

Planning Department

W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262) 691-0770 Fax (262) 691-1798

CANCELLED DUE TO LACK OF A QUORUM

PLAN COMMISSION MEETING NOTICE AND AGENDA

Thursday, September 15, 2022

6:00 PM

Common Council Chambers ~ Pewaukee City Hall
W240 N3065 Pewaukee Road, Pewaukee, WI 53072

-
1. Call to Order and Pledge of Allegiance
 2. Discussion and Action Regarding a Recommendation to the Common Council for a Comprehensive Master Plan Amendment to Change the Year 2050 Land Use/Transportation Plan Use Designation for the City of Pewaukee for Lake Pewaukee Sanitary District for Property Located at N25 W27675 Prospect Avenue from Medium Density Residential (6,500 sq. ft. – 1/2 ac./d.u.) to Government/Institutional (PWC 0935981)
 3. Discussion and Action and Public Hearing for Lake Pewaukee Sanitary District to Rezone Property Located at N25 W27675 Prospect Avenue from Rs-1 Single-Family Residential to I-2 Rural Institutional for the Purpose of Constructing a New Building (PWC 0935981)
 4. Discussion and Action Regarding a Recommendation to the Common Council for a Conditional Use Permit for Keith Tubin for Property Located at N37 W26745 Kopmeier Drive for the Purpose of Constructing a Boathouse (PWC 0894014)
 5. Adjournment

Ami Hurd
Deputy Clerk

9/12/2022

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 City Planner, Nick Fuchs, at (262) 691-6007 three business days prior to the meeting so that arrangements may be made to accommodate your request.

**CITY OF PEWAUKEE
PLAN COMMISSION AGENDA ITEM 2.**

DATE: September 15, 2022

DEPARTMENT: Planning

PROVIDED BY:

SUBJECT:

Discussion and Action Regarding a Recommendation to the Common Council for a Comprehensive Master Plan Amendment to Change the Year 2050 Land Use/Transportation Plan Use Designation for the City of Pewaukee for Lake Pewaukee Sanitary District for Property Located at N25 W27675 Prospect Avenue from Medium Density Residential (6,500 sq. ft. – 1/2 ac./d.u.) to Government/Institutional (PWC 0935981)

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

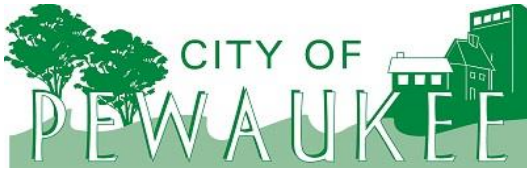
LPSD staff report 9.15.22

LPSD narrative

LPSD staff comments

LPSD staff comment responses

LPSD Comp Plan map



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 PLAN COMMISSION

Meeting of September 15, 2022

Date: September 7, 2022

Project Name: Rezoning and Comprehensive Master Plan Amendment

Project Address/Tax Key No.: N25W27675 Prospect Ave./PWC 0935981

Applicant: LAKE PEWAUKEE SANITARY DISTRICT (LPSD)

Property Owner: LAKE PEWAUKEE SANITARY DISTRICT (LPSD)

Current Zoning: F-1 Floodplain, UC Upland Conservancy, Rs-1 Single-Family Residential, & B-3 General Business District

2050 Land Use Map Designation: Medium density residential (6,500 Sq.Ft. – ½ Ac./D.U.)

Use of Surrounding Properties: Residential to the east, residential and business to the west, the Lake Country Trail to the south, and Prospect Ave. to the north.

Project Description

The applicant submitted a Rezoning and Comprehensive Master Plan Amendment for the subject property located at N25W27675 Prospect Avenue. The parcel is about 32.8 acres in size with the northern portion bordering Prospect Avenue and the southern portion bordering the Lake Country Recreation Trail.

Currently, the northern portion of the parcel is zoned Rs-1 Single-Family Residential District. The northwest portion of the parcel is zoned Rs-1, B-3, and UC districts. The southern portion and majority of the parcel is zoned F-1 Floodplain District.

The applicant seeks to re-zone the Rs-1 District portion of the parcel to I-2 Urban Institutional District. The applicant also seeks to change the Comprehensive Master Plan Year 2050 Land Use/Transportation Plan map from Medium Density Residential (6,500 Sq.Ft. – ½ Ac./D.U.) to Governmental/Institutional. This is required to provide consistency between the requested zoning district and future land use designation.

The applicant is requesting approval of the Rezoning and Comprehensive Master Plan Amendment before submitting Site & Building Plans for construction of a garage and storage building. Related to the conceptual/sketch site plan provided, staff sent the applicant the attached comments for consideration prior to submitting detailed plans. Specifically Comment #2 contains questions and comments regarding the future development of the site.

Recommendation

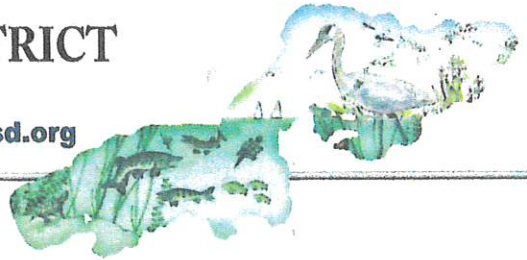
Staff recommends approval of the Rezoning and Comprehensive Master Plan Amendment for the subject property located at N25W27675 Prospect Ave.

Staff finds that regardless of how LPSD may be able to develop this parcel in the future, it is appropriate for it to be zoned to match the existing institutional use on the subject property as it is already owned and utilized by LPSD.

LAKE PEWAUKEE SANITARY DISTRICT

N25 W27534 Oak Street • P. O. Box 111 • Pewaukee, WI 53072

(262) 691-4485 • Fax (262) 691-8096 www.lakepewaukeesd.org



July, 18th, 2022

Nick Fuchs

City of Pewaukee Planner & Community Development Director

W240 N3065 Pewaukee Road

Pewaukee, WI 53072

Re: Lake Pewaukee Sanitary District (LPSD) - Rezoning of N25 W27675 Prospect Avenue

Dear Mr. Fuchs,

On June 22nd, 2022 We met with Scott Klein, Yourself, Maggie Wagner and Jane Mueller and briefly discussed the Lake Pewaukee Sanitary District properties, our building needs, LPSD's current site, flood plains, set-backs and zoning items. It appeared the best solution was to rezone the RS-1 area on the Prospect Avenue property to Government/Institutional to accommodate our space needs, although it was suggested about buying the neighbor's property. I did meet with our existing neighbor Dale Opat last week and he had absolutely no interest in selling his property or even a small piece. Siepman has been trying to buy it for years and when that gets developed the District will be surrounded 100% by residential which makes our existing site even more problematic.

Enclosed is a concept building layout and an exhibit showing the property and zoning change. Please put us on the agenda for the City's Zoning Board to review.

Please let me know if there is anything else you need to move forward with the zoning change. We are currently working with Strand on a Building Plan proposal and can provide building drawings and landscaping for the following building approval meetings.

Thanks again for your time.

Respectfully,

Tom Koepp

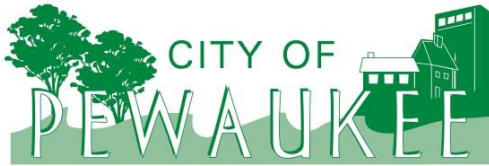
Thomas H. Koepp, P.E., LEED AP

Lake Pewaukee Sanitary District Manager

P.O. Box 111

Pewaukee, WI 53072

CC:



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

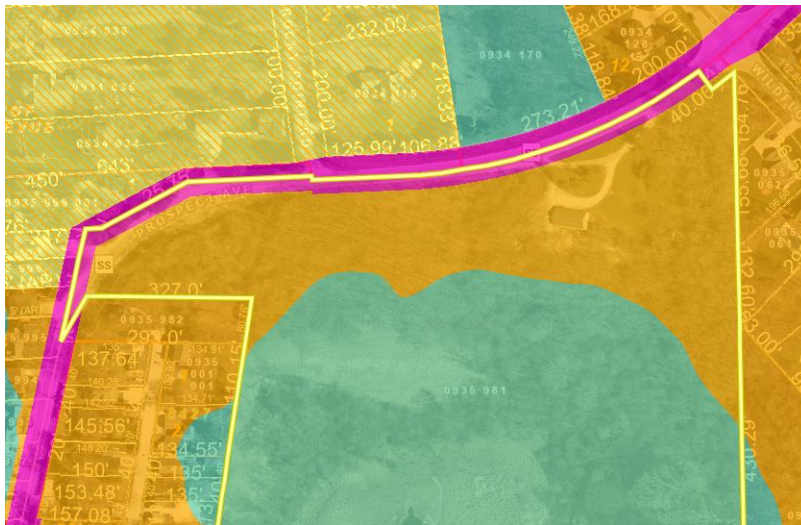
Fax (262) 691-1798

Date: August 16, 2022
To: LAKE PEWAUKEE SANITARY DISTRICT
From: Nick Fuchs, Planner & Community Development Director
RE: Staff Comments – Rezoning & Comprehensive Master Plan Amendment

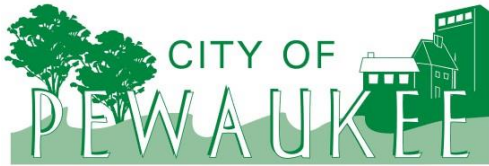
Comments and Recommendations:

Below are comments and recommendations for the proposed development application for property located at N25W27675 PROSPECT AVE/Tax Key No. PWC 0935981.

1. A Comprehensive Master Plan exhibit must be provided. This is similar to the exhibit that shows the location and change in zoning, but would request a change in future land use designation from Medium Density Residential to Government/Institutional. This would include the area in orange below.



2. Staff does not anticipate objecting to the rezoning and Comprehensive Master Plan Amendment; however, please consider the following comments for the future submittal of detailed site and building plans.
 - a. The subject property is surrounded by single-family residential uses. The existing tree line should be reviewed, and landscape added where necessary to fill in any gaps that may exist. Additional landscaping in general should be considered to ensure appropriate buffering is provided for the adjacent less intense uses.
 - b. Will repair work be done within the building? If so, limited hours of operations and keeping the overhead door closed during work should be considered to limit noise.
 - c. The initial proposed uses and structures are permitted in the I-2 Rural Zoning District. Note that the height of a principal building shall not exceed 35ft and an accessory building shall not be taller than 18 feet.



Office of the Planner & Community Development Director

W240 N3065 Pewaukee Road

Pewaukee, Wisconsin 53072

Phone (262) 691-0770

fuchs@pewaukee.wi.us

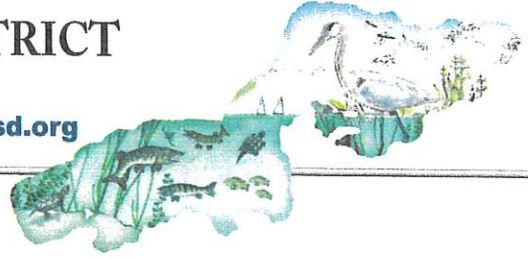
Fax (262) 691-1798

- d. Please dimension and label all setbacks when submitting detailed site and building plans. Be mindful that both Floodplain and Wetland lay just south of the existing building and that setbacks need to be met.
 - e. Note that the I-2 District requires the following Building Setbacks:
 - i. f. Setback and Yards
 - (1) There shall be a minimum building (or street) setback of 75 feet from the street, road, or highway right-of-way.
 - (2) There shall be a side yard on each side of all structures not less than 25 feet in width.
 - (3) There shall be a rear yard of not less than 25 feet.
 - (4) All structures shall be set back a minimum 75 feet from the designated 100 year recurrence interval (base flood) floodplain of all navigable streams and bodies of water and 25 feet from any designated wetland. (Also see subsection 17.0435)
 - f. Furthermore, the I-2 zoning district states that no parking or loading shall be within 30 feet of a street right-of-way.
 - g. Building materials and aesthetic will be important to consider and included when submitting the Site & Building Plan Review Application. Please be aware that metal buildings are typically not permitted. Below are design guidelines related to the use of metal as a building material.
 - (b) Painted, unpainted or anodized metal panels used as a facade material shall not be extended or have the appearance of extending to within four (4) feet of the ground elevation and shall comprise no more than ten (10) percent of the facade of any side of a building.
 - (4) Many types of totally or partially metal-clad buildings do not give the visual impression of permanence and, in addition, such buildings are often vulnerable to both physical and visual decay within a relatively short period. There are those cases, however, where buildings have been or may be designed using special metallic panels which are at once both durable and visually attractive and not merely an inexpensive method of building construction. In such cases, when it can be demonstrated to the satisfaction of the Plan Commission that a building having more than ten (10) percent of the building facade covered with such metal panels is both attractive and provides a visual permanence within the community, the Plan Commission may reduce or waive those standards which relate to such cases.
 - h. Staff is wondering if any significant or mature trees will be removed? If so, please indicate include details of the tree types and sizes on the Landscape Plan.
3. Staff understands that the site plan submitted is preliminary; however, it is still recommended that the it conform to zoning district development standards. Currently it does not appear that setbacks are met.

LAKE PEWAUKEE SANITARY DISTRICT

N25 W27534 Oak Street • P. O. Box 111 • Pewaukee, WI 53072

(262) 691-4485 • Fax (262) 691-8096 www.lakepewaukeesd.org



August 30th, 2022

Nick Fuchs

City of Pewaukee Planner & Community Development Director

W240 N3065 Pewaukee Road

Pewaukee, WI 53072

Re: Lake Pewaukee Sanitary District (LPSD) – Rezoning of N25 W27675 Prospect Avenue additional Information

Dear Mr. Fuchs,

We are in receipt of your letter dated August 16, 2022, with staff comments and would like to provide the requested additional information. It is as follows:

1. Enclosed is a Comprehensive Master Plan Exhibit "A" which indicates the requested current Medium Density Residential to be changed to Government/Institutional. The area is outlined in black ink and hatched with red ink. To be clear and simple – the area that is orange, change to blue (everything outside the floodplain) per the Cities maps.
2. We will adhere to all the setbacks and consider all the comments regarding the site plan items a-f. Building materials will be discussed with the city (item g). There is 1 large pine tree and 1 large oak tree that the district would like to save and design around. The tree line should be preserved to screen from the neighbors and additional landscaping shall be added to enhance overall site appearance and screening.
3. All setbacks shall be met. A detailed site plan will be forthcoming with actual surveyed ROW and setbacks shown.

Please share this information with all staff for the next meeting on September 15th, 2022. I anticipate our commissioners will be attending with me.

Sincerely,

Thomas H. Koepp, P.E., LEED AP
Manager
Lake Pewaukee Sanitary District

Enc: Comprehensive Master Plan Exhibit "A"

CC: John Ruff – LPSD Commissioner

Joby Boland – LPSD Commissioner

Jennifer Barker – LPSD Commissioner

Steve Bierce – City of Pewaukee Mayor

Scott Klein – City of Pewaukee Administrator

Maggie Wagner – City of Pewaukee Engineer/DPW Director

City of Pewaukee Plan Commission

LEGEND	
1	WATER (> 2 AC.)
2	AGRICULTURE
3	PUBLIC OR PRIVATE PARK AND RECREATION
4	FLOOD PLAINS, LOWLAND & UPLAND CONSERVANCY, AND OTHER NATURAL AREAS
5	LOW DENSITY RESIDENTIAL (> 2 AC. / DWELLING UNIT (D.U.))
6	LOW - MEDIUM DENSITY RESIDENTIAL (1/2 AC. - 2 AC. / D.U.)
7	MEDIUM DENSITY RESIDENTIAL (6,500 SQ. FT. - 1/2 AC. / D.U.)
8	HIGH DENSITY RESIDENTIAL (< 6,500 SQ. FT. / D.U.)
9	OFFICE COMMERCIAL
10	MIXED OFFICE / RETAIL COMMERCIAL
11	RETAIL / SERVICE COMMERCIAL
12	TRANSPORTATION / UTILITIES
13	GOVERNMENTAL / INSTITUTIONAL
14	MANUFACTURING / FABRICATION / WAREHOUSING
15	MINING
	TRANSITION



Comprehensive Master Plan Exhibit "A"

Request to change the current Medium Density Residential to Government/Institutional. The area requested is hatched in red.

**CITY OF PEWAUKEE
PLAN COMMISSION AGENDA ITEM 3.**

DATE: September 15, 2022

DEPARTMENT: Planning

PROVIDED BY:

SUBJECT:

Discussion and Action and Public Hearing for Lake Pewaukee Sanitary District to Rezone Property Located at N25 W27675 Prospect Avenue from Rs-1 Single-Family Residential to I-2 Rural Institutional for the Purpose of Constructing a New Building (PWC 0935981)

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

LPSD rezoning

LPSD opposition emails

ZONING MAP NO. 4
CITY OF PEWAUKEE
SECTIONS 17, 18, 19 & 20

MAP SYMBOL	DISTRICT NAME	BASIC DISTRICT REGULATIONS		
		MIN. AREA	MIN. WIDTH	RES. DENSITY
A-1	AGRICULTURE	35.0 ACRES	600 FT.	See text
A-2	AGRICULTURE	10.0 ACRES	300 FT.	See text
Rs-1	SINGLE FAMILY RESIDENTIAL	5.0 ACRES	300 FT.	0.2 DU/HA
Rs-2	SINGLE FAMILY RESIDENTIAL	2.0 ACRES	220 FT.	0.5 DU/HA
Rs-3	SINGLE FAMILY RESIDENTIAL	1.0 ACRE	150 FT.	1.0 DU/HA
Rs-4	SINGLE FAMILY RESIDENTIAL	20,000 SQ.FT.	110 FT.	2.2 DU/HA
Rs-5	SINGLE FAMILY RESIDENTIAL	15,000 SQ.FT.	100 FT.	2.9 DU/HA
Rs-6	SINGLE FAMILY RESIDENTIAL	12,500 SQ.FT.	90 FT.	3.5 DU/HA
Rs-7	SINGLE FAMILY RESIDENTIAL	See text	See text	See text
Rd-1	TWO FAMILY RESIDENTIAL	22,000 SQ.FT.	130 FT.	4.0 DU/HA
Rd-2	TWO FAMILY RESIDENTIAL	18,000 SQ.FT.	120 FT.	4.8 DU/HA
Rm-1	MULTI-FAMILY RESIDENTIAL	0.5 ACRE	120 FT.	6.0 DU/HA
Rm-2	MULTI-FAMILY RESIDENTIAL	0.33 ACRE	120 FT.	9.0 DU/HA
Rm-3	MULTI-FAMILY RESIDENTIAL	0.25 ACRE	150 FT.	12.0 DU/HA
B-1	NEIGHBORHOOD BUSINESS	2.0 ACRES	200 FT.	n/a
B-2	COMMUNITY BUSINESS	8.0 ACRES	400 FT.	See text
B-3	GENERAL BUSINESS	7,200 SQ.FT.	60 FT.	See text
B-4	PROFESSIONAL OFFICE	10,000 SQ.FT.	90 FT.	See text
B-5	HIGHWAY BUSINESS	30,000 SQ.FT.	120 FT.	n/a
B-6	MIXED USE BUSINESS	2.0 ACRES	200 FT.	n/a
M-1	WHOLESALE/WAREHOUSE	65,000 SQ.FT.	200 FT.	n/a
M-2	LIMITED INDUSTRIAL	2.0 ACRES	200 FT.	n/a
M-3	GENERAL INDUSTRIAL	2.0 ACRES	200 FT.	n/a
M-4	INDUSTRIAL PARK	See text	See text	n/a
M-5A	LONG TERM MINERAL EXTRACTION	n/a	n/a	n/a
M-5B	SHORT TERM MINERAL EXTRACTION	n/a	n/a	n/a
M-6	MIXED INDUSTRIAL USE	3.0 ACRES	250 FT.	n/a
I-1	URBAN INSTITUTIONAL	7,200 SQ.FT.	60 FT.	See text
I-2	RURAL INSTITUTIONAL	2.0 ACRES	220 FT.	See text
P-1	PARK AND RECREATION	None	80 FT.	n/a
LC	LOWLAND CONSERVANCY	None	None	n/a
UC	UPLAND CONSERVANCY	5.0 ACRES	300 FT.	0.2DU/HA
F-1	FLOODLAND (APPROXIMATE)	See text	See text	See text
SO	SHORELAND OVERLAY	See text	See text	See text

Notes a-All minimum width is measured at the street setback line
b-Dwelling Units per Net Acre (maximum)
n/a-Not Applicable-see text
c-Shown shaded on map (1,600 ft. from lake & 750 ft. from streams)

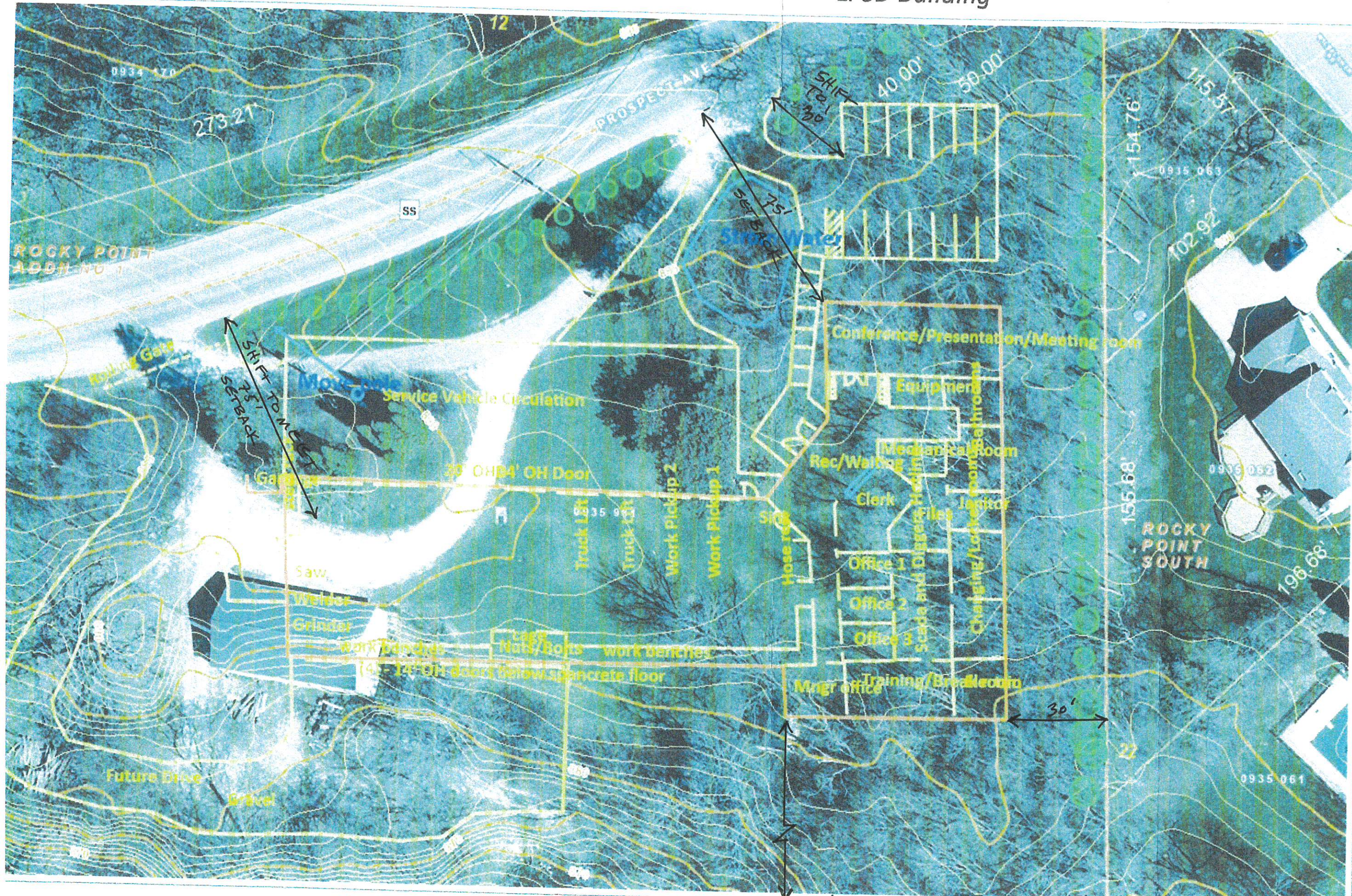
ZONING MAP UPDATE'S			
DATE OF UPDATE	UPDATED BY:	DATE OF UPDATE	UPDATED BY:
6-89	HEC		
9-97	HEC		
12-98	JAK		
12-99	JAK		
6-02	TDB		
2-04	JJF		
1-05	JJF		
9-05	JJF		
3-06	JJF		
1-07	JJF		
7-07	JJF		
7-06	JJF		
6-09	JJF		
3-11	JJF		
5-12	JJF		
5-13	JJF		
4-15	JJF		
2-16	JJF		



LPSD Building

Legend

- Intermediate Contours
 - Intermediate Contour
 - Intermediate Depression
- Index Contours
 - Index Contour
 - Index Depression
- Municipal Boundary_2K
- Parcel_Dimension_2K
- Note_Text_2K
- Lots_2K
 - Lot
 - Unit
 - General Common Element
 - Outlet
- SimultaneousConveyance_2K
 - Assessor's Plat
 - CEM
 - Condominium
 - Subdivision
- Cartoline_2K
 - EA-Exemption_Line
 - FL-DIA
 - FL-Extended_Tie_Line
 - FL-Mainline_Line
 - FL-Node
 - FL-Tie
 - FL-Tie_Line
 - FL-Other values
- Railroad_2K

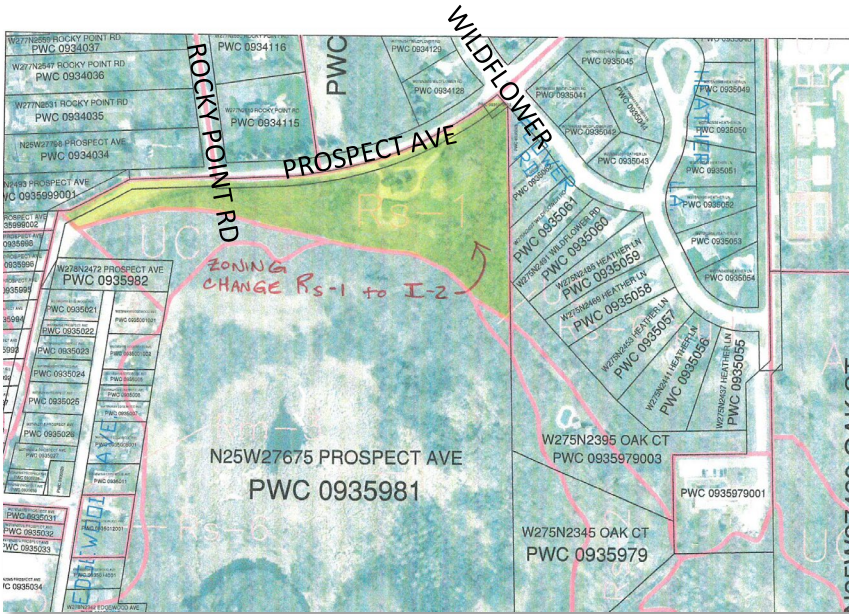


The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

STOP THE RE-ZONING AT PROSPECT AVE & ROCKY POINT RD

Lake Pewaukee Sanitary District (LPSD) has filed a City application for the rezoning of the parcel between Rocky Point Rd and Wildflower Rd. This parcel is currently zoned RS-1 Single Family Residential. LPSD wants it rezoned to Government / Institutional for the purposes of constructing a large office building with eight garage bays for utility vehicles and equipment, an employee parking lot and large paving surface for vehicle circulation. **Images provided from City application*

The operation and quality of this facility is not conducive to being relocated on Prospect frontage. This development will demolish a large portion of forest abutting Rocky Point South and will destroy the rural and residential nature of this parcel. This development will contribute to more traffic at an already dangerous and busy intersection on the hill. The 2050 Land Use and Transportation Plan (*Adopted 2018*) is for the site's long term zoning plan to remain as residential.



WE NEED YOUR HELP!

OBJECT IN WRITING:

mayor@pewaukee.wi.us Mayor

brown@pewaukee.wi.us Alderwoman &
Plan Commission Chair

clark@pewaukee.wi.us Alderman

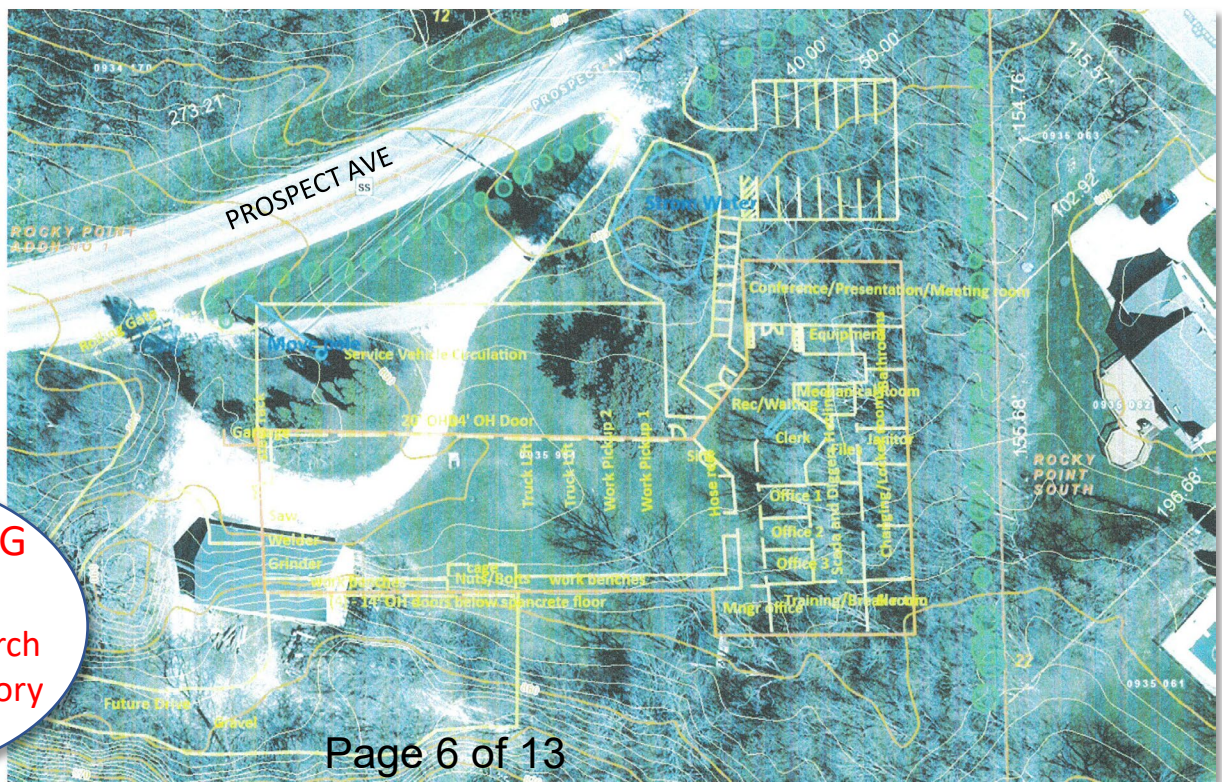
fuchs@pewaukee.wi.us City Planner

SHOW UP TO THE REZONING HEARING:

Thurs, Sept 15th at 6pm Plan Commission

Mon, Sept 19th at 6:30pm Common Council

BOTH AT CITY HALL CHAMBERS



**PETITIONS BEING
CIRCULATED!**

Or visit the front porch
of W277N2788 Chicory
Ln to sign

From: [Amy Schoenemann](#)
To: [Fuchs, Nick](#); [Mayor](#); [Reinbold, Rich](#); [Vetterkind, Phil](#); [Clark, Ian](#); [Brown, Colleen](#); [Wamser, Jerry](#); [Dziwulski, Brian](#); [janka@pewaukee.wi.us](#); [lindsmeier@pewaukee.wi.us](#); [wunder@pewaukee.wi.us](#); [sullivan@pewaukee.wi.us](#); [kiser@pewaukee.wi.us](#); [Wagner, Magdelene](#)
Cc: [Ryan Kautzer](#); [Dana Prochnow](#); [Ben Gmail](#); [Kyle Wolff](#); [Edgewood Farm](#); [cab.molly3@outlook.com](#); [Katie Thompson](#); [angelamcastillo14@gmail.com](#); [sawallers06@gmail.com](#); [dcolwell@gmail.com](#)
Subject: Objection to LPSD Rezoning of residential Prospect parcel
Date: Friday, September 9, 2022 9:10:10 PM
Attachments: [flyer.pdf](#)

Good Evening Mayor Bierce, Nick Fuchs, City of Pewaukee Plan Commission Members and Common Council Members:

I'm emailing in regards to the Lake Pewaukee Sanitary District (LPSD) application for the rezoning of N25W27675 Prospect Avenue which will appear on the September 15th PC agenda. My name is Amy Schoenemann, Board President of Rocky Point subdivision. As our HOA representative, we are going on record as VEHEMENTLY OPPOSING THE REZONING of the single-family residential parcel to governmental/institutional. This correspondence includes the collective OPPOSITION from the following member groups and cumulative 196 homes, acknowledged (cc'd) in this email:

- Rocky Point (RP): Amy Schoenemann, President, its Board of Directors, and 91-lot HOA
- Rocky Point South (RPS): Clark Bohnert, President, its Board of Directors, and 22-lot HOA
- Edgewood Farms (EF): Mark Jablonic, President, its Board of Directors, and 59-lot HOA
- Palomino Pointe (PP): Angela Castillo, President, its Board of Directors, and 24-lot HOA

According to the application, LPSD intends to rezone the parcel for the purposes of constructing a large office building with eight garage bays facing Prospect Ave (another 4 garage bays facing the conservancy) for utility vehicles and equipment. Roughly one-half acre of mature trees abutting RPS homes will be decimated and the open green space will become impervious service to include an employee parking lot and an excessive vehicle circulation lot for equipment.

Due to the parcel's location, the public legal notice had very little coverage for informing the surrounding community. Let me begin to express my disappointment that a rezoning of this magnitude was not handled with an informal town hall meeting to gain community feedback, nor a preemptive meeting with aldermanic districts affected. Our Opposition Collective has spent the past 8 days becoming educated and spending a tremendous amount of time on due diligence to support our opposition on this matter. Our measures of outreach and education include the following:

- Engaging and contacting all HOA boards in the surrounding area, something that has never been done before.
- Creating transparency with all homeowners to inform them of the rezoning notice, through email and social media outlets
- Circulating a Petition against the rezoning with volunteer activists and designated porch signing locations. It should be noted that 100% of all homes visited to-date, have signed the petition
- Distributing over 300 flyers to neighboring homes that were not legally notified such as Rocky Point Rd, Peninsula Rd, Orchards and other non-organized HOA communities.
- On September 7th at 6pm, members of RP HOA, RPS HOA and EF HOA met with Alderman Ian Clark to discuss the LPSD plans. Alder Clark took copious notes and listened to our concerns,

along with several action takeaways to resolve/verify with city leadership.

- Engaged with Alderwoman Colleen Brown, who unfortunately was not able to attend the 9/7 meeting.
- Call to Action to all citizens to reach out to Alders and City leadership.
- Engaged with the WDNR regarding the conservancy and the grant that was issued to LPSD in 2013.

We urge that voting members of the Plan Commission and Common Council VOTE NO on this rezoning effort. We have risen up in strong opposition to this rezoning for the most critical reasons listed below:

1. Safety. Prospect Avenue has become increasingly dangerous, particularly at this hillside curve. There have been 2 deaths on Prospect, one at this intersection of the proposed rezoning. The aligned intersection at Rocky Point & Rocky Point subdivisions are challenging to exit. Resounding feedback from petitioners is the daily fear of safety on this stretch of road; of pedestrians and cyclists with no shoulder, with increase traffic exiting at an unaligned parcel on a steep curve, for vehicles with blinding sunrise/sunset conditions. A non-residential use is too dangerous to consider.
2. Adhere to the 2050 Land Use Plan - zoning & precedence should remain residential. The 2050 Land Use & Transportation Plan, adopted by City Council in 2018, specifically indicates this vacant parcel should be developed as residential. All frontage along Prospect Avenue from I-94 to Hwy G is designated as residential land use, with small exclusions for existing operations such as the two restaurants, the Beer Depot, BP Gas & Ken Weber Trucking. The premise of rezoning this residential parcel to a high-density office & equipment operation facility is outside of the character of the residential fabric and not in context with the comprehensive plan. The high quality neighborhoods and supported tax values around this area were never intended to adjoin uses with Government/Institutional zoning of such a non-conforming nature.
3. Protection and enhancement of conservancy land. I've attached a March 2013 article which summarizes the 32-acre acquisition to secure a protection grant by the WDNR. The article interviews Tom Koepp (current applicant for rezoning) and Heidi Gluth, WDNR on the acquisition of the parcel due to a sizable \$200,000 grant to enhance the conservancy. The former City Planner mentions there was interest from residential developers on the RS-1 upland parcel but "this grant now allows for the property to be put under public protection." A rezoning and subsequent development of this parcel contradicts the very purpose of this protection grant.
4. Fiscal Responsibility. Jeopardizing and risking the rezoning of this parcel to make way for a costly infrastructure project is fiscally irresponsible. The following rhetorical questions should be addressed by the applicant and probed by City Officials – what's wrong with the existing property? Why is a 150% expansion needed for 6-8 total employees. What is the financial need and where does the money come from? What happens to the existing building and land?

City of Pewaukee Board Members – I encourage you to visit this site ahead of the Plan Commission meeting. Familiarize yourself with this corridor of residential neighborhoods, Nettesheim Park, and the vacant natural conservancy. Really look at the flat parcel which is suggested to be rezoned....it's

rather small and narrow in context to the steep ravine and conservancy. Imagine the destruction of a half-acre of trees against Rocky Point South to build an employee parking lot and office. Imagine the narrow stretch accommodating 8 garage bays along with a 150-ft long stretch of pavement for vehicles, weed thwackers, and various equipment that will be exiting & entering on this dangerous curve.

I URGE YOU TO VOTE NO TO THE RE-ZONING EFFORT ON SEPTEMBER 15TH.

Thank you,

Amy Schoenemann

Rocky Point Board President

Grant preserves Pewaukee wetland

LPSD secures funding for 26 acres wetlands and more

By MELISSA GRAHAM
mgram@pewaukee.com

If you ask Tom Koepf what Pewaukee's most valuable asset is, he'll tell you, quite simply, it's the lake.

That's why Koepf, superintendent of the Lake Pewaukee Sanitary District (LPSD), worked hard to secure a substantial lake protection grant from the state Department of Natural Resources (DNR).

"It began in October 2011 when our real estate specialist and I sat down with the sanitary district to go over the requirements for submitting an application for land acquisition," explained Wilt Ebersohl, LPSD environmental grants specialist.

LPSD has been coordinating this grant with the DNR for some time — since as early as 2011 — meeting with grant specialists and lake biologists. It has also collaborated with students from Wisconsin Lutheran College and several nonprofit groups, such as the Pewaukee River Partnership and the Pewaukee Woman's Club.

"This was ranked fairly highly," Ebersohl said, "I don't think

that there are many projects like this one specifically."

This grant, a sizable \$200,000, helped LPSD acquire 26 acres of wetland and six acres of upland woods and prairie in the shoreline zone of the Pewaukee Lake. It's the largest lake protection grant awarded by the DNR from the 2012 fiscal year, and it's also the only land grant.

"We used to have more land acquisition (grants), but the economy took a nose dive... Prices got so high that they weren't fitting into our budgets, and when the economy got better a lot of these groups didn't have the funding for it," said Heidi Bunk, DNR lake biologist.

LPSD was also able to set aside wetland funds and allocate \$72,000 toward the acquisition.

The grant was timely. The Gluth parcel was up for sale and was being investigated by several developers. Harlan Clinkenbeard, Pewaukee city planner, said that while most of the land would flood too easily to build on, developers have previously shown interest in adding homes or duplexes on the upland areas. This grant now allows for the property to be put under public protection.

LPSD has agreed to manage the invasive species (such as buckthorn) through yearly cutting and herbicide treatment. The prairies will be groomed by periodic mowing or burning, followed by

continued seeding, eventually it should be able to sustain itself. Posts will be installed on the perimeter of the property to stop adjacent landowners from filling the wetland.

Other groups, such as those in higher education or volunteers with local nonprofits, could help LPSD clear buckthorn, mow prairies, restore the streams, improve the fish habitats or build the trails and boardwalks.

Bunk said she was excited for the wildlife value. Deer, foxes, ducks, turkeys and turtles have made their homes on the Gluth property. That's because native prairie plants thrive in that area.

"You haven't had farm fields or invasive species and seed blowing into this area, so it's kind of maintained itself. So we're planting these larger prairies," Koepf said.

It's important to note that a tributary to Pewaukee Lake runs through the parcel. This means local upland runoff can be filtered by the deeply rooted prairie plants before feeding the small ponds and creeks that flow back into the Pewaukee Lake. The creeks and

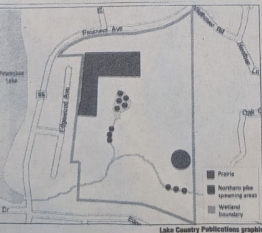
Lake Pewaukee Sanitary District Superintendent Thomas Koepf has used a DNR grant to acquire wetland. LPSD plans to grow native prairie land and protect the area wetlands while guarding critical pike spawning grounds.

ponds are some of the last places left for the pikes to spawn. LPSD plans to install habitat improvements inside the Gluth property to help these fish along.

"Northern pikes are native to the Pewaukee Lake — some of the other ones are stocked — but when development started to spring up they had nowhere to spawn except for here, along Meadowbrook Creek," Koepf said.

Education is another aspect of the grant, which separates it from other DNR awards. A trail is planned to allow for controlled access to the larger prairie and nearby pond. This will be perfect for school groups who want to learn about watersheds, tributary streams, erosion control, vegetation and pollutants.

"So you could take the sixth-, seventh- and eighth-graders back there and tell them about prairies. Tell them what the long-rooted plants do — that they suck up the pollutants — and they help preserve the lake and the water quality... we really want to build success early on," Koepf said.



March 5, 2013 • LIVING REPORTER/FOCUS

A \$280,000 grant from the state Department of Natural Resources enabled the Lake Pewaukee Sanitary District to secure 26 acres of wetlands and more.

Lake Country Publications graphic

From: [James Spooner](#)
To: [Fuchs, Nick](#)
Subject: Rezoning property at N25W27675
Date: Monday, September 12, 2022 7:48:14 AM

Good Day Mr. Fuchs,

My wife and I have been residents for 25+ years at W276N2695 Wildflower Rd in Rocky Point. We are against the re-zoning of the parcel on Prospect just south of the entrance to Rocky Point and Rocky Point South. Given the increase in traffic along Prospect over the years we've had to give up walking on a route from Rocky Point Road along Prospect to the entrance on Wildflower. Changing the RS-1 zoning to Commercial and building an office complex with parking a lot would further congest an area with heavy traffic along Prospect, adjacent to the residential entrances of Rocky Point and Rocky Point South. We are looking forward to meeting you in person on the 15th and hope we can convince those involved with the LPSD proposal it is best to leave the parcel's current zoning as RS-1.

Best regards,
Jim and Jen Spooner

From: [Jim](#)
To: [Mayor](#); [Phalin, Nick](#); [Brown, Colleen](#); [Fuchs, Nick](#); [Klein, Scott](#); [Clark, Ian](#)
Subject: Re-zoning Rocky Point Subdivision
Date: Saturday, September 10, 2022 3:37:19 PM

City of Pewaukee Alder-persons and Staff:

I wish to object to the rezoning of the City of Pewaukee in the Rocky Point subdivision. I don't think that the plan to add an industrial building to our subdivision merits any consideration.

We have a wonderful and beautiful subdivision and I don't see any need to add the buildings and parking lots of the proposed plan merely for the convenience of the Sewage District. There many spaces and buildings available for their expansion in areas that expect to have office/industrial use which are certainly more appropriate that adding this use to a subdivision.

I expect that the Sewage district will provide a complete environmental impact statement that includes the additional traffic on Hwy SS. I constantly use SS and have seen significant increase in traffic with just our cities growth and expect soon that traffic control lights will have to be added for safety. The impact statement should include a measure the current level as well as the expected increase as the result of the new building. Additonal truck traffic with load levels must also be included. I am wondering if SS has met its design level of traffic both numbers and weight?

Here again, there are many places within Pewaukee that are designed to handle industrial levels of traffic and environmental needs. They are a much better choice for the community than a subdivision.

Jim Jaeschke
W276N2666 Lily Court West

From: [John & Robin Gleason](#)
To: [Fuchs, Nick](#)
Subject: Rezoning proposal
Date: Saturday, September 10, 2022 3:43:54 PM

Dear Mr. Fuchs,

We have lived in the Rocky Point Subdivision since 1997. We recently received a notice of a rezoning proposal submitted by the Lake Pewaukee Sanitary District to rezone a plot of land on the sound side of SS approximately between Wildflower and Rocky Point Road from RS-1 Single-Family Residential to 1-2 Rural Institutional.

After doing some investigating, we have discovered that the rezoning is being requested in order to erect a large office building and a large parking lot as well as structures to house large equipment on this property.

We are totally opposed to this proposed change for a number of reasons:

1. It would increase the amount of traffic and noise on SS substantially. SS is used often times by bikers and walkers. Increased traffic puts the safety of these bikers and walkers at risk.
2. It would change the rural feel of the area - why we moved here in the first place - to more of a city/business feel.
3. It would possibly negatively impact the conservancy land which it would abut.
3. It could impact the value of the houses in the area, particularly those that are closest to SS.

In addition, we are wondering about the price of this project and its effect on the tax burden on the citizens of the City of Pewaukee. We are also wondering about what other options might be considered before this beautiful natural land is destroyed.

We understand that the Plan Commission, of which you are a member, will address this proposal at its September 15 meeting. We are confident that the commission will carefully consider the impact of this zoning change on our neighborhood and thoughtfully consider alternative sites for this project that would meet the needs of the sanitary district and keep the property in question as residential, as it was designated in the 2050 plan. We appreciate the opportunity on September 15 to voice our concerns, but we also wanted to connect with you personally to share our thinking with you.

Thank you for your time,

Robin and John Gleason
W276 N2613 Lily Ct. East
Pewaukee, WI 53072

262-352-9143

From: [Doug Schutz](#)
To: [Mayor](#); [Fuchs, Nick](#); [Reinbold, Rich](#); [Vetterkind, Phil](#); [Clark, Ian](#); [Brown, Colleen](#); [Wamser, Jerry](#); [Dziwulski, Brian](#)
Subject: LPSD rezoning proposal
Date: Monday, September 12, 2022 2:31:06 PM

Dear Mayor Bierce, Mr. Fuchs and Common Council members,

As homeowners in Rocky Point South, we are writing to you to express our strong opposition to the Lake Pewaukee Sanitary District (LPSD) application for the rezoning of the parcel between Rocky Point Rd. and Wildflower Rd. from RS-1 Single Family to Government/Institutional. We request that you vote NO on this rezoning proposal.

Thank you,

Doug & Kari Schutz
W275N2555 Heather Ln.

--

Doug Schutz
414-507-5862
schutz711@gmail.com

**CITY OF PEWAUKEE
PLAN COMMISSION AGENDA ITEM 4.**

DATE: September 15, 2022

DEPARTMENT: Planning

PROVIDED BY:

SUBJECT:

Discussion and Action Regarding a Recommendation to the Common Council for a Conditional Use Permit for Keith Tubin for Property Located at N37 W26745 Kopmeier Drive for the Purpose of Constructing a Boathouse (PWC 0894014)

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

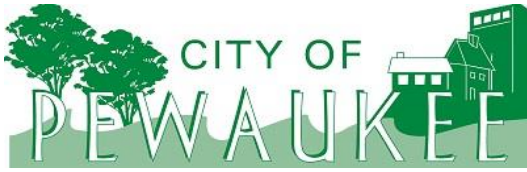
ATTACHMENTS:

Description

Tubin staff report 9.15.22

Tubin boathouse plans

Tubin draft conditional use permit



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 PLAN COMMISSION

Meeting of September 15, 2022

Date: September 7, 2022

Project Name: Tubin Conditional Use

Project Address/Tax Key No.: N37W26745 Kopmeier Drive/PWC 0894014

Applicant: Keith Tubin

Property Owner: Keith Tubin

Current Zoning: Rs-7 Single Family Residential & Shoreland Overlay District

2050 Land Use Map Designation: Medium Density Residential (6,500 SQ. FT. – ½ AC. / D.U.)

Use of Surrounding Properties: Single-family residential to the east and west, CP Rail System to the north, and Pewaukee Lake to the south

Project Description

The applicant has filed a Conditional Use application and submitted plans for Plan Commission review for the construction of a new boathouse upon property located at N37W26745 Kopmeier Drive. Note the City defines a boathouse as “A structure designed to protect or store boats, which may be built no closer than five (5) feet from the ordinary high water mark of a lake or stream.”

Boat is defined as “A vessel that is designed to carry at least one individual on the surface of a body of water, and is propelled by oars, paddles, wind or motor power. Motor power includes, but is not limited to, power generated by steam engine, electric motor or combustion engine of any kind.”

It can further be noted that the State of Wisconsin defines a boathouse as “a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.”

The subject property is approximately 30,418 square feet and consists of a single-family dwelling, small accessory structure (187 square feet), deck, and detached garage (1,100 square feet). The boathouse is proposed to be located at the southeast corner of the property and has an area of 84 square feet. The boathouse will include two three-foot doors and will be built with metal siding. The boathouse will be located 5-feet from the side property line and more than 20-feet from the ordinary high water mark.

Upon review of the attached plans, staff notes that the Shoreland Overlay District and previously approved lot coverage standard is met. A mitigation plan for the subject property was approved at the July 16, 2020 Plan Commission meeting which allowed for a maximum coverage of 35%. The subject property is 30,418 square feet, so the maximum total impervious surface allowed is 10,646.3 square feet.

The applicant provided staff with a survey that showed impervious surface would be removed in order for the standard to be met. The applicant indicated that 8" of concrete along the 68' width of existing concrete would be removed and infilled with grass and dirt. Staff recommends that 9" of concrete along the 68' width be removed to reach 51 Sq.Ft. of concrete removal, which would then comply with the maximum total impervious surface allowed.

Recommendation

Staff recommends a motion to approve the Conditional Use application and plans for the construction of a new boathouse located at the subject property with the condition that the applicant removes 51 Sq.Ft of concrete to assure that the maximum lot coverage standard is in fact met.

August 2, 2022

City of Pewaukee Plan Commission

W240 N3065 Pewaukee Road

Pewaukee, WI 53072

Attn: Plan Commission Board

Project Description for Proposed Accessory Boathouse Structure:

Keith Tubin, the owner of the property located at W37N26745 Kopmeier Dr., is planning to install a new pre-built boat house. This new boat house will be located at the south side of the property and 5' from the east property line adjacent to the existing neighbor's boat house. This boat house will be more than 5' away from the high-water mark. The boat house has 2 3' doors for access and in order to store boating equipment and to keep the lakefront shore area clean. The boat house is 14' x 6' and approximately 84 square feet.

The boat house will be mounted on top of gravel with a minimum of 2 anchors to prevent lifting in the event of flooding.

The boat house is built of wood with siding to match the colors of the exiting home. It will also have 2 vented openings as required in case of a special storm event.

The cost of the boat house with installation is estimated at \$7,500.00.

We would like permission to get this work done prior to October of 2022.

Should you have any other questions or concerns, please contact Keith Tubin.

Sincerely,



Keith Tubin

Owner

702-429-3408

Email: keith@dedicatedcm.com



104" high

118" high

14' wide by 6' deep

PLAT OF SURVEY

LOCATION: N37 W26745 Kopmeier Drive, Pewaukee, Wisconsin

LEGAL DESCRIPTION:

Lot 3 in PAWLINGS ADDITION, being a Subdivision in the Northwest 1/4 of Section 8, Town 7 North, Range 19 East, in the City of Pewaukee, County of Waukesha, Wisconsin.

April 30, 2020

Survey No. 111464

Lot Area to Waters Edge
30,418 sq.ft.

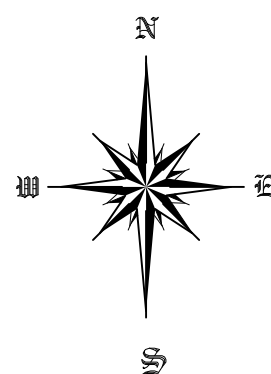
Area Calculations

- (A) Existing House=1,953 sq.ft. (6.4% of Lot Area)
- (B) New Garage = 1,100sf (3.6% of Lot Area)
- (C) Existing Deck=282 sq.ft. (0.9% of Lot Area)
- (D) Existing Concrete=1,804 sq.ft. (5.9% of Lot Area)
- (E) Existing Asphalt Pavement=5,474 sq.ft.. (18.0% of Lot Area)

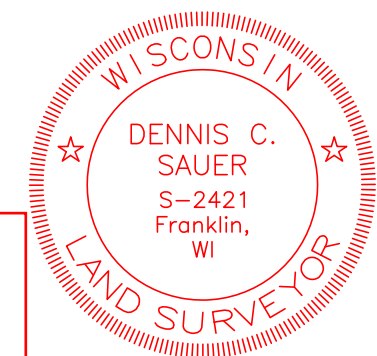
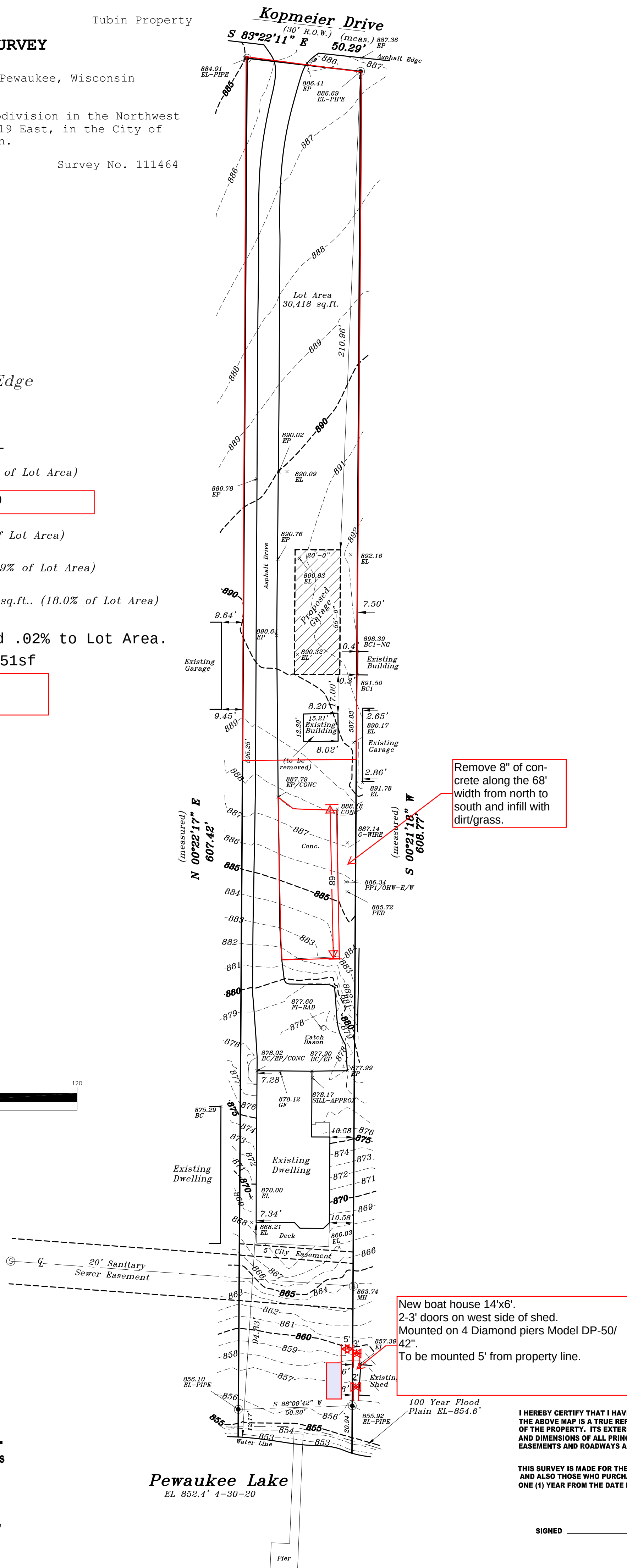
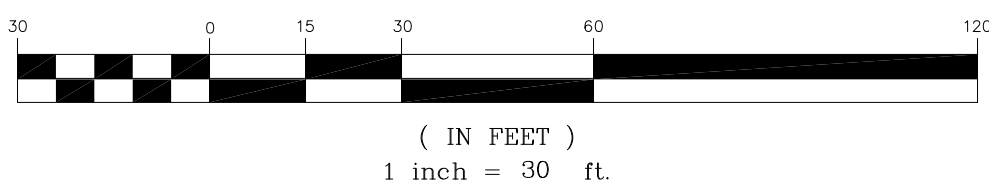
F - New 84sf shed will add .02% to Lot Area.

G - Removal of concrete -51sf

Total SF Proposed	10,646
Total SF Allowed	10,646



GRAPHIC SCALE



I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

SIGNED

Dennis C. Sauer
Dennis C. Sauer
Professional Land Surveyor S-2421

METROPOLITAN SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS AND CIVIL ENGINEERS
9415 West Forest Home Avenue, Suite 202
Hales Corners, Wisconsin 53130
PH. (414) 529-5380 FAX (414) 529-9787
email address: survey@metropolitansurvey.com
● — Denotes Iron Pipe Found
○ — Denotes Iron Pipe Set

Pewaukee Lake
EL 852.4' 4-30-20

TAX KEY NUMBER(S)	CONDITIONAL USE
OR PARCEL(S) INVOLVED:	PERMIT:
	NO. CUP-22-9-1

LEGAL DESCRIPTION:

PERSON(S), AGENT(S) OR CORPORATION(S) PETITIONING FOR PERMIT:

Recording area

Name & Return Address

City of Pewaukee
W240N3065 Pewaukee Rd
Pewaukee, WI 53072

WHEREAS, The City Plan Commission has held a meeting on September 15, 2022; has reviewed the various elements of the petitioner’s proposal; and has recommended that a Conditional Use Permit be granted to the above-named petitioner for the property/parcel identified above; and,

NOW, THEREFORE, let it be known that the City Common Council, by its action on September 19, 2022 has, hereby, granted a Conditional Use Permit for the following use(s):

FURTHER, such approved use of the above designated parcel(s) are hereby allowed based on the following conditions being continually met:

1. Nine inches of concrete along the 68 foot width must be removed in order to reach 51 square feet of concrete removal in order to comply with the maximum total impervious surface allowed.

The parties hereto, namely the City of Pewaukee and the Equitable Owner of the property for which this conditional use has been sought, set their signatures or the signatures of their representatives below, thereby agreeing to the provisions and conditions set forth in this covenant.

Attest:

Signature of equitable owner

Date

Kelly Tarczewski
City Clerk

Steve Bierce
Mayor, City of Pewaukee

Date

State of Wisconsin
County of Waukesha

Signed or attested before me on _____, 2022 by Steve Bierce, Mayor and Kelly Tarczewski, Clerk.

(Seal)

Ami Hurd

My Commission expires _____

This instrument was drafted by Ami Hurd, Deputy Clerk