

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, FEBRUARY 20, 2020 1:00 P.M.**

CALL TO ORDER

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

Commission

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

Members Absent: William Maslowski

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Kathy Brady, Support Staff Supervisor
 Amy Barrows, Senior Planner
 Ben Greenberg, Senior Land Use Specialist

CORRESPONDENCE: Public comments received regarding 1A Town of Delafield Land Use Plan Amendment.

MEETING APPROVAL: None.

MINUTES: Approval of the January 16, 2020 Minutes

Mr. Mitchell moved, seconded by Mr. Siepmann and carried unanimously for approval, of the January 16, 2020 Minutes as presented.

PUBLIC COMMENT: None.

SCHEDULED MATTER

- **1:00 p.m. Public Hearing for the 2020 Amendments to the Comprehensive Development Plan for Waukesha County**

Mr. Fruth described the annual amendment process. He 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 19, 2020, the Park and Planning Commission will meet and vote on several of the requests. The Land Use, Parks and Environment Committee will consider the amendments on April 7, 2020. The Waukesha County Board of Supervisors will consider the same at their meeting of April 14, 2020. 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., Mr. Fruth read the Notice of Public Hearing into the record.

1. In the Town of Delafield, the following request is being made:
 - A. ***Amy E. Thomas on behalf of multiple family members***, requests properties located in part of the NE, SE and SW ¼ of Section 23, T7N, R18E, Town of Delafield (Tax Key No's. DELT 0809.995, DELT 0809.996 and DELT 0811.999), be amended from the:
 - DELT 0809.996, north part of DELT 0809.995. Suburban I Density Residential (1.5 to 2.9 acres of area per dwelling unit) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres per dwelling unit) with the PEC areas remaining unchanged.
 - DELT 0811.999, south part of DELT 0809.995. Commercial and Office Park to the Mixed Use category with PEC areas remaining unchanged.

The property owners are proposing to improve the marketability of the property.

Mr. Fruth indicated the request includes 3 parcels of land. The easterly most parcel contains 2 homes with outbuildings along Thomas Lane which cuts through the property. The parcel to the north abuts the County's trail corridor and the westerly parcel is an agricultural field with tree lines and wetland areas. He pointed out the environmental resource features of the property on the aerial photograph (wetlands in the central and west portions of the properties and areas of environmental corridor beyond the wetlands on the north part of the parcels and in the central part between the two areas of wetlands). He noted that, as the public hearing notice indicates, those particular categories are not being proposed to be changed. Current land use plan categories for the properties include the acreage along Golf Road (visible from I-94) in the Commercial and Office Park category, acreage to the north is in the Suburban I Density Residential category. Surrounding properties include single-family residential type uses to the west, east (along with condo type uses), north and northeast, a golf course to the east and a church and school to the south. Lot sizes in the subdivision immediately to the northwest are approximately ¾ acre in size. He explained that the proposed Mixed Use category allows for a range of possible uses, residential, commercial, public and institutional and light industrial uses. The Park and Planning Commission will determine if the request to the straight mixed use category is appropriate or if it should be more specific and allow for only certain mixed uses.

Mr. Fruth noted he has been in communication with the Town of Delafield officials and is aware that the Town is working on an ordinance which creates a new zoning district (the mixed use district). The Town envisions that it would be available to allow for a future development project to come forward. The Town held several public hearings on the new ordinance, the most recent was well attended by the public. The Town staff has indicated an interest in having a meeting with county staff to further discuss the proposed parameters of the mixed use district and try to react to the public comments that were received at the hearing. Mr. Fruth anticipated such a meeting may occur in early March 2020. He further explained that this proposed Land Use Plan amendment would most likely not be advanced at the March 19, 2020 meeting. He added that the current zoning of the property is A-1 Agricultural for both the Town and County with the County having limited zoning jurisdiction affiliated with Pewaukee Lake to the north.

Mr. Fruth said that a large number of public comments have been received through e-mail within the last few days. Any comments received were forwarded by e-mail to the Park and Planning Commission members. As additional comments are received they will also be forwarded. Many of the comments expressed opposition from nearby property owners. There were concerns regarding the compatibility with surrounding residential neighborhoods, aesthetics, industrial, multi-family, commercial uses, traffic and sewer and water capacity.

Attorney Irwin representing the petitioners, stated that he has been involved in this process for approximately six or seven months. The Thomas family has owned the property for over 150 years and it has been mainly farmland. The family wants to make sure that whatever occurs on the property in the future happens correctly and that they wish to be sensitive to the abutting property owners and community and to do what is right. They also would like a reasonable use for their property and make sure that the natural features are protected and take advantage of its proximity to I-94. There have been multiple Town Plan Commission meetings in July, August, September, October, November, December 2019 and January and February 2020 regarding this matter. In addition, there have been planning sessions, meetings with the county and multiple public hearings. In the beginning of the process, the land was planned for a commercial business park with 80% open space and for 15 to 20 years there has been no interest in this type of development. A reasonable use of the property must be determined based on the community and county with an appropriate open space percentage. The current mixed use ordinance proposed by the Town has a requirement of a master development plan coming forward. Until the ordinance is put in place, the property will not be offered for sale. The petitioners are currently in limbo and the intention is for the county to move in a proactive manner with the town. The proposed town mixed use ordinance does not include retail or restaurants and there are limits with multi-family. The mixed use district does include light industrial with a requirement that water be brought from offsite. He reiterated that the Thomas family is open to working with everyone.

Mr. Fitzgerald, Town of Delafield Plan Commission Chairman, indicated that the land has been categorized for commercial and office park uses for approximately 30 years and the zoning is agricultural. The Thomas family is proposing to change the land use to the mixed use category. The Town Plan Commission and Board in considering a change to the mixed use category realized they did not have a compatible zoning district overlay. Ultimately, the Town approved the land use change and simultaneously the town is preparing a mixed use zoning district ordinance. The mixed use district would be the only zoning district available for this land should a request be received for land to be rezoned from agricultural to anything else.

He described the components of the mixed use district:

- A master development plan for the entire parcel.
- Parcels could not be split off and divided and developed independently of each other.
- Lighting plan
- Transportation
- Environmental wastewater management
- Landscaping plan
- Alternative uses (offices, light industrial, senior housing, multi-family)
- Traffic study

Mr. Fitzgerald added that the Town wants to know what the development is before the zoning is changed. The mixed use zoning district ordinance would outline the limited permitted uses and prohibited uses with the overlay of a master development plan. The ordinance has been before two public hearings and one Town Board meeting. The Town has received dozens of public comments and the process is continuing.

Chairperson Peregrine opened the hearing up for public comment.

Many people spoke, all in opposition of the proposed amendment, the comments are summarized below:

- Neighbors were not informed or invited to Town meetings regarding mixed use zoning district ordinance creation. Specifically, there was a workshop in October 2019 with 8 developers and a number of the Thomas family members and neighbors were not invited.
- Several offers have been made on the property contradictory to what Attorney Irwin stated.

- Concerns regarding increase in traffic, building heights, effect on wells and water.
- Do not want industrial parks/industrial buildings, or senior housing.
- Keep 80% open space.
- Work with residential neighbors, keep as residential community.
- Public understands the land will be developed, but do it carefully.
- Complete the mixed use ordinance first before approving land use amendment for the property
- The Town's BP Business Park District Section 32 states that business parks must be located within a mile of a freeway interchange or at the intersection of two State Trunk Highways. This property is more than a mile away from either freeway interchange and not near two State Trunk Highways.
- Send the mixed use district ordinance back to the town, there is more work to be done.
- In the new ordinance, Section 10, exceptions, gives the Town Board without any notice, without a variance, the ability to give a developer the opportunity to change anything they want on the plan after the zoning is in place.
- Match up the property with the uses to the east and west.
- Traffic study should be done.
- Neighbors to the west on Glen Cove Road, have concerns for children on school busses with additional traffic, light industrial or multi-family being located next to them, currently the church to the south emits light pollution.
- Proposed development plans should not be able to be changed.
- What is the timeline for the Land Use Plan amendment? Mr. Fruth responded the Town staff indicated they have an interest to meet with County staff and talk more about the proposed mixed use district ordinance. He did not anticipate that this amendment would be on the March 19, 2020 Waukesha County Park and Planning Commission meeting. County staff believes the land use plan amendment and town ordinance should come forward at the same time.
- Residential properties should not be adjacent to light industrial, commercial or apartment complexes. Concerns for Pewaukee Lake. Should not end up to be something the neighbors have to live with going forward.
- There is more opposition than support. Only the Thomas family and the Town Board are in support.
- Currently there is runoff from I-94 entering Pewaukee Lake. Blue-green algae generally resonates from the southwest portion of Pewaukee.
- Glen Cove Road is only 2 lanes.
- Accurate description/plan for what would be going onto the property.
- Concerns with building heights (could be as high as 47'), would be an eyesore.
- Crime rate will increase and home values will decrease.
- Increased runoff will occur with increase in asphalt.
- Increase in sound pollution, concerns with water and wells.

Chairperson Peregrine 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 Ottawa, the following request is being made:

- A. **Phyllis B. Cramer**, W380 S2602 County Road Z, Dousman, WI 53118-9555, requests property located in part of the SW ¼ of Section 9, T6N, R17E, Town of Ottawa (Tax Key No. OTWT 1619.999.005), be amended from the Primary Environmental Corridor category to the Farmland Preservation with Environmental Corridor Overlay category, to complete a transfer of lands process.

Mr. Fruth indicated that the petitioner has reacquired land which she had formerly owned, north of School Section Lake Road containing approximately 3.5 acres. The petitioner intends to attach the parcel to their approximate 147 acre farm located to the north. The Planning and Zoning Division has worked with the petitioner in the past to make sure her property was able to receive Farmland Preservation tax credits. He noted the petitioner has a long-term commitment to the lands staying in agricultural use.

Chairperson Peregrine opened the hearing up for public comment.

Mr. Heine, representing the petitioner introduced himself and said they intend to match the smaller parcel to the larger parcel for farm preservation.

Mr. Michalski asked why the parcel was split off previously? Ms. Cramer, petitioner, replied when the estate trust was settled, some family members wanted their share of the inheritance. Another town resident purchased the farm, then sold it back to them to satisfy the family/trust. There was an acre of woods on the farm that a buyer wanted to acquire and it was already in forest management preservation. They agreed to right of first refusal and when the resident decided to sell the woodland they purchased it back to add to the farm property. She noted that the 3 acre parcel will not be developed and is part of the farm and its heritage. Eventually, she would like to put the entire farm in a conservancy. Currently, she is being taxed on the 3.5 acre parcel as residential property and noted it would not be developed.

Chairperson Peregrine 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 Vernon, the following request is being made:

- A. *The Waukesha County Park and Planning Commission*, 515 West Moreland Blvd., Waukesha, WI 53188, requests comprehensive amendments to the land use plan mapping for various properties within the Town of Vernon. The proposed amendments are being brought forward in response to recent amendments adopted by the town relative to the Town of Vernon Comprehensive Plan.

Mr. Fruth indicated the request is for comprehensive land use plan mapping changes for various properties within the Town of Vernon. He presented a draft layer on the GIS system showing the proposed areas of change. Most of the properties are located in areas that are nearby to Village of Big Bend boundaries. Although the town plans to do a full review of all land use, they felt these specific properties were considered to be of high priority to be changed. Many of the properties are proposed to be placed in the mixed use category or are changing from one residential category to another. The County's Business Park study was utilized by the Town in examining the properties. Mr. Morris asked about the previous land use category on property located at CTH ES and Crowbar Road. Mr. Fruth replied that it was in the rural residential category.

Chairperson Peregrine 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.

4. In the Town of Waukesha, the following requests are being made:

- A. ***Amy Hudson and James Derrick***, 6508 W. Lincoln Avenue, West Allis, WI 53219-2045, request property located in part of the SE ¼ of Section 34, T6N, R19E, Town of Waukesha (Tax Key No. WAKT 1432.998.004), be amended from the Suburban I Density Residential (1.5 to 2.9 acres of area per dwelling unit) category to the Mixed Use category, to allow for a self-storage facility. The Other Open Lands to be Preserved areas on the property will remain unchanged.

Mr. Fruth indicated the property (and the property to the north) have been planned for the Commercial category on the Town's Plan. More specifically, the property in question is located on the Town of Waukesha/Town of Vernon line. The area to be amended is located outside of the high groundwater area. Surrounding properties include residential and estate type residential to the west. In addition, a rezone request has been submitted.

Chairperson Peregrine 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. ***The Waukesha County Park and Planning Commission***, 515 West Moreland Blvd., Waukesha, WI 53188, requests comprehensive amendments to the land use plan mapping for various properties within the Town of Waukesha. The proposed amendments are being brought forward in response to recent amendments made to the Town of Waukesha Comprehensive Plan.

Mr. Fruth indicated the request is for comprehensive land use plan mapping changes for various properties within the Town of Waukesha along with text amendments. The Town tried to match the County's plan category descriptions within plan text. There are some properties being changed to the Mixed Use or Commercial categories. He pointed out on the aerial photograph some of the properties to be included in the amendment. Mr. Hamilton suggested that the size of each of the parcels be included in the table exhibit attached to the map. Mr. Fruth replied that the exhibit has been updated to include parcel sizes.

Chairperson Peregrine asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 2:13 pm.

1. RZ45 (Town of Lisbon Board) Town of Lisbon, Section 25

Mr. Fruth pointed out the location of the property at N63 W22039 CTH F. in the Town of Lisbon on the aerial photograph. He indicated the request is to rezone the property from the A-10 Agricultural District to the M-2 General Industrial District (Town).

Mr. Fruth indicated the property is the former Lied's landscaping operation. The west 45 acres of the 71 acre parcel is proposed to be rezoned. A light industrial building, approximately 40,000 sq. ft. in size for an ink manufacturing business is being proposed. The Village of Sussex expressed concerns regarding design standards for the buildings, which have since been added by the Town of Lisbon. Mr. Morris asked where the mound of topsoil on the property was located, to which Mr. Fruth pointed out on the aerial photograph on the north portion of the property.

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

2. RZ54 (Town of Lisbon Board) Town of Lisbon

Mr. Fruth explained the request is a text amendment to repeal and recreate Section 28 of the Town of Lisbon Zoning Code regarding the B-P Industrial/Business Park Special Use Zoning District.

Mr. Fruth indicated the B-P Industrial/Business Park Special Use Zoning District was modernized to update the purpose and intent language, remove references to cell towers, delete the prohibited uses list and reinstitute the design standards. He noted the district is not currently mapped in the Town but will remain available for property where business/industrial development is proposed.

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

3. RZ52 (Waukesha County Park and Planning Commission)

Mr. Fruth indicated the request is for proposed text amendments to the Waukesha County Shoreland and Floodland Protection Ordinance to modify the conditional use provisions for contractor’s yards.

Mr. Fruth indicated the text amendment is being proposed to reduce the minimum lot size requirements for the contractor’s yard provisions from 5 acres to 3 acres in the B-3, Q-1 or Industrial Districts of the Shoreland Ordinance.

After brief discussion, Mr. Hamilton moved, seconded by Mr. Siepmann and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.

4. RZ53 (Waukesha County Park and Planning Commission)

Mr. Fruth indicated the request is for proposed text amendments to the Waukesha County Zoning Code to modify the conditional use provisions for contractor’s yards.

Mr. Fruth indicated the text amendment is being proposed to reduce the minimum lot size requirements for the contractor’s yard provisions from 5 acres to 3 acres in the B-3, Q-1 or Industrial Districts of the Zoning code.

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

5. RZ51 (Proven Properties/D&J and Sons, LLC) Town of Vernon, Section 10

Mr. Fruth pointed out the location of the property on the south side of CTH ES, approximately ½ mile west of the intersection of STH 164 and CTH ES in the Town of Vernon on the aerial photograph. He indicated the request is to rezone the property from the A-5 Mini Farm District to the B-3 General Business District (Town and County).

Mr. Greenberg, Senior Land Use Specialist, indicated the property is approximately 3 acres in size and is located on the south side of CTH ES, ½ mile west of the STH 164 intersection in the Town of Vernon. Surrounding properties include the former National Golf Center, which surrounds the property to the south and west, the West Allis Kennel Club to the north and a vacant Village of Big Bend parcel to the east. The proposed rezone would accommodate a poured concrete foundation business with an associated contractor’s yard. The request conforms with both the town and county plans and is compatible with surrounding uses. A preliminary storm water review of the Site Plan by the Waukesha County Land Resources division indicates there is adequate space for storm water management. The Waukesha County

Public Works Department is requiring driveway intersection improvements due to the high volume of traffic on CTH ES. In addition, a 10 ft. tall planting screen between the adjacent properties is a condition of approval.

Mr. Mitchell asked if a fence or landscaping would be required for the 10 ft. planting screen? Mr. Greenberg replied that vegetative screening is being required. Mr. Michalski asked about the jurisdictional boundary on the rezone map. Mr. Fruth explained that most of the property is located within the shoreland area due to a large pond located on the West Allis Kennel Club property to the north.

After discussion, Mr. Michalski moved, seconded by Mr. Siepmann and carried by a vote of 5 to 1 (Mr. Morris abstained from voting due to a conflict of interest) 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.

6. CU40 (Proven Properties/D&J and Sons LLC) Town of Vernon, Section 10

Mr. Fruth pointed out the location of the property on the south side of CTH ES, approximately ½ mile west of the intersection of STH 164 and CTH ES in the Town of Vernon on the aerial photograph. He indicated the request is for conditional use approval for a contractor's yard for a poured foundation business and is related to the previous rezone request (RZ51) listed above.

After a brief discussion, Mr. Siepmann moved, seconded by Mr. Michalski and carried by a vote of 5 to 1 (Mr. Morris abstained from voting due to a conflict of interest) 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.

7. SP90 (Proven Properties/D&J and Sons) Town of Vernon, Section 10

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU40) and Rezone (RZ51) listed above.

After a brief discussion, Mr. Siepmann moved, seconded by Mr. Michalski and carried by a vote of 5 to 1 (Mr. Morris abstained from voting due to a conflict of interest) 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.

8. RZ57 Garni, LLC (Town of Brookfield), Section 31

Mr. Fruth pointed out the location of the property at 21725 and 21755 Longview Drive 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 B-2 Limited General Business District (Town).

Mr. Fruth indicated the request is to rezone two adjacent parcels for a proposed multi-tenant commercial building. A similar type commercial building is located immediately to the northeast and a residential neighborhood also abuts the property. The developer held a neighborhood meeting and received a number of comments and questions from neighbors regarding lighting, landscaping, and retaining walls. The building would be located on the southwest corner of the property with the parking lot located on the north and east sides which would provide buffering for the neighbors to the south. He presented drawings of what the proposed building would look like. Both the Town and County are recommending approval of the request.

After discussion, Mr. Morris 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.

9. CU41 (James and Ilene Wadkins/Taylor Daley) Town of Vernon, Section 34

Mr. Fruth pointed out the location of the property at S108 W24835 Overlook Drive in the Town of Vernon on the aerial photograph. He indicated the request is for land altering activities associated with the construction of a new residence.

Mr. Greenberg, Senior Land Use Specialist indicated the lot is currently vacant and is approximately 2 acres in size. A Master Grading Plan was required indicating yard grade parameters for every lot in the subdivision. Due to the presence of soils associated with high ground water, soil tests were conducted and the minimum basement elevation was established for every lot in the subdivision except the subject lot. When the soil testing was done for the proposed septic, higher than expected ground water was discovered requiring a mound type system. A minimum basement elevation was established according to the basement wetness standards of the County’s Storm Water Ordinance. In order to meet the standards and achieve a full height basement, the petitioners are proposing finished yard grades which deviate from the Master Grading Plan. Along the backside of the home 7 to 8 ft. of fill is proposed. The Planning and Zoning Division staff is recommending approval of the request with conditions.

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

10. CU39 (Craig Lachance) Town of Eagle, Section 20

Mr. Fruth pointed out the location of the property at S90 W38108 STH 59 in the Town of Eagle on the aerial photograph. He indicated the request is for conditional use approval for a change in owner/operator and signage and lighting changes for an existing salvage yard.

Mr. Fruth indicated the petitioner is a new owner for the existing salvage yard which has been in existence since the 1950s. Several changes are being proposed by the petitioner for the salvage yard such as an 8’ x 4’ sign located on the fence near the entry of the building, authorization to store parts in shipping containers instead of semi-trailers and the addition of solar downcast lighting around the building. At the public hearing the Town Plan Commission and Board had questions about the fencing which is no longer in good condition. The petitioner indicated he would be replacing the fence within the next 2 years. Existing conditions of note include:

- Within 400 ft. of STH 59 vehicles are not to be stacked more than 10 ft. high, elsewhere on the property they may be stacked a maximum of 12 ft. high.
- Shipping containers/semi-trailers must be located 30 ft. from the property line.
- The Department of Natural Resources requires a Storm Water Permit.
- The Town Building Inspector and Town Fire Inspector must conduct inspections.
- A Waste Disposal Plan must be provided
- A Preliminary Site Evaluation (PSE) is required.

Mr. Lachance clarified that vehicles are brought to the facility and placed in a staging area where they are inventoried and then moved to a processing area where the fluids are drained before they go to the yard.

Mr. Michalski said that on Exhibit A-Site Plan, it indicates a 13 ft. maximum height for vehicles to be stacked beyond 400 ft. Mr. Fruth indicated that the conditions trump the Exhibit. Mr. Mitchell asked the petitioner if he had any issues with the conditions? Mr. Lachance replied the only issue he had was when he originally came into the office he was told he did not need a PSE by a planner and 6 days before the meeting he was told he needed one. Mr. Fruth replied that he was unaware of that information and would clarify this with his staff. He added that PSE's have a fairly quick turnaround and should not delay getting the permit.

After discussion, Mr. Mitchell 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.

11. SP89 (Craig Lachance) Town of Eagle, Section 20

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU39) listed above.

Mr. Lachance asked Mr. Fruth if he could fill out and sign the form to amend his salvage license per the conditions. Mr. Fruth replied that the petitioner had requested the form be filled out in advance of today's meeting and decision. He consulted with the County Attorney who indicated that it could not. He offered to sign the form after the action at today's meeting.

After 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.

12. CU36 (Adam Craft) Town of Ottawa, Section 17

Mr. Fruth pointed out the location of the property at S35 W38049 Dolmar Park Road in the Town of Ottawa on the aerial photograph. He indicated the request is for land altering activities in conjunction with the construction of a pond and berming.

Mr. Fruth indicated the pond is located southeast of the residence on the property and is 125 ft. x 165 ft. in size with a depth of 14 ft. There is an 8 ft. safety shelf around the entire pond. Initially the pond would be filled by well water. The spoils from the pond are to be used for berming to minimize the amount of trucking. Conditions of note include that the stone tracking pad be installed as proposed, the safety shelf area not exceed 1.5 ft. of depth of water, a Storm Water Permit be obtained and the project be completed by September 15, 2020. Chairperson Peregrine noted in the Staff Recommendation portion of the report it states the Town Plan Commission is recommending approval when it should say the "Planning and Zoning Division staff" is recommending approval. Mr. Fruth noted that the report would be corrected.

After discussion, Mr. Siepmann 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.

13. RZ59 (John Skatrud) Town of Eagle

Mr. Fruth explained the request is a text amendment to repeal and recreate Subsection 500.522(A)(1) of the Town of Eagle Zoning Code relating to the Public P-1 District.

Mr. Fruth indicated the text amendment would expand the intent description of the P-1 District to allow for all kindergarden through Grade 12 schools and lands used for telecommunications or utilities. Currently, the code states that only public schools can be included in the category. The text amendment will provide consistency between 2 different sections of the town's code. Mr. Mitchell asked if it is common to include telecommunications or utilities? Mr. Fruth replied that it is done different ways in different codes.

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

14. RZ58 (John Skatrud) Town of Eagle, Section 11

Mr. Fruth pointed out the location of the property at W351 S7510 Hwy 59 in the Town of Eagle on the aerial photograph. He indicated the request is to rezone the property from the Rural Residential District (Town) to the Public P-1 District (Town).

Mr. Fruth indicated the petitioner is proposing to rezone a former school house property along STH 59 to the P-1 District to operate a 1 room school house which was the historic use for the property. The property has also been used for daycare facilities. The proposed school will be a for profit operation.

After a brief discussion, Mr. Siepmann 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.

15. PPC20 001 (Mike and Lori Russo) Town of Merton, Section 31

Mr. Fruth pointed out the location of the property at W338 N5247 Road O in the Town of Merton on the aerial photograph. He indicated the request is for an after-the-fact retaining wall within 5' of the south property line.

Mr. Greenberg indicated the property is approximately ½ acre in size and located on Okauchee Lake. There are steep slopes between the road and residences, approximately 12% and the yard flattens out between the home and the lake. The petitioner's driveway wraps around their garage to the south and west providing additional parking. An old timber retaining wall wrapped around the parking area which retained the higher driveway grades from the adjacent lot to the south, which sits a number of feet lower.

Mr. Greenberg said in September 2019, a complaint was received that work was being done without the necessary permits. The Planning and Zoning staff visited the site and observed that walkways, a fire pit structure, steps and a retaining wall had been constructed without the required permits. The owner agreed to remove the lakeside walkway and fire pit structure, but is seeking after-the-fact permits to keep the retaining wall and associated stairs and sidewalk. The drainage plans for the walls will incorporate the existing driveway drain and will tie into a nearby downspout using drain tile which will outlet down slope of both residences into an infiltration area vegetated with deep rooted plants. The walls are constructed out of natural outcrop stone and incorporate planting beds with evergreen shrubs and perennials. The Town Plan Commission approved the request conditioned upon the petitioner obtaining written approval from the neighbor to the south.

Mr. Greenberg stated the neighbor expressed concerns of whether the existing 4 inch drainpipe would adequately contain the runoff. A Waukesha County Land Resources division engineer determined the 4 inch pipe would only be able to handle a 1 year storm event and recommended a larger 6 inch pipe, which could handle a 10 year storm event. The petitioner has agreed to increase the pipe size. The neighbor also expressed concerns regarding the sizing of the stilling basin. The project contractor indicated the basin could be constructed with a small spillway area which would keep any overflow on the subject lot and not on the neighbor's lot.

Mr. Vanderhout adjacent neighbor, said he agrees with the conditions such as interlocking wall, height of the wall, dimensions of the stilling basin and the use of survey markers for the lot line. Mr. Hamilton asked who did the work on this project and why were they not aware that permits were needed? Mr. Auer from Ground Crafter, responded that he did not think permits were needed for the walkways because they were flagstone and they had a grass/turf joints and were permeable not a solid sidewalk. He added the problem was the wall within 5 ft. of the property line.

After discussion, Mr. Siepmann 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

ADJOURNMENT

With no further business to come before the Commission, Mr. Siepmann moved, seconded by Mr. Morris to adjourn at 2:58 p.m.

Respectfully submitted,

James Siepmann

James Siepmann
Secretary

JS:kb