

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, APRIL 19, 2018 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 Robert Peregrine
 William Mitchell William Maslowski

Members Absent: None

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Kelly Dennis, Admin. Specialist
 Kathy Brady, Support Staff Supervisor
 Sandy Scherer, Senior Planner

Guests Present: David and Stacy Vecellio: PPC18_001, CU1 and SP4
 William Downing: CU-0262T, CU4 and SP14
 Barb Holtz: RZ9
 Andy Holtz: RZ9
 Robert Bortolotti: CU3 and SP5
 Sara Ladish: CU3 and SP5
 Jon Spheeris: RZ6
 John Siepmann: CU2

CORRESPONDENCE: None.

MEETING APPROVAL: None.

MINUTES:

- Approval of the February 22, 2018, Minutes.

Mr. Mitchell moved, seconded by Mr. Peregrine and carried by a vote of 4 to 0 (Mr. Maslowski abstained from voting as he did not attend the meeting) for approval of the February 22, 2018, Minutes, as presented.

- Approval of the March 1, 2018, Minutes.

Mr. Siepmann moved, seconded by Mr. Mitchell and carried by a vote of 4 to 0 (Mr. Maslowski abstained from voting as he did not attend the meeting) for approval of the March 1, 2018, Minutes, as presented.

PUBLIC COMMENT: None.

SCHEDULED MATTERS: None.

- **ZT-1701E (Text Amendment) Town of Lisbon**

Mr. Fruth pointed out that the request is for text amendments to the Town of Lisbon Zoning Code to create a Planned Unit Development (PUD) Overlay District and repeal and recreate various sections related to Planned Unit Developments.

Mr. Fruth indicated that the text amendment was in response to a specific development request in the Town of Lisbon. The developer is proposing a residential conservation design subdivision and after a controversial public hearing process, the Town Attorney questioned if the Town's existing Conditional Use process for PUD's was fully compatible with state laws. The specific concern was if zoning provisions could be flexed administratively outside of a formal rezone action. The Planning and Zoning Division Staff discussed the issue with the Town of Lisbon Planning Staff and the Attorneys representing the Town to try and be helpful in resolving the issues. The Planning and Zoning Division Staff recommended to the Town, that the number of public hearings should not be increased. Each approved PUD would be identified uniquely on the Town Zoning Map and each project would have its own rules.

Mr. Fruth pointed out that a general development plan is required to be prepared and submitted at the time of the rezone request in order for the Town to be able to view a proposed layout. In addition, a more specific implementation plan is required to be submitted within one (1) year of the initial submittal.

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

- **RZ3 (Tim Hiller/Pearl O. Slater) Town of Eagle, Section 13**

Mr. Fruth pointed out the location of the property on the east side of Sprague Road in the Town of Eagle on the aerial photograph. He indicated the request is to rezone the property from the RR Rural Residential District to the UC Upland Conservancy District.

Mr. Fruth indicated the rezone would establish natural resource designations/districts for newly mapped Isolated Natural Resource areas and Primary Environmental Corridors identified by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) related to a proposed residential development. In addition, a high value prairie habitat and critical species habitat was identified. The proposed layout for the development would preserve the areas described above in common open space. The Waukesha Land Conservancy may be involved with the ownership of some or all of the outlot acreage.

Chairperson Morris questioned Condition No. 1, regarding the property owner being required to submit a metes and bounds description of the C-1 and UC areas. Mr. Fruth responded that it was a Town condition asking for a survey description so it can be accurately mapped.

After discussion, Mr. Peregrine 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.

- **RZ6 (Anthony Fronczak) Town of Delafield, Section 35**

Mr. Fruth pointed out the location of the property at S11 W29586 Summit Avenue in the Town of Delafield on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agricultural District to the A-2 Rural Home District.

Mr. Fruth indicated the property contains approximately 49 acres, located on the north side of S.T.H. 18. The request is to divide the property into two (2) parcels, along the existing driveway location. The existing residence would be located on the east parcel. There is an existing metal outbuilding located on the west side of the property, which would stay on the west parcel. The Town of Delafield has approved the rezone, contingent that there be no further division of the property. Mr. Siepmann asked if the A-2 Rural Home District allows a freestanding structure to be located on a parcel without a principal residence? Mr. Fruth asked Mr. Spheeris (petitioner) if the intent was to retain the outbuilding? Mr. Spheeris replied that the intent is to keep the 10-stall horse barn, and if a prospective buyer were to have horses on the property, they could construct a house. He explained that one prospective buyer is not interested in building a residence and may not want to use it for horses but rather for agricultural purposes. Mr. Fruth asked if the Town has provisions, which accommodate a building without a residence, to which Mr. Spheeris replied, "correct." Mr. Mitchell added that there is a concern with horses being left unattended on a property in case of a fire. Mr. Spheeris said the building would not be used for horses unless a buyer would construct a house. Chairperson Morris asked if there would be a shared driveway, to which Mr. Spheeris replied "Yes."

After discussion, Mr. Siepmann moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned, in accordance with the Staff Report and Recommendation. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **RZ9 (Jean Holtz Trust) Town of Mukwonago, Section 18**

Mr. Fruth pointed out the location of the property at W335 S7907 C.T.H. "E" in the Town of Mukwonago on the aerial photograph. He indicated the request is to rezone the property from the A-P Agricultural Land Preservation District to the A-1 Agricultural District.

Mr. Fruth noted that the rezone had been adopted in 2015. There is a Town requirement that the conditions of the rezone be satisfied within one (1) year, which was not done. The property owners are proposing to refresh their approval to settle an estate and allow for the homes to be divided amongst several family members. He confirmed that the proposed layout is identical to the 2015 request.

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.

- **CU-0262T (William Downing) Town of Ottawa, Section 33**

Mr. Fruth pointed out the location of the property at W377 S5994 C.T.H. "ZC" in the Town of Ottawa on the aerial photograph. He indicated the request is to terminate the existing Conditional Use for a commercial dog kennel.

Mr. Fruth pointed out that the existing kennel from 1975 is no longer in use. Mr. Mitchell asked if the petitioners wanted to retain the kennel building and what would it be utilized for? Mr. Downing, petitioner, replied that he utilizes the space for working on his vehicles. Chairperson Morris asked if there was a Driveway Agreement with the parcel to the south? Mr. Downing responded that there is a Driveway Easement to the Jeske property to the south. Chairperson Morris asked if there was a separate driveway leading to the road? Mr. Fruth replied that it is the sole driveway servicing all of the buildings.

After discussion, Mr. Peregrine 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.

- **CU4 (William Downing) Town of Ottawa, Section 33**

Mr. Fruth pointed out the location of the property at W377 S5994 C.T.H. “ZC” in the Town of Ottawa on the aerial photograph. He indicated the request is to legalize and retain an existing in-law unit with minor modifications.

Ms. Scherer, Senior Planner, explained that a previous property owner obtained permits to do some work on the residence and at some point in time, the work turned into an in-law unit. In 1999, the current property owner purchased the property as-is and thought the in-law unit was legal. His son and family currently reside in the in-law unit. Recently, the petitioner wanted to do additional updates to the residence, which required the building inspector to visit the property. At the visit, the building inspector noticed there were two (2) units and refused to issue any additional permits.

Ms. Scherer noted that the petitioner contacted the Planning and Zoning Division and it was discovered that the existing in-law unit exceeded the maximum living space allowed by the Ordinance. The petitioner applied for a variance from the Waukesha County Board of Adjustment on February 14, 2018. The variance was approved conditioned upon the petitioners applying for a Conditional Use Permit to legalize the existing in-law unit with both the Town and County.

Mr. Maslowski asked what the Commission was being asked to approve, to which Mr. Fruth replied, “To legalize the existing in-law unit.” The Planning and Zoning Division Staff indicated that the current property owner had no knowledge that the in-law suite was illegal. He noted the in-law unit size is slightly over 1,000 sq. ft. where 850 sq. ft. is the maximum. In addition, the Planning Staff is looking into possible future Ordinance amendments to the in-law suite maximum size and felt this request was appropriate.

Mr. Peregrine asked, at the time of the building inspector visit, what triggered him to identify an in-law suite? Mr. Downing responded, there was a second kitchen with a stove. Mr. Downing said if he removed the stove from the second unit, it would be legal.

After discussion, Mr. Maslowski 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.

- **SP14 (William Downing) Town of Ottawa, Section 33**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-4) listed above.

After a brief discussion, Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **CU2 (Bryant Ferguson/Siepmann Realty Corporation) Town of Delafield, Section 15**

Mr. Fruth pointed out the location of the property at W303 N2595 Maple Avenue in the Town of Delafield on the aerial photograph. He indicated the request is for land-altering activities associated with the construction of a new single-family residence, deck, patio, swimming pool, cabana, retaining walls and associated driveways.

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

Mr. Fruth indicated that in the past there was a proposal for the property to be developed as residential condominiums. At that time, the developer recorded numerous documents regarding the condominium development and razed a number of buildings. He noted the terrain is unique with steep slopes to the north and west, due to past quarrying activities on the site. Another past proposal was for a very large home, which was never constructed. The current request is for land altering/grading activities in association with the construction of a single-family residence. The grading slightly exceeds the maximum allowed without a Conditional Use Permit.

Mr. John Siepmann distributed a packet of materials showing a historical overview of the past activities on the property. He indicated the property was a quarry from the 1940s until sometime in the early 1970s. There were several homes on the property, 11 of which were demolished in early 2000. He pointed out on the plan, trees which are proposed to be removed, and added that most of them are buckthorn and black locust trees, which are not of any significant value. He pointed out the location of the proposed driveway, pool deck, pool, residence, pool house and environmental corridor. The proposed residence is approximately 4,500 sq. ft. in size, with a full walkout basement on the southeast side of the home, a patio and pool with a retaining wall, which extends across the southwest and southeast sides of the pool. In addition, he noted there is high groundwater on the site from natural springs.

Chairperson Morris asked about the slope in the former quarry area and how much would need to be excavated. Mr. Siepmann replied that none of the quarry area would require any excavation. Chairperson Morris asked if the driveway was going to be placed over a sewer easement or is it a proposed sewer easement? Mr. Siepmann replied, there is a formerly platted street and that is why they put the sanitary line through it. He said they would be going before the Sanitary District this week to discuss the matter. He noted that the current easement goes around the formerly (proposed) house and the relocation of the sanitary line was to accommodate the 25,000 sq. ft. home. The easement was recorded, which now needs to be removed.

Mr. Maslowski noted that if the elevation of Maple Avenue is approximately 873' then what is the elevation of Pewaukee Lake? Mr. Siepmann replied that the elevation of Pewaukee Lake is approximately 830'. In addition, the property has a boat slip on Pewaukee Lake, located across

Maple Avenue. He explained that there are three or four landowners in Crystals Springs Park that have deeded access to a property that has lake frontage. Mr. Fruth clarified that there is an ordinary high determination for Pewaukee Lake which is approximately 854'. Mr. Maslowski asked if a public hearing was held, to which Mr. Siepmann replied, "Yes" and a few people who lived nearby spoke in favor of a single family home being constructed on the property.

Mr. Maslowski summarized the approval as changes in the boundary of the Environmental Corridor. Mr. Siepmann described the change as excavation in accordance with a comprehensive landscape plan, including mitigation for the loss of trees. The owner and his company wants to do everything the right way, keep the disturbance to a minimum and the work should be nearly invisible from Maple Avenue. Chairperson Morris asked if the proposed retaining wall was located within 5' of the property line, to which Mr. Siepmann responded approximately 5.6'. He explained that the retaining wall will be a manufactured wall and will have structural integrity. Mr. Maslowski said Mr. Siepmann has done a good job on a complicated property.

After discussion, Mr. Maslowski moved, seconded by Mr. Mitchell and carried by a vote of 4 to 0, (Mr. Siepmann recused himself 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.

Mr. Siepmann returned to the meeting.

• **PPC18 001 (David and Stacey Vecellio) Town of Oconomowoc, Section 2**

Mr. Fruth pointed out the location of the property at N88 W35490 Mapleton Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a one (1) year renewal and to increase in the number of events for an event barn business.

Mr. Fruth indicated the owners would like the number of events to be increased from 35 to 75 per year. A detailed list of annual events is required to be submitted to the Town Planner no later than April of each year. He noted that the Environmental Health Division is working with the petitioners regarding the requirement that only catered food be supplied for the venue. There was a request for food to be brought into the venue as a semi potluck arrangement. There have been no complaints regarding noise or any other issues besides the parking expansion. Mr. Mitchell mentioned that he read about a lighting complaint, which the Staff indicated was a very low voltage. Mr. Peregrine said at the public hearing there were comments regarding lights being on all night that were irritating neighbors. He asked where the location of the lights were? Mr. Vecellio replied, the lights are located in the decorative cupolas on top of the barn. The bulbs are four (4) watt bulbs in three (3) cupolas. He stated that the neighbor who complained lives a considerable distance away. Mr. Peregrine asked if the lights are on all night, to which Mr. Vecellio replied they are on until midnight but now, per the Town Planner's request, they are turned off on a timer between 8:00 p.m. and 9:00 p.m. until the May 1 wedding season begins. Ms. Vecellio explained that on weekends during events the lights would be on until between 12:00 a.m. and 12:30 a.m., while the caterers and staff are cleaning up the event.

After discussion, Mr. Maslowski moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned, in accordance with the “Memorandum”. 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.

• **CU1 (David and Stacey Vecellio) Town of Oconomowoc, Section 2**

Mr. Fruth pointed out the location of the property at N88 W35490 Mapleton Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is to construct an additional parking lot and related access ways for use during scheduled events.

Mr. Fruth indicated a condition is imposed on the Conditional Use relative to the maximum parking being capped at 15 stalls to provide parking for the bride and groom, handicapped parking, caterers, florists, etc. He noted that it was always the Vecellio’s proposal at some point in the future to come back for more parking indicated on the concept plans submitted approximately 1½ years ago. At that time, there were issues with the Public Works Department regarding how many parking stalls could occur onsite before improvements would be required, such as by-pass lanes, tapers, relocation of driveway, etc. The Public Works Department formalized a policy for these types of event facilities, limiting parking to 15 spaces, maximum, before improvements would be necessary. In addition, Town and County Staff have discussed what would be appropriate, because the properties are planned and zoned for farmland preservation and these rural/residential uses are generally in country type settings. The Town preferred minimizing onsite parking and recommended a condition that rural character should be preserved. The petitioners indicated that it is important for their business model to provide more onsite parking and are proposing 100 additional parking stalls on top of the 15 they have currently.

Mr. Vecellio said, per the public hearing, they scaled the parking back to 60 additional parking spots on top of the 15 they currently have, 75 total. Mr. Fruth indicated that parking for these types of venues averages approximately one (1) parking stall per three (3) attendees. In addition, the Town required that a stormwater plan must be submitted with a 20’ offset. An agricultural field to the east contains a drainage pattern (east) towards the Ashippun River. The Waukesha County Land Resources Division has expressed concerns because of the small size of the site (5 acres), tree cover, driveway, septic facilities, the barns, a residence, etc. Initial feedback indicates that the southeast corner of the property could accommodate a potential stormwater facility. He reminded the petitioners that 75 parking stalls are the maximum allowed. If the stormwater facilities demand additional space, there may have to be a loss of parking spots. Mr. Fruth also mentioned the Town’s Condition No. 3, regarding allowing overflow parking in grassy areas. He noted that the Planning and Zoning Division Staff believes that 75 parking spots are adequate with no overflow parking on the grassy areas.

Mr. Vecellio said the parking area will be modeled under the ½ acre trigger for required stormwater improvements, however, the Town is recommending that something be done to keep runoff on the property and noted that his engineer is working on designs for a rain garden in the southeast corner of the property.

Mr. Fruth asked what is the average number of guests that attend events? Ms. Vecellio responded that events range from 50 people to 200 people, however, an average is approximately 150 persons. Mr. Vecellio asked that overflow parking be allowed on the grassy areas (Condition No. 3). Mr. Vecellio said they would like to work within the confines of the lot, not remove any unnecessary

trees, etc. Mr. Fruth mentioned there is a gravel based material product with a grid on top, which allows grass to grow through and can be used on parking lots. Mr. Vecellio stated, the cost for that type of material is astronomical. Mr. Fruth reiterated that the Planning and Zoning Division Staff believes it is not good practice to rely upon grass for overflow parking and asked if they have any plans showing the location and size of the grassy area? Mr. Vecellio pointed out on the aerial photograph the proposed location. Mr. Maslowski stated that he thought it was reasonable to allow some parking on the grass. Mr. Mitchell disagreed and added that it could get out of hand at some point. Mr. Maslowski suggested that the 75-car gravel lot be approved and if more parking is needed it could be discussed next year at the yearly review.

Mr. Siepmann commented that this business is an isolated commercial island in the middle of an agricultural use. Now a sophisticated parking lot is being added, which will make it appear even more commercial looking. He added, that it is a large step to allow 60 parking stalls this year and the petitioner should stay within the framework. Because the parking lot is long and linear it looks even more commercial. He challenged the Planning and Zoning Division Staff to work with the petitioners to bring forward a more creative parking lot design, with multiple parking nodes. The Commission agreed and added language to Condition No. 3 stating:

“The Planning and Zoning Division Staff shall work with the petitioner to bring forward a more creative parking lot design, potentially with multiple parking nodes.”

After discussion, Mr. Maslowski moved, seconded by Mr. Mitchell for approval, as conditioned and in accordance with the “Staff Report and Recommendation”.

After further discussion, Mr. Siepmann moved, seconded by Mr. Maslowski for approval, as conditioned with a revision to Condition No. 3 to read as follows:

- 3. A paved or crushed gravel parking area and driveway may be provided on the premises to accommodate up to seventy-five (75) total vehicles. This includes the fifteen (15) cars/vehicles parking already provided on the site, and is subject to meeting all stormwater requirements. All ADA requirements shall be complied with and at least one of those spaces being van accessible. The Planning and Zoning Division Staff shall work with the petitioner to bring forward a more creative parking lot design, potentially with multiple parking nodes.*

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.

- **SP4 (David and Stacey Vecellio) Town of Oconomowoc, Section 2**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU1) listed above.

After discussion, Mr. Maslowski moved, seconded by Mr. Peregrine for approval, as conditioned with a revision to Condition No. 3 to read as follows:

3. *A paved or crushed gravel parking area and driveway may be provided on the premises to accommodate up to seventy-five (75) total vehicles. This includes the fifteen (15) cars/vehicles parking already provided on the site, and is subject to meeting all stormwater requirements. All ADA requirements shall be complied with and at least one of those spaces being van accessible. The Planning and Zoning Division Staff shall work with the petitioner to bring forward a more creative parking lot design, potentially with multiple parking nodes.*

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.

- **PPC18 002 (Jones Road, LLC) Town of Genesee, Section 5**

Mr. Fruth pointed out the location of the property at W329 S1744 Jones Road in the Town of Genesee on the aerial photograph. He indicated the request is for a waiver from Section 3.2 of the Shoreland and Floodland Subdivision Control Ordinance requiring the submittal of a Preliminary Plat.

The matter was withdrawn from the agenda by the petitioner.

- **CU3 (Lake Five Landscape and Mulch Supply/Robert /Bortolotti-Ladish) Town of Lisbon, Section 18**

Mr. Fruth pointed out the location of the property at W275 N7813 Lake Five Road in the Town of Lisbon on the aerial photograph. He indicated the request is for operation of a tree farm, tree service and green landscape materials recycling center.

Ms. Scherer indicated the petitioner is requesting a change in operator for an existing landscape supply/mulch, tree service business, including a tree farm with some changes to the previous operation. She pointed out on the aerial photograph that the property is divided into two (2) parcels. The parcel in the southeast corner is the former landfill site, where the landscape processing takes place and contains a silo with signage for the business and transmission lines. The parcel to the north contains a building, which is utilized for the business, vehicle parking, a single-family residence, and the tree farm. Surrounding properties include a community park to the east/southeast, single-family residential to the west and the Union Pacific Railroad to the north. At the public hearing there were comments made in reference to:

- Noise
- Dust from turning compost.
- The previous owners did not always operate in compliance with the Town Conditional Use.
- Concerns regarding further expansion of the business and increase in traffic.
- Amount of vehicles/equipment allowed.
- Who would live in the residence.
- Did not want retail sales.
- Did not want soil processing.
- Proper disposal of fluids.

- No work on the weekends.
- Smell/smoke from outdoor furnace being a health issue.

Ms. Scherer summarized the requested uses as a tree farm, tree service business, a green waste recycling facility, delivery of mulch, nursery stock and firewood, signage on the silo and the continuance of a single-family residence. The anticipated volume would be approximately 5,000 yards of material annually, with some being brought in by third parties. Processing of materials would include the use of a tub grinder that would be rented up to five (5) times per year, five (5) days at a time, eight (8) hours per day, a total of 25 days per year, five (5) hours each day in order to process the larger materials. In addition, a chipper, chainsaws, log splitter and a front end loader would be used. There would be six (6) full time employees and the hours of operation would be Monday through Friday 7:00 a.m. to 6:00 p.m. with offsite deliveries of mulch on Saturdays from 8:00 a.m. to 12:00 p.m. (April to October only) and no Sunday hours. Vehicles and equipment would be parked outside, behind the accessory building. The Planning and Zoning Division Staff is recommending approval of the request with numerous conditions.

Mr. Mitchell asked if the tree farm was mature enough to screen some of the noise from the tub grinder? Ms. Scherer replied that the tub grinder is located in the green recycling area and there are berms with some existing evergreens on the west side that are fairly mature, which may help with noise reduction.

Ms. Ladish, introduced herself to the Commission and noted that the public hearing notice sent out to the neighbors included wording “retail”, which was not part of the request. The neighbors expressed concerns at the public hearing that they did not want a retail garden center with additional traffic on the property and in their backyards. She explained it would be a mulching operation with delivery of landscape material to homeowners and businesses. Retail customers would not be allowed to come to the site and purchase product and haul it away themselves.

The Commission asked questions regarding the sales of mulch, and it was confirmed that the retail sale of mulch is proposed, but delivery takes place, versus on-site pickup.

Mr. Siepmann left the meeting at 3:18 p.m.

A lengthy discussion took place initiated by the petitioner regarding the conditions of approval. The Commission revised several of the conditions per the comments below:

1. Correct Lake Five Properties to read Lake Five Property and remove “and Lake Five Landscape and Mulch Supply” from the condition.
- 3b. Add sentence “If the Town of Lisbon accepts the use of the first floor area for business uses, Waukesha County approval is not required Inclination is not to require it to come back before the Commission.”
5. a Delete the word “locked” from first sentence, as there will not be a locked gate.
5. f. iii. Remove condition.
8. Remove the wording “and the material currently stored in windrows along the west lot line shall be removed or relocated by August 31, 2018 to an area that is within or at least closer to the processing area” from the condition.
23. Add the word “onsite” to the first sentence.

- 25. Add the sentence “If temporary signage is desired, the petitioner shall provide a rendering to the Planning and Zoning Division Staff for review and approval prior to installation.
- 40. Remove condition.
- 41. Remove condition.
- 42. Remove wording “relative to current location of any windrows on the property”
- 44J. Remove wording “Bortolotti” and add wording “Lake 5 Property LLC”.

After a lengthy discussion, Mr. Maslowski moved, seconded by Mr. Peregrine and carried by a vote of 4-0 (Mr. Siepmann did not vote on the matter as he had left the meeting) for approval, with the revisions to the following conditions:

- 1. *This Conditional Use applies to two separate lots, one known as tax key number LSBT 0214.999.007; the other known as tax key number LSBT 0214.999.008. This is a single use, however, and therefore all terms and conditions described herein apply to both lots. The two properties together are referred to herein as the “subject property.” Robert Bortolotti, Lake Five Property, LLC, Sara Ladish, Lake Five Landscape Supply, LLC are referred to herein, collectively, jointly, and severally as the “owner”, “petitioner”, “operator”, and/or “name of operation”.*
- 3b. *The residence presently on the property may be utilized as a single family rental unit. The structure shall only be utilized as a single family use. No business operations are allowed within the residence. If the Town of Lisbon accepts the use of the first floor area for business uses, Waukesha County approval is not required.*
- 5a. *The processing area where the mulch is stored shall have a gate (as shown on the Revised Site Plan – Exhibit B) to prevent unauthorized dumping and the chance of nuisance fires. A sign shall be posted in front of the gate prohibiting unauthorized dumping.*
- 5, f, iii. *Remove condition.*
- 8. *All wood/mulch storage and processing shall take place within the processing area (chipping, splitting, cutting, grinding, etc.) noted on the Revised Site Plan (Exhibit B) to reduce noise, dust, odor, and other adverse effects on the surrounding area. This includes removal of wood debris north of the accessory building. The more compact the operation remains, the less adverse effects are created. No mulch or any other materials shall be stored outside of the green waste recycling area as identified on the Revised Site Plan (Exhibit B). This will also allow for the screening plantings shown on the Revised Site Plan (Exhibit B) to be installed by October 15, 2018.*
- 23. *No onsite retail business operations are permitted as part of this approval and no retail business of any kind shall be conducted on the subject property. Retail includes, but is not limited to, the sale of firewood, mulch, and nursery stock. These items may be delivered to off-site locations. In addition, there shall be no outdoor display of any products on the subject property.*
- 25. *The sign shall meet all size, setback, offset, and height requirements of the WCSFPO unless otherwise approved through this Conditional Use approval. The petitioner*

indicated the size of the silo signage will be the same as what is currently existing. The sign shall not be illuminated nor create a hazard or dangerous distraction to vehicular traffic or a nuisance to the surrounding area. A detailed colored sign rendering, sign size, and location map shall be presented to the Town and County for review and approval. A Zoning Permit from the County and a Building Permit from the Town shall be issued prior to the implementation of the new sign. No temporary signage has been proposed or approved herein. If temporary signage is desired, the petitioner shall provide a rendering to the Planning and Zoning Division Staff for review and approval prior to installation.

40. *Remove condition.*

41. *Remove condition.*

42. *A Revised Site Plan (version No. 3) shall be submitted to the Town Planner and the Waukesha County PZD staff, prior to the issuance of any permits, to amend the Site Plan attached as Exhibit B, the current County zoning jurisdictional boundary line, the absence of a gate to the processing area, the current status of screening along the west lot line, the current surface of the proposed truck parking/storage area and driveways, the location of the silo signage, the location of the outdoor wood burning furnace, etc.*

44J. *The owner/petitioner (representative) of the subject property Lake 5 Property LLC and the operator (Ladish) shall accept the terms and conditions of the Conditional Use approval in its entirety, in writing, prior to the issuance of the 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.

• **SP5 (Lake Five Landscape and Mulch Supply/Robert /Bortolotti-Ladish) Town of Lisbon, Section 18**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-3) listed above.

After discussion, Mr. Mitchell moved, seconded by Mr. Peregrine and carried by a vote of 4-0 (Mr. Siepmann did not vote on the matter as he had left the meeting) for approval, with the revisions to the following conditions:

1. *This Conditional Use applies to two separate lots, one known as tax key number LSBT 0214.999.007; the other known as tax key number LSBT 0214.999.008. This is a single use, however, and therefore all terms and conditions described herein apply to both lots. The two properties together are referred to herein as the “subject property.” Robert Bortolotti, Lake Five Property, LLC, Sara Ladish, Lake Five Landscape Supply, LLC are referred to herein, collectively, jointly, and severally as the “owner”, “petitioner”, “operator”, and/or “name of operation”.*

3b. *The residence presently on the property may be utilized as a single family rental unit. The structure shall only be utilized as a single family use. No business operations are allowed within the residence. If the Town of Lisbon accepts the use of the first floor area for business uses, Waukesha County approval is not required.*

- 5a. *The processing area where the mulch is stored shall have a gate (as shown on the Revised Site Plan – Exhibit B) to prevent unauthorized dumping and the chance of nuisance fires. A sign shall be posted in front of the gate prohibiting unauthorized dumping.*
- 5, f, iii. *Remove condition.*
8. *All wood/mulch storage and processing shall take place within the processing area (chipping, splitting, cutting, grinding, etc.) noted on the Revised Site Plan (Exhibit B) to reduce noise, dust, odor, and other adverse effects on the surrounding area. This includes removal of wood debris north of the accessory building. The more compact the operation remains, the less adverse effects are created. No mulch or any other materials shall be stored outside of the green waste recycling area as identified on the Revised Site Plan (Exhibit B). This will also allow for the screening plantings shown on the Revised Site Plan (Exhibit B) to be installed by October 15, 2018.*
23. *No onsite retail business operations are permitted as part of this approval and no retail business of any kind shall be conducted on the subject property. Retail includes, but is not limited to, the sale of firewood, mulch, and nursery stock. These items may be delivered to off-site locations. In addition, there shall be no outdoor display of any products on the subject property.*
25. *The sign shall meet all size, setback, offset, and height requirements of the WCSFPO unless otherwise approved through this Conditional Use approval. The petitioner indicated the size of the silo signage will be the same as what is currently existing. The sign shall not be illuminated nor create a hazard or dangerous distraction to vehicular traffic or a nuisance to the surrounding area. A detailed colored sign rendering, sign size, and location map shall be presented to the Town and County for review and approval. A Zoning Permit from the County and a Building Permit from the Town shall be issued prior to the implementation of the new sign. No temporary signage has been proposed or approved herein. If temporary signage is desired, the petitioner shall provide a rendering to the Planning and Zoning Division Staff for review and approval prior to installation.*
40. *Remove condition.*
41. *Remove condition.*
42. *A Revised Site Plan (version No. 3) shall be submitted to the Town Planner and the Waukesha County PZD staff, prior to the issuance of any permits, to amend the Site Plan attached as Exhibit B, the current County zoning jurisdictional boundary line, the absence of a gate to the processing area, the current status of screening along the west lot line, the current surface of the proposed truck parking/storage area and driveways, the location of the silo signage, the location of the outdoor wood burning furnace, etc.*
- 44J. *The owner/petitioner (representative) of the subject property Lake 5 Property LLC and the operator (Ladish) shall accept the terms and conditions of the Conditional Use approval in its entirety, in writing, prior to the issuance of the 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.

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Maslowski to adjourn at 3:40 p.m.

Respectfully submitted,

William Mitchell

William Mitchell
Secretary

WM:kb

