

In attendance:

Mayor S. Bierce, Alderman B. Bergman, T. Janka, D. Linsmeier, K. Salituro and C. Wunder.

Also in attendance:

City Planner N. Fuchs, City Administrator S. Klein, City Engineer J. Weigel and Deputy Clerk A. Hurd.

1. Call to Order and Pledge of Allegiance

Chairman Bierce called the meeting to order at 7:00pm and requested everyone stand for the Pledge of Allegiance.

2. Discussion and Action Regarding Approval of Meeting Minutes Dated February 21, 2019

A motion was made and seconded (D. Linsmeier, K. Salituro) to approve the February 21, 2019 meeting minutes. Motion Passed: 6-For, 0-Against.

3. Discussion and Possible Action Regarding Applications for Outdoor Activity on Premises Where Alcoholic Beverages are Consumed

3.1 5 O'Clock Club

Ms. Hurd stated the only change was the hours of dining and drinking on the patio, which changed from 8pm to 9pm.

A motion was made and seconded (T. Janka, C. Wunder) to approve the outdoor activity permit for the 5 O'Clock Club. Motion Passed: 6-For, 0-Against.

3.2 Curly's Waterfront

There were no changes to the permit from the previous year.

A motion was made and seconded (B. Bergman, C. Wunder) to approve the outdoor activity permit for Curly's Waterfront. Motion Passed: 6-For, 0-Against.

3.3 Edgewater of Pewaukee

The only change was the addition of bocce ball Sunday thru Saturday from 11am to sunset.

A motion was made and seconded (C. Wunder, T. Janka) to approve the outdoor activity permit for Edgewater. Motion Passed: 6-For, 0-Against.

3.4 Gina's Sports Dock

Ms. Hurd noted that the dining and drinking changed from 11am to 10pm in 2018 to "same as open hours" in 2019, but Gina's Sports Dock owner, Gina Schwister, stated there should be no changes. Ms. Hurd also noted the music was changed to only live music on holidays, but Ms. Schwister stated it was supposed to be Saturdays and Sundays. There would be nothing during the week except the amplified music, and holiday Mondays being Memorial Day and Labor Day.

A motion was made and seconded (T. Janka, K. Salituro) to approve the outdoor activity permit for Gina's Sports Dock. Motion Passed: 6-For, 0-Against.

3.5 Smokey's Bait & Musky Shop

There were no changes to the permit from the previous year.

Chairman Bierce stated there was some concern last year about Smokey's operating a second business and he questioned if that was ever addressed. Commissioner Janka believed they were operating a boat rental business from the end of their pier. Administrator Klein stated the business is there but nothing has been done about it. Mr. Fuchs noted that a separate business Plan of Operation would be required in order to operate.

A motion was made and seconded (D. Linsmeier, C. Wunder) to approve the outdoor activity permit for Smokey's Bait and Musky Shop. Motion Passed: 5-For, 1-Against (Janka).

3.6 The Station Bar & Grill

There were no changes to the permit from the previous year.

A motion was made and seconded (T. Janka, D. Linsmeier) to approve the outdoor activity permit for The Station Bar & Grill. Motion Passed: 6-For, 0-Against.

3.7 Waukesha Gun Club

There were no changes to the permit from the previous year.

A motion was made and seconded (K. Salituro, C. Wunder) to approve the outdoor activity permit for the Waukesha Gun Club. Motion Passed: 6-For, 0-Against.

3.8 Wonderland Tap

The only change was that the horseshoes would start at 12 noon instead of 10am in 2018.

A motion was made and seconded (C. Wunder, K. Salituro) to approve the outdoor activity permit for Wonderland Tap. Motion Passed: 6-For, 0-Against.

4. Discussion and Action Regarding a Recommendation to the Common Council to Approve the Conditional Use for the Jesse and Katie Blazek Property Located at N37 W26633 Kopmeier Drive for the Purpose of Constructing a Boathouse on the Southwest Corner of the Property for Storage Needs (PWC 0894038)

Mr. Fuchs stated this was a 224 square foot boat house on the property. It meets the required setbacks, and only a corner is located in the F-1 district. He noted staff was recommending approval subject to the conditions listed that it must meet the zoning and State standards, no plumbing, no kitchen facilities, and it must be entirely above the ordinary high water mark.

The homeowner, Mr. Blazek, stated if they wanted to build a shed, they would have to be 75 feet from the ordinary high water mark and that would not work because that is where their house is. He noted that this truly is just a shed.

Commissioner Bergman questioned if the shutters would be included. Mr. Blazek wasn't sure if they would do the shutters.

Mr. Blazek stated he would prefer to not add more windows. Chairman Bierce felt there was a wall of nothing and wanted the petitioner to consider putting something in to break it up. Mr. Bergman felt a window on the west side would break it up. Mr. Blazek stated he would do it if it was a requirement.

A motion was made and seconded (B. Bergman, D. Linsmeier) to approve the construction of the boat house subject to staff recommendations and that the west elevation have a window added to break up the elevation, to be approved by City staff. Motion Passed: 6-For, 0-Against.

5. Discussion and Action Regarding the Mitigation Plan for Eric Reisner for Property Located at N28 W27558 Peninsula Drive (PWC 0933062)

Mr. Weigel stated staff is recommending approval with the contingencies that the petitioner clarify their plans and calculations in regards to the rain garden, provide a scalable grading plan that shows how the water will be directed, and record the plan and minutes with the Waukesha County Register of Deeds.

A motion was made and seconded (D. Linsmeier, T. Janka) to approve the mitigation plan contingent upon the plan narrative and the Plan Commission minutes being recorded at Waukesha County as required in the ordinance, a scalable plan being provided to verify the impervious surfaces and calculations revised as needed, and the rain garden concerns be addressed. Motion Passed: 6-For, 0-Against.

6. Discussion and Action Regarding the Preliminary Plat for J & R Dreamfield Located at W267 N2920 Peterson Drive (PWC 0930052006 & PWC 0930052007)

Mr. Fuchs noted the applicant was proposing a four-lot and two outlot preliminary plat for a single-family residential subdivision. Staff was recommending approval subject to Engineering Department approval of final grading, erosion control and storm water management plans prior to any land disturbance activities.

A motion was made and seconded (T. Janka, K. Salituro) to approve the preliminary plat subject to Engineering approval as recommended. Motion Passed: 6-For, 0-Against.

7. Discussion and Action Regarding the Site and Building Plans for Pure Mechanical for an Addition to Their Building Located at N8 W22275 Johnson Drive (PWC 0961997030)

Mr. Fuchs stated the applicant was looking to expand his business with a 2,992 square foot building addition. They will maintain 46 percent greenspace. They will lose a handful of parking spaces and the truck dock will be reconfigured. Mr. Fuchs stated staff is recommending approval with no conditions.

A motion was made and seconded (B. Bergman, T. Janka) to approve the site and building plans for Pure Mechanical. Motion Passed: 6-For, 0-Against.

8. Discussion and 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 0962998005)

Mr. Fuchs stated this has been in front of the Plan Commission previously. At the last meeting the applicant provided a preliminary CSM and there are no substantial changes from that version. Staff is recommending approval with no conditions.

A motion was made and seconded (B. Bergman, D. Linsmeier) to approve the certified survey map.

Motion Passed: 6-For, 0-Against.

9. Continued Discussion and Action Regarding the Comprehensive Master Plan Amendment 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 (Public Hearing Held 4/18/2019) (PWC 0940999001)

Mr. Fuchs stated this item was tabled at the previous Plan Commission meeting. Changes made since the last meeting include the relabeled future development area. It was labeled as a community living arrangement, but has now been revised to a conceptual memory care facility to better describe their intent. Mr. Fuchs noted that any future use would require use approval and site and building plan approval by the Plan Commission.

The density of the future building was revised from 42 units to 38 units in order to stay within the required density. In addition, Building 8 was shifted to the south. The storm water management facilities are within outlots as recommended by Engineering. A 33 foot access strip was also provided from the future development area to Lakefield Drive.

Mr. Fuchs stated staff is recommending approval of the site and building plans and the comprehensive master plan amendment. The conditions listed in the April 18th Plan Commission report are still being recommended, although some have already been addressed.

Mr. Weigel mentioned that the latest plan shows building setbacks of one foot between the buildings and the outlot. He questioned if that needed special approval from the Council. Mr. Fuchs clarified that it could be an allowed modification and the Plan Commission can approve lesser setbacks as a mixed use development. Mr. Weigel stated the Engineering staff has concerns about this. The outlots contain storm water ponds, which are the responsibility of the condo owners, but if they fail to keep them up, the City is obligated to do the maintenance and repairs. There is very little room when the property lines are right up to the structure of the building.

Tony Zanon with Pinnacle Engineering stated they requested the ponds be in drainage easements because everything on this property that is not part of the building is considered common element. Everyone in the condo association owns all of the open space in the development. Mr. Zanon felt the common element would protect the City if they had to go in and fix the ponds. If the ponds were in an easement, the setbacks would not apply. Mr. Zanon stated they would ensure that the peak water elevation within the pond will be at least three feet below the basement floor and horizontally 15 feet away from the building.

Chairman Bierce stated he received a call that the property was already being cleared. Mr. Forester noted that they had cleared a narrow path of brush to do the soil borings for the storm water design. A 15 foot path of brush was removed to get to the 18 soil boring sites.

Lynn Voss (W273 N1525 Lakefield Drive) felt the path was more than just a tiny path. She stated the trees have been knocked down within 20 feet of her neighbor's lot line. She questioned how much would be left to buffer her single-family home from this huge development. Ms. Voss also questioned the retaining wall and it was clarified that it will be 20 feet off of her lot line. She felt all of the trees would then be gone.

Gerald Glocka (W273 N1582 Lakefield Drive) was also concerned about the tree clearing and wanted to be informed of what was going on. He questioned if basements would be dug for the condos and he questioned if they would be blasting those basements. Mr. Glocka requested 50 feet of tree line as a buffer.

Chad Osmanski (W273 N1591 Lakefield Drive) questioned if it was required to make Lakefield Drive a thru street. It was noted that the City recommended it be a thru street, and it was planned as such when the current subdivision went in. He questioned what the time frame for the project would be, and it was noted that it would be market-driven.

A motion was made and seconded (B. Bergman, D. Linsmeier) to approve the Comprehensive Master Plan amendment for the Robert J. Stenz Family Trust property. Motion Passed: 5-For, 1-Against (Bierce).

10. Continued Discussion and Action Regarding the Site and Building Plans for the Construction of 50 Condominium Units Requested by Jim Forester for Property Owned by the Robert J. Stenz Family Trust Located on Golf Road CTH DR) and Meadowbrook Road (CTH G) (Tabled 4/18/2019) (PWC 0940999001)

Mr. Fuchs stated staff was recommending approval subject to the conditions listed in the staff report. The conditions being recommended are Engineering review and approval, providing a landscape plan for staff review, additional trees being planted along the west property lines to buffer the existing single-family homes, and the signage must come back. The building and site plans would be conditioned upon the master plan amendment, rezoning and conditional use permit.

Chairman Bierce stated he would be a lot more comfortable with the landscape plan coming back to the Plan Commission instead of just going to City staff for approval. He wanted to make sure everyone would get the most peace of mind as possible.

A motion was made and seconded (T. Janka, C. Wunder) to approve the site and building plans contingent upon the staff recommendations and the landscape plan coming back to the Plan Commission for approval.

Mr. Zanon requested direction on the zero setback to the outlot line. Mr. Fuchs clarified that the applicant was looking to have the setbacks approved per the site plan, but still subject to meeting Engineering standards and conditions.

Commissioner Janka amended his original motion to include the zero setback subject to Engineering working with the petitioner. Commissioner Wunder agreed as the second to the motion. Motion Passed: 4-For, 2-Against (Bierce, Salituro).

11. Discussion and Action Regarding a Petition for a Rezoning Public Hearing for Basatada, LLC - Dr. John Beltz to Rezone Property From Rs-3 Single-Family Residential to B-3 General Business for the Purpose of Building a New 30,000 Square Foot 24-Hour Emergency and Specialty Vet Clinic (PWC 0966999)

Mr. Fuchs gave a summary of the development requests. The phase I building is 33,205 square feet with a potential 13,000 square foot building addition. The applicant has resubmitted plans and addressed staff report conditions. The buffer yard was shifted further south, plantings were added further north, and trees were added along Pewaukee Road. The lights poles were reduced to 18 feet total and dim to 50 percent at 9:00pm. Improvements have also been made to the elevations. Mr. Fuchs added that the canopy height change was also

addressed. Staff is recommending approval of the rezoning, comp plan amendment, conditional use and site and building plans.

Dr. John Beltz stated he has just over 200 employees across three locations, and 70 percent of them work out of the Waukesha office 24 hours a day, seven days a week. Discussion took place regarding the employees and the various shifts they work, as well as the amount and frequency of patient visits.

Dr. Beltz clarified that there are no boarding facilities, and only cages for hospitalized patients. There is a low-level hospitalization for medical boarding. The fenced yards are dog-walk areas to walk hospitalized patients in a secure area.

There will also be a daycare for second shift staff for their children. It was noted that they would need to get licensed as a daycare.

Chairman Bierce opened the public hearing at 8:43pm

John Havnen (W238 N1055 Sherwood Drive) questioned if a berm would be by the kennels in the back to deflect the noise. He also stated he wanted the lighting to be at zero at night. He stated he did not want to hear dogs barking all night.

Ed Nans (W236 N1087 Archery Drive) questioned the sewage and water. Mr. Weigel stated sewer is not available so they would have to have their own private system. Mr. Nans also questioned if there would be a traffic control factor to this.

Tom Mueller (Busse Road) was concerned about the right-of-way into his property. He questioned if there would be pet ambulances and a crematorium at this location, and it was noted there would not be. Mr. Mueller also felt there would be noise from the children at the daycare.

Discussion then took place regarding easements and access to adjacent properties.

Mary Johnson (W235 N967 Busse Road) questioned where the ponds would be. Mr. Weigel explained the plans.

Dan Schlenvogt (N11 W24058 River Lane) questioned if this business could sell off a portion of their property and put another business in on the property.

John Havnen (W238 N1055 Sherwood Drive) questioned how he would get considerations for the things he requested earlier, such as a berm or having the lights turned off on the back side. It was noted that the Commissioners would decide all of those things.

Chairman Bierce then closed the public hearing at 9:19pm.

Nathan Laurent from Keller stated the building would be 273 feet from the property line to the east. The building will be centered on the property to keep it away from all other buildings. There will be a landscape buffer of trees around the entire property. Mr. Laurent felt putting a berm around the property would negatively impact the storm water flows of the properties to the south and east.

Mr. Laurent then noted that they are not proposing any access to the property to the north at this time. He stated the County is on board with access to the property off of Highway J.

Mr. Laurent then referred to the lighting and stated the poles were dropped to 15 foot poles with a three foot base and dimming all fixtures on the south and the east to 50 percent. Additional discussion took place regarding the lighting plans and the fixtures.

Discussion then took place regarding various site and building details such as fencing, the dumpster enclosure, canopy revisions, building materials and rooftop screening.

A motion was made and seconded (K. Salituro, D. Linsmeier) to approve the rezoning of the property.

Motion Passed: 6-For, 0-Against.

12. Discussion and Action Regarding 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 0966999)

A motion was made and seconded (C. Wunder, D. Linsmeier) to approve the comprehensive master plan amendment. Motion Passed: 6-For, 0-Against.

13. Discussion and Action Regarding a Recommendation to the Common Council to Approve the Conditional Use for the Proposed WVRC Property Located on the East Side of County Highway J for the Purpose of Building a New 30,000 Square Foot 24-Hour Emergency and Specialty Vet Clinic (PWC 0966999)

Commissioner Janka felt if they were going to require berming, something should be put in the record stating the neighbors were informed that berming could possibly have a negative effect on their properties. He did not want people complaining that they have water sitting in their yard.

Chairman Bierce suggested making the approval contingent upon the developer coming forward with a landscaping plan so that they neighbors were covered. The Commissioners decided they were fine with the current landscaping plan and there would be no requirement for the berm, and Chairman Bierce stated he would remove his suggestion.

A motion was made and seconded (T. Janka, K. Salituro) to recommend approval of the conditional use and site and building plans. Motion Passed: 6-For, 0-Against.

14. Discussion and Action Regarding the Site and Building Plans for WVRC for the Development of a 33,205 Square Foot Animal Hospital Located Along the East Side of County Highway J (PWC 0966999)

See action in item #13.

15. Adjournment

A motion was made and seconded (C. Wunder, T. Janka) to adjourn the meeting at 10:09pm. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Ami Hurd
Deputy Clerk