

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, FEBRUARY 23, 2023 - 1:00 P.M.**

CALL TO ORDER

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

Commission

Members Present: James Siepmann Robert Peregrine
 Richard Morris William Groskopf
 William Mitchell

Commission

Members Absent: None

Staff

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

CORRESPONDENCE:

A written comment was emailed to the Commissioners from Barbara Carrera regarding the public hearing for 2A Reinders. The Commissioners indicated that they had received the correspondence. Another written Public Hearing comment was received for 3A Van Lare and was distributed to the Commissioners at the meeting today. Chairperson Siepmann noted these documents would be made part of the Public Hearing record.

MINUTES:

Approval of the January 19, 2023, Minutes.

After discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously for approval, of the January 19, 2023, Minutes, as presented.

PUBLIC COMMENT:

None.

SCHEDULED MATTER

At 1:02 p.m., Mr. Fruth read the Notice of Public Hearing into the record.

- **1:00 p.m. Public Hearing for the 2023 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 prepare a recommendation for the requests and on March 16, 2023, the Park and Planning Commission will meet and vote on the requests that have been acted upon by the towns. The Land Use, Parks and Environment Committee will consider the amendments on April 18, 2023. The Waukesha County Board of Supervisors will consider the same at their meeting of April 25, 2023. 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.

Mr. Fruth added that some individuals were joining the meeting today via Microsoft Teams. He mentioned that the Thomas Farm property amendment request from 2020, has been on hold while a special planning process has been occurring in the Town of Delafield. He stated a recommendation for this amendment is anticipated at the March 16, 2023, Park and Planning Commission meeting.

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

- A. ***Michael and Sally Alexander***, 1345 S. Barker Road, request property located in part of the E ½, SE ¼, W ½, and SE ¼ of Section 31, T7N, R20E, Town of Brookfield (Tax Key No. BKFT 1132.994), be amended from the Commercial and Office Park category to the Mixed Use category, to allow for multi-family and/or mixed use development.

Mr. Fruth explained the property is located at the intersection of Barker and Greenfield Roads in the Town of Brookfield. There is an existing residence with outbuildings located on the property. Sutter Creek Apartments, a multi-family apartment development is located across the street to the east in the City of Brookfield. He presented the aerial photograph of the property and pointed out the wetlands, located on the west half of the property and floodplain associated with Poplar Creek. He speculated that a wetland delineation may have been done according to the concept plan received from the petitioners. The concept plan layout shows an “L” shaped building located parallel to Barker Road with a surface parking area to the west and north, underground parking is also being proposed. There is a 50 ft. wetland setback and he noted the floodplain would need to be field delineated to ensure it is protected.

Mr. Fruth pointed out the categories of the surrounding properties, Commercial and Office Park to the west along Greenfield Avenue, Mixed Use to the west across Barker Road and Primary Environmental Corridor to the north and east.

Mr. Ross, introduced himself and stated he was representing Sutter Creek West, LLC. The proposal is for a 3 to 4 story building with underground parking (3 story preferred). The building would contain, 30-one bedroom, 16-one bedroom with den, 8-two bedroom and 8 studio apartments, totaling 62 units. The building would have a small fitness center and community room. Tenants could utilize the pool facilities at the Sutter Creek Apartments across Barker Road.

Mr. Fruth asked Mr. Hembrook, Town of Brookfield Planner when the Town Plan Amendment Public Hearing would take place? Mr. Hembrook replied, possibly in March 2023. Mr. Fruth mentioned that the County would hold the amendment, until the Town acts on the plan amendment request. Mr. Groskopf asked if there would be a pedestrian connection between the 2 projects? Mr. Ross responded that it would depend on the Department of Transportation. He added, a pedestrian signal/crosswalk would be preferred.

Chairperson Siepmann 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 public hearing notice.

2. In the Town of Merton, the following request is being made:

- A. ***Terrance and Judy Reinders***, W287 N8379 Dobbertin Road, Hartland, WI 53029, request property located at N83 W28695 Center Oak Road, in part of the SW ¼ of Section 12, T8N, R18E, Town of Merton (Tax Key No. MRTT 0335.998), be amended from the Suburban I Density Residential category (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 of area per dwelling unit), to allow the property to be divided into 3 parcels for residential use.

Mr. Fruth indicated the property is located on Center Oak Road, east of Lake Keesus. The property is approximately 3.8 acres in size. The concept plan submitted indicates there would be 3 parcels with access via a cul-de-sac located in the central part of the site. There is a driveway off of Center Oak Road to access a parcel which is located near the southeast corner of the property. County staff

contacted the Town of Merton Public Works staff to see if they preferred that access be joint with the existing driveway to the east, however, they preferred the cul-de-sac with an access point in the center part of the parcel. A neighbor to the east expressed concerns with adverse drainage due to a culvert which crosses the driveway to the east. Currently, they see occasional ponding on their property from the culvert. Mr. Fruth stated, based on the submitted concept plan, he did not foresee grading on that portion of the property.

Mr. Fruth pointed out the categories of the surrounding properties. Parcels along Lake Keesus are in the Low Density Residential, parcels near the property in question are in the Suburban Density I category and parcels to the north are in the Suburban Density Residential II category. The request to the Low Density Residential category would match the development pattern to the west.

Mrs. Reinders, petitioner, said the request to the Low Density Residential category would match the development pattern to the west. Mr. Morris indicated that the Town of Merton has approved the request. Chairperson Siepmann summarized that this would be a Certified Survey Map to create 3 lots. He noted that since the lots were unusually shaped, would there be stormwater considerations? Mr. Fruth responded that they are not at the stage of assessing stormwater needs, however, if a road is created it would trigger the potential for stormwater measures to be required. Mr. Groskopf asked if the culvert drains the land immediately to the east, to which Mr. Fruth replied, "correct." Mr. Mitchell asked if the lot size to the west of the property is consistent to the Low Density Residential? Mr. Fruth indicated the 2 properties located to immediately to the west are 1.2 and 1.0 acre in size. Mrs. Reinders indicated the area where the culvert is located is environmentally protected and nothing can be built there.

Chairperson Siepmann asked if there were any comments from the public? Ms. Carrera who resides on Center Oak Road, one residential lot west of the property in question stated that she is opposed to the request for the following reasons:

- Concerns that the area is overdeveloped and this request would ruin the aesthetic of "Lake Country".
- The property should not be subdivided and should be looked at as an estate property.
- Center Oak Road has enough subdivisions.
- Dangerous corner located on Center Oak Road subject to many automobile accidents.
- Additional traffic with 3 additional lots.
- This area should be kept more rural and is not an advantage to the community.
- The effect on the surrounding groundwater with 3 additional wells.

Mr. Mitchell asked what is the recreational area located to the north and west and how heavily it is used? Mr. Morris replied it is the Milwaukee Boys and Girls Club.

Chairperson Siepmann 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 Oconomowoc, the following request is being made:

- A. ***Terry D. and Jill A. Van Lare Revocable Trust***, N68 W37850 County Road K, Oconomowoc, WI 53066, requests part of the property located on N. Lake Road, in part of the SW ¼ and SE ¼ of the NW ¼ of Section 21, T8N, R17E, Town of Oconomowoc, (Tax Key No. OCOT 0514.992.002), be amended from the Farmland Preservation category to the Commercial and Office Park category to allow a storage unit rental facility.

Mr. Fruth indicated the petitioner owns the parcel immediately south of the subject property in which he operates his business, Oconomowoc Landscape Supply. The request is to change the category of the central portion of the site, approximately 10.7 acres, to allow a storage unit rental facility. The property contains wetlands which will remain untouched and topsoil processing occurs on the south portion of the property. Per the Town of Oconomowoc, most properties located north of CTH K are identified in the Farmland Preservation category and the petitioner intends to keep the easterly portion of the property in the Farmland Preservation category. The petitioner noted to the Planning Staff that he is sensitive to the small neighborhood located immediately to the east and is not proposing a change in the area closest to that neighborhood. Surrounding properties include Farmland Preservation to the north along the bypass and to the east and the Town of Oconomowoc Recycling facility is located towards the northwest corner of the property. The petitioner has mentioned providing the Town with the option of acquiring some of his acreage to expand the recycling facility possibly in the future.

Mr. Fruth explained the proposal is undefined and no concept plan has been received. The petitioner is proposing storage buildings of various sizes and to continue to operate the landscape supply center for the time being. Mr. Van Lare introduced himself and presented a basic drawing of the site layout to the Commissioners. He indicated a new wetland delineation would be needed. Mr. Fruth explained the drawing indicates a driveway extension from CTH K going north to the proposed storage unit rental facility. The drawing shows several rows of storage buildings with a small parking area to the west. He added that other approvals such as a rezoning of the property and a Site Plan/Plan of Operation review would be needed.

Chairperson Siepmann asked if the Commission had any questions, to which there were none and then asked if there were any comments from the public?

Ms. Urban, introduced herself and submitted a written comment. She resides immediately to the east of the site on Mallard Lane. She is opposed to the request and expressed concerns regarding damage which may occur to the environmental corridor by having storage rental units on land that borders wetlands. She cited from the Town of Oconomowoc Land Use Plan that “ecological balance and natural beauty are important determinants of a community’s ability to provide a pleasant and habitable environment for all forms of life and to maintain social and economic well being.” They see all types of wildlife including turtles, frogs and toads coming from the wetlands. She asked if an environmental impact study would be done to determine what the storage buildings will do to the area? She understands to run a profitable business you need to expand and look to the future, but suggested in a more environmentally friendly way such as using the land for a nursery. In closing, she supports progress and economic development but would like to see the environmental resources protected.

Mr. Goodson, introduced himself and indicated he also resides immediately to the east of the site on Mallard Lane. He is opposed to the request. When he originally purchased his property in 1999, the property in question was actively farmed. He stated he wanted to live in a rural area, near farmlands and did not want to be looking at commercial buildings. When the landscape supply company developed

the area he was not happy about it, but lives with it. He mentioned that the noise level, dust and dirt from the operation of machinery, especially the soil producing machinery has impacted his house and living. His deck is constantly covered in dirt. He does not want to be living in an area where looking out the back door he sees huge rental areas and considers the request a huge inconvenience. The petitioner indicated that the storage rental buildings could be 14 ft. wide by 50 ft. deep in size. He noted in the initial request, it indicated that the access would be via Lake Road but now it has changed to CTH K and is an extension of an existing road which leads up to the landscape supply and will have to skirt the environmental corridor and will be exposed to the back of his property. He is asking the Commission to deny the request and keep the Farmland Preservation designation on the land. He also submitted a written comment for himself and his neighbors, James and Karen Rudolph who were unable to attend the meeting and also oppose the request.

A person who resides at W376 N6949 Mallard Lane joining the meeting via Microsoft Teams commented that he has lived there for 4 years. He moved from an intense urban environment to this rural area with a small number of homes, surrounded by farmland. He likes to see the wildlife from his backyard, enjoy the peace and quiet with no traffic and no lights. He noted there are 4 other rental storage facilities within 5 miles of this location and in his opinion it doesn't make sense because there is no need for it. People purchase their homes to live in this type of environment and don't want to look at buildings and have noise, lights and pollution. He is opposed to the request.

Mr. Peregrine asked the petitioner to point out the location of the topsoil piles on the property and asked if there was still a large pile on site, to which Mr. Van Lare replied, Yes. Mr. Fruth asked if anything would change about the area where topsoil is currently piled or if that use would go away? Mr. Van Lare responded, no, there is already a driveway going through to the topsoil piles. Mr. Goodson asked for the location of the driveway and Mr. Fruth pointed it out on the site layout plan submitted by the petitioner. Mr. Goodson disagreed and said there was currently not a driveway in that location, only farmland. He invited anyone who would like to come to his property and verify this information.

Chairperson Siepmann asked if there were any comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 1:55 pm.

• **RZ111 (School Section Lake Management District) Town of Ottawa, Section 17**

Mr. Fruth pointed out the location of the property in Section 17 of the Town of Ottawa on the aerial photograph. He indicated the request is to rezone the property from the A-5 Mini Farm District to the P-I Public and Institutional District.

Mr. Fruth stated the rezoning of the 6 acre parcel would allow the School Section Lake Management District (SSLMD) to continue the existing uses of the property, such as lake weed composting, related storage and recreational uses. The petitioner is interested in constructing a 12 ft. x 16 ft. shed to store tools and equipment. Mr. Morris asked about the road that leads down to School Section Lake east of the property. Mr. Fruth said the lot owners of several surrounding parcels own that parcel. Mr. Mainz, President of the SSLMD introduced himself and explained the road is an easement and provides access to the lake for the backlots (6 lots), including the SSLMD property. Mr. Morris asked if Dolmar Park Road was public or private, to which Mr. Mainz indicated it was public. Mr. Mainz added that the property was purchased in order for the SSLMD to have a place to take the weeds from the lake and store dump trucks, etc. Mr. Mitchell asked if the weed collector would be stored in the proposed storage shed? Mr. Mainz replied that the shed would be too small to store the dump truck, however, would be utilized to store tools and equipment for the volunteers that do the weed harvesting, including regular maintenance.

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.

• **CU73 (Hans Weissgerber) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property in Section 36 of the Town of Oconomowoc on the aerial photograph. He indicated the request is for Unspecified Conditional Use approval for a seasonal concession stand and related recreational uses. The proposal includes a request to allow special events such as weddings, picture sessions and an occasional family movie night on the Okauchee Lake island property.

Mr. Fruth indicated that historically there was a dance hall and hotel located on the island which has since been removed. The island currently contains a platform with a gazebo, piers along the shoreline and electricity is available but there is no septic or water. The petitioners are requesting to host a variety of recreational uses on the island. Part of the request is to hold weddings on the island and the receptions are held at the Golden Mast due to the lack of facilities on the island. He referred to Exhibit A (Concept Plan) of the Staff Report showing the location of yard games, tables, concession stand and tiki bar near the shore and various storage locations. He asked the petitioner if they planned to construct storage sheds? Ms. Marks responded they have chalet type sheds and they would be used seasonally. Mr. Fruth referred to Exhibit B of the Staff Report showing the 120 ft. pier/wharf with docking for boats. In addition, a food boat and toilet barge would be located immediately next to the pier. The food boat is needed because there is no water or plumbing on the island and a land based operation would not be permitted. The food boat would need to contain plumbing and be able to return to a base (a physical building). The details for the food boat and toilet barge would need to be presented to the Town and County for review.

Mr. Fruth noted there are mapped wooded wetlands on the island which would need to be delineated before the area could be utilized for the concessions stand. With no water source on the island, the types of beverages anticipated to be served on land would be pre-packaged and bottled type products. A condition of approval requires the petitioners to submit a full plan for food and beverage service. The Town of Oconomowoc is sensitive to the surrounding neighborhoods and there are conditions in place dealing with the intensity of the operation, specifically music and days of operation. Live music is being proposed at a maximum of 3 days per week, ending at 9:00 pm and would also be limited to acoustic solo and duet acts or soft background music with minimal amplification and no concerts. Days of operation would be Wednesday and Thursday 4:00 pm. to 8:30 pm and Friday through Sunday 11:00 am to 9:30 pm. Movie nights are being proposed with a screen onshore and boats would drive up and sound would come through your smartphone. The Town of Oconomowoc suggested a one year trial basis for the operation and that the pier plan be reviewed and approved.

Ms. Marks, petitioner indicated they are trying to work with the constraints of the site and will need to invest in a kitchen barge. She stated they would do whatever they can to give this operation a 1 year trial, make it family friendly, aesthetically pleasing and meet the requirements of the conditions. Mr. Groskopf asked if the proposed business would be profitable? Ms. Marks replied, she was unsure. Mr. Groskopf asked if she thought about getting a shuttle from the Golden Mast to the island? Ms. Marks responded that she has thought about it. She added that another idea would be that customers would have the opportunity to purchase food online, receive a text when the food is done and pick it up at the end of the pier. Mr. Mitchell said he thought it was a good idea to set this operation up on a 1 year trial basis. Mr. Peregrine noted that in the past a similar request was made for the Hideaway and loud music was the main objection for the neighbors. He noted the public hearing notice for this request was only

sent to a few nearby property owners because the 300 ft. notification buffer was generated from the island property. He said that no members of the public attended the public hearing which was strange and the Town initially denied the request. At the request of the petitioners, they met with Town of Oconomowoc staff and it was decided to condition it to a 1 year trial basis. The Town was concerned with the neighboring property owners which have no idea about this request. Ms. Marks said she would like to get something together towards the end of summer for the proposed operation. Mr. Groskopf asked if the barges would go back to the Golden Mast, to which Ms. Marks replied yes, they would dock there.

After discussion, Mr. Morris 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.

- **SP172 (Weissgerber Over and Above, LLC.) Town of Oconomowoc, Section 36**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU73) listed above.

After a brief 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.

- **PPC23 001 (Town of Oconomowoc Board) Town of Oconomowoc, Section 25**

Mr. Fruth pointed out the location of the property in Section 25 of the Town of Oconomowoc on the aerial photograph. He indicated the request is for a road width right-of-way waiver for Lacy's Lane, from 30 ft. to 20 ft.

Mr. Fruth stated the proposed road right-of-way width reduction for Lacy's Lane is being prompted from the combination of several parcels via Certified Survey Map.

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

ADJOURNMENT

With no further business to come before the Commission, Mr. Morris moved, seconded by Mr. Groskopf to adjourn the meeting at 2:23 p.m.

Respectfully submitted,

Richard Morris

Richard Morris

RM:kb