

In attendance:

Mayor Steve Bierce, Aldermen B. Bergman, C. Brown, J. Kara, and J. Wamser. B. Dziwulski and R. Grosch were absent and excused.

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director J. Weigel, Assistant Engineer M. Wagner, City Planner and Community Development Director N. Fuchs, and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

Mayor Bierce called the meeting to order at 7:06 p.m.

2. Public Comment - None.

3. Consent Agenda

3.1. Approval of the Common Council Meeting Minutes Dated May 20, 2019

3.2. Approval of Accounts Payable Listings

3.3. Approval of Bartender License

3.4. Concur with the Plan Commission (5/16/2019) and Approve the Outdoor Entertainment Permits

3.4.1 5 O'clock Club

3.4.2 Curly's Waterfront

3.4.3 Edgewater of Pewaukee

3.4.4 Gina's Sports Dock

3.4.5 Smokey's Bait Shop

3.4.6 The Station

3.4.7 Waukesha Gun Club

3.4.8 Wonderland Tap

Mayor Bierce struck Item #3.1 from the consent agenda stating they weren't ready at this time. Ms. Brown asked that Item #3.4.4 be removed for discussion.

A motion was made and seconded, (J. Wamser, J. Kara) to approve the remaining items on the consent agenda. Motion Passed: 4-For, 0-Against.

3.4.4 Concur with the Plan Commission (5/16/2019) and Approve the Outdoor Entertainment Permit for Gina's Sports Dock

Ms. Brown voiced her concerns related to the outdoor music and drinking hours. Ms. Tarczewski stated she spoke to Ms. Hurd this morning to get clarification and was told that Ms. Schwister made an error on the application and wanted the times to be the same as last year. Mr. Kara stated given the proximity of Edgewater to Gina's Sports Dock he felt the hours should be consistent. Ms. Brown also voiced her concern about the drinking on the patio at Smokey's as early as 7:00 a.m. Attorney Riffle stated the license for Edgewater and Smokey's were already acted upon.

A motion was made and seconded, (C. Brown, B. Bergman) to approve the Outdoor Entertainment permit for Gina's Sports Dock keeping the hours the same as last year. Motion Passed: 3-For, 1-Against (J. Kara)

4. Further Discussion and Possible Action Relating to the Engineer's Report and Assessment Roll for the Fox View Court Paving Project Previously Discussed at the April 1, 2019 Common Council Meeting

Mr. Weigel and Ms. Wagner were present for this item. Mr. Weigel stated the public hearing for this project was held on April 1st and the contract was awarded. He said at the time of the public hearing questions arose as to whether or not the duplex that accesses North Avenue should receive an assessment charge for the project. He said the other issue that needs to be determined is whether or not a special assessment charge for the reconstruction of the curb and gutter work should be enacted.

Mr. Kara asked what the County's special assessment policy is. Mr. Weigel stated he is not aware that the County assesses for the work. Mr. Kara asked if the property in question would be assessed if it was a corner lot. Mr. Weigel stated it would depend on what street the driveway exits on.

Ms. Brown stated at the public hearing one of the residents stated they felt the snowplows damaged the curb and gutters. She said there was no proof one way or the other that this is fact, but she suggested splitting the costs 50/50. Mr. Weigel stated curbs getting damaged by plows is not rare, but being substantially damaged throughout is rare and could indicate an issue with the cement. He said the typical life is 50-60 years.

Attorney Riffle stated the final assessment roll would not be decided upon for another year from now or later. Ms. Wagner stated they are looking for direction so that the assessment roll can be prepared accordingly at that time. Mr. Weigel stated the cap for the road paving would be \$2,639 per unit and \$2,639 cap for curb and gutter per unit.

A motion was made and seconded, (J. Kara, B. Bergman) to exempt the two parcels that exit on to North Avenue from the street assessment but charge them for the full curb and gutter assessment. Motion Passed: 3-For, 1-Against (C. Brown)

5. **PUBLIC HEARING**, Discussion and Possible Action to Approve **Resolution 19-06-12** and **Ordinance 19-13** Regarding an Amendment to the Comprehensive Master Plan to Change the Year 2050 Land Use/Transportation Plan for the Robert J. Stenz Family Trust Property Located at the Northwest Corner of Golf Road (CTH DR) and Meadowbrook Road (CTH G) from Low-Medium Density Residential and Flood Plains, Lowland and Upland Conservancy, and Other Natural Areas to Medium Density Residential and Flood Plains, Lowland and Upland Conservancy, and Other Natural Areas (PWC 0940-999-001)

Mr. Fuchs was present for this item. He stated items 5-7 are related to the same 50-unit condominium development. He said these items went before the Plan Commission and were recommended for approval. He said the 50-unit condominium development includes nine 4-unit and seven 2-unit buildings. Mr. Fuchs stated the project did receive approval from the Lake Pewaukee Sanitary District (LPSD). He said the applicant has Lakefield Drive extending through the site to Golf Road and the two cul-du-sacs extending north from that drive. These would be public roads. Mr. Fuchs noted the conceptual site plan on the southwest corner proposes a senior living memory care facility. He said this would be a permitted use in the Rm-1 District but would still require the developer to come back to the Plan Commission for approval.

Attorney Riffle asked the City Planner to articulate to the best of his ability what qualitative or measurable criteria there is under our zoning ordinance that the applicant will have to show based upon the new law relating to substantial evidence as to why they deserve a conditional use permit.

Mr. Fuchs did note State Statutes in his staff report and said from a zoning code perspective it is in the development guidelines and regulations. He said the project is in substantial conformance of those requirements within the Rm-1 District. He said they are asking for some setback reductions that the Plan Commission did recommend approval of. Mr. Fuchs stated they include zero-foot setbacks from out-lots which contain the storm water management ponds. He said he believes the applicant is in agreement and willing to address all staff's conditions for approval.

Mayor Bierce asked for more detail on the zero-foot setbacks. Mr. Fuchs stated it is the City's preference that storm water management facilities be within out-lots, opposed to easements. He said LPSD is acquiring the wetland on the property along with an additional setback area and buffer so the development is being pushed tighter on the setbacks, in some areas up to two feet. He said that is why they need a setback reduction. Mr. Fuchs said the allowance of the zero-foot setbacks is subject to meeting Engineering Department standards, so it has to be a certain distance from the top of pond and at a certain elevation so they have to provide an access shelf.

Ms. Brown stated the project has evolved from meeting to meeting. She stated she has received multiple emails voicing concern over the density of the proposed development. She said it appears that the City is doing everything it can to accommodate the developer but it just doesn't fit the area. She voiced her concerns over the PUD.

Mayor Bierce mentioned LPSD will be getting the wetlands. He asked Mr. Fuchs if he recalculated the greenspace area and whether or not it will still be within the City's requirements. Mr. Fuchs stated he did and it will still meet the City's density criteria.

Mayor Bierce opened the public hearing.

Bob Zimmerman (N19 W27033 Fieldhack Drive) voiced his concern related to the density of the development. He said he has a 3-acre lot and when there is heavy rain half of it is under water. He asked where the water will go if the developer takes away wetland. He said there is a water problem there and asked the Council to consider that. Mayor Bierce assured Mr. Zimmerman that the developer is not taking away the wetlands; instead the ownership of it is being transferred to the LPSD. Mr. Fuchs stated there would be no impact on the wetlands.

Doreen Gatto (N16 W27456 Riverland Drive) stated if the area is heavily paved the water has to move somewhere. She said traffic in the area will be crazy. She said single family homes makes more sense in that small area. There won't be transients and the traffic, and she feels the property value will be lowered. Mayor Bierce stated he was concerned about the property values going down as well until he talked to people in the industry. They did not see that happening with \$450,000 condominiums being built.

Tom Casey (N16 W27447 Riverland Drive) said there is no support within his subdivision for this development. He said he did research prior to purchasing his lot in 2003. He said he spoke to the City Administrator and was told there would be single family homes built in that area. He said he feels this will impact the value of his home. He doesn't feel it is right to change the zoning when there is a plan in place. He said the proposed development is on Golf Road, which has a speed limit of 50 miles per hour, and a second entrance on Lakefield Drive with many children in the area. He estimated there would be

an additional 130 cars traveling through the area every day and it would be unsafe. He accused the developer of hiding information on their development. He said there is a problem with drainage in that area and water coming from other sites. He said the new development is not going to help. Mr. Casey stated there are a great deal of trees that will be cut down in that area. He said the "entryway into the city" will drastically change the image that outsiders will see. He voiced his concerns over the density and said there were too many units and not enough open space. He asked the Council to vote against this development. Mr. Klein stated the zoning hasn't been changed and it is currently agriculture. He said the neighborhood plan showed the extension of single-family development and the Planner would have said that was his concept for the land. Mr. Fuchs also clarified that it was City staff that pushed the applicant to show something for the future development of the corner lot.

Rita Nell (N16 W27380 Riverland Drive) urged the Council to vote no.

Missy Devall (W275 N1501 Riverland Drive) stated she never would have bought her home if she knew this was coming. She said she thinks the value of her home will go down.

Pete Joda (N16 W27478 Riverland Drive) stated he walks his dogs and children on the roads and was concerned about the amount of traffic on the roads.

Tim Effertz (N16 W275000 Riverland Drive) voiced his concern over the density and traffic coming through Riverland Drive. He said it is dangerous and the extra traffic will result in injuries. He urged the Council not to approve this development.

Jessica Grandlich (W273 N1542 Riverland Court) stated they recently moved into the community and would not have purchased their home if they knew there would be a change in the zoning to allow for condominiums next to their subdivision. She said there would be an increase in population, noise and traffic that they were trying to get away from. She asked if the Council was willing to depreciate the property values. Ms. Grandlich stated no one will want to live next to a large assisted living facility. She urged the Council to leave zoning as single family.

Kurt Dunbar (W273 N1542 Riverland Court) stated this development also has environmental impact. He said oak wilt is a concern and he fears trees will be lost. He said he is also concerned about the water runoff. Mr. Dunbar stated he was also concerned about the sewer capacity. He asked the Council not to rezone the property.

Jeff Schmidt (W269 N1865 Meadowbrook) stated he was not happy with the proposal for the same reasons given. He said there would be an increase of runoff/flooding causing the water levels of Pewaukee Lake to rise. He said there would be an increase in traffic. Mr. Schmidt also said the wildlife in the area will suffer. He asked if anyone contacted the Department of Natural Resources regarding that issue. He said he was fearful that the developer was going to put in low income housing.

Bret Estes (W275 N1555 Riverland Drive) stated he feels the density of this development will drop the quality of life. He said he was under the impression that the land would be developed as single family homes one day, not condominiums. He recommended the Council vote "no".

Gerald Glocka (W273 N1582 Lakefield Drive) voiced his concern with the density of the proposed development. It disrupts the continuity of single family homes in the area. He said he currently doesn't have any water issues but is concerned there will be an issue in his back yard. He urged the Council to vote "no".

George Galewski (W273 N1610 Lakefield Drive) urged the Council to vote “no” on this project. He said the woods are thin and doesn’t want to look at the condominiums or low income housing. Mr. Klein stated the City is obligated to look at the developer’s proposal. He said there is no proposal for low income housing, and no one is trying to deceive anyone. Mr. Galewski stated this development is going to change the neighborhood and feels property value will be lost. He asked the Council to vote “no”.

Lynn Voss (W273 N1525 Lakefield Drive) stated she lives on land that abuts this property. She stated she is concerned over the traffic, density and possible flooding. She urged the Council to vote “no”.

Tony Zanon from Pinnacle Engineering and the developer, Jim Forester, were present. Mr. Zanon stated they have gone before the Plan Commission several times and have heard the concerns. He noted that the residents had valid points, but stated there were also a great deal of broad statements being made that were not fact based. Mr. Zanon said they completed a traffic report and per the County, they do not need to put in signals, instead they just need minor improvements to the intersection on Golf Road. He said they contacted SEWRPC regarding the trees and they have advised that the corridor should follow the wetland delineation. Mr. Zanon stated they will be giving that land to the LPSD and an additional buffer along the wetlands. He said they also spoke to LPSD regarding the sewer capacity, and that is how they reached the unit number. Mr. Zanon stated he realizes how important storm water management is and said their plan meets all state and local regulations. Mr. Zanon stated this is not going to be a low income development. The units will cost from \$400,000 to \$600,000 and is not low income housing.

Realtor Dan Scardino stated there is a need for condos in Pewaukee in the mid/high level range. He said he feels for the neighbors and realizes change is tough but said this is a great project.

Mr. Galewski asked where the project would begin. Mr. Zanon stated the land would be graded at the same time but it has not been determined where construction would begin.

Mark Wolf (W274 N1520 Riverland Court) stated increased traffic will be horrible for the children and pets in the neighborhood. He strongly urged the Council to deny rezoning.

Rachel Osmanski (W273 N1591 Lakefield Drive) asked how long the project would take. Mr. Forester stated it depends on the economy. Ms. Osmanski stated she has concerns regarding the construction traffic. Mr. Forester stated there has been discussion to keep the road closed until construction is done. She asked the Council to vote “no”.

Someone asked for the speed limit on Golf Road to be reduced. Mr. Klein stated that was a County road and the City has no jurisdiction related to that.

Ms. Gatto asked if the condo association could maintain the emergency gate. Mayor Bierce stated this has been an issue in the past and it hinders emergency vehicles at critical times.

Someone asked if the residents would be assessed for the infrastructure costs. Attorney Riffle stated their infrastructure costs will be paid by the developer.

At this time Mayor Bierce closed the public hearing.

Ms. Brown stated there is a potential for the continuation of water issues. She said it is a very wet area. She also said the density is too much for that area and doesn’t agree with the conditional use and reduction of the setbacks to make the development work. She said as a person representing this area she did not support this development.

Mr. Wamser stated this development will change the neighborhood but believes condos sales will be successful. He said the traffic concerns can be addressed. He said his concern was with the density of the project.

Mr. Bergman stated the Plan Commission looked at the site. He said it is bordered by Meadowbrook Road and Interstate I-94. He said the road will go through regardless because it is needed for Police and Fire responses. He said the condo product is very nice. He said the Plan Commission worked with the developer to make positive changes; such as minimized the number of garage doors that face the street. He said the elevations include mixed materials from stone to sided products, he said there are steep pitched roofs and exposed basements and he said these are not cheap units. Mr. Bergman said he feels this does fit the area. Mr. Bergman reiterated that the Plan Commission asked the developer what they proposed for the other lot because they wanted to plan ahead. The developer was not trying to hide anything. He also stated he understands the importance of the storm water management plan. He said single-family development would not work in this area. Mr. Bergman stated as we develop as a community we will see more PUD. He said this is a tool to get development. There are no longer large open fields and we have to make tweaks to make it work. Mr. Bergman stated this is a local developer and he has worked with the neighbors and LPSD to save trees. He said this is a quality development for this site and recommends approval.

A motion was made and seconded, (B. Bergman, J. Wamser) to approve an amendment to the comprehensive master plan changing the Year 2050 Land Use/Transportation Plan for the property located at the Northwest Corner of Golf Road (CTH DR) and Meadowbrook Road (CTH G) from low-medium density residential and flood plains, lowland and upland conservancy, and other natural areas to medium density residential and flood plains, lowland and upland conservancy, and other natural areas. Motion Failed: 2-For, 2-Against (J. Kara, C. Brown), Mayor Bierce broke the tie vote by voting against the motion.

6. Discussion and Possible Action to Approve **Ordinance 19-09** (*Second Reading*) to Rezone the Property Located on Golf Road and CTH G (PWC 0940-999-001) from A-1 Agricultural, LC Lowland Conservancy & F-1 Floodplain District to Rm-1 PUD, LC Lowland Conservancy & F-1 Floodplain District for the Purpose of Allowing for Residential Development as Requested by Robert J. Stenz Family Trust

No action was taken on this item since the comprehensive plan was not revised.

7. **PUBLIC HEARING**, Discussion, and Possible Action Regarding the Conditional Use for Jim Forester for Property Located on Golf Road and CTH G for the Purpose of Developing the Robert J. Stenz Family Trust Property with Two- and Four-Family Residential Buildings Under the Rm-1 PUD Zoning Designation (PWC 0940-999-001)

No action was taken on this item since the comprehensive plan was not revised.

8. **PUBLIC HEARING**, Discussion, and Possible Action Regarding a Conditional Use Permit for the Jesse and Katie Blazek Property Located at N37 W26633 Kopmeier Drive (PWC 0894-038) for the Purpose of Constructing a Boathouse on the Southwest Corner of the Property for Storage Needs

Mr. and Mrs. Blazek were present for this item. Mr. Fuchs stated the property owner is proposing a boat house which meets the R-7 shore land overlay and floodplain district standards. The boathouse is 224 square feet and the Plan Commission recommended approval subject to staff conditions and

are requiring a window be added on the west elevation. Ms. Brown questioned the location of boathouse which appears to be far from the shoreline.

Mayor Bierce opened the public hearing. Mr. Blazek stated they are calling it a boathouse because they can't call it a shed or accessory structure based on its location. He said it can store aquatic equipment. No one else indicated an interest in speaking so the Mayor closed the public hearing.

A motion was made and seconded, (B. Bergman, J. Wamser) to approve the boathouse on the southwest corner of the property on Kopmeier Drive making sure the 10-foot setback from the 100 year floodplain is perpendicular. Motion Passed: 4-For, 0-Against.

9. Discussion and Possible Action Regarding the Final Certified Survey Map for Briohn Building Corporation for the Purpose of Dedicating Right-Of-Way for Property Located at W226 N918 Northmound Drive (PWC 0962-998-005)

Mr. Fuchs stated this CSM is shifting the right-of-way further south to accommodate the new development and dedicate a new cul-du-sac bulb.

A motion was made and seconded, (J. Kara, B. Bergman) to approve the final certified survey map for the land located at W226 N918 Northmound Drive. Motion Passed: 4-For, 0-Against.

10. Discussion and Possible Action Regarding the Preliminary Plat for J & R Dreamfield Located at W267 N2920 Peterson Drive (PWC 0930-052-006 & PWC 0930-052-007)

Mr. Fuchs stated the property owner is proposing four single-family lots with two out-lots. One is a storm water pond and the other abuts the 5 0'Clock Club and no plans have been indicated for that parcel. He said the lots meet the Rs-4 standards. Mr. Fuchs stated the Plan Commission recommended approval subject to the Engineering department's approval of storm water, grading and erosion control plans. There was discussion that out-lot #2 could be developed in the future but would need to come back for approval first.

A motion was made and seconded, (B. Bergman, J. Kara) to approve the preliminary plat for the J & R Dreamfield development subject to the Engineer's department approval of storm water, grading and erosion control plans prior to any land disturbance.

Motion Passed: 4-For, 0-Against.

11. **PUBLIC HEARING**, Discussion, and Possible Action Regarding **Resolution 19-06-13** and **Ordinance 19-14** the Comprehensive Master Plan Amendment to Change the Year 2050 Land Use/Transportation Plan for the Proposed WVRC Property Located Along the East Side of County Highway J (Pewaukee Road) South of Interstate Highway 94 from Low-Medium Density Residential, Water and Flood Plains, Lowland and Upland Conservancy, and Other Natural Areas to Retail/Service Commercial, Water and Flood Plains, Lowland and Upland Conservancy, and Other Natural Areas (PWC 0966-999)

Mayor Bierce opened the public hearings for Items #11 and 13. Mr. Fuchs stated the applicant is proposing an emergency veterinary hospital which involves a comprehensive plan amendment, rezoning from Rs-3 to B-3 and a conditional use permit. He said the building abuts residential property within 100 feet. The building is proposed to be a 33,205 square foot building with a potential for a 13,000 square foot addition. They operate 24 hours seven days per week. Mr. Fuchs stated the applicant met with some of the neighbors and was proposing lower light poles that will dim to 50% intensity at 9 p.m. and will add 6 evergreen trees to buffer. He said staff had recommendation

approval with conditions, which the applicant has already addressed. Mr. Fuchs stated County approval for the access is needed and final approval from Engineering regarding the storm water, grading and erosion control plans is needed.

No one indicated an interest in speaking during the public hearing so it was closed.

Mr. Fuchs indicated water was available but not sewer so they would have a private sewer system. He said there is a condition that the applicant would have to hook up once it becomes available

A motion was made and seconded, (J. Kara, J. Wamser) to approve Resolution 19-06-13 and Ordinance 19-14 to amend the comprehensive master plan changing the year 2050 land use/transportation plan for the proposed WVRC property located along the east side of County Highway J south of interstate Highway 94 from low-medium density residential, water and flood plains, lowland and upland conservancy and other natural areas to retail/service commercial, water and flood plains, lowland and upland conservancy, and other natural areas.

Motion Passed: 4-For, 0-Against.

12. Discussion and Possible Action Regarding **Ordinance 19-15** to Rezone Property Located on the East Side of County Highway J (PWC 0966-999) From Rs-3 Single-Family Residential to B-3 General Business for the Purpose of Building a New 33,205 Square Foot 24-Hour Emergency and Specialty Veterinary Clinic as Requested by Basatad, LLC - Dr. John Beltz

A motion was made and seconded, (B. Bergman, J. Kara) to approve Ordinance 19-15 rezoning the subject property from Rs-3 Residential to B-3 General Business with staff and engineering recommendations. Motion Passed: 4-For, 0-Against.

13. **PUBLIC HEARING**, Discussion, and Possible Action Regarding the Conditional Use and Site and Building Plans for the Proposed WVRC Property Located on the East Side of County Highway J (PWC 0966-999) for the Purpose of Building a New 33,205 Square Foot 24-Hour Emergency and Specialty Vet Clinic

A motion was made and seconded, (B. Bergman, J. Kara) to approve the conditional use permit and site and building plans for the WVRC animal hospital development for the subject property contingent upon staff approval. Motion Passed: 4-For, 0-Against.

14. Discussion and Possible Action Regarding the Appointments to Various Boards, Commissions and Committees

Mayor Bierce stated he did not have any additional recommendations this evening.

15. Public Comment - None.

16. Adjournment

A motion was made and seconded, (J. Wamser, B. Bergman) to adjourn the meeting at 9:35 p.m.

Motion Passed: 4-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer