

WISCONSIN LEGAL BANK COMPANY
MILWAUKEE, WISCONSIN

VOL 1232 PAGE 305

No. _____

TO

Quit Claim Deed

This instrument should be immediately placed on file to avoid trouble and litigation.

This space reserved for

REGISTER'S OFFICE) ss **788040**
Waukesha Co. Wis) NO. _____

RECEIVED FOR RECORD THE 14th DAY
JUNE A. D. 1921 AT 3:10
O'CLOCK P. M. & RECORDED IN VOL 1232
OF Deeds ON PAGE 306

Michael J. ...
By *...* Deputy

Return to

Return to OTIS F. KOSKE
Room 452, 231 W. Michigan St.
MILWAUKEE, WIS. 53201

pp
20

WISCONSIN LEGAL BLANK COMPANY
MILWAUKEE, WISCONSIN

VOL 1232 PAGE 307

DOCUMENT NO.

788041

FEE

22.35 (7)
EXEMPT

QUIT CLAIM DEED
FORM 890

THIS SPACE RESERVED FOR RECORDING DATA

VOL 1232 PAGE 308

THIS INDENTURE, Made this 25th day of July, A. D. 1969,
between HARRY J. KOEPP, SR., and HAZEL KOEPP, his wife,

part 188 of the first part, and
WISCONSIN ELECTRIC POWER COMPANY

a Corporation duly organized and existing under and by virtue of the laws of
the State of Wisconsin, located at Milwaukee, Wisconsin,
party of the second part.

Witnesseth, That the said part 188 of the first part, for and in consideration
of the sum of One Dollar (\$1.00) and other good and
valuable consideration

to them, in hand paid by the said party of the second part, the receipt whereof is hereby confessed and
acknowledged, have given, granted, bargained, sold, remised, released and quit-claimed, and by these presents do
give, grant, bargain, sell, remise, release and quit-claim unto the said party of the second part, and to its
successors and assigns forever, the following described real estate, situated in the County of Waukegan,
State of Wisconsin, to-wit:

All that part of the East one-half (E $\frac{1}{2}$) of the Northeast One-quarter (NE $\frac{1}{4}$) of Section
Fifteen (15), Township Seven (7) North, Range Nineteen (19) East, in the Town of
Pewaukee, described and bounded as follows, to-wit: Commencing at a point on the East
line of the said 1/4 section distant due South one thousand six hundred eighty-five
and eighty hundredths (1685.80) feet from the northeast corner thereof, and thence
due West eight hundred eighty-eight and fifty-seven hundredths (888.57) feet to the
point of commencement of this description at the Northeast corner thereof, thence
continuing due West four hundred thirty-nine and seventy-one hundredths (439.71) feet
to point on the 1/8th line of said 1/4 section; thence South no degrees two minutes
forty seconds East (S.02⁴⁰10"E.) on the said 1/8th line two hundred seventy-nine and
sixty hundredths (279.60) feet to the center line of County Trunk Highway "SS"; thence
South sixty-two degrees one minute East (S.62⁰¹1"E.) on said center line four hundred
eighty-eight and four hundredths (488.04) feet to the southwesterly corner of a cer-
tain fifteen and forty-four hundredths (15.44) acre tract; thence North no degrees
fifty-five minutes six seconds East (N.0⁵⁵16"E.) on West line of said tract five
hundred eight and fifty-six hundredths (508.56) feet to the point of commencement.

(IF NECESSARY, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same, together with all and singular the appurtenances and privileges thereunto
belonging or in any wise thereto appertaining, and all the estate, right, title, interest and claim whatsoever of the
said part 188 of the first part, either in law or equity, either in possession or expectancy of, to the only proper use,
benefit and behoof of the said party of the second part, its successors and assigns FOREVER.

In Witness Whereof, the said part 188 of the first part have hereunto set their hands and
seals this 25th day of July, A. D. 1969.

SIGNED AND SEALED IN PRESENCE OF

Tom Chapas
Tom Chapas
Donald N. Koepf
Donald N. Koepf

Harry J. Koepf, Sr. (SEAL)
Harry J. Koepf, Sr.
Hazel Koepf (SEAL)
Hazel Koepf
(SEAL)
(SEAL)

State of Wisconsin, County }
Personally came before me, this 25th day of July, A. D. 1969,
the above named HARRY J. KOEPP, SR., and HAZEL KOEPP, his wife,

to me known to be the persons who executed the foregoing instrument and acknowledged the same.

THIS INSTRUMENT WAS DRAFTED BY
Thomas R. Hamilton on behalf of Wisconsin Electric Power Company
NOTARY Ione S. Chapas
My commission (expires) 7/27/70

(Section 19.31 (1) of the Wisconsin Statutes provides that all instruments to be recorded shall have clearly printed or typewritten thereon
the names of the grantor, grantee, witnesses and notary. Section 19.31(5) similarly requires that the name of the person who, as govern-
mental agency which, drafted such instrument, shall be printed, typewritten, stamped or written thereon in a legible manner.)

No. _____

to

Quit Claim Deed

This instrument should be immediately placed on file to avoid trouble and litigation.

This space reserved for Register of Deeds

REGISTER'S OFFICE

SS. 788041

Waukesha Co. Wis.

RECEIVED FOR RECORD THE 14th DAY

JUNE

A. D. 19 71 AT 3:13

O'CLOCK P. M. & RECORDED IN VOL. 1232

Deeds ON PAGE 308

Michael J. Handlinger
REGISTER

Return to

Return to OTIS F. KOSKE
Room 452, 231 W. Michigan St.
MILWAUKEE, WIS. 53201

*PR
60*

VOL 1232 PAGE 309

ONY W BRYANT
ICKORY STREET
EY: PWV 0921906

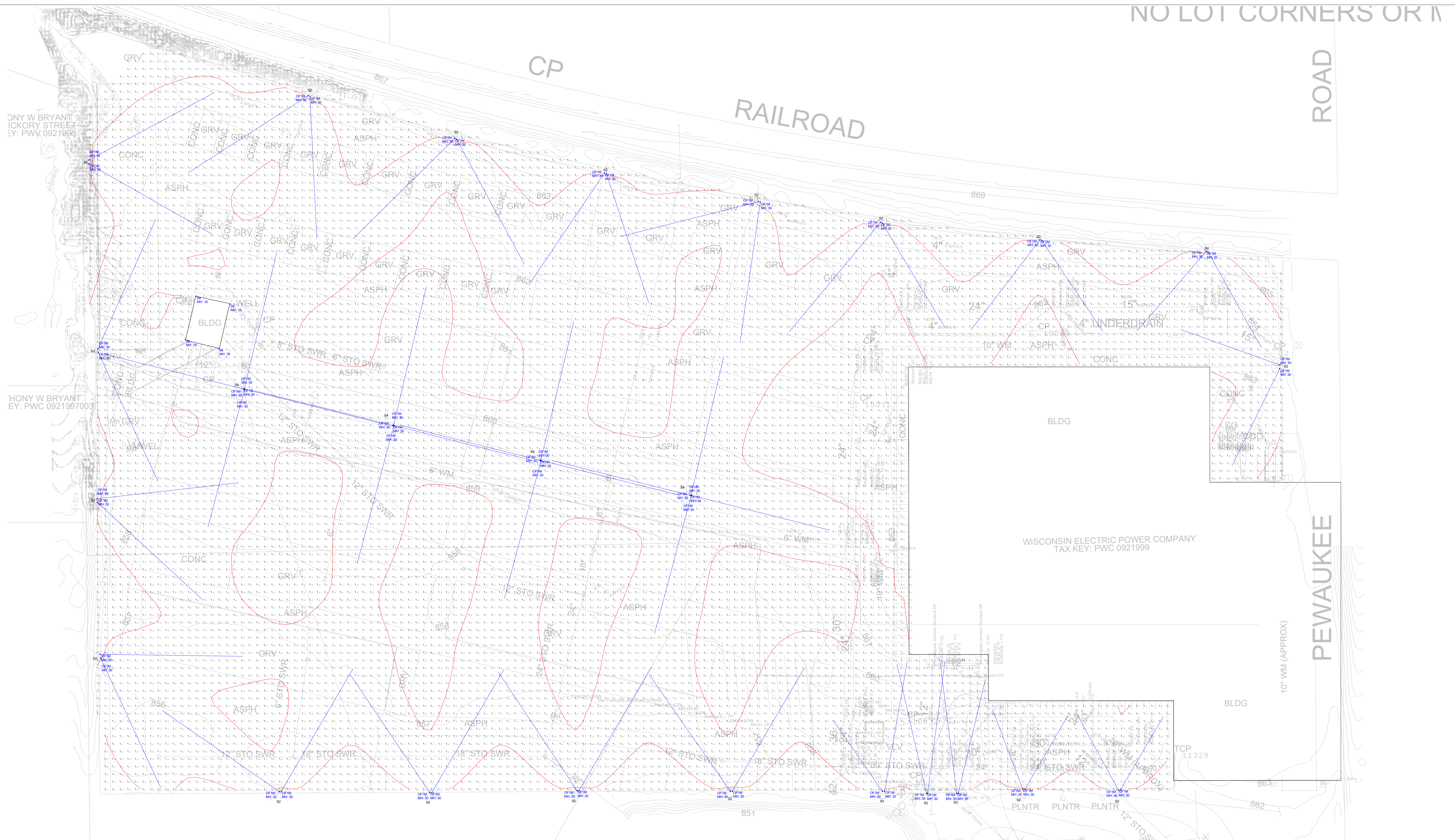
HONY W BRYANT
EY: PWC 0921997003

Scale: 1 inch= 60 Ft.

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
SITE	Illuminance	Fc	1.14	6.9	0.1	11.40	69.00

Luminaire Schedule									
Symbol	Qty	Label	Manufacturer	Description	Arrangement	Lum. Lumens	Lum. Watts	LLF	
□	58	OF1M	BEACON	VP-F-2-264L-260-35K8-4X4-UNV-K-DBT-BTS-40F	SINGLE	36295	261.7	0.900	
□	4	S6	HUBBELL OUTDOOR	RD12-24L-50-4K7-3-UNV-DBT-SCP-20F	SINGLE	5819	48.6	0.900	

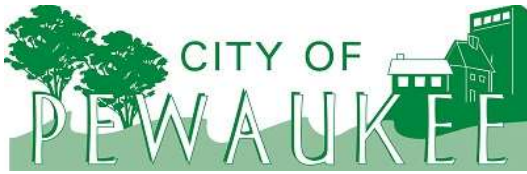
1. Lighting Reflectance of 80/50/20 used unless noted otherwise
2. Interior calc points shown at 30" A.F.F. unless noted otherwise
3. Exterior calc points shown at grade unless noted otherwise
4. Emergency egress calc points shown at 0" A.F.F.
5. Photometric drawings are for Design purposes only, not for Construction documents



Calculated light levels shown are estimates based on information available at time of layout request. Due to unknown site conditions JTH Lighting assumes no responsibility for installed light levels.

Project #: 39011
Date: 9/16/2022
Paper Size: ARCH D - 24x36

WEC PWES - SITE
MILWAUKEE, WI



Office of the Planner & Community Development Director
W240 N3065 Pewaukee Road
Pewaukee, Wisconsin 53072
Phone (262) 691-0770 Fax (262) 691-1798
fuchs@pewaukee.wi.us

REPORT TO THE ZONING BOARD OF APPEALS

Meeting of November 2, 2022

Date: October 17, 2022

Project Name: WE Energies Variance

Project Address/Tax Key No.: W240 N2989 Pewaukee Rd./PWC 0921998 & PWC 0921999

Applicant: WE Energies

Property Owner: WISCONSIN ELECTRIC POWER COMPANY

Current Zoning: M1-Gen. Wholesale Business/Warehouse District

2050 Land Use Map Designation: Manufacturing/Fabrication/Warehousing

Use of Surrounding Properties: St. Bartholomew Episcopal Church to the South, Pewaukee Rd to the East, Residential to the West, and the CP railway system to the North

Project Description/Analysis

The applicant filed a Variance Application requesting a variance from Section 17.0210d(6)(a) to allow for the replacement of the existing storage yard light poles to be at 33-feet from ground level, opposed to the maximum allowed height of 20-feet.

The subject property is zoned M-1 General Wholesale Business/Warehouse District. The applicant is proposing to replace the existing light poles and fixtures as the current light poles are deteriorating. The applicant intends to replace the existing wood poles with metal poles mounted on concrete bases immediately adjacent to the wood poles. The proposed light poles are 30-feet, mounted on 3-foot concrete bases for total height above grade of 33-feet. This is consistent with the height of the existing lighting.

Section 17.0210d(6) pertains to site and building design standards and states:

6) STANDARD NO. SD-6

(a) Lighting of the site shall be of a type, design, color, height and intensity to blend with the site and landscaping, but in no case shall light poles be taller than 20 feet measured from ground level.

(b) Lighting of the site shall be of a design and height and be located and/or shielded so as to illuminate only the site and not be a beacon of distraction or potential hazard to traffic or to people working or living in the vicinity of the site and, specifically, the individual light source and the direct radiation from lights with wattage greater than 150 shall not be visible from adjacent streets or residential property unless specifically approved by the Plan Commission.

It can be noted that the lighting also does not comply with subsection (b) above. As stated within that section, the Lighting Plan must be presented to the Plan Commission for approval of wattage greater than 150.

Regarding the light fixtures, the applicant seeks to replace the existing HPS light fixtures with LED fixtures in the same locations and orientation as the existing. These LED fixtures have lower temperature elements to provide a warmer light spectrum. The lights will also have the manufactured visors on the fixture.

Staff suggested and discussed dimming options with the applicant in order to have flexibility with lighting if there were issues with light levels following installation. The applicant pointed out that their controls do not allow for dimming and that the We Energies yard is a 24/7 operation. They indicated that staff must pick up equipment for emergencies anywhere in their service area at any given time of day or night. As such, dimming the lighting could cause a safety issue for their staff working in the yard area.

The Board of Zoning Appeals must review the application materials provided as well as Section 17.1007 of the City's Zoning Code (below), which outlines the factors the Board must consider in determining whether to grant or deny a variance request. The applicant has provided responses to these findings for review.

Recommendation:

Staff notes that the proposed lighting and light pole replacement would improve the safety and functionality of the yard. Additionally, since the orientation of the lights would remain the same, Staff does not feel the light poles would pose a nuisance to surrounding properties.

Staff recommends approval of a variance from Section 17.0210d(6)(a) to allow for the replacement of the storage yard lighting located at W240 N2989 Pewaukee Road.