

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, FEBRUARY 23, 2017, 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 Mitchell Bonnie Morris

Members Absent: Keith Hammitt William Maslowski

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Kathy Brady, Support Staff Supervisor
 Sandy Scherer, Senior Planner
 Amy Barrows, Senior Planner
 Sarah Spaeth, Legislative Policy Advisor
 Chris Morgan, Corporation Counsel
 Ben Greenberg, Senior Land Use Specialist

Guests Present: John and Jean Corrao: PPC17_001
 Gary Heath: 3A, Comprehensive Dev. Plan Amendment
 Darlene Johnson,
 County Board Supervisor: 2A, Milestone Development Partners, LLC
 Curt Bauer: ZT-1846
 Sheri Huff: 3A, Comprehensive Dev. Plan Amendment
 Bill Beaudry: ZT-1846
 Paul Tabat: 3B, Comprehensive Dev. Plan Amendment
 Jerry Strand: Comprehensive Dev. Plan Amendment
 Christine Makovec: 2A, Milestone Development Partners, LLC

CORRESPONDENCE: None.

MEETING APPROVAL None.

MINUTES Approval of the November 17, 2016, Minutes.

Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for approval of the November 17, 2016, Minutes.

PUBLIC COMMENT None

SCHEDULED MATTER

- 1:05 p.m. Public Hearing for the 2017 Amendments to the Comprehensive Development Plan for Waukesha County.

Ms. Barrows, described the annual amendment process. She indicated that after the Public Hearing, the Waukesha County Department of Parks and Land Use Staff will have a recommendation prepared for the requests and on March 16, 2017, the Park and Planning Commission will meet and vote on the requests. The Land Use, Parks and Environment Committee will consider the amendments on April 18, 2017. The Waukesha County Board of Supervisors will consider the same at their meeting of April 25, 2017. After the Waukesha County Board's action, the appropriate changes are made a part of the permanent record and the Comprehensive Development Plan for Waukesha County is amended as approved by the Waukesha County Board.

At 1:05 p.m. Ms. Barrows read the Notice of Public Hearing into the record.

1. In the Town of Genesee, the following request is being made:
 - A. *The Waukesha County Department of Parks and Land Use*, 515 W. Moreland Blvd., Waukesha, WI 53188, requests property owned by Survivors Trust U/Alex & Sadie Roitblat Trust, Marna Stein Et Al, P.O. Box 1750, Santa Ynez, CA 93460, located in part of the SW ¼ of Section 35, T6N, R18E, Town of Genesee (Tax Key No. GNT 1579.998), be amended from the Transportation, Communication and Utilities category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to recognize that these lands are not needed for future transportation uses.

Ms. Barrows indicated the property is located at the corner of S.T.H. 83 and C.T.H. "X" containing approximately 12 acres. The property is currently being utilized for agricultural purposes. At this time, the current property owners have no intentions of selling the property. The Transportation, Communication and Utilities category was intended to preserve the land for future transportation uses. The Town of Genesee and Waukesha County do not feel there is any reason to keep the property in that category since S.T.H. 83 has recently been reconfigured with a new roundabout at the intersection of S.T.H. 83 and C.T.H. "X". The Waukesha County Department of Parks and Land Use agreed to be the applicant for this amendment and is proposing to amend the category to the Low Density Residential category. Adjacent properties include a residential subdivision containing one (1) acre lots to the north also in the Low Density Residential category.

Chairperson Morris asked if there were any other comments from the audience, Committee or Commission, there being none, he moved on to the next item on the agenda.

2. In the Town of Mukwonago, the following request is being made:
 - A. *Bradley Rozanski, Milestone Development Partners LLC*, 3215 Golf Road Suite 132, Delafield, WI 53018-2157, requests property located at W327 S8040 Highway EE, in part of the NW ¼ of Section 17, T5N, R18E, Town of Mukwonago (Tax Key No. MUKT 1938.999), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres of area per dwelling unit) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to allow for a single-family residential subdivision.

Ms. Barrows indicated the property is located north of C.T.H. "EE". The approximate 10-acre property contains a residence, barn foundation and outhouse, which is located on the southwest portion of the property. Nearby residential properties are generally approximately one (1) to two (2) acres in size. A few properties to the northeast are larger and designated in the Isolated Natural Resource Area category. In addition, there is a 150-acre parcel located to the east, which is utilized for agricultural uses. The petitioner is proposing an eight (8)-lot subdivision containing one (1) acre lots. A preliminary plat was submitted in advance of obtaining the land use plan amendment. The petitioner is aware this land use plan amendment does not guarantee the approval of the plat or the densities proposed.

Ms. Barrows noted that the adjacent subdivision to the southwest (Country Bliss) was the subject of some drainage, basement/groundwater problems in the past. She indicated that the Waukesha County Land Resource Division Staff has commented that off site runoff is expected to generally lessen with the proposed subdivision. A more detailed review would occur as part of the plat review process. Some drainage may go toward C.T.H. "EE", which the Waukesha County Public Works Division Staff will need to address. The property contains some steep slopes that exceed 12 to 20%. Ms. Barrows noted that vegetation on the subject property is relatively new growth, however, the adjacent properties to the east contain mature vegetation. The Town is considering requiring a Landscape Easement along the east property line to protect the existing trees.

Mr. Fruth pointed out that two (2) letters of opposition were received from adjacent neighbors who were unable to come to the meeting today. He asked the Commission members if they had received copies of the opposition letters sent by e-mail, to which all members indicated that they had, and are now part of the record. He summarized the neighbors' concerns as; loss of the adjacent open field that the neighbors have grown accustomed to and a request for consideration of buffering for adjacent property owners to the northeast. The Planning and Zoning Division Staff contacted the Town Planner and inquired as to what the concerns and discussions at the Town level were. The Town does not notify neighbors regarding land use plan amendments and had not heard about the neighbors' concerns. The County notifies all neighbors within 300' of the proposed requests. The Town Planner did indicate that there would be some sensitivity to the tree line, which extends along the east side of the property. Chairperson Morris asked if the tree line contained mature hardwood trees? Mr. Fruth replied that he suspected that there is mature vegetation leading into the adjacent Isolated Natural Resource Area. Ms. Barrows indicated that the Town expressed concerns regarding the oak trees along C.T.H. "EE", however, the Waukesha County Department of Public Works did not believe that any of the oak trees would need to be removed to accommodate the road. She noted the access point for the proposed subdivision would be located directly across from Jericho Road.

Darlene Johnson, County Board Supervisor, spoke on behalf of neighbors Paul and Deborah Ostrenga. She indicated their concerns were related to the designation and the differences in proposed lot size versus nearby parcels and changing the permitted use would change the rural nature of the area, reduce the light, air, open space, and endanger the natural resource area. In addition, the neighbors expressed concerns regarding permitting a density increase of up to 1,000% noting the change is too drastic for this rural setting.

Christine Makovec, neighboring property owner, expressed concerns if there would be consideration for the tree line along the west lot line, past flooding and drainage issues along C.T.H. "EE" and wells in the area. Ms. Barrows replied that the Ostrengas also expressed concerns regarding the wells. She indicated that the Planning Staff would speak with the Waukesha County Environmental Health Division regarding well concerns. She indicated that generally, wells go into the shallow aquifer not the deep-water aquifer and there is usually a regeneration of the water supply not a loss. Mr. Fruth added that well issues have been mentioned over the years with different situations and there is general guidance and understanding from the regional planning commission on this issue. The Waukesha County Environmental Health Division can examine

whether there are any unique problems in this area. Ms. Makovec, asked how many homes are being proposed? Mr. Fruth replied that it is important to remember that there was only a concept plan submitted along with the land use plan amendment application, Ms. Barrows replied that eight (8) lots are being proposed.

Chairperson Morris asked if there were any other comments from the audience, Committee or Commission, there being none, he moved on to the next item on the agenda.

3. In the Town of Ottawa, the following requests are being made:

- A. **Gary Heath**, W350 S1951 Waterville Road, Oconomowoc, WI 53066, requests property located at W350 S1401 Waterville Road, in part of the NE ¼ of Section 2, T6N, R17E, Town of Ottawa (part of Tax Key No. OTWT 1589.999), be amended from the Governmental and Institutional category to the Rural Density and Other Agricultural Lands category (10.0 to 34.9 acres of area per dwelling unit [Ottawa Rural density]), to allow for a future single-family residence.

Ms. Barrows indicated that Lad Lake is a treatment facility for at risk youth and was interested in selling off some of their holdings. The petitioner, Mr. Heath recently purchased approximately 30 acres of land located on the southeast portion of the parcel. The west half of the acreage sold contains floodplain, wetland, primary environmental corridor and isolated natural resource area. The petitioner acquired the property to construct a new residence on the upland area of the site sometime in the future. Surrounding properties include Environmental Corridor, Isolated Natural Resource lands and Other Lands to be Preserved.

Chairperson Morris asked if there were any other comments from the audience, Committee or Commission, there being none, he moved on to the next item on the agenda.

- B. **Warren Mundschau, representing St. Bruno's Congregation**, 226 W. Ottawa Avenue, Dousman, WI 53118, requests property owned by E-R Acres LLC, c/o Anthony J. Igl, 140 North Prairie Drive, Oconomowoc, WI 53066, and located at W385 S2927 C.T.H. "Z", in part of the SW ¼ and SE ¼ of Section 8, T6N, R17E, Town of Ottawa (part of Tax Key No. OTWT 1614.997), be amended from the Farmland Preservation category (>35 acres of area per dwelling unit or greater) to the Governmental and Institutional category, to allow the conveyance of one (1) acre of land for cemetery use.

Ms. Barrows indicated the adjacent six (6) acre property, located to the east, is currently owned by St. Bruno's Congregation and is utilized for cemetery purposes. St. Bruno's is looking to acquire an additional acre of land from the property owner located to the southwest for future cemetery plots. The property to the southwest is approximately 55 acres in size and located in the Farmland Preservation category (one unit per 35 acres). The remnant parcel would comply with the density requirements.

Ms. Barrows explained that the Town of Ottawa action is pending and the County will defer action until it is approved by the Town. Ms. Scherer, Town Planner, said the Town Board would meet the second Monday in March. She cautioned that it would be up to the Town Attorney if the Town Board would be able to act on this matter at their March meeting.

Mr. Siepmann notified the Chairman that he would need to recuse himself from voting on this matter when it comes before the Park and Planning Commission in March due to a conflict of interest.

Attorney Hoffmann, representing St. Bruno's Congregation, asked for clarification as to when the Town and County approvals would happen? Ms. Barrows explained that before the request can move forward for action, the County would like to have the Town's action. Mr. Fruth added that it would depend on when the Town acts on the amendment, however, the County would anticipate a one month delay if the Town does not act at their March meeting.

Mr. Tabat, representing St. Bruno's Cemetery Committee, said there is still existing room at the current cemetery, however, if the one-acre parcel is not acquired at this time, the cemetery may become landlocked and would not be able to expand. Acquiring the one-acre parcel would allow for approximately 780 to 800 additional graves.

Chairperson Morris asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 1:35 p.m.

- **ZT-1844 (Town of Eagle Board), Town of Eagle**

Mr. Fruth indicated the request is for a text amendment to repeal and re-create the Town of Eagle Zoning Code and Official Zoning Map.

Mr. Fruth explained that the request is a complete update and re-write of the Town of Eagle Code. He explained that the Town has been working on updating their code for the past three (3) years. The Town wished to put their code into a new alternative structure. Updates to the Code include Farmland Preservation, Wellhead Protection Overlay District, Hydric Soil Overlay District and Natural Resource overlays for use in Farm Preservation areas. Two (2) districts have been renamed or replaced. The Town of Eagle retained the Waukesha County Planning and Zoning Division Staff to prepare the Zoning Map for the new Town Code and the County is willing to continue to provide Zoning Map services going forward. A wide range of new or emergent uses/trends have been accommodated such as telecommunications, wedding barn type venues, agri-tourism, etc. He mentioned that regarding planned unit developments, the minimum required open space has been adjusted from 20% to what the Southeastern Wisconsin Regional Planning Commission recommends, which is 40%. The Town was willing to accommodate smaller lot sizes ($\frac{3}{4}$ acre) in Planned Unit Developments. In addition, the Town accepted a 35' road setback in an effort to reduce overall impervious surfaces. Mr. Fruth noted that the Town had shared a draft of the proposed amendments shortly before the public hearing. The Planning Staff offered a number of comments and questions and there has been much dialogue with the Town Planner. The particular issues of concern have been addressed. He explained that the initial draft deleted all multi-family housing accommodations but that the County urged that such accommodations be provided for. This version of the Town Code includes multi-family provisions that are tailored for the Town's rural environment. In closing, Mr. Fruth added that the new code has come together nicely and said the Planning and Zoning Division Staff is recommending approval.

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

- **ZT-1846 (Curt Bauer) Town of Waukesha**

Mr. Fruth indicated the request is for a text amendment to Section 13-2-6 (a) of the Town of Waukesha Zoning Code relating to drainage regulations.

Mr. Fruth explained that the amendment would reduce the required minimum basement floor separation from groundwater from 2 ft. to 1 ft. within the Town's Code. In addition, related code text would be modernized and references to the County Storm Water Ordinance are being added.

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

- **ZT-1843 (Archebald and Judith Pequet Joint Revocable Trust) Town of Delafield, Section 36**

Mr. Fruth pointed out the location of the property, at S4 W28701 Norms Road, in the Town of Delafield on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agricultural District to the A-2 Rural Home District.

Mr. Fruth indicated the 49.5 acre property is located east of Elmhurst Road and contains a single-family residence with an in ground swimming pool and an outbuilding. The rezone would facilitate a two (2) lot Certified Survey Map (CSM). Lot 1 would contain the existing residence (north) and Lot 2 would be located to the south. A second proposal, Exhibit "B" of the Staff Report and Recommendation, indicates a future conceptual 11-lot scenario. The Town had required the petitioner to submit a concept plan for both a two (2)-lot division and for a possible full buildout of the lands. Mr. Fruth noted that the Town's A-2 Agricultural District requires a PUD design including 40% open space. The Town Planner was initially unaware of this requirement. The property contains steep slopes and an isolated natural resource area, which should be taken into consideration when the CSM is reviewed. Chairperson Morris asked what direction the water flows on the property, to which Mr. Siepmann responded "to the southwest."

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

- **CU-0806D (Payne and Dolan) Town of Ottawa, Section 1**

Mr. Fruth pointed out the location of the property, at 1523 C.T.H. "C", in the Town of Ottawa on the aerial photograph. He indicated the request is to amend Condition No. 8 of CU-0806D regarding well monitoring.

Ms. Scherer, Senior Planner, noted that Payne and Dolan presented their annual report to the Town of Ottawa in 2016 and indicated they had been completing some well monitoring as part of their Conditional Use Permit since purchasing the property from Vulcan Materials. Payne and Dolan is requesting to suspend the well monitoring program since they do not plan to dig below the ground water table at this point in time on the property. The Town of Ottawa Plan Commission and Town Board approved the petitioners request with the understanding that once they decide to mine below the ground water table the well monitoring would continue.

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.

- **PPC17 001 (John and Jean Corrao) Town of Ottawa, Section 11**

Mr. Fruth pointed out the location of the property, at W358 S2502 Hunters Lake Road, in the Town of Ottawa on the aerial photograph. He indicated the request is for an after-the-fact retaining wall within 5' of a lot line.

Mr. Fruth indicated the Planning and Zoning Division Staff discovered a violation while completing a compliance check at the property for a Variance authorized in 2015 for a garage. A 576 sq. ft. detached garage was authorized on the property. He presented photographs taken at the site. The photos indicate two (2), 7 ft. high retaining walls were constructed which were not part of the proposal or Zoning Permit application considered by the Staff. In addition, quite a bit of fill was placed behind the retaining walls. The original proposal indicated a new garage located on a gentle slope (3' of grade change) with a note on the plan "backfill to the proposed wall." The note did not point to a specific location. No retaining walls were proposed on the original plan. Building plans for the garage show it being built into the slope with a note stating "siding line to match existing grade." In a recent review of the plans, it appears that the plans were likely going to precipitate more grading change than what was verbally described on the plan. In hindsight, perhaps the Staff should have asked more questions in reviewing the somewhat vague plans. In conclusion, no application was sought for fill or retaining walls until after-the-fact, and no driveway was proposed.

Mr. Fruth stated that the Planning and Zoning Division Staff is trying to resolve the issue, however, the driveway proposed to be placed on the fill would exceed the new impervious surface standards, which the Planning Staff is now obligated to enforce. The standards came into place after the Variance request was made. However, the Variance and permit application did not indicate a driveway, only a garage. The existing improvements are at approximately 39% impervious surface, and including the driveway, it would be roughly 46%. Mr. Greenberg, Senior Land Use Specialist, indicated that some of the area near the road may have been graveled in the past. Photographs from the 2015 Variance were presented to the Commission showing the grassy slope, however, gravel is not shown in the photo. Mr. Fruth added that there is no reason for there to be retaining walls on this site but to provide a parking pad next to the garage. If the impervious surface threshold cannot be resolved, the petitioner would need to document that he has not added additional impervious surface and if he cannot document it, some of the impervious surface could be removed. In addition, mitigating factors such as a rain garden, porous pavers, etc. could be employed to exclude the driveway from impervious calculations. Since the impervious surface complications were not discovered until very recently, he suggested the Commission table the request so the Planning and Zoning Division Staff and petitioner can meet and discuss options regarding the impervious surface issue on the property relating to the after-the-fact retaining walls.

Mrs. Morris asked if the area behind the garage was meant to be grass or paved for a parking area? Mr. Fruth replied that a subsequent exhibit showed it would be improved with gravel.

Mr. and Mrs. Corrao, petitioners, explained that originally they applied for a 26' x 30' garage, 15 ft. closer to the road. The Board of Adjustment determined that the garage was too close to the road and it was moved back 15 ft. with a concrete rear wall. They stated that there needed to be fill placed behind the garage. The fill was not in the original plans because they were different from what was approved by the Board of Adjustment. Mrs. Corrao said the fill needed to be added because otherwise it would be too steep to mow between the grass and the back wall of the garage. Mr. Corrao added that his intent was to store his boat in the garage over the winter. However, since the garage was reduced in size by the Board of Adjustment, he was unable to fit his boat in the garage, so he had to put a spot to park the boat on top of the fill behind the garage. He said he would comply with whatever needs to be done. Mrs. Corrao said they did not start off planning to add a place to park the boat behind the garage. She referred to the Staff Memorandum, which states that the retaining wall on the north side of the garage was built within 5 ft. of the adjacent lot line and indicated that statement was incorrect, it should read "south". Mr. Corrao stated he had photographs of the construction of the wall with the backfill, the drainage material and rod supports going in at 4 ft. Mr. Fruth asked, when the garage location was moved, was a revised survey prepared and submitted to the Planning and Zoning Division office? Mr. Corrao replied that he had three (3) surveys done. Mr. Fruth said he did not think the Staff reviewed a revised survey

showing the walls and fill being placed and also showing the specific grading activities. Mr. Corrao said he was not aware that he was required to submit a revised survey. He added that he was not trying to hide anything. Mr. Fruth said the petitioners were correct regarding the incorrect statement in the “Staff Memorandum” on Page 2 regarding the north wall being too close to the adjacent property line. He said it should read the “south wall” and noted the “Staff Memorandum” would be corrected. Mrs. Corrao asked why fencing would be required because they live on a dead end road? Mr. Fruth responded that it is a safety issue and added that the Planning Division’s concern is if a child would happen to wander onto the property and was not aware of the 9 ft. to 10 ft. retaining wall and fell, someone could be badly injured.

Mr. Corrao asked what he needed to do to move forward and resolve the issue? Mr. Peregrine responded that the Planning Staff is recommending that the matter be tabled and a resolution be determined between now and the next Park and Planning Commission meeting. Mr. Fruth agreed and noted that considering the impervious surface issue is material to the petitioners being able to use the retaining walls and fill, it would be more productive for the issue to be analyzed. If the petitioners would like to deviate from the authorized ordinance requirements for impervious surface there are different options available. The Planning Staff would like to meet with the petitioners and he was hopeful a solution could be found.

Mr. Siepman asked if it is the Commission’s responsibility to take on the impervious surface issue as a Staff process? Mr. Fruth responded, “No.” Mr. Siepman asked why would the Commission consider delaying making a decision regarding the retaining wall variance and noted the impervious surface is an entirely separate issue? Mr. Mitchell added the impervious surface issue still needs to be resolved, however, is not a Commission issue. Mr. Fruth explained that this is an after-the-fact issue, and looking at the physical circumstances, the Planning Staff would not have entertained the fill and retaining wall proposal if asked beforehand. More importantly, what is the function of the retaining wall and if there is not a parking area, why is the wall and fill there? In addition, he expressed concerns if the property is sold in the future, the new owners may think it is set up for a driveway and parking pad and put down a hard surface. Mr. Peregrine said it appears the Planning Staff is trying to work out the situation with the petitioners.

After discussion, Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously to table the matter so the Planning and Zoning Division Staff and petitioner can meet and discuss options regarding the impervious surface issue on the property relating to the after-the-fact retaining wall.

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Siepman to adjourn at 2:25 p.m.

Respectfully submitted,

William Mitchell

William Mitchell
Secretary

WM:kb

(Administration Center)

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

NAME	ADDRESS	PHONE NUMBER	IN ATTENDANCE FOR THE MATTER OF:	RELATIONSHIP TO PETITIONER
JOHN + JEAN CORRADO	N69 W 23778 SARI CRT SUSSEX 53089	262-246-4311	PPC17 Hunters Lake Rd	Self
Gary Heath	W350 S. 1951 Waterville Rd Oconomowoc 53066	414-322-9944	Gary Heath	
Darlene Johnson	6215 SMALL FARM RD MUKWONAGO, WI 53749	414 916 3876	2017 Comp Dev. Plan	Co. Supervisor
Curt Bauer	562 W 22980 Townline Rd Waukegan	414-708-2958	ZT 1846	Self
Shen Huff	Red Lake Downman WI	414-587-0393	Gary Heath	Business Associate
Bill Beusamy ^{Beaudry}	20090 W Lincoln Hwy, New Berlin WI	262-846-1036	ZT 1846	Resident
Stav TABAT	3821 Whitaker Lane Oconomowoc	262-965-3453	Land Use Amendment	
Jerry Strandel	W38753011 City Rd Z Downman	262 965-3436	"	
Sandy Scherer				Staff
Chris Mager	Corp Counsel			
Christine Makovec ^{Makovec}	W231K 37954 Memory Ln Ct	2-470-6454	milestone dev.	Resident