

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, SEPTEMBER 21, 2023 - 1:00 P.M.**

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**CALL TO ORDER**

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

Commission

Members Present:     James Siepmann         Richard Morris         Robert Peregrine  
                                 William Groskopf     Gary Szpara

Commission

Members Absent:     None

Staff

Members Present:     Jason Fruth, Planning Manager  
                                 Kathy Brady, Support Staff Supervisor  
                                 Lynda Fink, Senior Landscape Architect

**CORRESPONDENCE:**     None

**MINUTES:**                     Approval of the August 17, 2023, Minutes

*After discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried by a vote of 4 to 0 for approval, of the August 17, 2023, Minutes, as presented.*

**PUBLIC COMMENT:**         None.

**SCHEDULED MATTER**

• **1:00 p.m.     Public Hearing for 2023 Amendments to the Comprehensive Development Plan for Waukesha County**

4.     Waukesha County Park and Planning Commission, Park and Open Space Plan

Ms. Fink referred to the link within the memorandum to the draft Park and Open Space Plan which includes planning recommendations and mapping for parks, greenways and trails. An acquisition plan is provided by township and the bicycle plan is also available on the website. Updates to the plan include:

- Improved formatting, graphics and usability.
- Additional mapping and summaries of facility types.
- Updates were coordinated with the State, DNR, local municipalities, non-profit organizations, lake districts and associations.
- There is a new chapter specific to Natural Land Management.
- The County park system facility information and maps were updated.
- The potential Wetland Mitigation Banking Sites Program was updated.
- The Park System projects and budget priorities were updated.
- The outdoor recreation and conservation funding section was updated.

Ms. Fink pointed out there is an interactive map on the website, which can be used on the GIS.

Mr. Fruth added that a Staff Recommendation will be presented at the October 19, 2023, Park and Planning Commission Meeting, the November 21, 2023 Land Use Parks and Environment Committee and the November 28, 2023 County Board meeting for consideration.

***Vice Chairperson Groskopf asked if there were any other comments from the audience or Commission, there being none, he closed the public hearing at 1:10 pm and moved to the next item on the agenda.***

Chairperson Siepmann arrived at 1:13 pm.

5. Waukesha County Park and Planning Commission, Farmland Preservation Plan

Mr. Fruth explained that the Farmland Preservation Plan requires a 10 year recertification from DATCP in order to remain eligible for farmland preservation benefits. Waukesha County received an extension from 2021 until December 31, 2023 to make amendments to the 2011 plan to include updated census information and updated mapping. Farmland Preservation areas were limited to the Towns of Oconomowoc, Eagle and Ottawa in prior planning efforts and in the 2011 plan. The 2023 plan recommends that parts of these towns and single farm within the Town of Merton be designated for farmland preservation. The north part of the Town of Oconomowoc, north of CTH K continues to be the largest block of farmland preservation lands. The original 1996 Waukesha County Development Plan required a 5 square mile block as criteria for lands to qualify for farmland preservation. A total of 4 parcels (16 acres) of Farmland Preservation lands have been amended out of the Farmland Preservation category since 2011, another 240 acres were added at the request of landowners. Tax credits are available at \$10 per acre maximum with a 15 year agreement. Mr. Morris asked how likely it would be for a larger farm to petition out of the Farmland Preservation category? Mr. Fruth replied that the application process is available to individual landowners and it would require the same level of analysis which the communities and committees give to any other plan amendment request in considering the request. He said the purpose and intent of the plan would have to be analyzed relative to requests. Mr. Groskopf asked if requests to amend the plan could jeopardize existing five square mile blocks. Mr. Fruth explained that the removal of a single farm from this category would not necessarily drop the relevant block to below five square miles but the impact upon the remaining nearby farms would need to be assessed.

***Vice Chairperson Groskopf asked if there were any other comments from the audience or Commission, there being none, he closed the public hearing at 1:19 pm and moved to the next item on the agenda.***

- **Public Hearing for RZ128**, Text amendments to the Waukesha County Shoreland and Floodland Subdivision Control Ordinance.

Mr. Fruth indicated that the text amendments update the ordinance cross references to the recently adopted Waukesha County Floodland Protection Ordinance (FPO) and the Waukesha County Shoreland Protection Ordinance (SPO) which were previously the Waukesha County Shoreland and Floodland Protection Ordinance (SFPO). The Waukesha County Shoreland and Floodland Subdivision Control Ordinance is a land division ordinance utilized in reviewing subdivision plats and certified survey maps. The text amendments are minimal and also eliminate references to a recently deleted zoning district and a typographic error.

Mr. Morris asked if the Waukesha County Board would adopt the text amendments, to which Mr. Fruth replied, "Yes". Mr. Groskopf noted that previously he would only reference the SFPO regarding rules and regulations, he asked which ordinance(s) would he reference now? Mr. Fruth replied that since floodplain

rules were removed from the SFPO, now there is the FPO and SPO. He explained that there will be one single zoning map containing designations and the information will be on the GIS mapping system. When looking for floodplain development rules (ie. a house in the floodplain) you would now use the FPO solely. The SPO will be utilized for basic rules regarding building footprint, etc.

*Chairperson Siepmann asked if there were any other comments from the audience or Commission, there being none, he closed the public hearing at 1:23 pm and moved to the next item on the agenda.*

- **RZ128 Text Amendments to the Waukesha County Shoreland and Floodland Subdivision Control Ordinance**

Mr. Fruth indicated the request is for text amendments to the Waukesha County Shoreland and Floodland Subdivision Control Ordinance to update ordinance cross references to the recently adopted Waukesha County Floodland Protection Ordinance and the Waukesha County Shoreland Protection Ordinance.

Mr. Fruth referred to the overview given above during the public hearing for RZ128. He added that the effective date will align with the new FPO and SPO Ordinances.

No additional information was requested from the Commission or public.

*After a brief discussion, Mr. Morris moved, seconded by Mr. Groskopf and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”.*

- **RZ126 (Ryan Lewis) Town of Ottawa, Section 4**

Mr. Fruth pointed out the location of the property at W370 S1519 Utica Road in the Town of Ottawa on the aerial photograph. He indicated the request is to rezone the property from the R-3 Residential with C-1 Conservancy Overlay (wetland) and EC Overlay Districts to the R-3 Residential District. The EC Overlay District will remain unchanged.

Mr. Fruth indicated the request is to rezone a small area of wetland from the C-1 Conservancy Overlay to the R-3 Residential District. The property has frontage on Utica Lake and contains a residence and outbuilding. There is currently a violation (wetland fill) on the property. He explained that there are two different areas of fill. There is a garage located in an area classified as wetland on the property which was filled without the necessary permits. The petitioner indicated he is willing to remove the garage and build a new garage in an alternate location. Another small area of fill is along the driveway. The petitioner indicated they were experiencing some erosion issues with the drive collapsing. The Southeastern Wisconsin Regional Planning Commission biologist has visited the site and field located the wetlands. They indicated there is a natural area and there are critical species habitat on the site. The Planning and Zoning Division staff advised the petitioner that a restoration plan is needed for the larger wetland area that was filled adjacent to the garage. A condition of approval is that the Wetland Restoration Plan must be submitted and implemented by no later than June 1, 2024. He suggested that the Wetland Restoration Plan be submitted by December 1, 2023 and this language be added to Condition No. 1 so the Planning Division staff has enough time to review the consultant’s proposal. The Commission agreed.

Mr. Morris asked how many cubic yards of fill were used and to what depth? Mr. Fruth responded that he did not have those particular details at this time. The restoration plan will need to provide direction as to what needs to be done to restore a soil condition that will allow for wetland species to again prosper in this altered state. He reiterated that the petitioner is in agreement to restore the larger area of fill. Chairperson Siepmann clarified the area to be rezoned is the small area along the driveway. The detached garage on the other larger area will be removed and the area restored. Attorney Gralinski representing the petitioner,

indicated they have reviewed the Staff Recommendation and are working with the Town Planner. The petitioners are willing to comply with all conditions in the Staff Recommendation and have no objections. He noted that the base of the fill for the other building on the back of the property, was done by the prior property owner but Mr. Lewis may have added to it. Mr. Groskopf asked if the area where the bulldozer is located would need restoration, to which Mr. Fruth replied “Yes”.

*After discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a revision to Condition No. 1, which will now read:*

- 1. A Wetland Restoration Plan, showing the removal of the existing detached garage and larger area of fill within the WDNR designated wetland, must be prepared by a qualified wetland restoration professional and submitted to the Planning and Zoning Division Staff and Town Planner for review and approval, by December 1, 2023, prior to the issuance of the Minor Grading Permit and final approval of the rezoning request by Waukesha County and implemented during the growing season of 2024 and completed no later than June 1, 2024. The intent is that the property be restored according to the Approved Plan. The Wetland Restoration Plan shall include the entire wetland fill removal area. The Plan shall indicate how the wetland fill area will be restored with native plant species as recommended in the Vegetation Plan component of the approved Restoration Plan. A detailed list of plants to be used including seeding mixtures and/or planting size and species shall be identified as part of the approved Plan. An Erosion and Sediment Control Plan, as necessary, shall also be part of the approved Restoration Plan. The wetland restoration area shall be managed by the petitioner for a minimum of 3 years.*

*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.*

- CU93 (Dave Kinney) Town of Oconomowoc, Sections 10 and 15**

Mr. Fruth pointed out the location of the property at N76 W36201 Saddlebrook Lane in the Town of Oconomowoc on the aerial photograph. He indicated the request is for land altering activities associated with dredging a pond.

Mr. Fruth indicated the property is located on the corner of CTH P and Saddlebrook Lane. The pond is approximately 1½ ft. deep. The request is to dredge the pond to a maximum depth of 7 ft. resulting in fewer weeds, help with the sedimentation issue and improve habitat. Approximately 1,600 cu. yds. of spoils are proposed to be removed. They will be placed in a tube, on a platform, for a slow dewatering process over 9 to 12 months. The water will drain out and the spoils can be spread similar to a topsoil application, approximately 3 to 4 in. depth. A Stormwater Permit has been issued for the project and the DNR Permits are pending. The project would be completed and restored by September 2024. Chairperson Siepman asked about a safety shelf for the pond. Mr. Fruth responded that the Land Resources Division, as part of their permit process, would review the safety shelf for the pond. Mr. Kinney, petitioner introduced himself and said he was available to answer any questions. Mr. Morris commented that the property is beautifully maintained and the work on the pond will be an enhancement.

*After discussion, Mr. Peregrine moved, seconded by Mr. Morris 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.*

• **CU96 (Road Q, LLC/Boschuetz) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at N53 W34404-08 Road Q in the Town of Oconomowoc on the aerial photograph. He indicated the request is to allow the existing nonconforming use (two dwelling units) to be maintained as a legal non-conforming use to accommodate the remodeling of the cottage closest to Road Q.

Mr. Bill Groskopf recused himself from voting on the matter due to a conflict of interest and left the room.

Mr. Fruth indicated the property is located on the north side of Road Q with frontage on Okauchee Lake. The property contains 2 cottages and a garage. The smaller cottage is less than 600 sq. ft. in size and the larger one to be remodeled is 850 sq. ft. in size. The legal non-conforming use option is available because the proposal to remodel the larger cottage would exceed 50% of the value of the structure and would allow for some degree of improvement. While the ordinance will allow for a reasonable sized building footprint on this site, the proposal warrants careful consideration as to whether it is appropriate or not prolong the life of the non-conforming structures. The impacts to the neighborhood also need to be considered. The large cottage would convert to a 1 bedroom and 1 bath and the smaller cottage will remain as is. A new build would allow for 2,600 sq. ft. on one floor if both cottages were removed. The Planning and Zoning Division staff is recommending approval with conditions:

- There be no more than the 2 cottages which currently exist along with one accessory structure
- Any degree of horizontal or vertical change would require authorization of the County and Town.
- Any enlargement shall not exceed 1,100 sq. ft. per structure.

Chairperson Siepmann asked if it was the exact footprint of what the petitioner has currently? Mr. Dan Groskopf replied, “Yes”. They are keeping the exact same 3D footprint and it would keep the small cottage feel for the property. Chairperson Siepmann asked if a new foundation would be put in? Mr. Dan Groskopf replied that the plan is to keep as much as they can and they are not proposing adding a new foundation now. However, if it needs a new foundation to be structurally sound then it may have to be done. Mr. Morris asked if the cottages would be year round homes, to which the petitioner responded, “Yes”. Remodeling and keeping the cottages will make it more accessible for anyone to rent and enjoy living on the lake, without owning a multi-million dollar home. Chairperson Siepmann asked if the petitioner would have any concerns if the Commission restricted the cottages to the existing building envelopes that they currently have vs, the expansion up to 1,110 sq. ft per unit? Mr. Dan Groskopf replied they would like to make the cottages as livable as possible. They would not expand beyond the footprint. If it is allowed, they would like to build vertical due to the existing dormer on top of the house. It could be utilized for storage space or loft sleep area. Chairperson Siepmann asked if the Town discussed keeping the size of the cottages down, at least the footprint to what is existing? Mr. Peregrine replied “No”. He explained the Town was satisfied with the plan that the petitioner submitted. Mr. Fruth presented the survey of the property. It shows the cottage in question is located almost on the lot line, which would not allow an expansion without a variance. Mr. Dan Groskopf said they would stay exactly within the footprint of what is currently there now. Chairperson Siepmann suggested that language be added to Condition No. 2 stating that neither cottage footprint can be enlarged. The Commission agreed.

*After discussion, Mr. Peregrine moved, seconded by Mr. Szpara and carried by a vote of 4-0 (Mr. Bill Groskopf recused himself from voting due to a conflict of interest), for approval, as conditioned, in accordance with the “Staff Report and Recommendation”, with a revision to Condition No. 2 which will now read:*

1. *No such use (including all structures) shall be expanded or enlarged (horizontally or vertically) without authorization by the Town Plan Commission and Waukesha County Park and Planning Commission, and the Waukesha County Board of Adjustment, if applicable. This authorization shall not require a public hearing and an amendment to the Conditional Use Permit unless necessitated by the Town or County Staff. Said expansions shall not increase the floor area of either cottage to 1,100 sq. ft. or more and neither cottage footprint can be enlarged.*

*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.*

Mr. Bill Groskopf returned to the meeting.

- **CU97 (Dane and Audrey Stradinger) Town of Oconomowoc, Section 24**

Mr. Fruth pointed out the location of the property on Primrose Circle in the Town of Oconomowoc on the aerial photograph. He indicated the request is for land altering activities associated with the construction of multiple retaining walls necessary to construct a new single-family home, attached garage, and outdoor space for a pool and yard.

Mr. Fruth indicated that the property is the final vacant lot in the Bay View Estates Subdivision. The terrain on the property is unique and will require significant fill. There are existing drainage issues within the neighborhood. The neighbor to the north will be making minor modifications with grading. The petitioner is proposing retaining walls along the north property line with the intent to hold grade back so a swale can be created and direct drainage towards Primrose Circle. Another retaining wall is proposed along the west side of the driveway. On the back of the property there are 2 retaining walls proposed to support an area of fill to create a flat area for a patio and pool. There will be a cut of up to 6 ft. on the east side of the site and a 3 to 4 ft. fill on the west side of the proposed residence. In the back area, the fill will be 10 ft. The Town Engineer and the Waukesha County Land Resources staff have viewed and commented on the site. There was acknowledgement of the drainage concern in the area and that this is a difficult lot to build on. Part of the lot will drain off to an outlot immediately to the south. Mr. Stradinger said at the public hearing the neighbors all said they have water issues. He felt being the last lot to be developed that he has to foot the bill to fix everyone's issues.

Mr. Fruth said because of the amount of grading that will occur and challenges in the area, the following conditions are being recommended:

- An As-Built Grading Plan is being recommended, this will protect the petitioner in showing that the plan was executed correctly.
- A timeline of 18 months to complete.
- No adverse impacts.

Mr. Fruth suggested a condition be added stating that "a revised rear building elevation must be provided which aligns with the approved grading plan." The Commission agreed. The submitted plan shows a sloping elevation. Mr. Szpara asked if the neighbor to north graded his lot properly because the water seems to be flowing to the petitioner's property. Mr. Fruth said there was not a violation complaint alleging that it was graded improperly, however, there is willingness on his part to do some things differently and between the two owners it seems like everyone is satisfied that it will work. Mr. Morris asked if it would be a problem directing water to Primrose Circle. The petitioner responded that there is a culvert in the ditch to the south of his property and he plans to put one in, too, which should carry the water to the wetlands. Mr. Groskopf stated that the east or northeast retaining wall is right on the property line and extra care will need to be taken to make sure it stays on the property line. He asked if there was an agreement worked out

with the neighbor? The petitioner said they have been in contact. Mr. Fruth said that as part of the Conditional Use they are acknowledging there is a retaining wall located within 5 ft. of the property line and is included in the request. Chairperson Siepmann asked how the retaining wall could even be built without going onto the neighbor's property and noted that it will require maintenance in the future? The petitioner stated he is trying to help them out with their water issue and he was hoping they would be neighborly and help him out. Mr. Morris asked if the neighbor to the north has a culvert under his driveway, to which the petitioner replied, "No". Mr. Fruth suggested that another condition could be added that "The petitioner must provide written authorization from the property owner located to the north stating that construction access will be available from their property to install the retaining wall."

*After discussion, Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation", with additional Conditions No 13 and 14, which will read as follows:*

*13. The petitioner must provide written authorization from the property owner located to the north stating that construction access will be available from their property to install the retaining wall.*

*14. A revised rear building elevation must be provided which aligns with the approved grading 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.*

**• PPC23 005 (Russell and Lora Wankowski) Town of Delafield, Sections 11 and 14**

Mr. Fruth pointed out the location of the property in Sections 11 and 14 of the Town of Delafield on the aerial photograph. He indicated the request is for a remnant parcel not shown on a Certified Survey Map.

Mr. Fruth said the request will allow for a reconfiguration of several substandard lots of records. There has been quite a bit of encroachment on the large outlot for a long period of time. The house in question that goes over the property line, will become part of Lot 1 (northerly lot) and Lot 2 will be reconfigured and both lots will become conforming parcels. Attorney Gralinski representing the petitioners, stated they have an agreement, in principle, for the transfer of lands to occur. He stated the HOA is the owner of the outlot and it is not a fractional division of all of the property owners in the subdivision. Mr. Morris asked why the request is being brought forward now? Attorney Gralinski replied it was almost resolved when the subdivision first came in for development, 7 to 8 years ago for the outlot. The encroachment has been ongoing since the 1920's. He added that the Wankowski's want to reconfigure the lots with the goal to sell off at least one of them and it is part of the Certified Survey Map process.

*After discussion, Mr. Peregrine moved, seconded by Mr. Groskopf 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. Morris moved, seconded by Mr. Groskopf to adjourn the meeting at 2:27 p.m.*

Respectfully submitted,

*Robert Peregrine*

Robert Peregrine  
Secretary

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