

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, MAY 19, 2022 - 1:00 P.M.**

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**CALL TO ORDER**

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

Commission

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

Commission

Members Absent:    None

Staff

Members Present:    Jason Fruth, Planning Manager  
                                 Ben Greenberg, Senior Planner  
                                 Erica Anderson, Land Use Specialist  
                                 Kathy Brady, Support Staff Supervisor

**CORRESPONDENCE:**    None.

**MINUTES:**                    Approval of the April 21, 2022, Minutes.

*After discussion, Mr. Michalski moved, seconded by Mr. Peregrine and carried unanimously for approval, of the April 21, 2022, Minutes, as presented.*

**PUBLIC COMMENT:**        None.

• **RZ96 Beaumont Farm Legacy, LLC, Town of Merton, Section 27**

Mr. Fruth pointed out the location of the property on Beaumont Lane in the Town of Merton on the aerial photograph. He indicated the request is to rezone the property from the R-1 Residential and C-1 Conservancy (wetland) Overlay Districts (County) and the R-1 Residential and C-1 Conservancy (wetland) Districts (Town) to the A-1 Agricultural and C-1 Conservancy (wetland) Overlay Districts (County) and the A-1 Agricultural and C-1 Conservancy (wetland) Districts (Town).

Mr. Greenberg indicated the property contains approximately 104 acres and is located northeast of Beaver Lake. Tall Pines Conservancy is not the owner of the property, however, purchased its development rights with one exception, the 20 acre farmed area to the south (conservation easement). After 20 years, a maximum of 3 development rights would become available on a limited portion of the 20 acres. The owners are proposing the rezone in order to construct a single family dwelling along with a mini-farm with a number of farm related accessory buildings. The current Ordinance limits the height of accessory buildings in the R-1 Residential District to 18 ft. which is not tall enough for an agricultural building to function properly. Additional site plan development will be needed before permits can be issued for the grading and structures.

Mr. Groskopf asked if there was concern regarding runoff? Mr. Greenberg replied that at the public hearing some neighbors expressed concerns with Beaumont Lane and drainage challenges. He said the concerns were noted and will be addressed when land altering permits are applied for, to ensure there is no adverse impacts to neighboring properties.

*After discussion, Mr. Morris 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.*

- **RZ95 (Tall Pines Conservancy) Town of Merton, Section 6**

Mr. Fruth pointed out the location of the property on Pleasant View Road in the Town of Merton on the aerial photograph. He indicated the request is to revise the boundaries of the C-1 Conservancy (Floodplain) Overlay District to allow a 1,500-foot portion of Mason Creek to be realigned to improve water quality in accordance with the recommendation in the Mason Creek Watershed Protection Plan, dated 2017.

Mr. Greenberg indicated the property is located near the Waukesha County boundary. By revising the boundaries of the C-1 Conservancy Overlay it will allow a 1,500 ft. section of Mason Creek to be realigned to its natural stream bank. He explained it will reduce sediment loads entering into North Lake and the broader watershed and will restore natural riparian habitat. Although the physical changes to the creek occur only on the subject property, it will result in upstream and downstream impacts to the floodplain. A letter of map revision will be required to be submitted to FEMA for approval. Mr. Peregrine asked if the request is related to a problem, to which Mr. Greenberg replied that sediment loads were entering the ditch and subsequently into North Lake and the Oconomowoc River. Mr. Groskopf asked by slowing the water down does it increase the floodplain further upstream? Mr. Greenberg pointed out on the exhibit the existing and proposed floodplain boundaries and there would be no impact to agricultural lots, structures or buildable areas of lots. Mr. Morris added that the City of Oconomowoc is pushing to reduce the amount phosphorus entering their sewer plant.

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

- **CU70 (Lad Lake, Inc.) Town of Ottawa, Section 2**

Mr. Fruth pointed out the location of the property at W350 S1401 Waterville Road in the Town of Ottawa on the aerial photograph. He indicated the request is to reduce the area of the property which is subject to the existing Lad Lake Conditional Use Permit by approximately 36 acres, with the intent to sell the land for development.

Mr. Fruth indicated that additional holdings located in the Village of Dousman are being proposed to be sold for a commercial and multi-family development located near the corner of STH 18 and STH 67 and single family homes to the east. At the public hearing, there were questions if the reduced acreage would decrease the land buffer required in the existing Conditional Use Permit. Staff indicated that they were not aware of any required buffer surrounding the use. He noted there will be a stormwater facility located in the southeast corner to give some physical separation and a proposed berm running in an east/west direction. Mr. Michalski asked if the existing bicycle trail will stay? Mr. Fruth responded that he did not think the bike trail would change. Mr. Bukovich, applicant, introduced himself and said the proposed single family development would have 3 connections to the Glacier Drumlin Trail, with sidewalks located along STH 18 and trails throughout the development connecting to the bike trail. Chairperson Siepmann mentioned that there are steep slopes to the sand pit on the southern portion of the property and asked if anything could be done to prevent kids from going down to the sand pit/lake?

Mr. Bukovich stated they would be putting up horse fencing in a horseshoe shape around the single family homes for a deterrent.

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

• **CU71 (Mark and Wendy Raposo) Town of Oconomowoc, Section 25**

Mr. Fruth pointed out the location of the property at W347 N6082 Road I in the Town of Oconomowoc on the aerial photograph. He indicated the request is for land altering activities associated with the construction of a single-family residence with attached garage.

Mr. Greenberg said the property is approximately 1/3 of an acre in size, with a 16 ft. grade change from the road to the lake. The petitioners are proposing a 6 ft. lakeside cut to achieve a fully exposed walkout basement which requires Conditional Use approval. Two small, wing retaining walls will hold back the higher grades on either side. This type of cut on the lakeside contained by retaining walls, is common along this stretch of Road I. Notable conditions include:

- A stormwater permit is required from the Land Resources Division.
- A town requirement to submit an As-Built plan to ensure grading is executed as proposed.
- Mitigation is required by either planting priority trees or installing a shore buffer area.

Mr. Morris asked, on the lakeside cut, would there just be grass banks or a combination of retaining walls and grass? Mr. Greenberg replied, that the cut will be limited and would run the width of the home and will be completely contained within the 2 walls. Chairperson Siepmann asked if the stairs on the northeast corner which are going up to the deck, go down into the swale and added that it seems the water is running towards the stairs? Mr. Groskopf said it looks like the swale is running under the stairs and noted the swale could be graded around the edge of the steps and then come back under. Mr. Groskopf asked if approving the request was setting a precedent for allowing more lakeside grading. Mr. Greenberg and Mr. Fruth both stated they look at each request on it own merits and consider the specific site and neighborhood context and do not think, as conditioned, it would be setting a precedent.

*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.*

• **CU69 (Poplar Creek Club II, LLC) Town of Brookfield, Section 29**

Mr. Fruth pointed out the location of the property in the Town of Brookfield on the aerial photograph. He indicated the request is for Conditional Use approval for mixed residential, office, hotel and commercial uses.

Mr. Fruth indicated the related County Development Plan Amendment and rezoning request both were approved by the Land Use, Parks and Environment Committee on May 17, 2022 and will go before the County Board on May 24, 2022.

This Conditional Use request is for an urban form Planned Unit development. This use type must be located in either a downtown location or along a major transportation thoroughfare. The county shoreland jurisdiction is located on the north portion of the site (Poplar Creek). Public comments included adding more pedestrian sidewalks/paths along Barker Road and the Town of Brookfield conditioned their approval as such. Another concern from an adjacent neighbor to the north was regarding the size of Building No. 8 being situated close to the property line and her garage. The Town recommended a condition that there be a privacy/landscape buffer and fence along the property line. The Town thought the building proposed for that area was appropriate in design and scale and the County staff agreed. Conditions of note include:

- The pending County Development Plan Amendment and rezone must be approved by the Waukesha County Board.
- All Town conditions need to be satisfied.
- Setbacks, offsets, building heights must be consistent with the submitted plans.
- The tot lot be provided in the Poplar Creek Green area.
- Compliance with the Department of Transportation and Department of Public Works requirements.
- Fire Department review.
- Landscaping, lighting plans, etc. must be submitted.
- New wetland mitigation.
- Floodplain basin, as-built grading plan must be submitted.

Mr. Groskopf asked if the fire access road would be used for general vehicle circulation or a paved area/walkway only used in case of fire? Mr. Wimmer, replied that the fire access road would have a gate and only be used by emergency vehicles which is what the Town Fire Department preferred. He pointed out the location of gate.

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

• **SP162 (Poplar Creek Club II, LLC) Town of Brookfield, Section 29**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU69) listed above.

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

• **PPC22 008 (Fedak German) Town of Genesee, Section 28**

Mr. Fruth pointed out the location of the property at S54 W31502 STH 59 in the Town of Genesee on the aerial photograph. He indicated the request is for a remnant parcel not shown on a Certified Survey Map.

Ms. Anderson indicated the property is located north of CTH ZZ and west of STH 59 and contains approximately 31 acres. The petitioner is proposing to create 2 new lots which abut CTH ZZ and not include the remnant lands on the Certified Survey Map (CSM). The 2 new lots would not be located in the County's shoreland jurisdiction. Chairperson Siepmann said that by not including the remnant lands on the CSM it would be a cost savings for the petitioner so they do not have to pay to survey the entire property.

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

- **PPC22 009 (227 Investments, LLC Carl Tomich) Town of Delafield, Section 15**

Mr. Fruth pointed out the location of the property at N26 W30227 Maple Avenue in the Town of Delafield on the aerial photograph. He indicated the request is for a retaining wall located within 5 ft. of the east and west property lines.

Ms. Anderson indicated the property is located south of Maple Avenue on the north side of Pewaukee Lake. It is approximately 100 ft. wide and 41,000 sq. ft. in size. The parcel currently contains a single family residence with attached garage, a deck, 2 patios, a boathouse and approximately 219 ft. of retaining walls between the residence and Maple Avenue. She pointed out on Exhibit A, the after-the-fact retaining walls which were built within 5 ft. of the east and west property lines. The retaining walls are constructed as a gabion basket wall (rocks within a steel basket type enclosure). The petitioner is working with the Waukesha County Land Resources Division to construct a rain garden south of the driveway, which should capture the majority of the runoff from the improvements on the property, including the drainage coming from the northern side of the western wall. Mr. Morris asked what the width of the gabion basket wall was, to which Mr. Tomich responded 18 in. x 18 in. size.

Mr. Groskopf asked why the retaining walls were not on the original site plan for the new residence? Ms. Anderson replied that the grading plan was altered slightly and an official as-built grading plan will be forthcoming. She verified that the retaining walls were not part of the original permit and the grading has slightly change as well as the driveway location. Mr. Fruth said it was the big side approach to the garage which is necessitating it and may be that the grades weren't examined fully to appreciate that there would need to be some changes. Mr. Groskopf asked if the house plans changed to which Ms. Anderson responded that the house is almost completed. Mr. Tomich stated that originally when he applied for the building permit, he had requested the residence be 3 to 4 ft. higher, however, the County only allows you to fill approximately 42 in. He said that he didn't want to go through a 3 month process to allow the house to be 3 ft. higher. Otherwise his home would have been in line with both of the neighbor's and the retaining walls would not have been needed. He verified that his residence is lower than both of the neighbors and there is a lot of water coming off of the steep driveway. Ms. Anderson pointed out the location of the rain garden where the driveway and retaining wall ends. Mr. Groskopf said the plans should have been thought out better.

*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.*

• **PPC22 010 (Chris and Shawn Hake) Town of Merton, Section 31**

Mr. Fruth pointed out the location of the property at W338 N5423 Road N in the Town of Merton on the aerial photograph. He indicated the request is for a retaining wall located within 5 ft. of the north property line.

Mr. Fruth indicated the property is approximately 35 ft. wide. The petitioners were issued a Zoning Permit for the construction of a new single-family residence with retaining walls. There was an error in the field resulting in the retaining wall being 4 ft. 7 in. from the lot line. The retaining walls are needed due to a drop in elevation from the road to the residence, specifically the approach to the entrance. Mr. Groskopf said he visited the site and the retaining walls are just poured concrete should probably have some kind of finish on them but noted that they are needed. Mr. Fruth stated that sometimes vegetative screening is required, however, there is not an aesthetic standard for retaining walls.

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

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Morris moved, seconded by Mr. Peregrine, to adjourn the meeting at 2:03 p.m.*

Respectfully submitted,

*Richard Morris*

Richard Morris

RM:kb