

WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, MAY 20, 2021 1:00 P.M.

Due to COVID-19, the meeting was conducted virtually via the Microsoft Teams application and phone access was also available. The meeting was open to the public and individuals were invited to participate via telephone or Microsoft Teams.

CALL TO ORDER

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

Commission

Members Present: William Mitchell (via Microsoft Teams)
Robert Peregrine (via Microsoft Teams)
Richard Morris (via Microsoft Teams)
Thomas Michalski (via Microsoft Teams)
James Siepmann (via Microsoft Teams)
William Groskopf (via Microsoft Teams)

Members Absent: None

Staff

Members Present: Jason Fruth, Planning and Zoning Manager (via Microsoft Teams)
Rebekah Leto, Senior Planner (via Microsoft Teams)
Ben Greenberg, Senior Planner (via Microsoft Teams)
Kathy Brady, Support Staff Supervisor (via Microsoft Teams)

CORRESPONDENCE

Chairperson Mitchell stated that he received an email comment from Mr. Nitz regarding 4A, Ryan Janssen public hearing, and it was forwarded to all members of the Commission by the Planning Division.

MEETING APPROVAL

None.

MINUTES

Approval of the April 15, 2021, Minutes

After discussion, Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval, of the April 15, 2021, Minutes, as presented.

PUBLIC COMMENT

None

Chairperson Mitchell welcomed Mr. Groskopf as a new member of the Park and Planning Commission.

SCHEDULED MATTER

- 1:00 p.m. **Public Hearing for the 2021 Out of Sequence Amendments to the Comprehensive Development Plan for Waukesha County**

At 1:05 p.m., Mr. Fruth explained that two, out of sequence amendments were being heard. He then introduced the first amendment:

4. In the Town of Genesee, the following request is being made:
 - A. **Ryan Janssen**, P.O. Box 486 Mukwonago, WI 53194, representing property owned by TKS Corporation, 2310 Woodfield Circle, Waukesha, WI 53188, requests property located in part of the SW ¼, NW ¼ and SE ¼ of Section 35, T6N, R18E, Town of Genesee (Tax Key No. 1579.999), be amended from the Suburban II Density Residential (3.0 to 4.9 acres of area per dwelling unit) and the Rural Density and Other Agricultural Land (5.0 to 34.9 acres of area per dwelling unit or equivalent density) categories to the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit), in order to allow for a residential subdivision.

Mr. Fruth shared the aerial photograph of the property for those joining via Microsoft Teams. He indicated the property is located southeast of CTH X (Saylesville Road) and east of the roundabout at STH 83. The property contains a split designation with the northern portion in the Suburban II Density Residential category (3 to 4.9 acres per dwelling unit) and the southern portion in the Rural Density and Other Agricultural Land category (5.0 to 34.9 acres per dwelling unit). The eastern portion of the property contains secondary environmental corridor and Other Lands to be Preserved to the west. He pointed out the proposed areas of change to the Suburban I Density Residential category (1.5 to 2.9 acres per dwelling unit). Surrounding land use designations include, Suburban II Density Residential to the northeast, Low Density Residential (½ acre density) to the north and west.

Mr. Fruth presented a plan showing a 16 lot proposed residential subdivision. The property contains some steep slopes to the east with high ground near CTH X. Lots are clustered near Saylesville Road. He explained that the Southeastern Wisconsin Regional Planning Commission (SEWRPC) delineated the environmental corridor, wetlands and identified a fen (a rare groundwater fed wetland) on the property. In early discussions with the developer, the Planning Staff indicated it was important that the fen be preserved and conserved in an outlot, to which the developer agreed. Mr. Fruth indicated that a small area of the isolated portions of the fen is located outside of the proposed outlot boundary. The layout includes a couple of lots north of the fen being 25+ acres in size. At the Development Review Team meeting, the Town Planner and Planning Staff indicated they would prefer to see a layout directly in alignment with Town, County and Regional plan recommendations which calls for a conservation design in rural development areas. The developer was resistant to the idea of eliminating all of the larger lots. Mr. Fruth indicated the initial layout did not have the fen conserved on an outlot. The proposal only conserves part of the fen area and the SEWRPC report noted that the fen area would be larger except for the intrusion of buckthorn and other invasive species.

The developer expressed interest in marketing a couple of large lots and the proposal is a departure of what the Planning Staff was recommending and it was expressed that if the fen was contained in conserved acreage owned by a conservancy entity, the development proposal was worthy of some consideration. He pointed out on the layout several lots which contain environmental corridor on the rear portion of the lots. Another feature identified by SEWRPC is a prairie remnant on the north central portion of the property. Density under the existing plan categories would be 12 lots by right. A conservation design subdivision would yield 16 lots. The petitioner is proposing 16 lots without a conservation design.

Chairperson Mitchell asked if there were any comments from the public?

Mr. Janssen explained that the Town of Genesee Planner's recommendation for the original plan submitted in Fall 2020 was for approval but there were some stormwater difficulties and was put on hold. He asked if Mr. Fruth could show on the screen the third recommended concept plan. He further explained that for the past 20 years there have been numerous proposals to develop the parcel resulting in dead ends. He said the Town of Genesee had a trade off with him, which included preserving the fen with stewardship opportunities for the Waukesha Land Conservancy. He referred to the original concept plan showing all of the land on the development under private ownership requiring no involvement of the Waukesha Land Conservancy with the protection method being, a statement on the face of the plat outlining what would and wouldn't be allowed to be done on the property, such as no further development, grazing of animals, grading, cutting, etc. He noted that no one would be watching over the environmentally sensitive areas because they would be under private ownership.

Mr. Janssen said after discussions with the Town and County, he understood it was important to protect the fen and in exchange for the 3 or 4 additional lots, the fen was placed on an outlot and the 2 larger lots (while under private ownership) would be managed by the Waukesha Land Conservancy. He felt it was a good trade for the 4 additional lots so someone would be keeping an eye on the wetlands and fen area. Chairperson Mitchell asked if there were any other comments from the public, of which there were none, and asked if the Commission members had any questions.

Mr. Siepmann stated the matter has come before the Waukesha Land Conservancy acquisition committee recently and there were the following comments:

- There are high quality wetlands on the property that are worth protecting.
- There were concerns because the Waukesha Land Conservancy does not like to work on easements and would like to have ownership of lands which they would have stewardship requirements on.
- There were concerns with Lots 10 and 11 and would prefer ownership interest vs. easements. Easements are more cumbersome for the group to manage.
- There was a high interest in trying to protect this parcel.

Mr. Siepmann asked what the incentive was to allow more density for the 2 larger lots (Lots 10 and 11) and how did the staff look at that from the standpoint of bringing the proposal forward? He felt they should be like sized lot wise as to what is being proposed for the other lots in the development. Mr. Fruth responded, as staff looked at the different layouts and questions from the petitioner, the general idea was that preservation of the natural area of local significance (fen) was of the most importance and would be a win for the natural environment. The Town planner pushed for Lots 10 and 11 to be reduced in size and for all of that acreage to be conserved in an outlot. Ultimately, the Commission and the County Board have to decide whether there is enough being volunteered to earn the extra density credits. The public comment received before the hearing also mentioned the sensitivity of the natural resources and other concerns and to keep the area more rural. He asked, does the current proposal go far enough in presenting enough benefits to warrant a category change? Mr. Siepmann indicated he would struggle with changing the Land Use Plan without protecting more of the resource on Lots 10 and 11 because that is what is strived for in conservation design developments.

Mr. Janssen stated the alternatives are, if the land use category is not changed and he is bound to 12 lots, there is not much requirements for preservation, aside from a statement on the plat. Landowners could do what they want and there is no one to monitor the land. The main value of the land is in the fen and noted that the wetland has been taken over by buckthorn. The alternative does not meet the goals. He asked Mr.

Siepmann if Tall Pines Conservancy does anything with private ownership? Mr. Siepmann responded that Tall Pines will work on easements but more toward agricultural lands with wetlands and woodlands. Mr. Janssen said his final comment was that either the fen would be protected on the outlot and concede some of the larger lots or everything would end up in private ownership.

Mr. Michalski stated he was trying to follow the petitioners reasoning, however, he agreed with Mr. Siepmann that the fen should be preserved. He asked if the petitioner is indicating that unless the land use amendment is approved, the fen will not be protected? Mr. Fruth replied, at present, the property is undeveloped and the fen is zoned in the C-1 Conservancy District and someone could not come in and destroy the wetland without violating the Town's zoning ordinance protection. Even though properties are zoned in a certain way it doesn't always stop destruction/damage. Ownership of the protected areas is the best way to protect them. He noted that the area is degraded with invasive species and with protective ownership by a conservancy organization there is a better opportunity to invest in the resource with easier access to the property. It becomes a question of what does appropriate conservation design constitute and what should it look like on each proposal.

Mr. Janssen stated if the land use plan amendment is not approved, then it would be developed with the 12 lots as currently designated. You can't say it is of highest importance to protect the areas but then it would just exist how it is currently. There would be 12 different owners and the protection aspect is monitoring, so someone is going to the property to check that someone is not cutting, cutting ATV trails, etc. The Land Conservancy would require and offer mitigation for some of the invasive species, which wouldn't otherwise be required. The Town of Genesee approved the Town Land Use amendment this week based on the current plan.

Chairperson Mitchell 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.

1. In the Town of Lisbon, the following request is being made:
 - B. **Mike Kaerek, Kaerek Homes, Inc.**, 11600 W. Lincoln Avenue, West Allis, WI 53227, representing property owned by Riteway Bus, LLC, W201 N13900 Fond Du Lac Avenue, Richfield, WI 53076, requests property located in part of the W ½ and NW ¼ of Section 2, T8N, R19E, Town of Lisbon (Tax Key No. LSBT 0150.997), more specifically, the property is located at N95 W23759 County Line Road, be amended from the Rural Density and Other Agricultural Land category (5.0 to 34.9 acres of area per dwelling unit or equivalent density) and Other Open Lands to be Preserved category to the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit), in order to allow for a residential subdivision.

Mr. Fruth shared the aerial photograph of the property for those joining via Microsoft Teams. He indicated the property is located on the county line, south of CTH Q and east of North Road in the Town of Lisbon. The property is approximately 42 acres in size. The proposal would allow a 19 lot residential subdivision with lots approximately 1 acre in size. There is an area of wetlands in the northwest corner. Surrounding properties include a subdivision to the east and a few residential lots north of the property.

Mr. Zanon, representing the petitioner introduced himself and indicated he was available to answer any questions of the Commission.

Chairperson Mitchell asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 1:39 pm.

- **RZ73 (Scott Peterson) Town of Oconomowoc, Section 13**

Mr. Fruth pointed out the location of the property, at W343 N7303 North Pole Lane in the Town of Oconomowoc. He indicated the request is to rezone the property from the FLP Farmland Preservation and FLC Farmland Conservancy Districts to the A-3 Suburban Estate District.

Ms. Leto indicated that the property owner recently obtained approval for a land use amendment from the Farmland Preservation category to the Suburban I Density Residential category for the property. The petitioner is proposing to rezone approximately 7.7 acres of the 36 total acres to allow for the existing home to be split from the property and allow for 2 additional future lots on either side of the existing residence. The wetland and Primary Environmental Corridor will remain unchanged. The Town of Oconomowoc is requiring road improvements to North Pole Lane to make sure all 3 lots will abut a public road. A Certified Survey Map will complete the land division for the 3 lots. The acreage on the east side (approximately 12 acres) of the property will remain in Farmland Preservation and continue to be farmed with access through the Stonebank Highlands subdivision. Mr. Peterson, petitioner introduced himself and indicated he was creating a lot for his father's existing residence and creating 2 additional future lots adjacent to this lot.

After discussion, Mr. Siepmann 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.

- **RZ82 (Sharon Ernest) Town of Delafield, Section 31**

Mr. Fruth pointed out the location of the property, at W334 S564 Cushing Park Road in the Town of Delafield. He indicated the request is to rezone the property from the A-1 Agricultural District to the A-2 Rural Home District.

Ms. Leto indicated the property to be rezoned is approximately 4 acres in size and contains a single family residence, outbuilding and pool. The rezone is being requested to the A-2 Rural Home District which better matches the dimensions and use of the existing parcel. In 1998, the Town of Delafield amended their code and increased the size of the A-1 District from 3 acres to 40 acres in size. Many of the parcels became non-compliant with the A-1 District.

Chairperson Mitchell asked if the entire area should be rezoned rather than having each individual property owner rezone their property? Ms. Leto stated that the Planning Staff has mentioned to the Town of Delafield that it might be more effective and less burdensome to the individual property owners, however, the Town was advised by their Attorney that when each property owner wants to build something or make a change they should individually apply for a rezone.

After discussion, Mr. Michalski 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.

• **CU55 (Gregory Varga and Dana Selenke Broehl) Town of Delafield, Sections 12 and 13**

Mr. Fruth pointed out the location of the property at N31 W28773 Lakewood Lane, in the Town of Delafield. He indicated the request is for land altering activities associated with the construction of a new single family residence.

Mr. Fruth shared the aerial photograph of the property for those joining via Microsoft Teams. He indicated the property is located south of Lakewood Lane and is approximately 0.33 acres in size. He noted the property has steep slopes and a significant amount of fill and grading is being proposed for the construction of a new residence. The lot is currently vacant and a previous residence was removed in 2005. The proposal is to fill the sloping front part of the lot to the elevation at Lakewood Lane to achieve a front entry to an attached garage. The building site will need additional fill for the residence and the basement will have a 10 ft. exposure. The petitioner indicates that drainage swales will be located along the lot lines, however, they are not drawn on the grading plan. In addition, retaining walls are being proposed, two on either side of the residence along with a 4' deep rain garden on the rear portion of the property. He noted that normally rain gardens are not this deep. The Land Resources Staff engineer recommended a more lineal rain garden (30 ft. wide by 2 ft.) with some berming provided to direct roof runoff and site drainage to the rain garden to protect the neighboring residence to the south. The neighbor to the south had previously expressed concerns regarding adverse drainage onto his property. Conditions of note include:

- A Stormwater Permit be obtained.
- The rain garden proposal be reviewed and approved by the Land Resources Division with special consideration to roof runoff from the downspouts.
- The proposed swale be more clearly defined.

Mr. Fruth mentioned that the Town of Delafield approved the proposed request with similar conditions. Chairperson Mitchell asked if the petitioners understand what is being requested of them and are agreeable to the conditions since they are not present at the meeting? Mr. Fruth replied the petitioners have been in contact and are agreeable to the recommendations of the Land Resources Division. Mr. Groskopf commented that the lot is very steep and it seems that the house is being forced on the lot. He mentioned that some of the contour lines don't seem correct, especially on the right side and the retaining walls (one being 8 ft. tall) and swale needs to be watched. He noted that if you came into the garage at one height and went down a few stairs to the living space, the retaining walls in the back would not have to be so tall.

After discussion, Mr. Morris 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.

• **CU52 (Eagle Spring Lake Management District) Town of Eagle, Section 36**

Mr. Fruth pointed out the location of the property at W344 S10505 CTH E, in the Town of Eagle. He indicated the request is to amend the Conditional Use Permit at the Kroll Outlet on Eagle Spring Lake to allow year round parking/storage for a small dump truck.

Mr. Fruth indicated the property is approximately 0.3 acres in size. The proposed parking location for the truck (northwest of the outbuilding) does not conform and is substandard to the offset parking provisions. The location for parking of the truck will have to be revised to comply as there is not enough room

between the building and side lot line. The building is located on top of the dam and provides access for dam maintenance. The existing Conditional Use provides for the storage of up to two weed harvesters, one truck and one shore conveyor. The property is also utilized for boat launch purposes and fireworks staging. The Wisconsin Department of Natural Resources (WDNR) expressed concerns regarding landscaping (Condition No. 2) but did not specify a specific type of planting for screening the truck. The WDNR commented that woody vegetation and tree roots should be kept off of urban embankments because they create voids and could undermine the dam. In addition, the Planning and Zoning Division staff did not specify the type of plantings for screening, however, would consult with WDNR staff for the types of successful landscaping outside of woody vegetation, such as taller grasses without a woody root zone. Another condition states the truck should be relocated at times of flooding as a safeguard because the area is in the dam failure zone.

Mr. Jensen, petitioner, stated the Eagle Springs Lake Management District does not have any issues with any of the restrictions but has concerns regarding the plantings. He explained the entire property is part of the dam and the dam slope runs down to 11 ft. to the edge of CTH E. There is concern with planting grasses as it provides issues for muskrats and other burrowing animals and do not want to encourage more animal life on the property. In the past, they have had problems and he noted the shoreland riprap has been muskrat proofed. To the north of the property is the Eagle Spring Pub which has a residential unit above the pub and 24/7 multiple vehicle parking, none of which is screened. Also at CTH E and CTH LO the Brookwood Pub, there is a tractor and sledge stored year round in the open. If complaints are received regarding the parking of the dump truck they could try to do something but vegetation is not the way to go. The technical manual for dam owners does not want trees and other vegetation which could attract animals that might hide any defects in the dam.

Chairperson Mitchell asked if the Planning Staff could work with the issues mentioned above? Mr. Fruth responded that something minimal could be provided due to the truck being in the open and left the decision up to the Commission. Mr. Siepmann suggested the wording in Condition No. 2 could state that landscaping planting or fencing shall be provided to screen the truck. Mr. Fruth explained that fencing would be problematic as the property is in the floodway zone that is to be kept free of obstructions. Mr. Fruth suggested a sentence could be added to Condition No. 2 stating that the plantings should exclude trees and woody vegetation. Mr. Jensen confirmed that a fence would be problematic because it provides an obstruction to water flow and could damage the dam. The district currently has permission to store a truck on the property during the summer months and they are requesting to store it there year round and the original approval did not include any type of landscaping being required and is a new requirement. Chairperson Mitchell confirmed there is not room in the building for the truck to be stored during the winter to which Mr. Jensen clarified the building is utilized for dam operations.

After discussion, Mr. Siepmann moved, seconded by Mr. Groskopf and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with a revision to Condition No. 2, which will now read:

- 2. Landscape plantings shall be provided to screen the truck from adjacent residential properties. There shall be no trees or woody vegetation in the proposed landscaping plan. Proposed plantings must be depicted upon a site or landscape plan and shall be subject to review and approval of the County Zoning Administrator.***

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.

- **PPC21 006 (Thomas and Rachael Cizmas) Town of Genesee, Section 21**

Mr. Fruth pointed out the location of the property at S43 W31137 STH 83, in the Town of Genesee. He indicated the request is for a lot not abutting a public road.

Mr. Greenberg, Senior Planner shared an aerial photograph of the property for those joining via Microsoft Teams. He indicated the request is to approve two lots not abutting a public road. The lots were divided off at some point in time from the original farmstead and access is currently provided via a public road with an easement. The two landowners are proposing to do a minor lot line adjustment resulting in the lot to the west being slightly larger. The Town is reviewing the request through a Certified Survey Map (CSM) and the Town and County would require that an easement would need to be established which will allow access to the garage on Lot 2 from the existing 15 ft. easement to the north. The lots have legal non conforming standing and the Town and County CSM process will ensure that there is an established easement and legal access to the road moving forward.

After discussion, Mr. Siepman moved, seconded by Mr. Michalski and carried unanimously for approval, in accordance with the “Staff Memorandum”. 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.

- **PPC21 005 (Kim Ferraro) Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth pointed out the location of the property at N53 W34959 Road B, in the Town of Oconomowoc. He indicated the request is for a retaining wall located within 5 ft. of the east property line.

Mr. Greenberg, Senior Planner shared an aerial photograph of the property for those joining via Microsoft Teams. He indicated there are a number of existing retaining walls that contain the road and parking area for the residence. The residence does not have a garage and the request would allow the petitioners to expand the small parking area and increase its depth. The property contains very steep slopes down to the lake and the current retaining walls are failing. In the winter, the snowplows push snow into the limited existing parking area which is difficult for the property owner. The proposed retaining wall required a shore setback variance as portions were within 75 ft. of the shore. The Board of Adjustment approved the shore setback variance on May 12, 2021, with a modified plan. The neighbor to the east expressed concerns that the proposed retaining wall would block views from his living room window. Ultimately, the neighbors agreed to an acceptable wall depth which the Board approved with the variance. The Board established a wall screening condition as stated in Condition No. 1 of the Staff Memorandum. The neighbor is now more agreeable to allow the wall to extend closer to the lake as originally proposed, and would require reconsideration of the Board of Adjustment, which may or may not be pursued by the petitioner.

Mr. Groskopf stated he visited the property twice and was somewhat shocked as to what effect the retaining walls would have on the surrounding properties. The extension is to 24 ft. which is further than what is existing. He expressed concerns regarding the height of the retaining wall which he thought would be 8.5 ft. tall. Mr. Greenberg said the Board of Adjustment approved the reduced wall depth to approximately 19 feet. Mr. Groskopf also expressed concerns with the retaining wall being built within 1 ft. of the neighboring property line. If the petitioners are trying to get parking for 2 cars on top, he felt it could be done with 19.5 ft. instead of 21 ft. The retaining wall is so close to the neighbor’s window if they opened it they could touch the wall and felt for maintenance purposes and initial construction, it

would be better to have more space. Mr. Greenberg wondered if creating a void between the wall could create a safety issue with a drop in between structures. Mr. Groskopf said it would be better if it mimicked the wall next to it. He asked if by approving an 8.5 ft. retaining wall, if the County would have any liability and is a railing or car stops being proposed? Mr. Greenberg replied a curb is being proposed to address vehicles, and the petitioners would need to submit an approved engineered cross section of the retaining wall to ensure it is stable and added there is no requirement to add additional safety measures to the top area unless the Commission deems it appropriate. Mr. Fruth added the fall risk is a concern, and in the past, fencing or landscape barriers have been required for similar proposals.

Mr. Greenberg shared photographs of the retaining wall for those joining via Microsoft Teams. Mr. Groskopf asked if the Commission approves this request today, how do we know that they haven't approved the larger projection toward the lake? Mr. Groskopf said (viewing the photograph on Teams) that the neighbor's house is located 1 ft. off of the property line and if the retaining wall goes out at the same height as the gravel driveway, there would be a wall 2 ft. from the neighbor's window. He added if it was shorter or going less towards the lake it would help. Mr. Groskopf showed a photograph from his phone that was taken at the property. He said if the existing wall (lannon stone) was followed better there would not be a void in between.

Mr. Koscielniak, architect for the project, said a discussion between the petitioner and the neighbor to the east took place last Saturday or Sunday. The neighbor's window is approximately 5 ft. from the property line. The neighbor (Robert Timm) has a lannon stone retaining wall set along the northwestern corner of his property abutting the Ferraro retaining wall and extends from the front corner of his residence to the living room window and northerly to Road B's road edge and proceeds easterly and is 2 to 3 ft. thick. They would like to maintain the abutting condition that is currently there, which is the stacked stone/concrete block that is currently on the eastern wall of the retaining wall to the parking apron and continue to abut that against Mr. Timm's sidewall to prevent anyone from falling in between the 2 walls. The neighbor's wall sits right on the property line and the new proposed retaining wall would sit against it. They will use a dry stack masonry system where they setback each vertical course so they interlock and there is an offset of approximately 10 to 12 inches from the base of the wall to the top of the wall. He added that the height of the wall is 8.5 ft. He revised a drawing yesterday showing the condition that the top of the wall is at 900' and the bottom of the wall is at 892' elevation respectively, with an 8 in. cap course of masonry forming an 8 in. curb around the 3 sides of the parking apron so no one can drive over the edge. He discussed with Ms. Ferraro, placing a low railing on the top edge of the wall (lakeside) for safety. Mr. Groskopf said that these would be positive improvements, however, he felt the Commission was being asked to vote on something that really isn't a closer design or is the goal to just approve the concept? He agreed with the concept of the area where the lannon stone wall and where the petitioners wall will abut, but the wall could be staggered a bit giving it a little more distance off the property line.

Mr. Greenberg stated it is challenging when one body is reviewing the distance from a side lot line and the Board of Adjustment is reviewing the setback from the shore. He said it is important to note that the setback issue was a request in front of the Board of Adjustment and not required by this body to approve a setback substandard of 75 ft. He does understand that the Commission is approving the retaining wall and it is difficult to separate all of the different elements. Mr. Groskopf asked if the Commission was being asked to approve the plan presented or some other plan they haven't seen? Mr. Greenberg said if this plan were to be approved, and the BOA approved a plan slightly less than this, that plan could be considered or if this plan was approved, then staff would issue a permit for shore setback relief granted by the Board of Adjustment. If the Commission was willing to approve the retaining wall as proposed, and they can't get reconsideration on their additional relief, the intent of the Commission's approval would be intact and that

is how they would move forward. If the Commission is reluctant you could restrict the request with your approval regardless of what the Board of Adjustment does.

Mr. Fruth suggested that if the Commission would like to see changes and/or a revised plan, the matter could be tabled until such time as a new plan could be brought forth. Mr. Greenberg added that if the matter is reconsidered by the Board of Adjustment they would not take any action before their July meeting. Mr. Fruth said if the Commission would like to table the matter the motion should be specific as to what you are looking for from the petitioner. Mr. Groskopf stated that he would like to see an accurate plan, both in height and depth, with some reduction in the distance from the lake and a curb or railing should be shown.

After discussion, Mr. Groskopf moved, seconded by Mr. Peregrine and carried unanimously, to table the matter, to provide the petitioner additional time to submit a revised plan in accordance with the Waukesha County Board of Adjustment approval of BA79 or any subsequent reconsideration of said approval. The resubmitted plan shall consider incorporating additional safety measures.

ADJOURNMENT

With no further business to come before the Commission, Mr. Morris moved, seconded by Mr. Peregrine to adjourn at 2:34 p.m.

Respectfully submitted,

Thomas Michalski

Thomas Michalski
Secretary