

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, JUNE 21, 2018 1:00 P.M.**

CALL TO ORDER

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

Commission

Members Present: Richard Morris James Siepmann Robert Peregrine
 William Maslowski

Members Absent: William Mitchell

Staff

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

Guests Present: Pete Feichtmeier: CU5
 Dan Stilwell: PPC18_005
 Shelli Reilly: RZ11
 Bryan Ruud: RZ11
 Bryan Tom: CU5
 Peggy Youngblood: PPC18_006
 Robert Youngblood: PPC18_006
 Joe Herriges: PPC18_006

CORRESPONDENCE: None.

MEETING APPROVAL: None.

MINUTES:

- Approval of the April 19, 2018, Minutes.

Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval of the April 19, 2018, Minutes, as presented.

- Approval of the May 17, 2018, Minutes.

Mr. Peregrine moved, seconded by Mr. Maslowski and carried unanimously for approval of the May 17, 2018, Minutes, as presented.

PUBLIC COMMENT: None.

SCHEDULED MATTERS: None.

- **RZ8 (Text Amendment - Town of Mukwonago Board)**

Mr. Fruth pointed out that the request is for text amendments to the Town of Mukwonago Zoning Code amending various sections relating to conditional uses and related matters.

Mr. Fruth indicated there have been recent changes to the State law regarding Conditional Uses. He explained that over the past few years, the Town has been working on a comprehensive update to their Zoning Code. The law change affects the way communities consider and process Conditional Use requests. In addition, the law change gives clear direction to local municipalities and County governments as to the deliberation process and types of conditions, which are or are not appropriate relative to Conditional Use Permits. Conditional Use Permits are available for a wide range of uses within the Ordinance.

Mr. Fruth stated that the Town of Mukwonago is proposing to temporarily repeal many of their Conditional Use options, including those for certain, small businesses, multi-family projects, Planned Unit Developments, etc. The Town has assembled a committee, which will guide the preparation of the new text provisions and is expected to provide input to the Town Plan Commission and Board within the next few months. In discussions with the Town Planner, he inquired as to how this process would work during the interim period. He questioned, after the text amendment is effective, if someone came in and wanted to propose a multi-family project, the Town is temporarily without standards and accommodations to allow such a use. The Town indicated that there are multiple options:

- Projects could be brought forward prior to the effective date of the ordinance amendments.
- Wait until the new code provisions are approved.
- Applicant/petitioner could apply for a text amendment to accommodate a particular use.

In addition, the County has reviewed its own ordinances and thinks that most of the Conditional Uses have sufficient standards, however, a few may need to be amended because of the law changes. At this time, the County does not plan to repeal those particular use sections, until modified language is created sometime in the future.

Mr. Maslowski asked how long will it take for the Town of Mukwonago to complete the new text provisions? Mr. Fruth replied that the Town Planner estimated it would take a few months. Chairperson Morris said the Town's Association met at the Town of Mukwonago in April. The Town of Mukwonago Attorney, John Macy, who represents a number of Town's within the County, indicated they are currently working on them and thought it would take a few months. Mr. Maslowski asked if other Townships would run into the same issue? Mr. Fruth responded, "Yes." He added that he expects to see other Towns amending their ordinances. He cautioned it would take some effort to go through 30 or more types of Conditional Uses and create conditions for each.

Mr. Siepmann stated that many communities are reacting because most of them are represented by Attorney Macy. He hoped that the communities turn around amendments quickly. The Builders Association is getting involved to try and be helpful. He added it is onerous on the communities to get through the specifications in a short time. Mr. Maslowski wondered if a set of master conditions could be created and shared with the communities to expedite the situation. Mr. Siepmann cautioned that the burden is on the applicant to pay for all of the legal costs and it could end up being an expensive process to go through to get their proposal approved. He thought the process could take six (6) months to a year.

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

- **RZ11 (Hamilton School District) Town of Lisbon, Section 25**

Mr. Fruth pointed out the location of the property in the SE ¼ of Section 25, T8N, R18E in the Town of Lisbon on the aerial photograph. He indicated the request is to rezone the property from the A-10 Agricultural District to the P-I Public and Institutional District and noted that the UC Upland Corridor District will not change.

Mr. Fruth indicated the school district would like to create a new intermediate school. He pointed out on an exhibit, the location of the school, south of the wooded area on the property. The County has met with the petitioner at a Development Review Team meeting and discussed highway access issues, storm water management and safety (playfields and drive lanes for traffic on the site). There are some unique land use plan parameters occurring on the property, which require a level of cooperation between the Town of Lisbon and the Village of Sussex. He indicated that both communities have met with County Staff and the school district, and both were supportive of the proposal. Chairperson Morris asked if the natural resource area has hardwood trees? Mr. Fruth replied that it appears to be a good quality established woodland with some sloping conditions.

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.

- **RZ12 (Meissner/Miller Marriott/Barnwood Conservancy) Town of Lisbon, Section 19**

Mr. Fruth pointed out the location of the property at W274 N6942 Lake Five Road in the Town of Lisbon on the aerial photograph. He indicated the request is to establish a PUD Overlay District on the property.

Mr. Fruth indicated the proposed request would establish a PUD Overlay District on the property for a conservation design subdivision containing approximately 52 lots. The lots bordering the existing subdivision development would be larger, approximately one (1) acre in size and the interior lots of the subdivision would be approximately 30,000 sq. ft. in size. The project was reviewed by County Staff at a Development Review Team meeting. The proposed development would have 42% open space and public amenities such as a trail network system. Chairperson Morris asked if there were any discussions regarding the intersection of C.T.H. "VV" and Lake Five Road? Mr. Marriott replied, that as far as he knew it was a Department of Transportation issue and could not be addressed at this time. Mr. Fruth added that the Waukesha County Department of Public Works would analyze the issue when the subdivision plat is being reviewed.

After discussion, Mr. Peregrine moved, seconded by Mr. Maslowski 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.

- **CU5 (Timothy Ohnmacht) Town of Merton, Section 14**

Mr. Fruth pointed out the location of the property at N78 W29098 Flynn Road in the Town of Merton on the aerial photograph. He indicated the request is for land altering activities associated with the construction of a garage addition.

Mr. Fruth indicated that the property has frontage on Lake Keesus and a Conditional Use is necessary for land altering activities associated with the construction of an attached garage addition on the southwest corner of the property. He explained that there is a series of retaining walls on the southwest corner of the residence, which contain steep grades. Several trees would need to be removed to accommodate the grading for the attached garage. The retaining walls would be removed and replaced by the attached garage. The garage would be cut into the hill with a side entry. As part of the project, the property owners have agreed to remove a long asphalt drive, which goes down to the lake and restore the area with vegetation. This would reduce the impervious surface by 1,300 sq. ft. In addition, a tree replanting plan has been submitted. Mr. Fruth noted that grading project should not impact adjacent properties. He presented photographs of the existing stone retaining walls proposed to be removed and the slope on the property. Mr. Siepmann stated that he supports the removal of the drive reducing the amount of impervious surface on the property.

After discussion, Mr. Siepmann moved, seconded by Mr. Peregrine 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.

- **PPC18 005 (Dan Stilwell) Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth pointed out the location of the property at W348 N5393 Road “B” in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a road width right-of-way reduction on Road “B” from 30' to 20'.

Mr. Fruth indicated there is a proposed Certified Survey Map to combine two (2) lots. It was determined that it would be beneficial for the petitioners to apply for the road width reduction as it would provide them with additional square footage and for them to be able to park in their driveway without being in the road right-of-way.

After discussion, Mr. Peregrine moved, seconded by Mr. Maslowski and carried unanimously for approval, 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.

- **PPC18 006 (Robert and Peggy Youngblood, Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth pointed out the location of the property at N53 W34958 Road “B” in the Town of Oconomowoc on the aerial photograph. He indicated the request is for approval of a retaining wall within 5 ft. of adjacent property line.

Mr. Fruth indicated the petitioners have some major structural issues with the footing support system for a deck and patio area on the lakeside of their residence. He pointed out on Exhibit “A”, and further explained that there is an insufficient level of frost protection on the corner of a large post supporting the upper level deck. In addition, the paver blocks are splitting apart. The proposal is to extend the

retaining wall slightly towards the west property line so there would be more room to retrofit the footing and to provide proper protection.

Mr. Fruth stated there is also a double wall in the area and it is being proposed to extend the higher wall out slightly closer to the lake. This action required a variance from the Waukesha County Board of Adjustment, which was approved, with conditions. One of the conditions required that mitigation be provided by either naturalizing a grass area on the property to offset the impact of the retaining wall or to cut back a wharf, which runs along the lake to a maximum of 35% of the frontage of the property. The property owner indicated they are leaning towards reducing the wharf.

Mr. Fruth added that an analysis from an engineer was required showing that a better solution was not available other than what is being proposed. Due to the unique circumstances of the site, it was deemed that the project is necessary.

Mr. Maslowski asked if the Department of Natural Resources (DNR) is involved in the project? Mr. Fruth replied that the only reason the DNR would be involved would be if a portion of the wharf were to be removed, then permit coordination would be needed. Mr. Maslowski asked the petitioner if materials would be brought in from the lakeside by barge? Mr. Youngblood replied that materials would be brought in from the road. Chairperson Morris asked how many support posts currently hold the extension up? Mr. Youngblood replied there are currently four (4) posts along the deck and when it is repaired there will only be two (2) posts.

After discussion, Mr. Peregrine moved, seconded by Mr. Maslowski and carried unanimously for approval, 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.

• **Appointment of Nominating Committee for Officers**

It was decided that the Nominating Committee would be:

- Chairperson Morris
- Mr. Peregrine
- Mr. Siepmann

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Maslowski to adjourn at 1:38 p.m.

Respectfully submitted,

William Mitchell

William Mitchell
Secretary

WM:kb

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

NAME	ADDRESS	PHONE NUMBER	IN ATTENDANCE FOR THE MATTER OF:	RELATIONSHIP TO PETITIONER
Pete Feichtner	709 W. Waukesha St Suite A Delafield WI 53018	414-573-2860	COS - Ohnmacht	Builder
Dan Stilwell	W349 N5393 Road B, Okanchoe, WI 53069	414-698-4965	PPC 18 005	Petitioner
Shelley Reilly	N65 W28121 Forest Ridge Sussex 53089	262-563-1222	RZ11	Owner
Bryan Rued	W220 N6151 Town Line Rd Sussex	262-246-1820	HSD RZ11	owner
BRYAN TOM	150 N. SUNNY SLOPE #250 BROOKFIELD, WI	262-787-1701	OHNMACHT	ARCHITECT
Peggy Youngblood	N53W34958 Road B Okanchoe	262-391-3346	PPC 18 006	Petitioner
Robert Youngblood	N53W34958 Road B Okanchoe WI	262-391-3346	PPC 18 006	Petitioner
Joe Herrige	121 Wolf Run Suite 1 Mukwonago WI	262-363-4200	PPC 18 006	Builder