

**WAUKESHA COUNTY**  
**MINUTES OF THE PARK AND PLANNING COMMISSION**  
**THURSDAY, DECEMBER 10, 2020 1:00 P.M.**

Due to COVID-19, the meeting was conducted virtually via the Microsoft Teams application and phone access was also available. The meeting was open to the public and individuals were invited to participate via telephone or Microsoft Teams.

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**CALL TO ORDER**

Mr. Mitchell, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: William Mitchell (via Microsoft Teams)  
Robert Peregrine (via Microsoft Teams)  
Richard Morris (via Microsoft Teams)  
James Siepmann (via Microsoft Teams)  
Thomas Michalski (via Microsoft Teams)

Members Absent: None

Staff

Members Present: Jason Fruth, Planning and Zoning Manager (via Microsoft Teams)  
Kathy Brady, Support Staff Supervisor (via Microsoft Teams)

**CORRESPONDENCE**

None

**MEETING APPROVAL**

Approval of the 2021 Park and Planning Commission Meeting Dates.

*After discussion, Mr. Peregrine moved, seconded by Mr. Michalski and carried unanimously for approval, of the 2021 Park and Planning Commission meeting dates.*

**MINUTES**

None

**PUBLIC COMMENT**

None

• **RZ67 (Lawrence and Joy Meyers) Town of Genesee, Section 27**

Mr. Fruth pointed out the location of the properties at W304 S4732, S47 W30460 and S47 W30480 Old Village Road in the Town of Genesee on the aerial photograph. He indicated the request is to rezone the properties from the A-2 Rural Home District to the R-2 Residential District.

Mr. Fruth stated the properties are located entirely within the county shoreland jurisdiction area and are located within 1,000 ft. of Hayslope Lake to the southeast. He referred to Exhibit A of the Staff Report/Recommendation and noted that 3 neighbors are proposing to reconfigure their lots. The septic system serving Lot 2 was originally located on Lot 1. The proposal is to take some acreage from Lot 1 and transfer it to Lots 2 and 3 via Certified Survey Map. This would expand the size of Lots 2 and 3 and make them the required 30,000 sq. ft. minimum lot size in the R-2 Residential District. All 3 lots would then be conforming and the existing septic systems would all be located on their respective lots. He noted access to Lot 1 would be from Old Mill Road and access to Lots 2 and 3 would be from Old Village Road. The Town of Genesee supported the rezoning request.

Mr. Michalski asked if all 3 of the lot owners were in agreement with the request, to which Mr. Fruth replied “Yes.”

*After discussion, Mr. Peregrine moved, seconded by Mr. Michalski and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **RZ70 (Text Amendment) Town of Merton**

Mr. Fruth indicated the request is for text amendments to the Town of Merton Zoning Code to repeal and re-create Section 17.03 regarding definitions and Section 17.28 regarding legal non-conforming structures and uses.

Mr. Fruth indicated the proposed text amendments were created to update the existing definitions within the Town’s Zoning ordinance. The Town of Merton utilized the Town of Delafield and the County ordinances to aid in identifying new uses and terms for their zoning code. The Town’s existing language regarding legal non-conforming structures and uses limited improvements to 50% of the equalized value of the structure. The state legislature revised the statutory requirements years ago for legal nonconformities, and made it illegal for communities to limit improvements based on value. He stated that the Town proposed language which indicates that variances can be granted by the Board of Adjustment relative to legal nonconforming conditions. They did not indicate that there are a set of standards by which Boards of Adjustment are to justify relief from such standards, while conducting their reviews. He stated that he would be communicating this to the Town Planner. He felt they should resolve this issue in future text amendments.

Mr. Peregrine referred to the proposed definition for “Recycling Center” on Page 15 of the Town’s Ordinance. He noted the definition states, “A place where recoverable materials, which have been previously removed from the water stream may be stored prior to shipment to others...” and questioned if it was correct. Mr. Fruth said there seems to be a typographical error which should be corrected. Mr. Peregrine also noted in the definition for “Salvage Yard” the word “bout” should be changed to “bought.” Mr. Fruth agreed and noted he would contact the Town Planner to correct these typographical errors and for them to submit a corrected version to the County before advancing the ordinance to the County Board.

*After discussion, Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.*

- **RZ71 (Dan Kassees/Crosswind Preserve, LLC.) Town of Brookfield, Section 28**

Mr. Fruth pointed out the location of the property at 760 N. Brookfield Road in the Town of Brookfield on the aerial photograph. He indicated the request is to rezone the property from the RS-2 Single-Family Residential District to the RM-1 Multi-Family Residential District.

Mr. Fruth stated the property is located on the east side of Brookfield Road, north of Bluemound Road, containing approximately 2 acres. The property currently contains a single-family residence which is proposed to be razed. Surrounding properties include a school to the south and east, condominiums to the west, a senior care facility to the south and office/retail to the southwest. The Town and County Plan designates the lands in the Medium Density Residential category which provides for 6,000 to 19,000 sq. ft. per dwelling unit, allowing a maximum of 14 units. The request is to create multi-family residential containing four, two-family ranch style buildings (total of 8 units). He referred to Exhibit A (Concept

Plan) of the Staff Report/Recommendation. He noted the proposed buildings would be situated west to east on the property, served by a private road utilizing the existing driveway off of Brookfield Road. The northeast corner of the property is higher and slopes downhill to the south. A stormwater basin is proposed to the south of the buildings and private drive. At the public hearing, two neighbors commented on site distance from the driveway and traffic concerns.

*After discussion, Mr. Siepmann moved, seconded by Mr. Peregrine and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **SCU-0370T (227 Investments, LLC.) Town of Delafield, Section 15**

Mr. Fruth pointed out the location of the property at N26 W30227 Maple Avenue in the Town of Delafield on the aerial photograph. He indicated the request is to terminate the existing Conditional Use for the Seaboard Restaurant.

Mr. Fruth indicated the property formerly contained the Golden Anchor Restaurant, and most recently the Seaboard Restaurant, located on the west end of Pewaukee Lake. A conditional use authorizing a tavern/restaurant, apartments and commercial boat slips dates back to the late 1970s on the property. The boat slips have been removed and the property is proposed to be redeveloped for residential use. A condition of approval states that the owner has 60 days to bring the property into conformity.

*After discussion, Mr. Siepmann moved, seconded by Mr. Morris and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Siepmann moved, seconded by Mr. Morris to adjourn at 1:21 p.m.*

Respectfully submitted,

*Thomas Michalski*

Thomas Michalski  
Secretary