

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, JUNE 16, 2016, 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 Robert Peregrine Gary Goodchild
 Richard Morris William Maslowski William Mitchell

Members Absent: Keith Hammitt

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Elfriede Sprague, Administrative Specialist

Guests Present: Bill Bode– owner (ZT-1835)
 Gary Lake – Town of Brookfield Planner
 Jessica and Bryan Lehr – owners
 Chris Morgan – Corporation Counsel

CORRESPONDENCE None.

MEETING APPROVAL None.

MINUTES Approval of the May 19, 2016, Minutes.

Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously for approval of the May 19, 2016, Minutes.

PUBLIC COMMENT None.

• **ZT-1835 (Brayton Devo LLC) Town of Brookfield, Section 29**

Mr. Fruth pointed out the location of the property at 655 N. Brookfield Rd. in the Town of Brookfield on the aerial photograph. He indicated the request is to rezone the property from the B-3 Office and Professional Business District to the MU-1 Mixed Use District.

Mr. Fruth explained the request is to rezone a one-acre parcel to the Mixed Use District to accommodate the construction of a 24-unit multi-family building on the western half of the parcel. He explained the eastern portion currently contains a two story mixed used building, with a bakery in the basement level, an insurance office on the main floor and a residential unit located on the second floor. Mr. Fruth stated the developer has indicated the proposed multi-family building will have underground parking and the units will be one bedroom with a den or two bedroom units. He explained that because the proposal exceeds the allowed density of the MU-1 District, the developer will need PUD or special approval for the project from the Town. Mr. Fruth noted that at the public hearing, a person expressed concern that the request is spot zoning. Mr. Fruth explained that the property is designated as mixed use on both the County Development Plan and the Town of Brookfield Land Use Plan, so the request is consistent with both plans and is an appropriate use for the property.

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

• **ZT-1833 (Text Amendments) Town of Merton**

Mr. Fruth stated the request is to amend Section 17.81(2) of the Town of Merton Zoning Code relating to the mailing of Notices of Public Hearing.

Mr. Fruth stated the proposed amendment will reduce certified mailing costs for notification of neighbors regarding conditional use and rezoning public hearings. The Town's Zoning Code currently requires the posting of a notice in the local paper and in a location near the subject property. He explained the code also requires that the public notice be mailed to neighbors within 300' of a proposed conditional use or rezoning via certified mail. Mr. Fruth stated the Town proposes to change the mailing requirement to be via first class mail only, as each certified mailing costs the Town \$4.00. He noted the County made a similar change a number of years ago and there have been no complaints.

Mr. Morris added the Town initiated the amendment when they recently had to send out a notice of public hearing to over 100 neighbors and realized the cost.

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

• **SCU-1619 (Robert Doll) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property, at W341N4803 Lindy Lane in the Town of Oconomowoc on the aerial photograph. He indicated the request is for land altering activities and retaining walls within 5 ft. of a property line.

Mr. Fruth stated the property is 40 ft. by 90 ft. with 40 ft. of frontage on E. Lindy Lane, and consists of a single family residence and shed. It is currently served by a private sewage system that is shared with the adjacent neighbor to the south and a private well. The petitioner is proposing to excavate approximately 117 cubic yards of material from the east portion of the property that abuts Lindy Lane to expose the basement and create a parking pad. The creation of a parking pad will drop the elevation of the side yard approximately 5.9 ft. Mr. Fruth continued that eventually, the petitioner would like to remodel the basement level into garage space. The petitioner will also create a new front entry way and there are also several retaining walls proposed. He explained the project will be completed in two phases. Phase I, set for this summer, includes the excavation and retaining wall replacement and Phase II consists of the basement remodel at a future unknown date. The petitioner is also proposing to implement a vegetative buffer along the south lot line.

Mr. Fruth explained the project. To complete Phase I, a four (4) foot berm with a retaining wall will be left around the existing foundation for frost protection. Phase II will include removing the berm and associated retaining wall to remodel the basement into a garage. Mr. Fruth stated as part of Phase I, the petitioner is disconnecting from the shared private sewage system and connecting to the Town sewer lateral, as required by the Town of Oconomowoc. The adjacent neighbor to the south has expressed concern that the proposal may impact their shared septic system and that the disconnecting from the system may cause undue harm. The Commission questioned why the neighbor was not being required to hook up to sewer. Commissioner Peregrine replied the neighbor is in the Village of Summit and it is not necessary. Mr. Fruth presented photographs explaining that the neighboring property has a similar exposure to what is being proposed.

Mr. Fruth stated concerns were raised regarding adverse drainage. He explained the Town Engineer and Town Department of Public Works met with staff on site and it was determined that the project will not result in additional adverse drainage to the neighboring properties or the neighborhood. Mr. Fruth stated the Staff is recommending approval with several conditions, including the following:

- An Erosion Control Permit must be reviewed and approved by the Land Resources Division.
- The petitioner must submit a Landscaping Plan to include a buffer by August 1, 2016 and the landscaping must be completed by September 15, 2016
- A revised Plat of Survey shall be submitted that shows all proposed retaining walls will be located outside of the established road right of way.
- Land altering activities shall not create any adverse drainage.

After discussion, Mr. Morris 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.

• **PPC16 007 (Bryan and Jessica Lehr) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at W342N5010 Road P in the Town of Oconomowoc on the aerial photograph. He indicated the request is for approval of retaining walls located within 5 ft. of the southern property line.

Mr. Fruth presented an overview of the property on the GIS. He explained the petitioners have removed the existing cottage and have been approved by the Board of Adjustment to construct a new home with attached garage approximately 19 feet off the platted right of way of Road P, which is the steepest part of the property. He pointed out the extreme slopes from the west to the east with an approximate change in elevation of 29 ft. from the road to the lake. He explained that several retaining walls are proposed near the proposed garage, however only one does not meet the required 5 ft. minimum. Mr. Fruth stated the staff is recommending approval of the request. Staff feel the walls will allow the petitioner to design safe ingress and egress to the proposed new home and will not cause any adverse drainage.

Mr. Lehr spoke to the Commission. He commented the walls were necessary to maintain the 3:1 grade and to control water drainage. He added the walls would be 3 ft. or less and would not be visible from the road. He added he has spoken to the neighbors and there was no opposition to the project.

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

• **Appointment of Nominating Committee of Officers**

The Nominating Committee will be:

William Mitchell
Gary Goodchild
Jim Siepmann

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Maslowski to adjourn at 1:25 p.m.

Respectfully submitted,

Gary Goodchild

Gary Goodchild
Secretary