WAUKESHA COUNTY

MINUTES OF THE PARK AND PLANNING COMMISSION

**ADMINISTRATION CENTER, ROOM AC 255/259**

**THURSDAY, SEPTEMBER 21, 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 William Maslowski

Robert Peregrine William Mitchell

Members Absent:

Staff

# Members Present: Jason Fruth, Planning and Zoning Manager

Elfriede Sprague, Administrative Specialist

Rebekah Baum, Senior Land Use Specialist

Guests Present: Dr. Gary Ross – SCU-1641

Dave Nosek – SCU-1640

Radka Pelikanova

Kathy Nickolas – ZT-1847

**CORRESPONDENCE:** None.

**MEETING APPROVAL:** Approval of the 2018 Park and Planning Commission meeting dates.

***Mr. Siepmann moved, seconded by Mr. Maslowski and carried unanimously for approval of the 2018 meeting dates.***

**MINUTES:** Approval of the August 17, 2017, Minutes.

***Mr. Peregrine moved, seconded by Mr. Siepmann and carried for approval of the August 17, 2017, Minutes.***

**PUBLIC COMMENT:**

None

* **ZT-1701D (Town of Lisbon Board) Town of Lisbon**

Mr. Fruth stated the request is for Comprehensive zoning map amendments for the Town of Lisbon. He explained that in conjunction with the recent modernization of the County’s own zoning maps the County also revised all the Town zoning maps they are responsible for maintaining due to the number of updated environmental and natural resource inventory layers acquired in the recent months. Therefore, numerous minor amendments have been made to the Town of Lisbon’s Zoning Map to reflect these various updates. Mr. Fruth noted that they included a change in floodplain prompted by new floodplain data for the Rock River basin. He concluded the modernization will precisely match the County Shoreland map for the Town of Lisbon.

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

* **(Town of Waukesha Board) Town of Waukesha**

Mr. Fruth indicated the request is to repeal and re-create Section 13 of the Town of Waukesha Zoning Code and Zoning Map. He stated the amendments are intended to address recent statutory changes and to address new use trends. He proceeded to describe a number of the amendments. Mr. Fruth explained the old zoning map had become out of date relative to natural resource boundaries, such as wetlands, which made administration cumbersome to the Town. He stated that the Town Planner and staff have worked together on the amendments and all comments have been considered and are consistent with the Town and County plan recommendations. He concluded that the changes will create a consistent code framework for properties that are split between County and Town jurisdiction.

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

* **SCU-1641 (Lifestriders, Inc.) Town of Delafield, Section 35**

Mr. Fruth pointed out the location of the property at S11 W29667 Summit Avenue in the Town of Delafield on the aerial photograph. He indicated the request is to establish Conditional Use approval for an equine assisted cognitive and behavioral health center and to construct a 27-stall parking lot.

Mr. Fruth explained that in 2011 when Lifestriders relocated to the subject property, the Town authorized a Site Plan/Plan of Operation (SPPO) in lieu of a Conditional Use amendment to accommodate the new use. He noted that Waukesha County was not involved with the permitting. However, because the proposed parking lot is partially located within the County Shoreland jurisdiction, a Conditional Use and SPPO are now required from the County. Mr. Fruth added that at this time, the Town has elected to not to amend their existing CU. He gave an overview of the site, pointing out the area of the proposed parking lot and screening, the arena, the offices, classrooms, storage areas, etc.

The proposed 27-stall parking lot is to serve clients and to prevent customers from parking along the highway right-of-way. The parking lot is to be located north of the indoor arena. Mr. Fruth stated the DOT has reviewed the proposed parking lot plans and indicated they have no objections. He continued that at the public hearing a neighbor directly to the west asked if his construction of a privacy fence to block the views of the proposed parking lot would be acceptable to the Town and County, to which the answer was ‘yes”. Mr. Fruth stated the County is recommending approval of the proposal with a number of conditions. They include the number of horses being limited to 20, a Manure Management Plan be developed for the property, any future modifications to the driveway connection to S.T.H. 18 needs to be reviewed and approved by the DOT and if the Town does wish to initiate a CU, the more restrictive of the two would apply.

Commissioner Mitchell questioned the neighbor’s comment regarding the privacy fence. Dr. Ross responded that Lifestriders has no problem with him installing a fence and noted the neighbor was just seeking clarification.

Dr. Ross explained that Lifestriders parking situation is very cramped and they are looking to expand the lot. He stated he wanted to clarify the number of horses that are allowed in the facility. He noted that currently there are 21 horses, 16 therapy horses, 3 employee owned and boarded horses and two other short term boarders. He explained the number fluctuates between 16 and 21 and will never exceed 21, as the number of the short term boarded horses vary. After discussion, the Commissioners felt the condition should be amended to allow for a maximum of 21 horses. Mr. Siepmann asked if the Storm Water review had been completed? Ms. Baum replied it has and the permit is ready to be issued.

***After discussion, Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned and in accordance with the “Staff Report and Recommendation” with Condition # 1. b. amended to allow for 21 horses as follows:***

The maximum number of horses to be allowed at the facility shall be **21**. All horses boarded at the facility may be used in the operation of LifeStriders, Inc. for the therapeutic riding lessons. Commercial boarding of horses at the facility shall be allowed.

***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.***

* **PO-17-DELT-01 (Lifestriders, Inc.) Town of Delafield, Section 35**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-1641) listed above

***After discussion, Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned and in accordance with the “Staff Report and Recommendation” with Condition # 1. b. amended to allow for 21 horses as follows:***

The maximum number of horses to be allowed at the facility shall be **21**. All horses boarded at the facility may be used in the operation of LifeStriders, Inc. for the therapeutic riding lessons. Commercial boarding of horses at the facility shall be allowed.

***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.***

**• SCU-1639 (Faye Gehl Conservation Foundation) Town of Merton, Section 19**

Mr. Fruth pointed out the location of the property at N68 W33290 C.T.H. "K" in the Town of Merton on the aerial photograph. He indicated the request is for Conditional Use approval of after-the-fact land altering activities

Mr. Fruth gave a brief history of the property. He explained that the subject property is 52 acres and contains a farmhouse, barn and silo with the grading activities occurring east of the barn. He stated that because the grading exceeded over 15 cubic yards a Conditional Use Permit is required. Mr. Fruth explained that the project was started without the benefit of permits and without proper erosion control measures in place. Mr. Fruth continued that due to the scope of the grading, the County allowed the work to be completed to ensure the site would be stabilized, with the understanding that a CU Permit might not be approved. A Grading Plan was submitted to County staff to complete the project and the Land Resources Division issued a Stormwater Permit to the property owner. The completed project passed final inspection by the Land Resources staff and the Stormwater Permit has been terminated. The slope has since been reseeded and is growing well.

Mr. Fruth explained the grading activities occurred west of the barn to the property line over a 0.69 acre (30,056 sq. ft.) area. The disturbed area had a 38% slope that drained to a wetland area and ultimately the Oconomowoc River. The project included 2-3 ft. of cut/fill in various areas to achieve a “smoother” slope. No additional or outside top soil was brought in and the drainage pattern was not affected.

Mr. Fruth commented that based on aerial photography, the disturbed area contained numerous trees, which were removed as a part of the project. The surveyor has made a best effort using aerial photography in identifying the number of removed trees. He continued that the Waukesha County Shoreland and Floodland Protection Ordinance regulates priority trees within 300 ft. of a waterway. Therefore, it is possible that some of the trees removed were priority trees and would have required a Shoreland Cutting Permit for their removal. Mr. Fruth stated that conditions of approval include a Replanting Plan be submitted to the County requiring a minimum of 10 priority trees be planted, that the wetland area to the southeast of the driveway be restored to native wetland and that a Declaration of Restrictions be recorded memorializing the Replanting Plan. Mr. Fruth stated that once the petitioner was contacted, there was quick response on their part to get the erosion control in place and the site stabilized.

Chairman Morris commented that with the rains this summer, the site has filled in nicely and felt it looked very good.

***After discussion, Mr. Siepmann 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.***

* **SCU-1640 (David Nosek and Mark Neumann) Town of Oconomowoc, Sections 35 & 36**

Mr. Fruth pointed out the location of the property at N55 W34911, W34913, and W34915 Lake Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is for Conditional Use approval for a condominium building containing three (3) units, detached garage and boathouse.

Mr. Fruth explained the petitioners are seeking approval to construct a PUD on the subject property. At this time, they are still exploring options as to the type of condominium unit it will be: one unit with 3 dwelling units or three single family units. The petitioners are in the process of purchasing the property and are seeking assurance from the County that a PUD is allowed. Mr. Fruth stated the Ordinance does not state a minimum size required for a PUD, and the concept is feasible for this property. He noted that the submitted plans are very conceptual and there are many details that still need to be worked out. Mr. Fruth stated that any proposal the petitioners submit must meet the Ordinance requirements regarding setbacks, open space, stormwater review, etc. He outlined the concept plan that was submitted and noted it does not depict the 40% open space requirement, so a condition was added that before a CU Permit is issued, all Plans and drawings must be submitted to the Town for approval. Mr. Fruth also stated there were also some others issues with the concept plan that would need to be changed. He outlined some key conditions of approval: a minimum of 40% of the site must be conserved in open space, a Shoreland Buffer Plan be prepared, a Grading Plan be submitted and approved, Land Resources review and approve a Stormwater Management Plan, a tree inventory be taken which indicates which indicates what trees need to be removed, the Okauchee Fire Chief review the final plans, and receiving any DNR approvals.

Mr. Neumann spoke regarding his potential plans for the site and presented several options. He asked the Commission for permissions for a variety of changes to the concept plan, ie., less open space, a larger view corridor, a larger building footprint, accessory footprint, vegetative buffers, etc. Mr. Peregrine stated that the CU approval assures them they can purchase the property but they will have to return with definite plans for the Town to review that comply with the Ordinance.

Mr. Siepmann commented that it was unusual for the Commission to approve a plan that might not happen, normally the petitioner comes in with more detail. He understands that the approval will allow them to proceed with their proposal; however, there is very little detail to go on. Mr. Fruth replied that the petitioner will need to return to the Town Plan Commission and County Staff for site plan approvals. He added it was a tough set of conditions to write, given the lack of detail provided. The Commission felt they would like the opportunity to review the final plans and noted that Condition No. 2 did not include County Park and Planning Commission review. It was agreed that the County should be added to the condition.

Mr. Neumann responded that they did not want to invest a lot of money into creating plans when they were not sure if they would get approvals for the PUD. Their intent is to close on the property in two weeks with the assurance that they can proceed with their plan. Mr. Fruth stated the approval of the request will allow them to do that and then they can proceed with creating final plans.

***After discussion, Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” and with Condition # 2 amended as follows to include Park and Planning Commission approval.***

1. Subject to all Plans and Drawings, including but not limited to; site plan, grading plan, stormwater/erosion control plan, landscaping plan, lighting plan, being submitted to the Town Plan Commission and the Waukesha County Park and Planning Commission for review and approval prior to the issuance of a Conditional Use Permit.

***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.***

* **PO-17-OCOT-17 (David Nosek and Mark Neumann) Town of Oconomowoc, Sections 35 & 36**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use

(SCU-1640) listed above.

Mr. Siepmann suggested the Commission table the Site Plan/Plan of Operation due to the lack of detail regarding the development of the site. When the petitioner returns with the final plans, the Commission can then review the plans in detail and give their approval.

***After discussion, Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously to table the Site Plan/Plan of Operation request until such time the petitioner submits the final plans to the County and the Town.***

**ADJOURNMENT**

***With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Maslowski to adjourn at 1:55 p.m.***

Respectfully submitted,

**William Mitchell**

William Mitchell

Secretary

WM:es

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