

**In attendance:**

Mayor Steve Bierce, Alderwoman Collen Brown, Ted Janka, and Sean Sullivan.

**Also in attendance:**

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

1. Call to Order and Pledge of Allegiance

Chairman Bierce called the meeting to order at 6:00pm and requested everyone stand for the Pledge of Allegiance.

2. Discussion and Action Regarding Approval of the March 16th, 2023, April 20th, 2023, and May 18th, 2023 Meeting Minutes

**A motion was made and seconded (C. Brown, T. Janka) to approve the March 16<sup>th</sup>, 2023, April 20<sup>th</sup>, 2023, and May 18<sup>th</sup>, 2023 meeting minutes.** Motion Passed: 4-For, 0-Against.

3. Discussion and Action Regarding a Hobby Kennel License Request by Katie Smith to Keep Four to Six Dogs on Her Property Located at W226 N2521 Oakwood Lane (PWC 0915132)

Ms. Hurd discussed the kennel license application and noted that the applicant's property was approximately 0.34 acres with an electric fence. She noted the various kennel license approvals in the past that were similar to this application. Ms. Hurd noted that most approvals in the past involved the licensee coming back before the Plan Commission if there were issues. She recommended approval of the kennel license.

The applicant, Katie Smith, was in the audience and stated all her dogs were professionally trained.

Chairman Bierce stated he liked the stipulation that the license would have to come back to the Plan Commission if there were complaints. Commissioner Janka noted he liked that the yard had an electric fence.

**A motion was made and seconded (T. Janka, C. Brown) to approve the hobby kennel license for Katie Smith, contingent on the license coming back to the Plan Commission for review if there are problems with the license.** Motion Passed: 4-For, 0-Against.

4. Discussion and Action Regarding a Recommendation to the Common Council for a Conditional Use Permit for The Inn Bed and Breakfast Located at N4 W22496 Bluemound Road (PWC 0963998)

Mr. Fuchs stated staff became aware of the bed and breakfast use on the property, and a Conditional Use Permit would be required based on the zoning district. The Inn has three bedrooms located within the farmhouse and a fourth bedroom located in a separate building. There are no site changes or exterior building modifications planned. Mr. Fuchs recommended approval.

Karen Miller-Cameron, owner of The Inn, noted she has tourism rooming through Waukesha County, and she questioned if there needed to be some consistency with the County. Mr. Fuchs noted that this zoning district specifically calls out bed and breakfasts.

Commissioner Brown felt there should be a hotel tax for this, and she felt the money should still come to the City from when The Inn first got its license through Waukesha County. The City would have been getting hotel tax all along. Ms. Miller-Cameron noted that she was paying a room tax to Waukesha County and was never told that she needed a license through the City. She stated she wasn't operating because of several factors, and she only paid the County a total of \$44 so far.

**A motion was made and seconded (S. Sullivan, T. Janka) to recommend approval of the Conditional Use Permit for The Inn Bed and Breakfast with the condition that the necessary Hotel/Motel License is obtained through the City Clerk's Office.** Motion Passed: 4-For, 0-Against.

5. Discussion and Action Regarding a Recommendation to the Common Council for a Conditional Use Permit and Site and Building Plans for Steny's Lake Country for Property Located at N29 W24483 Watertown Road for the Purpose of Operating a Restaurant and Bar (PWC 0922987001)

Mr. Fuchs stated the proposal includes a 3,286 square foot addition to the existing building, as well as site changes. They will be going down to one volleyball court, and as a condition of approval, the courts that are removed must be returned to green space. The outdoor volleyball and events would be until 9pm Sunday through Thursday and until 10pm Friday and Saturday. Mr. Fuchs added that there is a condition for the applicant to show bus parking if it is proposed in the future. He mentioned that he received an email from a City resident regarding traffic concerns. Mr. Fuchs recommended approval of the Conditional Use and the Site and Building Plans with the conditions listed in the staff report.

Chairman Bierce felt they would need to discuss the parking, and he noted that the drawings would not be enough for him to approve.

Commissioner Brown suggested no amplified music, as the establishment is in a residential neighborhood. She also requested the lighting be turned down and felt it may be too bright for what is needed in the area. Commissioner Brown also mentioned it was difficult to approve plans that are not in color. The applicants, Jerome and Ryan Stenstrup, noted the building would now be a darker grey with black and wood tones for a rustic, modern look.

Chairman Bierce stated the site plan shows 124 parking stalls, but he felt like they would need more than that. Mr. Stenstrup stated their goal was to get to a capacity of 250 after the renovations, but they noted they will not be taking any parking out for the addition. Commissioner Brown did not want the parking spilling out into the residential neighborhood. Mr. Stenstrup felt they would have no problem making a bigger parking lot.

**A motion was made and seconded (C. Brown, S. Sullivan) to recommend approval of the Conditional Use Permit with the conditions listed in the staff report, and final approval of the building plans by City staff, and if parking becomes an issue the Plan Commission can require more parking stalls.** Motion Passed: 4-For, 0-Against.

6. Discussion and Action Regarding a Conceptual Review for Carity Land Corporation for a Proposed Condominium Development on Property Located at N18 W22670 Watertown Road (PWC 0958990006)

Mr. Fuchs stated this submittal was on the Marincic property and was for 104 owner-occupied condominiums, with a gross density of 3.08 units per acre and a net density of 4.37 units per acre. There are approximately 10 acres of natural resources on the site. Access is proposed from North Avenue and Elmwood Drive with a right-of-way owned by the City between two existing lots. Mr. Fuchs stated the Rm-1 standards appear to be met but they need to see a bit more detail.

The applicant, Bill Carity, stated he wanted to build high quality, owner-occupied condominiums. He spoke with the County regarding an access on CTH M, and they will not allow any open cut of utilities on CTH M for a three-year period. Mr. Carity noted that their sanitary sewer extension would have to be a directional pour under CTH M, but the County would allow an access. He stated they would have to deed right-of-way to the County for reconfiguration of the intersection in the future.

Mr. Carity stated the total site area is 33.76 acres, and they would have to dedicate 0.36 acres to the County for the intersection reconfiguration. There are approximately 10 acres of primary environmental corridor, as well as delineated wetlands and a navigable stream on the property. The plan is for 23 fourplex condominiums, and six duplex condominiums co-mingled together, as well as a clubhouse at the front entrance. Mr. Carity pointed out that they configured an access point as far away from the intersection as possible, and there would be a dedicated public street running through the heart of the development to Elmwood Drive.

Mr. Carity referred to the fourplex units and noted that they feature auto courts between them, and the garage doors are in the middle of the building, essentially buried within the building. By doing this, it shields the garage doors and results in more curb appeal within the units.

It was noted that the units vary in size from 1,500 square feet and larger on the fourplexes, and a little larger on the duplexes. There are three private cul-de-sacs, and Mr. Carity stated they would like the Homeowner's Association to maintain those cul-de-sacs. The private cul-de-sacs will affect some setback issues.

The price point for the condos will start at close to \$500,000. There will be a clubhouse on the property, as well as a pool, and possibly a pickleball court. Mr. Carity noted that the demographic would be empty nesters, and they will not be injecting children into the school system.

Mr. Carity clarified that the units will not be sprinkled. Mr. Fuchs noted that there would have to be at least a 40-foot separation between buildings, and Mr. Carity confirmed that there would be.

Chairman Bierce felt the biggest issue was always related to traffic. He questioned if they could not have the second egress if the buildings were sprinkled.

Chairman Bierce stated he would like these to be owner-occupied units, as it is next to the largest subdivision of owner-occupied buildings in the City.

Commissioner Brown liked that this density was nearly half of what was last proposed for this site. She did not mind the private streets. She also stated she liked the conceptual view with the modern look.

Commissioner Janka agreed and felt the right-of-way off Elmwood Drive was put in for a reason. When the subdivision was developed, the right-of-way was put in with the expectation that development would continue to the west. Commissioner Janka felt the demographics were ideal for this location for empty nesters with less traffic and little to no impact on the schools. He liked the design and felt this was really soft development compared to what has come before the Plan Commission in the past.

Commissioner Sullivan agreed, but stated he would not approve the private roads. He felt they were moving in the right direction with this, although traffic is a problem. Commissioner Sullivan also agreed that the right-of-way was put in place for a reason.

Brian Dziwulski (N24 W22637 Meadowood Lane) stated he liked the objective of being senior family but was unsure how that would be administered. He referred to the density and felt it was close to what Springdale Estates is now, and he did not have a problem with that. Mr. Dziwulski suggested having an exit onto Watertown Road and leaving the one on Elmwood Drive closed. He stated he was not interested in

anything going on this property until the County widens Watertown Road, as it is too small and very dangerous to bikers and walkers.

Tasha Spransy (W224 N2326 Elmwood Drive) stated she likes that it would be owner-occupied and felt it was much better than the previous proposals. She liked the North Avenue entrance but has always had a problem with one on Watertown Road because of the train. Ms. Spransy also liked the price point and the fact that ten acres of wetlands were being kept. She felt Elmwood Drive was bothersome because it is so straight, and people speed down the street. Ms. Spransy questioned if a new traffic study would be done.

Teresa Becker (W222 N2147 Glenwood Lane) stated she was adamantly opposed to an exit going onto North Avenue due to the blind curve. She was also opposed to the exit onto Elmwood Drive, as she felt people would take the path of least resistance through Springdale Estates. Ms. Becker did like that it was planned to be owner-occupied. She questioned how overburdened our emergency services would be with another dense subdivision going in. Ms. Becker also requested a new traffic study.

Ms. Wagner noted that she would not be in favor of making Elmwood Drive an emergency access only, as she did not believe they function correctly and are not maintained properly. She also felt the point of a roadway was for access.

Mr. Carity added that he expected to have acceleration, deceleration, and bypass lanes at the main entrance on North Avenue for some calming of the traffic.

Michael Jones (N24 W22412 Meadowood Lane) stated he liked the value of the condos, but he felt there would be a traffic issue. He felt this was the best plan that has been presented so far, as it takes into consideration all of the homeowners' concerns.

Tom Kustner (N24 W22429 Meadowood Lane) agreed with the other speakers. He was concerned that Waukesha County would continue to delay the intersection work in this area. Mr. Kustner was unsure how this project could move forward without knowing what the County was going to do.

Mr. Carity stated they will try to take all of the comments into consideration, and they will move forward with a rezoning.

No action was taken.

7. Discussion and Action and Public Hearing Regarding an Amendment to Section 17.0435 F-1 Floodplain District, Creation of a New Floodplain Ordinance Section, and Adoption of the Updated Flood Insurance Study and Flood Insurance Rate Maps

Mr. Fuchs stated this was a new, updated floodplain ordinance, as the City is required to adopt an updated ordinance, or be suspended from the National Flood Insurance Program. The updated ordinance is consistent with and matches the State model ordinance. Mr. Fuchs noted that the City's mitigation standard of 2 to 1 is more restrictive than the State's, and the setback requirement from the 100-year floodplain boundary is 75 feet. Those two items are not required and are the two major differences between the model and the City's ordinance. Mr. Fuchs also noted that a municipality can have more restrictive standards in their ordinance and participate in the Community Rating System program, which would reduce insurance costs for those in the community that have floodplain insurance.

Mr. Fuchs referred to the Act 175 language regarding legal, non-conforming structures and noted the Plan Commission would need to weigh in on that as well.

Chairman Bierce opened the public hearing at 7:30pm. He then closed the public hearing at 7:30pm.

Chairman Bierce stated he had no interest in eliminating the 2 to 1 mitigation ratio or the 75-foot setback, and he was in favor of leaving out the Act 175 language. He also wanted to include the more restrictive standards to be able to give City residents cheaper insurance. All the Plan Commissioners were in agreement.

Mr. Fuchs summarized that if Act 175 were kept out, it would be more difficult for legal non-conforming structures to be rebuilt.

**A motion was made and seconded (T. Janka, C. Brown) to recommend approval of the Floodplain Ordinance amendment.** Motion Passed: 4-For, 0-Against.

8. Adjournment

**A motion was made and seconded (C. Brown, S. Sullivan) to adjourn the meeting at 7:34pm.** Motion Passed: 4-For, 0-Against.

Respectfully Submitted,

Ami Hurd  
Deputy Clerk