

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, JANUARY 19, 2023 - 1:00 P.M.**

CALL TO ORDER

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

Commission

Members Present: James Siepman Robert Peregrine
 Richard Morris William Groskopf

Commission

Members Absent: None

Staff

Members Present: Jason Fruth, Planning Manager
 Jacob Heermans, Senior Land Use Specialist
 Kathy Brady, Support Staff Supervisor

CORRESPONDENCE: None.

MINUTES: Approval of the November 19, 2022, Minutes.

After discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously for approval, of the November 19, 2022, Minutes, as presented.

PUBLIC COMMENT: None.

• **RZ107 (L&N.M. Enterprises, LLC/Jacob Miller) Town of Oconomowoc, Section 5**

Mr. Fruth pointed out the location of the property in Section 5 of the Town of Oconomowoc on the aerial photograph. He indicated the request is to rezone the property from the FLP Farmland Preservation District to the R-1 Residential District.

Mr. Heermans, Senior Land Use Specialist, indicated the property is located north of CTH CW (Mapleton Road) and west of STH 67 with frontage on Pennsylvania Street. The property is approximately 56 acres in size and is currently being farmed and does not contain any improvements. The property is part of a larger farm tract containing 5 parcels and a total of 163 acres. He explained, there is one residential parcel within the farm tract, created via Certified Survey Map in 1998 and utilizes one of the available density rights. The lands are zoned Farmland Preservation (FLP) which states that new lots or new residences on less than 35 acres shall only be permitted with the creation and rezoning of a new parcel. The overall density of the farm tract must be maintained at 1 dwelling unit per 35 acres. Since the farm tract contains 163 acres in the FLP category and only 1 development right was used, there are 3 available density rights left.

Mr. Heermans stated the property owner is proposing to divide off 2 acres from the west side of the property, which would be rezoned to the R-1 Residential District to allow for the construction of a single-family residence and would utilize 1 development right. The owner does not intend to use the other 2 development rights at this time, however, any new lots would most likely be created to the north of the Derse property along Pennsylvania Street. The Planning and Zoning Division is recommending approval of the rezone with conditions.

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 014 (L.& N.M. Enterprises, LLC/Jacob Miller) Town of Oconomowoc, Section 5**

Mr. Fruth pointed out the location of the property in Section 5 of the Town of Oconomowoc on the aerial photograph. He indicated the request is for approval of a remnant parcel not shown on the Certified Survey Map.

Mr. Heermans indicated the request is related to the previous rezone (RZ107) listed above. The petitioner is proposing to create a 2 acre parcel from the 163 acre farm tract and has submitted a Certified Survey Map (CSM). The petitioner is seeking approval for the creation of a 2 acre parcel to the R-1 Zoning District. The Shoreland and Floodland Protection Ordinance requires the residual parcel resulting from a land division be included on the CSM, however, it would be a significant expense for the owner and would serve no useful purpose at this time. The Planning and Zoning Division Staff is recommending approval with conditions.

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.

- **RZ108 (Noll/Polczynski) Town of Merton, Section 19**

Mr. Fruth pointed out the location of the property at N67 W33499 CTH K in the Town of Merton on the aerial photograph. He indicated the request is to revise the conditions of a previous conditional rezoning request (Enrolled Ordinance No. 167-76, SZT-1692A).

Mr. Heermans indicated that in 2009 the petitioner requested a rezone for the property to the B-3 General Business District to allow a cold storage, food packaging and food processing operation. The rezone was approved with conditions. A condition stated the property be utilized and limited to the uses requested (cold storage, packaging of seafood products, limited retail for special events, sales of seafood to the local community). The petitioners applied for Site Plan/Plan of Operation approval for the cold storage operation, however, did not comply with the conditions or obtain permits. In 2011, a Certified Survey Map was recorded which split off a parcel containing a single family residence from the south end of the property. In 2012, the owner requested to amend the zoning on the property to allow for warehousing of dry goods. The owner proposed to convert the area on the north end of the building into a residence for an on-site employee/manager. The amendment was approved with conditions.

Mr. Heermans said the petitioner is currently requesting to amend the conditions of the B-3 zoning on the property to allow a tenant to operate a resale business in the southern portion of the warehouse building. The residence on the property will be used by the property owner and the north portion of the warehouse building will be utilized for personal storage of the owner. The resale business has been operating for a few years and the Town approved a Site Plan/Plan of Operation for the business in 2022. The resale business receives 1 to 2 pallets of return merchandise from major retailers and are resold to the public usually through online sales. Customers pick up the merchandise from the site and there are limited retail hours for the general public.

Mr. Morris said the request has been before the Town of Merton several times and noted the property has changed hands a few times along with the uses and ultimately the Town approved the request.

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.

- **CU81 (Michael and Jodee Riggs) Town of Oconomowoc, Section 25**

Mr. Fruth pointed out the location of the property at W343 N6320 S. Bayview Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is for Conditional Use approval for a Limited Family Business.

Mr. Heermans indicated the property contains a single family residence with an attached garage, deck, storage shed and a 2 story accessory building. The petitioners are proposing to operate a bakery, “Bayview Bakery” as a limited family business from the existing accessory building. The bakery is operated by the petitioners with no other employees. Bread, croissants and other baked goods are made onsite and sold at local farmers markets. The petitioner would like to wholesale to restaurants and the Stone Bank Market which requires baked goods to be produced in a commercial kitchen. The cottage bakery has been operating since 2021 and is in the process of converting the first floor of the accessory building into a commercial kitchen which meets State and County Health Department standards. The accessory building was permitted in 2007 for personal storage and has since been remodeled for the bakery operation. The petitioner has applied for an after-the-fact permit for the remodeling of the building. The first floor bakery is approximately 896 sq. ft. in size, with an entrance at the rear of the building and is not visible from the road. There is a gravel parking area north of the building as well as additional parking available on the driveway adjacent to the structure. Other than organic flour deliveries every few months, no other business related deliveries are made to the property. In addition, no onsite retail sale of products, no customer pickup of baked goods, no permanent signage or exterior storage is being proposed. Hours of operation are primarily during the week to sell at weekend farmers markets.

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.

- **SP181 (Michael and Jodee Riggs) Town of Oconomowoc, Section 25**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU81) listed above.

After a brief 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.

- **CU84 (Castoro, LLC) Town of Merton, Section 27**

Mr. Fruth pointed out the location of the property at N57 W30688 CTH K in the Town of Merton on the aerial photograph. He indicated the request is for land altering activities associated with the construction of a single-family residence.

Mr. Fruth indicated the property is located on the south side of Beaver Lake. A recent CSM was approved reconfiguring some of the parcel lines. The existing home will be razed and replaced. The new home will comply with the ordinance and be located 75 ft. from the shore and will be situated with the terrain of the land. He pointed out on the aerial photograph the topography on the site. Grading will consist of up to 9 ft. of fill along the east elevation of the residence to fill a kettle and allow the garage to be located at the same elevation as the first floor. A rain garden is being proposed in the southwest corner of the property to assist with runoff from the site and a swale to convey it to the lake. Access to the property is via a private road on the east side of the property. Conditions of note include:

- A Stormwater Permit is required.
- A Vegetation Plan for landscaping must be implemented (screening of the retaining walls).
- The proposed rain garden must be planted with deep rooted vegetation to aid with the absorption of rainwater.
- The Grading Plan submitted must be substantially complied with and the project must be completed by November 1, 2024.

Mr. Caliendo, petitioner, introduced himself and stated they have obtained a Stormwater Permit through the Waukesha County Land Resources Division. In addition, the Landscape/Screening Plan for the retaining walls and the proposed plantings for the rain garden have been submitted to the Planning and Zoning Division for review. He explained the goal is to maintain as much of the existing topography as possible to build a residence which complies with the current regulations. Mr. Morris said at the public hearing several nearby neighbors expressed concerns regarding the amount of truck traffic with fill and that the existing asphalt would be recycled onsite.

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 019 (John Grogan) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at W340 N4963 Road O in the Town of Oconomowoc on the aerial photograph. He indicated the request is for after-the-fact approval for a retaining wall located within 5 feet of the north and south property lines.

Mr. Fruth indicated the parcel is approximately 50 ft. wide and located on the southern portion of Okauchee Lake. The parcel contains a residence and detached garage. The retaining walls are after-the-fact and are constructed of a natural stone material. The retaining wall along the north side is approximately 4 ft. from the lot line and extensive screening is being proposed. The retaining wall to the south is located on the lot line and connects to the lakeside tiered walls. Extensive screening is being proposed on the lakeside retaining walls. Conditions of note include that a revised Plat of Survey be submitted indicating the top and bottom wall elevations prior to the issuance of a Zoning Permit and the walls be screened in accordance with the submitted plan. The petitioners indicated the existing retaining walls were failing and needed to be replaced and they were unaware they needed permits.

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.

• **PC22 018 (Ruric Anderson III) Town of Oconomowoc, Sections 35/36**

Mr. Fruth pointed out the location of the property at W349 N5389 Road B in the Town of Oconomowoc on the aerial photograph. He indicated the request is for after-the-fact approval of a retaining wall located within 5 feet of the northeast property line.

Mr. Fruth indicated the retaining wall to be replaced is approximately 2 ft. from the lot line. The proposed retaining wall is part of a tiered wall system and will be approximately 2 ft. in height. The petitioners were unaware a permit was needed to replace the failing wall.

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 1:40 p.m.

Respectfully submitted,

Richard Morris

Richard Morris

RM:kb