

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, DECEMBER 6, 2018, 1:00 P.M.**

CALL TO ORDER

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

Commission

Members Present: Richard Morris James Siepmann Thomas Michalski
 William Maslowski William Mitchell

Members Absent: Robert Peregrine

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Kathy Brady, Support Staff Supervisor
 Paige Drew, Administrative Specialist

Guests Present: Jeff Panosion RZ24
 Curt Selby PPC18_007
 Jon Spheeris CU14

CORRESPONDENCE: None.

MEETING APPROVAL: None.

MINUTES:

- Approval of the November 15, 2018, Minutes.

Mr. Morris moved, seconded by Mr. Maslowski and carried unanimously for approval of the November 15, 2018, Minutes, as presented.

PUBLIC COMMENT: None.

SCHEDULED MATTERS: None.

- **RZ17 (Tim Larsen/78 Waukesha LLC) Town of Waukesha, Section 10**

Mr. Fruth pointed out the location of the property at S30 W24890 and S30 W24896 Sunset Drive on the aerial photograph. He indicated the request is to amend the conditions of previous rezone regarding allowable uses.

Mr. Fruth noted there has been a mix of development on Sunset Drive since the modification of a rezone from the late 1990's. The parcels in question are a part of a rezone series located west of the intersection of Prairie Drive and Sunset Drive. The affected parcel is a commercial use property, containing a multi-parcel building fronting Sunset Drive. County Staff have recommended that the Town consider eliminating the highly complex rezone ordinance in effect. There is reluctance to do so at the current time, and the Town would like to focus on advancing the pending proposal. The petitioner is proposing a Jimmy John's Sandwich Shop on the west side of the building with a drive-thru window. An attempt was made ten (10) years ago to modify the conditions to allow for drive-thru windows. The rezone file states there was a problem with the ordinance language, which prohibited the project from materializing.

The petitioner is attempting to move forward with easing the list of prohibited uses.

Mr. Fruth explained the B-3 District in the Town's Zoning Code is fairly broad. The zoning rules for this site state that several specific heavy duty uses are prohibited, including drive-thru windows. At the time the rezoning ordinance was first drafted, there were fewer drive-thrus in the Sunset Dr. corridor. Currently, the closest drive-thru is a Culver's, situated immediately to the west. The Waukesha County Planning and Zoning Division Staff perceive loosening the allowable uses as a minor request. The rezone is somewhat unusual in that it invokes Waukesha County review of any and all Site Plan activity, even though Waukesha County does not have Shoreland Zoning in said area. The Town of Waukesha has held a Conditional Use Hearing for the specific drive-thru proposal; however, the text amendment must be approved by Waukesha County before the Town can move forward.

The Town requested detailed traffic projection, hours of operation, and drive width information from the petitioner. The developers have been responsive in providing information. In addition, the Waukesha County Planning and Zoning Division Staff have reviewed the Site Plan details. The proposal involves additional angled parking north of the building, primarily for employee usage, and replacement landscaping. At the Public Hearing concerns were raised regarding employees walking to the added parking along the back of the building. Mr. Fruth noted a bypass lane has been proposed on the west side of the building, allowing traffic to go around the drive-thru lane.

Mr. Mitchell stated the Town has previously denied the drive-thru windows in the B-3 District. However, the motivation to move forward with the request is due to the multitude of nearby business with drive-thru windows. He went on to express his concern for employees walking around the back of the building, and the need for a speed-bump. Mr. Fruth stated speed-bumps have been a topic of discussion with the Town. The Waukesha County Planning and Zoning Division Staff may recommend a condition allowing the Town to reserve the right to introduce additional traffic calming measures. Mr. Maslowski questioned if an additional entrance would be constructed on Sunset Drive? Mr. Fruth said they would not be adding a separate entrance.

After discussion, Mr. Morris moved, seconded by Mr. Siepmann and carried unanimously for approval, in accordance with the "Staff Report and Recommendation".

- **RZ1701F (Town of Lisbon Board) Town of Lisbon**

Mr. Fruth indicated the request is a text amendment to the Town of Lisbon Zoning Code relating to Conditional Use Permits.

Mr. Fruth stated the Town of Lisbon is preserving the existing Conditional Use options they have with the specific uses accommodations remaining intact. The proposed amendments would incorporate new statutory references regarding the need for decisions to be based upon substantial evidence and tied to the ordinance purpose and intent. New language is being introduced that would bring the Town Board into the decision making process. Currently, the Town Plan Commission is the ultimate decision maker for the Town of Lisbon, with the Town Board weighing in on limited Conditional Use types. The Town of Lisbon would also like to update their mailing requirements from 500 feet to 300 feet. The required 500 feet is a heavy area to notice; most rezones and variances in other Town Codes are 300 feet. Mr. Fruth noted that these amendments are phase one (1) and there is expected to be a subsequent project to update the specific Conditional Use standards and restrictions that come with the various Conditional Use types.

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

- **RZ23 (Town of Eagle Board), Town of Eagle**

Mr. Fruth indicated the request is a text amendment to the Town of Eagle Zoning Code relating to Planned Unit Developments.

Mr. Fruth stated the Town of Eagle made a number of adjustments in their Conditional Use section in the past few months. They would like additional time to analyze the Planned Unit Development (PUD) sections that are related to Conditional Use standards. The Town Planner stated this was an afterthought issue. Mr. Fruth noted the PUD sections of the Town Code are separate from the Land Use Matrix.

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

- **RZ24 (Town of Waukesha Board), Town of Waukesha**

Mr. Fruth indicated the request is a text amendment to the Town of Waukesha Zoning Code relating to off premise signs.

Mr. Fruth noted the text amendments were requested by a business owner affected by the Waukesha West Bypass realignment of local and County roads. The road he is on will be terminated into a cul-de-sac, whereas presently the roadway is heavily traveled. He is requesting accommodation for offsite signage, as he will lose bypass customer traffic. The Town agreed to the request with a five year period time constraint. The other accommodation would allow signage on an adjacent parcel where neighboring parcels will share signage. There will be no five year limitation for signs on adjacent parcels. With the short-term provision, sign size is limited to 64 square feet, along with a statement that the signs cannot be in a Residential District.

Mr. Mitchell noted there was a negative vote on the Plan Commission and Town Board. He feels the Town addressed the issue well and implemented an adequate signage time-frame.

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

- **CU14 (James and Gerald Grothey/Jon Spheeris) Town of Merton, Section 27**

Mr. Fruth pointed out the location of the property in part of the NE ¼ of the NW ¼ of Section 27, T8N, R18E, Town of Merton on the aerial photograph. More specifically, the property is located west of Beaver View Road and east of Shore Acres Road. He indicated the request is for a single-family R-1 Residential Planned Unit Development (PUD) Subdivision.

There was a Development Review Team meeting with the Waukesha County staff, the Town of Merton, and the developer to discuss the development proposal and the topography of the area. The property contains unique terrain with wooded areas, and the majority of the wooded area is proposed to be retained as an Outlot. An existing drainage pattern flows to the south towards private properties with wet soil conditions. The Land Resources Division is aware of said issues and concluded that there may need to be a reduction in the number of lots proposed. The original layout presented 14 lots, while the new plan shows 12 lots, keeping the drainage pattern area in open space. A Stormwater Management area is being proposed outside of the wooded section of the Outlot. Staff is recommending that the steep slope

in the corner of lot 9 be transferred to the Outlot, rather than being on private property. The Outlot in the east portion of the site would allow for the drainage pattern to continue and take the drainage to a Stormwater Management area in the southeast corner of the property. An application has been filed with the Land Resources Division for Preliminary Stormwater Management approval. The Land Resources Division is actively working on reviewing the plan. The details for the plan are not required to be squared away at the Conditional Use approval stage.

Mr. Fruth mentioned that existing drainage conditions have been problematic for the properties located to the south. The open space proposed, as required by the ordinance and plan, is 40% of 6.9 acres. The property is split jurisdiction, meaning the south portion of the property is subject to County Shoreland, and the area to the north is subject to the Town's Ordinance. The Town does not require a Conditional Use for conservation design projects, as they are already included in special provisions in their code. The Staff Report recommends the layout be in substantial conformity with the plan being proposed. If the Stormwater Management or Environmental Health requirements prompt a need for change in the layout, the number of lots can be limited, and the minimum width and lot size are proposed to be flexed. Conventional zoning would require one (1) acre (150 feet of width). The proposed PUD would allow a minimum 25,000 square foot lot size. The smallest lot would comply with the above parameters. Recommended conditions require Land Resource Division approval for the Stormwater Management and that landscape and maintenance for open space areas be developed. The areas that have been farmed in the southeast corner of the property will require a seeding and vegetation plan. Mr. Fruth stated one issue that may need to be addressed is the road setback parameters. Waukesha County amended their Shoreland Ordinance a few years ago stating the road setback can be 35 feet in subdivisions platted after 2016, allowing people to reduce driveway length, save cost, and reduce impervious surface. He emphasized, the only way this idea will work in split jurisdiction, and if the Town also adopts a similar scheme in their codes. The Town of Merton has yet to take that step; thus, Waukesha County would like to recommend there be an additional Condition added to the Staff Report allowing the road setback for subdivisions to be 50 feet, unless the Town of Merton takes action to reduce their road setback to 35 feet.

Mr. Morris and Mr. Siepmann expressed their agreement in that the Stormwater Management plan will help to reduce runoff drainage and aid downstream conditions. Mr. Spheeris, the developer, stated he is working on addressing the drainage issue. The stormwater engineers can reduce the runoff drainage by 65% - 70%. There will be a wet pond, with gentle release drainage, walking paths, and fountains to increase leisure and visual appeal. He also noted they agreed to a 50 foot road setback.

After discussion, Mr. Siepmann moved, seconded by Mr. Michalski and carried unanimously for approval, in accordance with the "Staff Report and Recommendation", and with an added Condition No. 20 to read as follows:

20. The road setback for the subdivision will be 50 feet unless the Town of Merton takes action to reduce the road setback to 35 feet.

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.

• **PPC18 007 (Curt Selby) Town of Oconomowoc, Section 35**

Mr. Fruth pointed out the location of the property at W352 N5336 Lake Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is for after-the-fact approval for a retaining wall within five (5) feet of a common lot line.

Mr. Fruth noted the section of property near Lake Drive is extremely steep. Historically, a majority of people park along this portion of Lake Drive, with no practical parking other than at the top. The petitioner replaced the wall and slightly shifted it toward the lake to allow for a more expansive parking area. All retaining walls within 5 feet of the property line need Waukesha County approval. The Town of Oconomowoc has already granted approval. There is also a pending variance due to the wall being in close proximity to the water. A 75 foot setback is required by law. According to the property owner, a wall in close proximity to both the road and lot line creates a bit more space and safety.

Mr. Morris questioned if the driveway on the property is paved or gravel. Mr. Selby, property owner, introduced himself and stated that the driveway is currently gravel. Production was ceased when he realized he needed to go through the Town and County to proceed. The plan is to eventually pave the driveway. Mr. Fruth indicated the Waukesha County Planning and Zoning Division recommends approval for this case, which will proceed to the Waukesha County Board of Adjustment Meeting in order to advance.

After discussion, Mr. Maslowski 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 petitioner 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. Maslowski to adjourn at 1:37 p.m.

Respectfully submitted,

James Siepmann

James Siepmann
Secretary

JS:pd

(PLEASE FILL OUT COMPLETELY AND PLEASE PRINT. THANK YOU.)

NAME	ADDRESS	PHONE NUMBER	IN ATTENDANCE FOR THE MATTER OF:	RELATIONSHIP TO PETITIONER
Jeff Panosian	4271 S 2885 Merrill Hill Rd	262-470-4040	R224	Petitioner
Curt Selby	800 N. BLUE SPURVE CIR HARTLAND	937-271-3442	PDC 18 007	Petitioner
John, Matt & Helen Spieris	125E. Zion Ave - Oc.	262-480-5558	CU-14	Petitioner