

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, JULY 21, 2022 - 1:00 P.M.**

CALL TO ORDER

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

Commission

Members Present: James Siepmann Thomas Michalski
 Robert Peregrine William Groskopf

Commission

Members Absent: Richard Morris

Staff

Members Present: Jason Fruth, Planning Manager
 Kathy Brady, Support Staff Supervisor

CORRESPONDENCE: None.

MINUTES: Approval of the June 16, 2022, Minutes.

After discussion, Mr. Peregrine moved, seconded by Mr. Groskopf and carried unanimously for approval, of the June 16, 2022, Minutes, as presented.

PUBLIC COMMENT: None.

• **RZ101 (Waukesha County Dept. of Parks and Land Use) Town of Delafield, Sections 25/36**

Mr. Fruth pointed out the location of the 19 properties located in the SE ¼ and SW ¼ of the SW ¼ of Section 25 and the NE ¼ and NW ¼ of Section 36, T7N, R18E, Town of Delafield. He indicated the request is to establish shoreland zoning extending 1,000 feet from the Ordinary High Water Mark of a navigable pond. The proposed county zoning districts are the A-2 Rural Home, EC Environmental Corridor Overlay, C-1 Conservancy Overlay, HG High Groundwater and A-1 Agricultural Districts.

Mr. Fruth indicated that in 2018, at the request of a property owner, the Wisconsin Department of Natural Resources (WDNR) determined that a pond located in the Sylvan Hills Subdivision in the Town of Delafield was navigable. He explained that it is a minor waterway, consisting of 2, manmade ponds connected together and a wetland complex. The northern portion of the pond is navigable and the south portion is non navigable. The County did not take immediate action to establish county shoreland zoning at that time, but was planning to complete floodplain map changes in the near future and it was decided to wait and roll the jurisdictional changes into the update. Since, the Studer's have applied to split the property into 2 parcels via a Certified Survey Map (CSM), the zoning needed to be established. The change will match the Town's zoning. The proposed zoning districts would be the A-2 Rural Home, EC Environmental Corridor Overlay, C-1 Conservancy Overlay, HG High Groundwater and A-1 Agricultural Districts. There would be no major changes as to what property owners would be able to do with their properties.

After discussion, Mr. Michalski 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.

• **RZ100 (Daniel and Sheyenne Studer) Town of Delafield, Section 25**

Mr. Fruth pointed out the location of the property at W289 N106 Elmhurst Road in the Town of Delafield on the aerial photograph. He indicated the request is to rezone the property from the C-1 Conservancy Overlay District to the A-2 Rural Home District.

Mr. Fruth indicated the proposal is conditioned upon the prior rezone being adopted (RZ101). The request is to rezone 2 small areas of wetland to accommodate a driveway for a future residential home site. The petitioner currently resides in the residence on the northwest portion of the property with access to Elmhurst Road. The petitioner is proposing to divide the parcel into 2 lots, sell his current residence and construct a home on the newly created parcel (to the east with access to Sylvan Hills Trail). Because of the steep terrain, there would be 2 minor crossings of wetland proposed for the driveway access to the eastern parcel. Mr. Michalski asked how they would cross the pond/wetland, to which Mr. Fruth replied the pond is actually located on the abutting property to the north, however, they would cross the wetland. A culvert was authorized as part of the extension of the future driveway area and it will be analyzed as to whether it is appropriately sized. The Planning and Zoning Division staff is recommending approval with conditions. Conditions of note include that all Department of Natural Resources, Army Corps of Engineers, Storm Water and Minor Grading Permits be obtained.

Chairperson Siepmann questioned if $\frac{3}{4}$ of an acre was going to be disturbed and if the existing driveway was included in the calculations? Mr. Fruth replied that he was unsure whether it was going to be included or not as the driveway is very lengthy. Mr. Studer said he has an email from Ms. Leto, Senior Planner indicating the disturbed area would be west of the crossing and historically it was a farmers trail/driveway. Chairperson Siepmann asked if there was a proposed location for the new residence and septic? Mr. Studer presented a sketch of the new residence and added that the slope is less than 12%. The house would be on an angle, built into the hill and 75' away from the wetlands. Mr. Fruth asked if the east side of the new residence would be exposed, to which Mr. Studer replied "Yes." Chairperson Siepmann asked if there was any proposed land split for this property when the subdivision was developed? Mr. Fruth replied that it seemed clear that there was always the intent of there being a second unit. Mr. Spheeris indicated the wetland has been delineated and the Town has approved the Certified Survey Map.

Chairperson Siepmann expressed concerns regarding protecting the natural resources on the property and the creation of a flag lot. He indicated he had driven by the property and said it has beautiful trees throughout the entire plain. Mr. Studer said he is not creating a flag lot and that it has always been there and the location of the new residence is in an open area inside of the woods where there are at least 10 oak trees which have fallen from oak wilt. Chairperson Siepmann asked if the Planning Staff has considered a building envelope for the new lot? Mr. Fruth responded that a building envelope would be required for the development of the parcel in the corridor. He added if the Commission wanted to do something more restrictive, his recommendation would be to wait for the "lot not abutting a public road" request later on the agenda. Chairperson Siepmann indicated that the requests all go together. Mr. Fruth suggested a more detailed tree inventory could be required, the disturbance area could be limited to no more than 15,000 sq. ft. and an approved building envelope be required. Mr. Studer said there is a large portion of the new lot which is open with no trees and that is where the house could be located and only the minimum amount of trees would be taken down. Mr. Studer asked that the Planning and Zoning Division staff come to the site and let him know if a tree inventory is necessary. Chairperson Siepmann asked if a house had been designed or is it just a concept, to which Mr. Studer stated it is in the concept stages. Chairperson Siepmann stated it is difficult to create a building envelope if the size of the house is unknown.

Chairperson Siepmann suggested 3 additional conditions be added:

- Approved building envelope be shown on the CSM.
- No more than a 15,000 sq. ft. disturbance area, south of the “L” shaped portion of the parcel including the crossing but not the driveway.
- A detailed tree inventory/study be completed only within the proposed building envelope.

The Commission agreed.

After discussion, Mr. Groskopf moved, seconded by Mr. Peregrine and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with the addition of Conditions 4, 5 and 6 listed below:

- 4. Subject to there being no more than a 15,000 sq. ft. disturbance area, located south of the “L” shaped portion of the parcel (south of the line with a dimension of 344.64).*
- 5. An approved building envelope for the proposed residence be determined and shown on the Certified Survey Map.*
- 6. A detailed tree inventory/study be completed only within the proposed disturbance envelope area.*

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.

• **PPC22 011 (Michael Stohle) Town of Oconomowoc, Sections 35/36**

Mr. Fruth pointed out the location of the property at N55 W34809 Lake Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is for approval of a retaining wall within 5 ft. of the north property line.

Mr. Fruth explained that the petitioner had been before the Commission to replace 2 other retaining walls in April 2022. Another retaining wall is being added to the proposal. The retaining wall extends across the property line and the petitioner is proposing to replace a portion of the wall that is within 5 ft. of the north lot line. The Planning and Zoning Division is recommending approval with conditions.

After discussion, Mr. Peregrine moved, seconded by Mr. Groskopf and carried unanimously, for approval, as conditioned, 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.

• **PPC22 012 (Daniel Studer) Town of Delafield, Section 25**

Mr. Fruth pointed out the location of the property at W289 N106 Elmhurst Road in the Town of Delafield on the aerial photograph. He indicated the request is for approval of a lot not abutting a public road.

Mr. Fruth indicated a condition of note is that a new access easement be created clarifying that the property owner to the north has access to reach his property due to the fact that he would have to cross a very small portion of the northerly strip. Chairperson Siepmann suggested that Conditions 4, 5 and 6 which were added to RZ100 above, also be added to this approval. The Commission agreed.

After a brief discussion, Mr. Peregrine moved, seconded by Mr. Michalski and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with the addition of Conditions 4, 5 and 6 listed below:

- 4. Subject to there being no more than a 15,000 sq. ft. disturbance area, located south of the “L” shaped portion of the parcel (south of the line with a dimension of 344.64).*
- 5. An approved building envelope for the proposed residence be determined and shown on the Certified Survey Map.*
- 6. A detailed tree inventory/study be completed only within the proposed disturbance envelope area.*

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. Michalski moved, seconded by Mr. Peregrine, to adjourn the meeting at 1:54 p.m.

Respectfully submitted,

Richard Morris

Richard Morris

RM:kb