

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, APRIL 18, 2019 - 1:00 P.M.**

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**CALL TO ORDER**

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

Commission

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

Members Absent:     Richard Morris

Staff

Members Present:     Jason Fruth, Planning and Zoning Manager  
                                 Kathy Brady, Support Staff Supervisor

**CORRESPONDENCE:**     None.

**MEETING APPROVAL:**     None.

**MINUTES:**                     Approval of the March 21, 2019, Minutes

*After discussion, Mr. Siepmann moved, seconded by Mr. Michalski and carried unanimously for approval, of the March 21, 2019, Minutes as presented.*

**PUBLIC COMMENT:**     None.

**SCHEDULED MATTER**

- **1:00 p.m. Consideration of the Year 2019 Request for Amendment to the Comprehensive Development Plan for Waukesha County**

1.     In the Town of Genesee, the following request is being made:

- A.     *Carl Tomich and Jack Gaudion, representing The Legend of Brandybrook Estates, LLC, N8 W22520-L Johnson Drive, request property located in part of the NE ¼ of Section 3, T6N, R18E, Town of Genesee (Tax Key GNT 1449.988.001), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Primary Environmental Corridor categories to the Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit) and Primary Environmental Corridor categories, to allow a proposed 12 lot single-family residential subdivision.*

Mr. Fruth explained that the amendment was presented at the February 21, 2019, public hearing, however, did not proceed with the rest of the 2019 amendments because the Town of Genesee had not yet acted on their related town amendment. Recently, the town forwarded their approval of the request.

Mr. Fruth indicated that the property is approximately 15 acres in size and located southeast of Brandybrook Road and south of STH 18. The property contains an existing pole building (which will be razed) and an existing residence on the southern portion of the property that would be retained on a lot in the proposed development. He presented the concept plan, showing a 12-lot conservation design layout with substantial

open space along Brandybrook Road and an outlot along the north property line. A landscape buffer is being proposed along the frontage of Brandybrook Road and a golf cart path connection is also being proposed for the residents to access the golf course to the south. In addition, he pointed out the location of the outlots which would be reserved for stormwater management facilities. He noted there is an existing pond located on the property.

Mr. Fruth explained that at the public hearing several neighbors spoke in opposition of the proposal citing the following concerns:

- Resistance to the change in the development pattern and that if this project were approved, would other projects come forward increasing density in the area.
- Increase in traffic along Brandybrook Road and difficulties getting in and out of driveways.
- A neighbor who resides directly across from the proposed entrance to the development expressed concerns about headlights from vehicles shining in his windows at night. (Mr. Fruth suggested that the Town of Genesee should examine this issue as part of their rezone/plat review process.)

Mr. Fruth pointed out that there are condominiums located immediately to the northwest, a subdivision affiliated with the golf course is located to the south and a mixture of lot sizes, generally one acre and less to the west. The Town Planner indicated that there was quite a bit of opposition from neighbors. The Town Plan Commission members drove to the site and assessed the compatibility issue and decided to approve the plan amendment. The Waukesha County Planning and Zoning Division staff is recommending approval of the request with a condition that a landscape buffer be provided along the north and west property lines of the northern most proposed lot.

Mr. Mitchell asked why the condition was being added to the plan amendment and not the rezone? Mr. Fruth replied that a concept plan was submitted and since the County does not have shoreland jurisdiction and given the level of concerns from the public, staff felt it was a good opportunity to mitigate concerns of neighbors.

*After discussion, Mr. Mitchell 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.*

- **RZ36 (Town of Genesee Board) Town of Genesee, Sections 9 and 10**

Mr. Fruth pointed out the location of the eight properties in question, located on the south and east sides of Cregennan Bae Road in the Town of Genesee on the aerial photograph. He indicated the request is to rezone the properties from the R-1 Residential District to the A-2 Rural Home District.

Mr. Fruth indicated the request was initiated by the Town to address an inconsistency in zoning within the Strawberry Fields subdivision. Eight lots located on the south side of Cregennan Bae Road are currently zoned in the R-1 Residential District. The remainder of the lots in the subdivision on the north side of Cregennan Bae Road are all currently zoned in the A-2 Rural Home District. The proposed rezone would make the balance of the properties (eight parcels to the south) consistent in the A-2 Rural Home District. The main difference in the change would be what could be done relative to accessory buildings. The R-1 District allows up to a 1,000 sq. ft. accessory building and the A-2 District would allow 2% of the lot area. Lot sizes within the subdivision range from three acres to approximately 18

acres. Mr. Michalski asked if the C-1 Conservancy District area shown on the map would change with the rezoning? Mr. Fruth answered, the lands located in the C-1 Conservancy area would not be rezoned, only the lands within the upland non-environmental corridor portions of the properties.

*After discussion, Mr. Mitchell moved, seconded by Mr. Michalski 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.*

- **RZ37 (Kaerek Homes, Inc.) Town of Lisbon, Section 6**

Mr. Fruth pointed out the location of the property at W275 N9101 Lake Five Road 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 R-1 Suburban Single-Family Residential District.

Mr. Fruth indicated the property is located immediately west of Lake Five Road. Surrounding properties include a subdivision to the south and west and residential lots to the north. The property is approximately 65 acres in size and is owned by the Town. The Town intends to sell the property to Kaerek Homes, Inc. to be developed into a 43-lot subdivision, containing one-acre lots. Access to the subdivision would connect to Monarch Drive to the south and Lake Five Road to the east where it intersects with Red Fox Run. At the public hearing, there were comments from neighbors on the north side of Hickory Road regarding major flooding problems in the area. He explained there is an internally drained kettle, which receives runoff from 200 acres of land north of the development. The property in question drains to the south and west and there is no relationship between the flooding issues to the north. One property owner to the south and west of the property expressed concerns regarding flooding. Mr. Fruth mentioned that there is a drainage easement on the backs of those lots. The Waukesha County Land Resources division staff does not anticipate that there will be any issues but will reviewed this issue further when a storm water management plan is submitted by the developer for the subdivision. Mr. Mitchell confirmed that the kettle to the north would not pose any issues for the proposed development, to which Mr. Fruth replied, “Yes.” The developer was present in the audience and noted that test holes would be drilled next week and the drainage design would be addressed.

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

- **RZ38 (MK/S-EP, LLC/Donald and Eileen Dlobik) Town of Lisbon, Section 6**

Mr. Fruth pointed out the location of the property at W275 N9101 Lake Five Road in the Town of Lisbon on the aerial photograph. He indicated the request is to rezone the property from the A-3 Agricultural Residential Estate District to the R-1 Suburban Single-Family Residential District.

Mr. Fruth indicated the rezone is related to RZ37 above. The property in question is approximately three-acres in size and contains a residence and agricultural outbuildings. This property will be platted as part of the 43-lot subdivision noted in RZ37. The barn would be razed in order to facilitate the extension of the road.

*After a brief discussion, Mr. Siepmann moved, seconded by Mr. Maslowski 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.*

• **CU20 (Randy and Sharon Tomlinson) Town of Ottawa, Sections 12 and 13**

Mr. Fruth pointed out the location of the property at W346 S3022 Holland Court in the Town of Ottawa on the aerial photograph. He indicated the request is for a taxidermy studio.

Mr. Fruth explained that the Planning and Zoning Division staff received a complaint regarding a taxidermy business operating possibly without permits within a subdivision. The complainant questioned the handling of chemicals related to the business. The staff contacted the petitioner regarding the complaint. The Tomlinson’s contacted the Planning and Zoning Division staff to discuss their options in order to obtain the proper permits for the business.

Mr. Fruth pointed out information received from the petitioner regarding the business. The business operates from a detached accessory building on the property, which does not contain plumbing. The petitioner said he processes on average five to seven animals per week and indicated that he is the sole employee. During the busy fall months he brings in a temporary employee. Neighbors indicated that traffic to the business was not overwhelming. The Department of Natural Resources (DNR) indicated that the waste created is typical to what a household would generate and as long as the petitioners were sensitive to what is being discharged, they would not require a permit.

Chairperson Peregrine confirmed that there is no plumbing in the building, to which Mr. Fruth replied, “Yes.” There was a question as to where the water comes from for shop cleanup. Mr. Fruth replied that buckets of water are hauled to the building. Mr. Tomlinson petitioner, introduced himself and indicated that anytime he mops the floor (approximately once a month) he brings a bucket of water from his residence and brings the floor water back into to the house and dumps it out. Mr. Maslowski asked when would the Conditional Use Permit would cease? Mr. Fruth replied, at the time the property is sold, and he added that it is not transferrable.

Mr. Fruth indicated a building inspection was completed and no issues were discovered. A waste disposal plan was requested since the petitioner indicated that generally (animal waste) is double bagged and put out at curbside or taken to the Town Hall drop site on the weekends. Another condition addresses the septic issue by requiring that biodegradable septic safe chemicals must be used in the tanning process and animal debris/hair, etc. needs to be prevented from entering the septic system. A fire inspection was completed and revealed that some smoke detectors need to be relocated to a higher position.

There were additional questions from the Commission:

- How are the capes stored? The petitioner indicated in freezers until he is ready to use them.
- What is done with the rest of the skin? The petitioner said that usually the customer has everything done at the butcher shop/meat processor and the cape is brought to his property.

- Is there a backlog in the fall? The petitioner replied as soon as an animal is dropped off it is brought inside. During gun season there may be 15 to 20 deer coming in which are taken care of daily.

*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.*

- **SP51 (Randy and Sharon Tomlinson) Town of Ottawa, Sections 12 and 13**

Mr. Fruth indicated the request is related to CU 20 listed above.

*After a brief discussion, Mr. Siepmann 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.*

- **CU21 (Tim Knepprath) Town of Oconomowoc, Section 15**

Mr. Fruth pointed out the location of the property at W362 N7529 North Shore Drive in the Town of Oconomowoc. He indicated the request is for land altering activities associated with the construction of a new residence, attached garage and deck.

Mr. Fruth indicated the property is located on the east shore of Ashippun Lake and split by North Shore Drive. The property currently contains a detached garage, which would be razed. He explained that it was not possible to site a reasonable sized home on the west side of the road without a variance from the Waukesha County Board of Adjustment, which was granted. The concept of the home itself has been approved, however, the specific configuration of the grades is being reviewed in the Conditional Use request.

Mr. Fruth pointed out the topography on the aerial photograph and noted there is a grade change in the far southeastern corner of the property. The neighbor immediately to the south is at the same elevation where the petitioners would like to fill and build the home. The proposed request is to extend the high area so the petitioner’s can drive in from the road and also have a full exposure. The area which would be filled includes the residence and then quickly falls off towards the north lot line. In addition, there is a narrow ditch that runs to the lake along on the property to the north.

Mr. Fruth summarized comments made at the public hearing, which included:

- Concerns expressed by the adjacent neighbors to the south and north, with past flooding on their properties and the petitioner’s property.
- Adverse drainage impacting the drainage ditch on the neighbor’s property to the north.

Mr. Fruth pointed out that there is an existing retaining wall on the abutting property to the south, which runs perpendicular to the road. The petitioner’s original proposal included constructing an additional retaining wall directly in front of the neighbor’s retaining wall, which would retain the fill from the driveway and home. The neighbor to the south attended the public hearing and suggested that his existing retaining wall be removed and the area graded out. The petitioner and

neighbor have agreed to work together with this project. The neighbor to the north expressed concerns with adverse drainage, runoff and flooding. The Waukesha County Land Resources Division staff indicated that in this small of an area, a swale in conjunction with a small berm (six inches in height) would be effective in keeping runoff on the petitioner's property. Mr. Fruth added that currently this property is a relatively flat, lower lying lot, but with the added fill (6'-7') it would be significantly changed. In addition, a professional is required to be onsite to monitor the grading activities to make sure the project is proceeding properly and according to the plans submitted.

Mr. Knepprath introduced himself and agreed with the Staff Recommendation and conditions. He indicated he is working together with both neighbors to avoid adverse drainage issues.

Mr. Frigerio, neighbor to the north said he thought the berm needs to be higher than six inches. He knows how much water comes down the hill and it is more than what the Land Resources Division thinks it is. Mr. Fruth explained that the Land Resources staff is reviewing preliminary plans and he would pass the information along to them and they will look into the issue more carefully. Ms. Frigerio asked what verification they have that the water runoff/drainage grading is done according to the plans and what can they do if it is not? Mr. Fruth answered that an as-built grading plan is required to ensure that everything is constructed as designed. The individual who will be on-site checking that it is done correctly and will report back to the staff. In addition, there is a condition, which states that grading activities shall not create adverse drainage. If for some reason the plan that is approved isn't working, the Planning and Zoning Division staff would ask for corrective action.

Mr. Corning, neighbor to the south said he supports and has worked with the petitioner on the proposed plans. He asked if adverse drainage includes any water coming onto the surrounding properties? Mr. Fruth responded, that in general, drainage will cross property lines. It would be a subjective call as far as assessing drainage as adverse. The Planning and Zoning Division staff would rely on the information received by the neighbors such as; a change or increase in flooding on the properties, that is different from what happened in the past, etc. He added that multiple engineers would be involved in the project.

Mr. Masloswki asked if the structure would be built on the solid existing ground or moved toward the lake on the new fill? Mr. Knepprath replied that there is actually very little fill for the building, but the house itself has an exposed lower level. In addition, there would be fill for the garage and all of the roof water would be directed toward the lake (piped underground) as required. Mr. Frigerio, neighbor to the north asked, if down the road there were to be an adverse impact who should be contacted regarding enforcement? Mr. Fruth replied, he should start with the County. Mr. Frigerio asked if legal recourse would come from the County? Mr. Fruth answered that if something was not working right or there were questions, to reach out to the County Planning and Zoning Division staff first and added that many safeguards are in place. Chairperson Peregrine suggested that Ms. Leto, the planner who wrote the Staff Report be contacted. Mr. Fruth added that if a complaint was received they would contact the Waukesha County Land Resources Division.

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

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Maslowski moved, seconded by Mr. Siepmann, to adjourn the meeting at 1:41 p.m.*

Respectfully submitted,

*James Siepmann*

James Siepmann  
Secretary

JS:kb