

**MINUTES OF THE
CITY OF PEWAUKEE PLAN COMMISSION MEETING
AUGUST 18, 2016**

Members present were Craig Coursin, Ted Janka, Dave Linsmeier, Sean Sullivan and Christine Wunder. Also present were Public Works Director Jeff Weigel, Park and Building Services Director Kelley Woldanski, Deputy Clerk Ami Hurd and Community Development Director/City Planner H. E. Clinkenbeard.

The Plan Commission members present took a vote to select Commissioner Coursin as the temporary Chairman of the Plan Commission in the absence of both Chairman Klein and Secretary Bierce.

Mr. Coursin opened the meeting at 7:00 PM noting that there was a quorum present. He then asked everyone to stand for the Pledge of Allegiance.

Mr. Coursin asked if there were any changes or corrections to the minutes of the July 21st, 2016 meeting. There being none, a motion was made by Ms. Wunder, seconded by Mr. Janka to approve the minutes of the July 21st, 2016 meeting as transmitted. There was no discussion regarding this item and the motion passed unanimously.

**DISCUSSION & ACTION REGARDING A PETITION FOR A CONDITIONAL
USE PUBLIC HEARING BY MR. BERNIE KOOK TO USE THE OLD SLICE N' DICE
RESTAURANT BUILDING LOCATED AT W279 N2221 PROSPECT AVENUE FOR A
WEDDING & SPECIALTY DINING VENUE AS AN ADJUNCT TO HIS EDGEWATER
RESTAURANT (PWC 0938995)**

Mr. Kook came forward noting that the zoning of the property was B-3 and that he wanted to use the Slice N' Dice restaurant building that he owned for specialty type uses as stated in the petition, for weddings and that type of thing.

Mr. Clinkenbeard asked Mr. Kook what happened to using the Slice N' Dice restaurant parking lot for overflow parking for his Edgewater Restaurant because parking was the critical factor in whatever went on in that area of the City. He indicated that it was his view that there would be plenty of parking for both his overflow parking as well as any parking that might be done on the special situations and he would obviously attempt to try to have the special events on days when there wasn't heavy activity at the Edgewater restaurant. He noted that the use of Slice N' Dice was not a seven day a week restaurant situation but basically a now and then situation when someone wanted to use it for specialty use.

At that point (7:05 PM) Mr. Coursin opened the public hearing and asked if there was anyone in the audience who wished to speak either in favor of or in opposition to the proposal. There being none, Mr. Coursin closed the public hearing at 7:05 PM.

Mr. Linsmeier again asked about parking space. He was very concerned that the number of spaces that would be taken up by the Slice N' Dice, particularly if the inside of the building

was going to be enlarged by taking out parts of the normal restaurant operation of that building to make it a specialty situation and put in more space for tables and that type of thing. Mr. Kook indicated again that he felt that there would be plenty of parking there to handle any specialty situation that occurred.

Mr. Janka stated it was his view that any kind of specialty use on a Saturday night was not going to work. He pointed out that that was the night, particularly, that there were problems with parking on Prospect Avenue and in the adjacent neighborhoods in that area. If this was approved, Mr. Kook would have to be very careful to rent the Slice N' Dice on nights other than busy nights in the area, like Saturday night.

Mr. Linsmeier asked the capacity of the building and Mr. Kook did not know specifically but said that it would be only enlarged a little bit if they took out either the bar or the kitchen, depending upon which way they wanted to go with that situation.

There was some discussion on this. A motion was made by Mr. Janka, seconded by Mr. Sullivan to approve the conditional use for the Slice N' Dice on the conditions that if there were problems in the area in regard to parking, Mr. Kook would have to shut down the double activity in the area, and Mr. Kook would also have to bring in a Business Plan of Operation for approval by the Plan Commission. There was no discussion regarding this item and the motion passed unanimously.

DISCUSSION & ACTION REGARDING A PETITION FOR A CONDITIONAL USE PUBLIC HEARING FOR THE OWNERS OF POINT BURGER BAR (PBB) TO EXPAND THEIR APPROVED SITE/BUILDING PLAN CONDITIONAL USE AT THEIR RESTAURANT LOCATED AT W229 N1400 WESTWOOD DRIVE IN THE OLD AMERICAN TV BUILDING TO INCLUDE AN OUTDOOR PATIO AND INDOOR VIDEO MACHINES (PWC 0959988004)

There being no discussion among the members, Mr. Coursin opened the public hearing at 7:25 PM and asked if there was anyone in the audience who wished to speak either in favor of or in opposition to the proposed expansion of the operation to the patio and the expansion of adding video equipment inside.

There being no comments, Mr. Coursin closed the public hearing at 7:25 PM.

A motion was made by Mr. Linsmeier, seconded by Mr. Janka to approve the conditional use for PBB with the patio as transmitted to the Plan Commission with no conditions. There was no discussion regarding this item and the motion passed unanimously.

DISCUSSION & ACTION & PUBLIC HEARING REGARDING A PETITION FOR AN ANNUAL OUTDOOR ENTERTAINMENT PERMIT FOR POINT BURGER BAR LOCATED AT W229 N1400 WESTWOOD DRIVE ON PREMISES WHERE ALCOHOLIC BEVERAGES ARE SOLD/CONSUMED (PWC 0959988004)

It was pointed out that this was a permit that must be obtained whenever an operation that sold alcoholic beverages or any business had outdoor entertainment, either live or recorded. It was noted by two or three of the members that in almost every one of the other restaurant and

taverns in the City, the outdoor entertainment permit was limited to shutting down any music or any other noise outside of the restaurant or tavern by 10 PM every night of the week except Friday and Saturday night and those two nights the shutdown would be at 11 PM. It was noted that the Point Burger Bar was asking for 11 PM on every night.

At that point (7:30 PM) Mr. Coursin opened the public hearing and asked if there was anyone who wished to speak either in favor of or in opposition to the proposal. There being none, Mr. Coursin closed the public hearing at 7:30 PM.

A motion was made by Ms. Wunder, seconded by Mr. Janka to approve the outdoor entertainment permit request with the understanding that the outside hours on Sunday thru Thursday would be changed to close down at 10 PM. There was no discussion regarding this item and the motion passed unanimously.

DISCUSSION & ACTION REGARDING THE TABLED REZONING OF THE BRITAIN/CZYSZ PARCELS LOCATED ON BLUEMOUND ROAD AT MORRIS STREET CROSSING PENDING APPROVAL OF SITE & BUILDING PLANS (PWC 0925994001)

The two gentlemen came forward to talk about their proposal. They noted that they were asking for an Rd-1 rezoning. It was later discovered that the actual request was for an Rd-2, which was the only way that the buildings could fit on the property.

In answer to a question they noted that the in-house caregiver would be there in one of the two buildings 24 hours a day. Mr. Clinkenbeard asked if there would be anyone living in the basement. The petitioner said no, there would be no one living in the basement.

Mr. Weigel pointed out that there would have to be four water laterals and two sanitary sewer laterals to the buildings and probably a special cleanout manhole would have to be put on the properties. The owners indicated that they understood that.

There was some discussion about the new building elevations. Mr. Coursin pointed out that this was a much better looking building than had been presented before. He noted that the Plan Commission did not usually comment on duplex buildings, however in this case the thought at the previous meetings was that the buildings needed some help. The owners indicated that they had added dormers and they've added a patio and they've added some windows on the building as well and were adding landscaping in addition to what had been proposed prior. They would be using hardy plank siding on the buildings. There was some discussion about the masonry on the front of the building and it was pointed out that they should probably do away with the masonry above the garage doors and just stay with the masonry wainscot around both buildings. That would look better and would, perhaps, save the owners money.

There was a question about lights. They indicated that the lights would be mostly residential lights on the house and no pole lights in the yard unless the City required it. They would have landscaping. It was again reiterated that the rezoning was to Rd-2, not Rd-1.

A motion was then made by Mr. Janka, seconded by Ms. Wunder to recommend approval of the rezoning to Rd-2 and to approve the building plans as submitted and the use as well. There was no discussion regarding this item and the motion passed unanimously.

DISCUSSION & ACTION REGARDING THE TABLED REZONING OF THE enVENTURE/YOUNG SCHOLARS PROPERTY LOCATED AT W240 N2687 PEWAUKEE ROAD TO ADD A PLAN COMMISSION PRE-APPROVED LIST OF CONDITIONAL USES OF THE PROPERTY & APPROVE THE CURRENT SITE & BUILDING PLANS (PWC 0924995)

There was some discussion about the proposed list of pre-approved conditional uses that would be pre-approved by the Plan Commission. Mr. Clinkenbeard passed out his recommendations regarding the owners proposed list another alternative. He pointed out that there were some uses that were pretty much 'slam dunk' in terms of being in the location that they were talking about and having limited traffic. Some of the other uses that they put on their list were marginal. There was some discussion about that and it was determined by the Plan Commission that the first seven on Mr. Clinkenbeard's list (see file) would be those that could come in and get approval after review by the Plan Commission but would not require a special conditional use permit while the other items on the list that were noted would have to have an actual conditional use hearing before they were approved. The owners said that was fine.

There were some questions about whether the County had approved the access to this property. It was pointed out that apparently the County had not only provided for a right-in right-out access, but there was the potential for them to approve a left-in access off of Watertown Road as well. There was some discussion on that.

It was pointed out that there were a number of members of neighborhood in the audience that probably wished to comment on this matter. Mr. Coursin pointed out that this was not a public hearing, however, it had been the custom of the Plan Commission to allow people in the audience to speak as long as the speeches didn't get very long.

Ms. Barbara Stevens (W241 N2533 E. Parkway Meadow Circle #1) came to the microphone and asked some questions. She pointed out that she again thought this was a mistake and that the activity of a daycare would bring too much traffic to the area and the intersection of River Park and STH 164 and even the intersection of the new street and development with Watertown Road would create a traffic issue that would be worse than it is today.

Ms. Dunn came forward and indicated her concerns about traffic in the area and being able to get in and out. It was pointed out by the Plan Commission staff and members that in fact, it was the City's view that having the drive through from River Park through this property to Watertown Road would provide access to the people on River Park to Watertown Road and the signals at the intersection of Watertown Road and STH 164 that they do not have at the present time and, therefore, that would alleviate some of the congestion at the River Park and STH 164 intersection.

Mr. Mike Gordon (N25 W24129 River Park Drive #5) came forward and indicated that he was a representative of the neighborhood group immediately south of this development and

indicated the concerns of everyone in the neighborhood about this and asked questions about the added access road. He indicated that it seemed like a road, if it was permanent, could not be shut down, even though it was private, would be an asset to the entire neighborhood area.

Mr. Chris Wolf (W241 N2533 E. Parkway Meadow Circle #8) came forward and noted that perhaps the road would answer some questions but reiterated that there was just way too much traffic in this area. It was pointed out again by the Plan Commission and staff that we were trying to do the best we could to allow this property to be developed and not put too much more traffic at the River Park and STH 164 intersection.

Mr. Coursin indicated that there had been some question about making the road through the development a public street and wondered if the owners had any problem with that. There were some questions by the owners regarding that. It was pointed out that in either case, the owners would have to build the street to City specifications and the only difference was that once the street was built and dedicated to the City, and they would have to do that, the City would maintain it as any public street. Otherwise, everything would be the same except that the people in the area would be assured that the road would not be closed and would be plowed in the winter time at the appropriate time every other public street in the City is plowed.

Mr. Weigel indicated that there might be some concerns about the design but he indicated that there was a good possibility that a public street could be placed in this area. Mr. Clinkenbeard pointed out that the Plan Commission would have to give some preference in regard to the setbacks from the private parking areas in the development. They may have to be smaller along that road than we have on other public streets in the area.

There were some questions about the building plans. Mr. Coursin indicated that he did not see any real problem with the buildings and had looked at them previously. There was no comment, either pro or con, regarding the building plans and it was determined that the building would be okay.

A motion was made by Mr. Linsmeier, seconded by Mr. Janka to approve the building plans as submitted and to recommend to the Common Council that the zoning of the property be changed to B-6 as originally requested and that uses # 1 – 7 on Mr. Clinkenbeard's list could be automatically approved by the Plan Commission without a public hearing and any other proposed uses would have to come in for conditional use permit. There was no discussion regarding this item and the motion passed with Mr. Sullivan voting no.

DISCUSSION & ACTION REGARDING THE REVISED CSM FOR MIKE BAENEN FOR HIS PROPERTY LOCATED AT N8 W27947 NORTHVIEW ROAD (PWC 0982997)

Mr. Baenen came forward noting that he had placed the wetlands on the CSM as requested and had revised the CSM slightly. Mr. Coursin indicated that the City Engineer had written a letter on August 11th regarding this matter and each of the items on the letter was then discussed (see file). It was determined between Mr. Weigel and Mr. Baenen that these items could be taken care of between the two of them. Mr. Baenen would have to come in and talk to Mr. Weigel.

A motion was made by Mr. Sullivan, seconded by Mr. Linsmeier to approve the Baenen CSM as transmitted with those changes that were requested by Mr. Weigel in his letter of August 11th. There was no discussion regarding this item and the motion passed unanimously.

DISCUSSION & ACTION REGARDING THE APPROVAL OF CHANGES TO THE SITE PLAN & CSM FOR THE ZENITH TECH/PAYNE & DOLAN PROPERTY LOCATED AT N6 W23673 BLUEMOUND ROAD (PWC 0967999)

No one was in the audience representing either Zenith Tech or Payne and Dolan, however, it was pointed out that all they needed to do was bring in the changes on the plan that had been requested at previous meetings and update their site plan to accommodate the closing of one of the current accesses to Bluemound Road.

A motion was made by Mr. Linsmeier, seconded by Ms. Wunder to recommend approval of the CSM for the property based on receiving the updated site plan showing the changes to the driveways on the property. There was no discussion regarding this item and the motion passed unanimously.

DISCUSSION & ACTION REGARDING THE PETITION BY GALILEE LUTHERAN CHURCH LOCATED AT N24 W26430 CRESTVIEW DRIVE TO ERECT & MAINTAIN A COLUMBARIUM ON THEIR PROPERTY (PWC 0929990)

Ms. Bergermeister came forward noting that they simply wanted to build a columbarium on the church property and there were some state statutes involved and so they were moving forward cautiously. They had had an open house for the neighbors in the area to talk about what they were proposing. Only two people showed up and they both were not concerned with the columbarium at the location shown on their site plan.

They noted that the state certification for these structures precludes them building anything before December of this year. Consequently, they probably wouldn't be doing anything until early December or maybe not even until next spring because of the frost. Mr. Coursin asked about lighting. They said they did not plan on any lighting around the columbarium.

A motion was made by Mr. Linsmeier, seconded by Mr. Sullivan to approve the building of the columbarium as shown on the site and building plans. There was no discussion regarding this item and the motion passed unanimously.

DISCUSSION & ACTION REGARDING A CONCEPTUAL PROPOSAL BY MR. & MRS. WOLFGANG GAGGL TO RAISE GOATS ON THEIR PROPERTY LOCATED AT W275 N2337 OAK STREET IN AN RS-2 RESIDENTIAL DISTRICT (PWC 0935979004)

Mr. Clinkenbeard pointed out that unfortunately he had gotten some wrong information. The property was zoned Rs-2 Residential even though there was more than ten acres and they wanted to rezone the property to A-2 Agriculture and he had indicated to them that they should just simply come back with a rezoning to A-2 but suggested that they talk to their neighbors prior to that. There was some discussion on this and Mr. and Mrs. Gaggl indicated they already talked

to the neighbors and the neighbors had no problems. They were going to raise two or three miniature goats that would eat the invasive species like buckthorn and that type of thing. The goats love that kind of thing and it is the kind of stuff that people with residential properties don't like so they wanted to have the goats to help maintain the property.

It was suggested by the Plan Commission that they obtain a petition form and petition for a rezoning at a future meeting.

DISCUSSION & ACTION REGARDING THE REQUEST BY MR. FRED LINDENSTRUTH TO EXTEND CITY ACTION ON HIS PETITION FOR REZONING HIS PROPERTY LOCATED AT W226 N4493 DUPLAINVILLE ROAD TO NOVEMBER 7, 2016 (PWC 0866992007)

It was pointed out that Mr. Lindenstruth had trouble determining how he wanted to proceed on the number of lots and so on he was going to go with and he wanted to get an extension to November 7th for his rezoning.

A motion was made by Mr. Linsmeier, seconded by Ms. Wunder to recommend extending the rezoning time to November 7th. There was no discussion regarding this item and the motion passed unanimously.

REMINDER OF THE PROPOSED "EVERY ONCE IN A WHILE" BUS TOUR OF THE CITY ON OCTOBER 8TH, 2016

After some discussion, the Plan Commission members suggested that we wait until May of 2017.

At that point, there being no other business for the Plan Commission to consider, a motion was made by Mr. Linsmeier, seconded by Ms. Wunder to adjourn the meeting. The meeting adjourned at 9:12 PM.

Respectfully submitted,

Harlan E. Clinkenbeard,
CDD/City Planner