

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, OCTOBER 17, 2019 - 1:00 P.M.**

CALL TO ORDER

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

Commission

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

Members Absent: None.

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Ben Greenberg, Senior Land Use Specialist
 Kathy Brady, Support Staff Supervisor
 Paige Drew, Administrative Specialist

CORRESPONDENCE: None.

MEETING APPROVAL: Approval of the 2020 Park and Planning Commission Meeting Dates.

After discussion, Mr. Siepmann moved, seconded by Mr. Michalski and carried unanimously for approval, of the 2020 Park and Planning Commission Meeting Dates.

MINUTES: Approval of the September 19, 2019, Minutes.

After discussion, Mr. Morris moved, seconded by Mr. Siepmann and carried unanimously for approval, of the September 19, 2019, Minutes as presented.

PUBLIC COMMENT: None.

• **RZ47 (Ronald & Sara Bean and ARME Group, Inc.) Town of Vernon, Section 4**

Mr. Fruth pointed out the location of the property located west of Oakdale Road (CTH XX) and south of the Town of Waukesha borderline, in the Town of Vernon on the aerial photograph. He indicated the request is to rezone the property from the RRD-5 Rural Residential Density District 5 to the R-1 Residential District.

Mr. Fruth indicated the property is comprised of three different parcels proposed to be rezoned from the RRD-5 Rural Residential Density District 5 to the R-1 Residential District. The plan designation in the southeast portion of the property is in the Suburban Density 1 Residential category, the northern part of the property is planned as Other Open Lands to be Preserved category or the Primary Environmental Corridor category, and a portion of the western most parcel is planned as the Low Density Residential category. There is high terrain on the site where the subdivision road to the west is proposed to be extended. A similar layout had been proposed thirteen years prior. The master grading plan had been approved; however, the rezone was defeated by the Waukesha County Board. The Minutes from the meeting indicated the concern

regarding drainage and the number of lots being proposed. The developer, for economic reasons, chose not to further pursue the project.

Mr. Fruth went on to note important information about the subject property. A majority of the environmental corridor is proposed to be placed into an outlot. The rear part of a few of the lots would encroach into the environmental corridor. These lots may have septic systems within the corridor. The Development Review Team letter, which preceded the application, noted the steepness of the slopes in the southern portion of the site. The developer is proposing retaining walls to hold the slope back on the southerly most lot. The Preliminary Storm Water Management Plan for the site has been approved. Access to the property would come from the west through an existing subdivision and via a new intersection on C.T.H. "XX" opposite of Meyers Dr. The maximum available density on the site is 46 units, and 30 lots are being proposed for this layout.

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

• **CU30 (Okauchee Lions Club) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at N49 W34400 Wisconsin Avenue, in the Town of Oconomowoc on the aerial photograph. He indicated the request is to amend the existing Site Plan/Plan of Operation to increase the number of allowable special events and programs, expand the operating season from 6 months to year round, request an extension for the installation of the baseball field lights and other operational changes. (Matter tabled at the September 19, 2019, meeting)

Mr. Fruth noted that CU30 was tabled at the September, 19, 2019, Park and Planning Commission meeting in order to resolve concerns from the petitioners regarding certain conditions in the Staff Report. Listed below are the highlights of each modified condition:

- The petitioners requested for there to be additional flexibility to **Condition No. 8** allowing additions, deletions, and relocations within the play areas without having to request separate approvals. The Planning and Zoning Division staff agreed this is a reasonable request provided that a site plan be provided showing where the playground areas are located. The petitioners have provided an updated site plan to the Planning and Zoning Division staff.
- The existing permits on file allow the Okauchee Lions Club to host events until 10 p.m.; however, the petitioners were unaware of the timeframe and have been hosting events until 11 p.m. for several years. The Planning and Zoning Division staff contacted the Town Planner, Jeff Hermann, and inquired about noise complaints, to which he indicated that there have been none. Mr. Fruth noted that overhead doors are located on both the north and south sides of the building. To the east of the building are Okauchee Lions Club offices and storage rooms and to the north are residential properties. The Planning and Zoning Division staff modified **Condition No. 12** to read that live amplified music is allowed inside of the building until 10 p.m. on Fridays and Saturdays; however, music

can be played until 11 p.m. if the windows and doors on the north side of the building are closed. The south side doors may be opened for ventilation. Limited music is allowed in conjunction with baseball games. No other music outside of the building is allowed after 7 p.m.

- Minor modifications were made to **Condition No. 14** to clarify that the two large festivals, Okauchee Lions Days and the Firemen's Street Dance, would be exempt from the limited decibel level set forth in Condition No. 15. The adjustment is to recognize that there may be some additional noise during those large events.
- The initial language from the Town of Oconomowoc set the decibel level to 75. The original Staff Report for **Condition No. 15** reduced the decibel level to 50. After visiting the site with a sound reader and considering noise in the neighborhood, staff is recommending that the limit be set at 75 decibels. Mr. Fruth noted it would be unacceptable if a neighbor can hear music inside of their adjacent residence and the proposed condition protects against such conditions. Lawn mowing is not included in the decibel reading.
- **Condition No. 23** was updated to further clarify lighting on the Okauchee Lions Club Park grounds. The Planning and Zoning Division staff visited the site with the petitioners, who pointed out lights that they leave on for security purposes. The lights left on for security purposes will be outlined on a detailed lighting plan. The petitioners also requested flexibility to replace fixtures with LED lights in the future. Both of these requests are proposed within **Condition No. 25**.
- The petitioners previously asked for an extension of the deadline to install baseball field lights; however, they were unsure as to how much money they will be able to raise through fundraising by 2024. The Planning and Zoning Division staff modified **Condition No. 26** to read that the petitioners can seek an extension without going through a public hearing.
- The Planning and Zoning Division staff reached out to the Department of Public Works, in regards to Condition No. 27, requesting reconsideration to allow parking on CTH R. They agreed that parking on CTH R would be acceptable on the right-of-way, resolving the parking issue during baseball and softball games. The petitioners noted that they have overflow parking available in grass areas.
- The Planning and Zoning Division staff measured out an area that was roughly 50 ft. in width where views are open to neighboring property. It was agreed to modify the number of trees to be planted for **Condition No. 28** from the original twelve (12) evergreen trees to five (5) evergreen trees. The deadline for the installation is September 15, 2020.
- The petitioners requested a modification to **Condition No. 30** to store picnic tables underneath the pavilion where the baseball fields are located. The original condition was written to prohibit the storage of folding chairs and tables on an ongoing basis.

- A modification was made to **Condition No. 31** clarifying that minor site plan changes have the ability to go through a more simplified process.

Mr. Mitchell questioned if the Planning and Zoning Division staff reached out to the Town of Oconomowoc Police regarding parking on CTH R? Mr. Fruth stated staff did not contact the Police; however, the distance on the gravel shoulder measures to the required 18 ft. or broader, and the road is lightly traveled during the day. Mr. Mitchell inquired if parking signs are going to be installed? Mr. Fruth stated the distance on the gravel shoulder invites parking, thus signage is not necessary. Mr. Maslowski questioned if the parking is parallel or angled? Mr. Fruth indicated the parking is angled and there is no parking allowed on the east side of the posted no parking sign, as directed.

Mr. and Mrs. Schick, petitioners, thanked the Planning and Zoning Division staff for their cooperation and assistance. Mr. Schick went on to explain that they have been working on completing Conditional Use Permit Condition No. 12, referenced in Condition No. 2 and Condition No. 23 of the Staff Report. He noted that Mr. Greenberg had recently been out to take photos of the restored fill area on the property, and that a Storm Water Permit had been obtained from the Land Resources Division. In order to simplify the Staff Report and eliminate confusion in the future, Mr. Schick suggested omitting the two references to Condition No. 12 of the Conditional Use Permit in the Staff Report. The Park and Planning Commission members discussed the deletion of the reference to Condition No. 12 of the Conditional Use Permit, and ultimately decided to strike the bold statement at the end of Condition No. 34 and leave Condition No. 2 as is; however, a clarifying note will be added to the Conditional Use Permit for CU30 and SP72 at such time as the erosion control work is completed to the satisfaction of the Waukesha County Land Resources staff.

After discussion, Mr. Morris moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with the following modification to Condition No. 34:

34. Subject to the Property being in compliance with Federal, State, County and local laws, ordinances, codes, rules and regulations. ~~This includes all outstanding conditions of Conditional Use approval CU12.~~

- *In addition, the Planning and Zoning Division staff will add a clarifying note to the Conditional Use Permit for CU30 & SP72 at such time as the erosion control work is completed to the satisfaction of the Waukesha County Land Resources staff.*

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.

- **SP72 (Okauchee Lions Club) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at N49 W34400 Wisconsin Avenue, in the Town of Oconomowoc on the aerial photograph. He indicated the request is to amend the existing Site Plan/Plan of Operation to increase the number of allowable special events and programs, expand the operating season from 6 months to year round, request an extension for the

installation of the baseball field lights and other operational changes. (Matter tabled at the September 19, 2019, meeting)

Mr. Siepmann moved, seconded by Mr. Morris and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with the following modification to Condition No. 34:

34. Subject to the Property being in compliance with Federal, State, County and local laws, ordinances, codes, rules and regulations. ~~This includes all outstanding conditions of Conditional Use approval CU12.~~

- *In addition, the Planning and Zoning Division staff will add a clarifying note to the Conditional Use Permit for CU30 & SP72 at such time as the erosion control work is completed to the satisfaction of the Waukesha County Land Resources staff.*

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.

- **PPC19 010 (SEWRPC) Village of Dousman**

Mr. Fruth indicated the request is to amend the Regional Water Quality Management Plan for the Village of Dousman.

Mr. Fruth noted when a sewer service amendment is proposed, SEWRPC looks to the local units of government and the County to endorse the proposed changes. The request is to allow for encroachment into the environmental corridor to allow for an expansion of an existing senior living community. The proposal would mitigate the primary environmental corridor impact. The petitioners have negotiated with SEWRPC and the Village of Dousman to allow for mitigation in the southeast portion of the property. The standard is generally 1.5 acres of new corridor to mitigate the loss of one (1) acre. The area will be a mixed environment with restoration to woodland, wetlands, and prairie transitioning to the east. There will be no change to the sewer service area.

After discussion, Mr. Mitchell moved, seconded by Mr. Siepmann and carried unanimously for approval, in accordance with the “Amendment to the Regional Water Quality Management Plan”. 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.

- **PPC19 011 (Osseo-Fairchild Investments, LLC) Town of Delafield, Section 13**

Mr. Fruth pointed out the location of the property at W388 N3181 Lakewood Lane, in the Town of Delafield on the aerial photograph. He indicated the request is for a retaining wall within 5 ft. of the property line.

Mr. Fruth noted the parcel abuts an outlot of the Lost Creek Subdivision and is north of Pewaukee Lake. The retaining wall is close to the north property line. There was an existing wall in that area, which previously failed and has now been filled. The main concern from the Town of Delafield is drainage. There is a downspout that comes directly behind the wall. A 90 degree elbow has been installed on the downspout to divert water to the west; however, the Planning

and Zoning Division staff are recommending that the down spout be extended to the end of the wall. The Land Resources Division staff indicated without doing so, the water will run behind the wall and may result in another wall failure over time. The wall itself is 24 ft. long and 4 ft. in height. Planning and Zoning Division staff recommend that a site plan be required verifying the height of the wall does not exceed 4 ft. Other conditions that are being recommended are obtaining any necessary easements or approvals for construction and maintenance of the retaining wall, a Zoning Permit must be obtained from Waukesha County for the after-the-fact retaining wall, and all drainage and erosion issues must be resolved to the Town Engineer's satisfaction before certificate of occupancy can be issued.

The petitioner presented additional plans to the Park and Planning Commission members. He noted the old wall is still in place and that it has been backfilled with gravel because the wall was leaning. Mr. Maslowski questioned why an individual would begin a project without first obtaining a permit? Mr. Fruth explained the building inspector is often the one who catches the issue and requires the after-the-fact permit. Retaining wall rules vary based on municipality. There is special consideration to this particular case, as the wall is close to the property line. Mr. Peregrine noted most individuals don't know a permit is required in these types of situations, resulting in a violation.

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.

• **PPC19 012 (Dan & Jill Stilwell) Town of Oconomowoc, Section 35/36**

Mr. Fruth pointed out the location of the property at W349 N5393 Road B, in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a retaining wall within 5 ft. of the property line.

Mr. Fruth noted the request will replace the failing timber retaining wall with a modular block retaining wall, adjacent to a stairway. The new wall will be 19 ft. long and 3 ft. tall. There is a row of evergreens along the east portion of the property, which provides screening of the top of the wall from the adjacent property.

After brief discussion, Mr. Siepmann moved, seconded by Mr. Mitchell 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.

ADJOURNMENT

With no further business to come before the Commission, Mr. Siepmann moved, seconded by Mr. Morris to adjourn the meeting at 1:52 p.m.

Respectfully submitted,

James Siepmann

James Siepmann
Secretary

JS:pd