

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, AUGUST 18, 2016, 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        Robert Peregrine        Gary Goodchild  
                                 William Maslowski     William Mitchell        Richard Morris

Members Absent:        Keith Hammitt

Staff

Members Present:        Jason Fruth, Planning and Zoning Manager  
                                 Amy Barrows, Senior Planner  
                                 Sandy Scherer, Senior Planner  
                                 Elfriede Sprague, Administrative Specialist  
                                 Chris Morgan, Corporation Counsel  
                                 Kim Haines, Corporation Counsel  
                                 Riad El-Azem, Corporation Counsel

Guests Present:         Mike and Petra Dekan, owner – CZ-1837  
                                 Darlene Johnson, Cty. Board Supervisor  
                                 Elizabeth Siddus, CU-1621 and PO-OTWT-16-01  
                                 Mike Schitz, developer - SZT-1817A  
                                 Kevin Thusius, Ice Age Trail Alliance

**CORRESPONDENCE**        None.

**MEETING APPROVAL**        None.

**MINUTES**                        Approval of the July 21, 2016, Minutes.

*Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval of the July 21, 2016, Minutes.*

**PUBLIC COMMENT**        None.

**PUBLIC HEARING**

• **1:00 p.m. Public Hearing for CZ-14590 (Waukesha County Park and Planning Commission)**

Chairman Morris read the public hearing notice into record. Mr. Fruth explained the public hearing is for proposed text amendments to the Waukesha County Zoning Code to modernize various zoning provisions and provide consistency with the concurrently pending proposed amendments to the Waukesha County Shoreland and Floodland Protection Ordinance. He stated that the three towns under County Zoning have reviewed the amendments and the Town of Oconomowoc has expressed support of the amendments. There were no comments made by the Towns of Vernon and Ottawa. Mr. Fruth stated the purpose of the amendments is to bring the Zoning Code into conformance with the proposed Shoreland Code changes. He explained there were a number of shoreland related references in the Zoning Code that have now been removed. Mr. Fruth proceeded to outline some significant changes to the Zoning Code; replacing floor area ratio scheme with the building footprint, amending building height provisions, matching the accessory building provisions that were advanced through the Shoreland Advisory Committee, simplify offsets, reduce some of the minimum building area requirements in various districts, and

modifications to the AD-10 and RRD-5 Districts, which were requested by the Town of Vernon. He stated the intent is to bring three ordinances into conformance with the new State shoreland zoning rules; the Waukesha County Zoning Code, the Shoreland and Floodland Protection Ordinance and the Subdivision Control Ordinance.

Mr. Morris opened the public hearing to the public.

Darlene Johnson, County Board Supervisor, asked if the changes would affect any of the Lake Management Districts? Mr. Fruth replied, they would not, the hearing is for the Zoning Code only. He explained that during the drafting of the Shoreland Code, the Advisory Committee did include a number of Lake Management District representatives.

There being no further comments, Chairman Morris closed the public hearing at 1:08 p.m.

- **SZ-1459M (Waukesha County Park and Planning Commission)**

Mr. Fruth indicated the request is for approval to incorporate text amendments to the Waukesha County Shoreland and Floodland Protection Ordinance to incorporate revised shoreland zoning provisions in order to comply with revised State shoreland zoning laws and to modernize various code provisions.

Mr. Fruth explained the Shoreland and Floodland Protection Ordinance applies to properties with 1000 ft. of a lake or pond, 300 ft. from a river or navigable stream and to the full extent of the floodplain. He summarized the public involvement and the public and information meetings for the project. Mr. Fruth explained the amendments need to comply with revised provisions of State law and the Shoreland rule NR115. He stated that the County has a deadline of October 1, 2016 to adopt a revised ordinance. He added that the DNR was supplied with a copy of the draft amendments and they expressed some concerns regarding floodplain setbacks. Staff has been working with them to address the issues and expects to receive final approval shortly.

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

- **SZ-1459N (Waukesha County Park and Planning Commission)**

Mr. Fruth indicated the request is for approval to incorporate text amendments to the Waukesha County Shoreland and Floodland Subdivision Control Ordinance.

Mr. Fruth stated recent law changes prompted the need to incorporate minimum lot size and width standards that have long been part of the SFPO into the Shoreland and Floodland Subdivision Control Ordinance. The proposal is to list zoning district lot area and width requirements in a table format within the Waukesha County Shoreland and Floodland Subdivision Control Ordinance by introducing a table into the ordinance, which ensures density standards of the County Development Plan can be successfully implemented.

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

- **CZ-1459O (Waukesha County Park and Planning Commission)**

Mr. Fruth indicated the request is for approval to incorporate text amendments to the Waukesha County Zoning Code to modernize various zoning provisions and provide consistency with the concurrently pending proposed amendments to the Waukesha County Shoreland and Floodland Protection Ordinance.

Mr. Fruth stated this amendment relates to the previously heard public hearing regarding the general Zoning Code, which is applicable in the three Towns under County jurisdiction. He explained the changes were made to parallel the Shoreland amendments.

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

- **ZT-1836 (Text Amendment - Town of Brookfield Board) Town of Brookfield**

Mr. Fruth indicated the request is for approval to incorporate text amendments to the Town of Brookfield Zoning Code relating to drive through and fast food restaurants.

Mr. Fruth stated the Town of Brookfield Zoning Code allows for drive-through and fast food restaurants in the B-2 Limited General Business District provided that there be no more than two such facilities within a one-mile radius of one another. The Town is proposing to remove the limitation. They plan to monitor appropriateness of such uses via the Conditional Use approval process.

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

- **CZ-1837 (Soli Deo Gloria LLC - Petra and Mike Dekan) Town of Ottawa, Section 1**

Mr. Fruth pointed out the location of the property in Section 1 of the Town of Ottawa on the aerial photograph. He indicated the request is to rezone the property from the P-I Public and Institutional District to the AD-10 Agricultural Density District 10.

Ms. Scherer stated the request is to rezone the property to the AD 10 District to allow the petitioners to divide the property into 3 parcels via Certified Survey Map. They would like to sell two of the parcels and retain a 20-acre parcel. Ms. Scherer explained that the property is located on Waterville Road, a Wisconsin designated Rustic Road, which also currently provides a temporary “on street” access route for the Ice Age National Scenic Trail (IANST), also known simply as the Ice Age Trail (IAT). She identified this to sometimes be a dangerous situation for pedestrians, and the Town would like to take this opportunity to implement their adopted Park and Open Space Plan, and have the temporary route relocated to the permanent “off street” location on the east side of the property. She noted that the property contains an INRA along the south and east lot lines, steep slopes up to 20% mainly to the rear of the parcel, and there is an active quarry located adjacent to the east.

Ms. Scherer identified the proposed trail easement for the IANST on the east side of the petitioner’s property. She explained there has been a trail corridor planned through this part of the Town of Ottawa by the Ice Age Trail Alliance for well over 30 years that incorporates “off street” locations as part of the Ice Age National Scenic Trail. This portion of the trail plan is discussed in detail in the Town of Ottawa’s Park and Open Space Plan adopted in 2001, and is shown as part of the ‘trail corridor’. Ms. Scherer added the County will be updating their Park and Open Space Plan in 2017 and will reflect this shift from an “on street” to an “off street” location. The off street location would be in conformance with the County Park and Open Space Plan. Ms. Scherer pointed out a one and one-half acre parcel to the southeast of the property owned by the IANST that would connect to the proposed trail on the petitioners’ property, eventually extending a portion of the trail. She added the proposed easement would be a key component in getting the pedestrians off of the street and towards the end goal of a completed trail.

Mr. Mitchell questioned whether the owners were in agreement with the proposed easement and if they have discussed alternatives with the Town. Ms. Scherer replied she is not aware of any discussions with the Town or IANST. She added that she discovered the proposed easement in researching the Town’s Park and Open Space Plan that the Town and County would like to see implemented.

Commissioner Goodchild commented that the Town Plan Commission was unanimous in their approval in accordance with the Town Planner’s recommendation and felt the expansion of the trail would be an asset to the Town and its residents. He added that historically the Town has been supportive of the expansion of the IAT and have been supportive of anyone preserving land in the Town. They have successfully worked with developers in expanding the trail when developing lands. He added it was a request of the Town that the easement be required.

Commissioner Siepman asked what the width of the trail to the south was? Ms. Scherer replied it was approximately 50 ft. He questioned why the petitioner was being asked to designate a minimum of 100 ft. when the southern portion was smaller. Ms. Scherer explained that when she asked the IAT what would be an adequate easement, they indicated 100 ft. because of the winding, hilly terrain. She indicated that she was unsure of how much room they would need when constructing the actual trail. She explained that the trail itself would not be that wide. Ms. Scherer remarked the property to the south was “owned” by the IANST, whereas this situation would be an easement.

Commissioner Siepman questioned whether it was necessary for the County to mandate a 100 ft. easement until the width of the trail is known. Could the condition be amended to state “up to 100 ft.” and have the two parties work together to come to an amicable agreement. Mr. Goodchild remarked he felt the Town would be open to the suggestion.

Mr. Thusis, IANST, commented that the IANST looks for opportunities like this rezone request to expand the trail. He acknowledged that the area in question is steep and a wider easement would make developing the trail easier. He remarked they could possibly accept a narrower easement, however the IAT would need to ground stake the area. Mr. Thusis explained that his organization would pay the property owner for easement rights.

Mr. Dekan spoke in opposition of having the easement attached to his property. He questioned why he had to give up 100 ft. when the abutting trail to the south is only 50 ft. Mr. Dekan argued that the property to the east, which is owned by Payne and Dolan, abuts his property and they already have a road running on their property and he sees no reason the trail can't be put on the quarry's land.

Chairman Morris asked Mr. Goodchild, if the Town of Ottawa has had any discussions with Payne and Dolan regarding putting the trail on their land. Mr. Goodchild replied, they had not. He explained the Town reviews land divisions, and as part of that review considers pedestrian type easements on lands designated on Town plans for future trails. Mr. Goodchild explained that most of the easements that are obtained are not developed immediately, but they are obtained and recorded at the time of the land division. He continued that in the future, as parcels are sold and developed, the Town will have the easements on record. Mr. Goodchild explained that the Town Plan Commission will be asked to approve the Certified Survey Map, a land division with some of the parcels being sold, and it is consistent with what has been asked of other property owners in the past. He added that this is a long range planning effort. At this point in time, with the added easement/link from the petitioner, the trail will basically dead end at the property to the north. When the northern property is sold, the Town will then ask for an additional easement so that eventually the IAT will be complete and link to the Glacial Drumlin Trail to the north. Mr. Goodchild remarked this is “long range planning” and the property is available now.

Ms. Scherer commented that Payne and Dolan is an active quarry and a trail on their property may not be best positioned for the public. She reiterated that the trail itself would not be 100 ft. wide, however the entire width of the easement may be needed to establish the trail. The Dekans again strongly expressed their objection to having the easement as part of the Certified Survey Map approval.

Mr. Fruth explained to the petitioner that if the CSM is not submitted within six months, the property will revert back to its original zoning category. This would give them the opportunity to either chose not to proceed with the rezoning because they object to it or work with the IATA to comply with the Town's Park and Open Space Plan. The Commissioners advised Mr. Dekan to work with the other parties to see if there were any acceptable alternatives.

***Mr. Mitchell called the question. The question was unanimously approved. After discussion, Mr. Goodchild moved, seconded by Mr. Siepman and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”***

**Mr. Goodchild amended his motion for approval, seconded by Mr. Siepmann, as conditioned, in accordance with the “Staff Report and Recommendation” with the recommended condition amended as follows:**

- A Certified Survey Map be prepared in conjunction with this zoning change that designates an appropriate ‘trail easement’ ~~a minimum of~~ **up to** 100 ft. in width along the east lot line of the subject parcel for the benefit of the Ice Age National Scenic Trail and the Ice Age Trail Alliance. If a CSM is not subsequently submitted to the Town of Ottawa for review within six months of the effective date of the zoning change, the zoning change will automatically revert back to the Public and Institutional zoning category.

***The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County and Town Ordinances.***

• **SZT-1817A (FRED-Lathers LLC) Town of Waukesha, Sections 29 and 32**

Mr. Fruth pointed out the location of the property in part of Sections 29 and Section 32, Town of Waukesha on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agricultural to the R-1 Residential District (Town and County).

Mr. Fruth explained this property was originally planned as a P.U.D. The petitioner has since decided they wish to divest of the property and split it into several large lots. He indicated that the lands adjacent to the Fox River are designated as Primary Environmental Corridor (PEC). The Park and Open Space Plan designates the PEC as Fox River Greenway for County ownership, including the development of a future recreational trail to benefit the public. The petitioner proposes to dedicate 16.2 acres to Waukesha County for the greenway project. He explained that the property would not be divided into large, rural lots consistent with the initial land use plan vision for the area. Mr. Siepmann asked if future lot owners would have a dedicated access way to the river? Mr. Fruth responded that the developer has not indicated a preference for such accommodations.

***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.***

• **CU-1621 (Kevin and Catherine Kane - Vintique Rental LLC) Town of Ottawa, Section 11**

Mr. Fruth pointed out the location of the property, at W350 S3119 Waterville Rd., in Section 11 of the Town of Ottawa on the aerial photograph. He indicated the request is for approval of a Limited Family Business to operate a rental business on the property and to construct a large accessory building.

Ms. Scherer explained the petitioner owns an existing business that sells/rents vintage, rustic and antique items for weddings and special events. The petitioner has purchased a property in the Town of Ottawa and they wish to construct a new accessory building for the storage and the operation of their existing business. She added that the operation currently has a store front in the Town of Oconomowoc. Ms. Scherer explained that customers review items on their website and then request the items they wish to rent. Occasionally the customers do pick them up and return the rented items to the business. Ms. Scherer added there is one delivery trailer and it will be stored in the accessory building and any repairs/restoration to items will be done in the basement of the home. Ms. Scherer added this is a very low key business with limited hours. The owners of the property and their daughter are the only employees.

Ms. Siddus, the petitioners’ daughter gave a brief overview of the business. She indicated she understood the conditions and had no further comments.

***After discussion, Mr. Goodchild 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.***

- **PO-16-OTWT-01 (Kevin and Catherine Kane - Vintique Rental LLC) Town of Ottawa, Section 11**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-1621) listed above.

*After 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.*

- **PO-16-OTWT-02 (Kevin Kleczka - Amanda Kimball) Town of Ottawa, Section 19**

Mr. Fruth pointed out the location of the property, at W399 S3996 Fox Hill Drive in part of the NW ¼ of Section 19 of the Town of Ottawa on the aerial map. He indicated the request is for Site Plan/Plan of Operation approval for a new owner and operator of a commercial horse boarding operation, and other minor amendments.

Ms. Scherer explained that the request encompasses three lots: Lots 4 and 5 are owned by the operator and part of Lot 6 to the south is leased land owned by Tetzlaff. She stated the approval is for a new owner and new operator of the commercial horse boarding stable operation on the subject property. She noted that this property was approved as a Conditional Use in 1988 for a commercial horse boarding operation, however because Staff felt the changes were minor, they decided the changes could be handled as a Site Plan/Plan of Operation. Ms. Scherer continued that the new owner (Kleczka) has owned the property since 2014. She noted at that time the County received complaints about too many horses and violation of the Conditional Use. This Site Plan and Plan of Operation approval is an effort to bring the property into compliance and abate the violation.

Ms. Scherer stated the new operator (Kimball) wants to retain the same uses as the previous owner (Greenwald), except no riding lessons are proposed, and also to lease one acre of land from the property adjacent to the south (Tetzlaff). She added the leasing of an additional one acre brings the property to seven acres, which allows the petitioner to board seven horses. Ms. Scherer continued that over the course of time, the original leased land was sold and a new lease was never submitted. She indicated that issue has since been resolved with the new owner.

Ms. Scherer noted that there are very few changes from the original proposal, except the owner is proposing to finish the construction of a horse shelter, the leasing of the one acre of land to the south and the need for clarification of ownership. She pointed out the operator indicates she has purchased the property from Mr. Kleczka, but that was not indicated on her application nor is it indicated on the property tax roll.

Mr. Mitchell asked if the operator understands the conditions of approval. Ms. Scherer replied she has worked closely with the petitioner and she indicated she has a clear understanding of what is being required. Mr. Goodchild remarked that the petitioner was at the Town Plan Commission meeting and it was made very clear to her what was expected and if she did not comply with the conditions, her permits could be revoked. Ms. Scherer added the Conditional Use and Site Plan and Plan of Operation will now be subject to annual review.

Mr. Peregrine asked if the Staff had verification of who owns the property. Ms. Scherer replied they did not, that was the reason the Staff Report was drafted using both the old and new owners name. She noted Ms. Kimball has been advised to consult with the proper agencies to ensure the accuracy of property records so the permits can be issued to the correct owner.

*After discussion, Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with the following added condition.*

- *The petitioner shall acquire and submit the necessary title documents to the Waukesha County Department of Parks and Land Use Department proving their ownership and the Planning and Zoning Division Staff shall have the Waukesha County Corporation Counsel verify that the documents are in fact showing current ownership of the property prior to September 2, 2016.*

*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 2:22 p.m.*

Respectfully submitted,

*William Mitchell*

William Mitchell  
Secretary

WM:es