

WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, AUGUST 20, 2020 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. Peregrine, Chairperson, called the meeting to order at 1:00 p.m.

Commission

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

Members Absent: None

Staff

Members Present: Jason Fruth, Planning and Zoning Manager (via Microsoft Teams)
Ben Greenberg, Senior Land Use Specialist (via Microsoft Teams)
Kathy Brady, Support Staff Supervisor (via Microsoft Teams)

CORRESPONDENCE

Correspondence from Attorney Brian Randall dated July 21, 2020, regarding CU31/SP77 JTM Properties. Emailed to Commission August 13, 2020.

MEETING APPROVAL

None

MINUTES

Approval of the July 16, 2020, Minutes

After discussion, Mr. Mitchell moved, seconded by Mr. Morris and carried unanimously for approval, of the July 16, 2020, Minutes as presented.

PUBLIC COMMENT

None

• **SCU-0897T (303 Investments, LLC) Town of Delafield, Section 15**

Mr. Fruth pointed out the location of the property at W303 N2582 Maple Avenue in the Town of Delafield on the aerial photograph. He indicated the request is for the termination of an existing Conditional Use for Kim's Lakeside Tavern.

Mr. Fruth indicated the property is located on the west side of Pewaukee Lake. The tavern operation will close permanently on July 31, 2020 and the owner's of the tavern have requested the Conditional Use be terminated. In addition, the owners have indicated that the property will be redeveloped as a residential use. Two conditions of note are that the Town of Delafield authorize the termination of the Conditional Use and the property be brought into compliance with zoning within 60 days.

After discussion, Mr. Morris moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned, 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.

• **CU31 (Modl/JTM Properties/Krahn) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at N55 W34657 Road E in the Town of Oconomowoc on the aerial photograph. He indicated the request is to amend the existing Conditional Use Permit to operate a bar/restaurant known as "The Hideaway", including live and recorded outdoor music, a relocated outdoor beverage cooler with concrete slab, outdoor patio lights and other structural modifications.

Mr. Greenberg, Senior Land Use Specialist indicated the property is located on Road E in the Town of Oconomowoc with frontage on Okauchee Lake. The petitioners are requesting structural changes and additions, some of them after-the-fact. In addition, they are requesting outdoor patio music, amendments to the lighting plan, an after-the-fact request to approve the as-installed pier plan and authorization for outdoor storage. The property is slightly under one acre in size and located approximately 1,000 ft. off of the nearest arterial (Lake Drive). Currently, a bar/tavern structure is located near the shore with an apartment above, a separate single-family dwelling unit is located on the west side of the property, an accessory building is adjacent to the bar and a smaller garage is near the road right-of-way.

Mr. Greenberg presented a history of the bar. The bar has been in existence since 1924 and has operated as a legal non-conforming use when the Shoreland Ordinance was adopted in 1970. In 1980, a Conditional Use was obtained for the business. There have been multiple amendments to the Conditional Use over the years adding additional amenities, such as music and expanded food services. The current owner has operated the business for approximately 7 years. In 2018, the petitioner applied for amendments to the Conditional Use to allow outdoor music both during, and outside of special events, additional special events, and a building expansion to accommodate an existing basement cooler. A significant number of residents attended the public hearing and concerns were expressed regarding noise, traffic and other impacts that additional noise would bring. There was also some support for the proposed music use. With the exception of music during 4 special events, the remainder of the request was denied. A Conditional Use Permit (CU6) was issued in 2018 and since that time there have been a number of zoning violations and complaints on the subject property including unauthorized land disturbance and patio expansion, unauthorized tents in 2019 and 2020, an unauthorized installed pier plan, unauthorized outdoor storage, unauthorized bar structure near the shore, a failed septic system including septic discharge and unauthorized interior remodeling including some recent work. In 2019, multiple citations were issued relative to some of the noted violations.

Mr. Greenberg summarized the changes that the petitioners are requesting:

- A 90 sq. ft. shed along with a 12 ft. x 22 ft. slab to accommodate it in order to relocate the existing beverage cooler shed currently located in the basement. The petitioners have been dealing with numerous issues with the beverage cooler over the years. Due to the low elevation of the lake and floodplain, the basement is frequently wet, is not a full clearance basement and is difficult for employees to move supplies up and down the stairs. The petitioners looked into other options such as an expansion and the best alternative was to locate a small shed just outside the existing bar.
- An external set of stairs to the apartment above the bar, replacing internal stairs as it confuses customers within the bar.

- After-the-fact approval is being requested to change the approved location of a patio door as well as the after-the-fact addition of a second patio door.
- Approval for recorded music to be allowed outdoors, 7 days a week, as well as live music on Saturdays and Sundays.
- Approval of the as-installed pier plan.
- Approval for a lighting plan incorporating ambient strung Edison type lighting on the patio.

Mr. Greenberg noted that at the June and July 2020, Waukesha County Board of Adjustment meetings, variances were approved for shore setback to authorize the external stairs which did not meet the 75 ft. setback requirement, as well as shore setback and offset variances to authorize the shed and concrete slab. A number of significant mitigative conditions were attached to the Board's approval.

Mr. Greenberg stated, at the Public Hearing on July 1, 2020, neighbors expressed concerns regarding additional noise impacts of the proposed improvements. In addition, there were a number of residents who were supportive of the improvements to the property. On July 21, 2020, the Town Plan Commission voted to deny all additional music requests, but approved the shed and slab, stairs, deck, lighting, pier plan and interior changes subject to conditions.

The Planning and Zoning Division staff is recommending denial for any additional music requests, the additional patio door and outdoor storage, however, recommend approval for the cooler shed and slab, changes to the lighting plan, relocation of one of the already approved sliding doors, the pier plan, the relocated stairs as well as the new deck for the single-family residential unit. Mr. Greenberg explained the additional music request was brought forward a number of years ago and it was determined it would have an adverse impact on adjacent uses within the densely populated residential area. In addition, he explained the Staff's condition requiring the removal of the second after-the-fact installed patio door. The doors were installed without the necessary zoning and building permits and there are concerns if 2 sliding doors are approved, as well as a separate service entrance, the area will turn into an open air environment expanding the bar space out onto the patio and will lead to additional noise concerns and would not be compatible with surrounding residential uses. Additionally, he stated that there is no justification for outdoor storage.

Mr. Mitchell inquired that in the last Conditional Use amendment for this property if the garage was to be removed, to which Mr. Greenberg indicated that it was not a requirement but the petitioner may have offered to remove it in order to get approvals. He added, that one of the conditions of the Board of Adjustment's approval is the removal of the garage by the right-of-way. Mr. Mitchell asked regarding the pier plan, if the petitioner would be able to keep what they have as long as the WDNR approves? Mr. Greenberg responded that the Planning and Zoning Division staff approved a pier plan in error in 2018 with moorings at the end of the piers which is prohibited with riparian rights. In August 2019, the petitioner was notified of the error and were allowed to continue to use the piers for the remainder of the 2019 season, however, the petitioner was required to present a modified pier plan no later than October 1, 2019. No modified plan was submitted to the County and the petitioner disregarded the requirements and installed the piers in 2020. He added that WDNR authorization would be needed to issue a permit for the piers. Mr. Fruth noted that the Planning and Zoning Division staff is frustrated by the number of violations and staff time spent over the years for this property, however, is trying to be fair analyzing the operational requests and hopes for better compliance from the petitioner moving forward. Chairperson Peregrine stated

that the Town of Oconomowoc carefully reviewed the request and approved most of the request with the exception of the pier requirements and music. They gave the owners the benefit of the doubt in order for them to stay in business.

Attorney Brian Randall (representing the petitioner) introduced himself and mentioned in his July 21, 2020 correspondence (submitted to the Commission) that the public hearing comments are explained in more detail. He referred to Act 67 clarifying the requirements and review process for Conditional Use Permits. He indicated the project has been challenged as the establishment has been in business for over 100 years. Due to the fact that the business is a legal non-conforming use, it continues to have to come back for approvals before the Town and County. The operator has invested significant sums of money to make a 1920's structure more contemporary, user friendly, safe and accessible. He indicated that the application was submitted in 2019 and they were scheduled to be heard in March 2020, but due to the COVID pandemic disruption, the Park and Planning Commission and Town meetings were cancelled and are being heard now months later. In order to operate this summer, the pier needed to be installed and other structural issues needed to be addressed.

Attorney Randall referred to the public hearing comments of July 1, 2020, and summarized that 4 persons spoke in support (neighbors) of the improvements, safety, aesthetics, and that the business was much better compared to 5 years ago since the current owners purchased the property. He explained that since the business has been in operation since 1924, all of the surrounding property owners purchased their properties knowing that the commercial use was already there. Speakers at the public hearing indicated that other noise (loud music) comes from boats on the lake which are not moored on the Hideaway property. He added that the Hideaway has had background music on their patio in the past and the Town Plan Commission approved it but the County did not. Two persons spoke in support of allowing background music on the patio and that it was nice for daytime restaurant diners. Two persons spoke in strong opposition of the request. They cited patrons turning around or parking in their driveways, noise, etc. Attorney Randall spoke with regards to Act 67 regarding Conditional Uses and that there must be substantial evidence for request denials and that any conditions must be reasonable and be related to the evidence. He mentioned the Town and County's denial for outdoor music and that there was strong testimony in support at the public hearing.

Attorney Randall addressed some of the conditions in the Staff Report and Recommendation and asked for the following changes:

- **Condition No. 6.** He asked for the first sentence **“All parking must be on the Hideaway property, with no street parking allowed in the vicinity”** be removed. He explained that parking on a public street is regulated by the Town and the petitioners do not have the right to put up “no parking” signs and enforce such.
- **Condition No. 7.** He asked if the sentence **“Condition No.4 of CU6 and SP13 and Condition No. 6 of this approval states no street parking is allowed in the vicinity”** be removed, based on the above explanation. He explained the petitioner is offering to place directional signage on the front entrance of the parking lot indicating where customer parking for the Hideaway is located. They also are offering to provide a 10 in. x 20 in. sign to any neighbor requesting one, which would say “No Hideaway customer parking or turn around”.

- **Condition 14.** Related to the pier plan. He noted they agree to get the DNR approval for the pier plan. He asked that the words **“land surveyor and”** be removed from the first sentence due to the fact that he was unsure if a land surveyor would be able to do a plan on the water and suggested that the wording “professional” whether it be an architect or surveyor could be added.
- **Condition No. 19.** Remove reference to the **“Town Plan Commission and Town Board”** approving special events. He indicated that it was his understanding that the Town Board approves special events. Referring to the sentence ***“All events shall end no later than 10:00 pm and no events shall be held on Sundays”*** he indicated that the Hideaway has been asked by a charitable group to hold an event on a Sunday and asked if it could be held until 6:00 p.m.
- **Condition No. 20.** Referring to outdoor music. He asked if the wording **“Town Plan Commission and Board”** be removed.
- **Condition No. 20b. “No outdoor music of any kind shall be allowed except for special events as restricted by Conditions 19 and 20a”.** He noted the Town denied any outdoor music and asked if the Park and Planning Commission would allow some outdoor music (background music on the patio during the daytime hours) based on the comments in support at the public hearing. He noted that in 2018, the Town Plan Commission approved outdoor music, however, the Park and Planning Commission denied the request. He referred to Act 67 which is a fundamental change in the process. He clarified it would not be rock bands, just daytime background music (recorded low-volume music) on the patio. They are also asking for amplified music on the patio Saturday and Sunday from 12 pm to 8 pm. This would be an acoustic type music with one or two persons playing instruments. They would be willing and feel it is reasonable to do one or the other, recorded low-volume music or amplified music on Saturday and Sunday and end at 6:00 pm.
- **Condition No. 26.** Regarding the removal of one of the lakeside patio doors installed without permits, they ask for the condition to be removed. He noted it is not their intent to create an open air environment. He indicated earlier in the year there was some foundation issues which required the building to be jacked up causing a gap with the windows. There were originally 4 windows lakeside and that is where the patio doors are currently located within a smaller opening than the windows. The windows needed to be replaced and the owners chose to put patio doors in and the opening is narrower than what the windows were. Clarifying, there is no net increase in openings. He stated it would be a hardship for the petitioner to remove the non-permitted set of patio doors, redo the construction already done and block the lake view that does not affect neighbors.
- **Condition No. 27.** Regarding the wooden bar and boardwalk being removed. He stated they did not know when these elements were installed. There is no seating or tables on it, it is a 4 ft. wide dock on top of the seawall which somewhat stabilizes the seawall. There is a railing (described by staff as a wooden bar) and is a place where some people stand waiting for a boat to come in and added there is no wait staff service to this area. They are willing to have wording added to the condition stating that wait staff service, chairs and tables are not allowed and update the location of the wooden bar and boardwalk on the site plan.
- **Conditions No. 34 and 41.** He did not take issue with these 2 conditions as long as whatever ordinance/rights of process are met and followed with a process, a hearing, etc. He wanted to make sure that the conditions were not special rules only for the Hideaway.

Chairperson Peregrine asked if anyone else wished to speak.

Mr. Krier, neighbor to the north, stated there is a difference as to what is going on at the Hideaway and what was presented. With reference to the outdoor bar and deck area he noted that it is used by patrons

every day. By adding the sliding doors he felt they were incorporating it to their patio. In reference to the outdoor music, if he has people over on his patio the music is loud and you need to talk over it. There is only parking for maybe 40 vehicles and there are 12 boat slips being rented out, which leaves maybe 25 parking spaces for customers. He recommended changing Road E so there is no parking allowed. He considered it a safety issue with children, blind spots, etc. He said he has worked with the Town and County staff and agreed with what they are proposing, especially no outdoor music, unless a special event.

Mrs. Krier, neighbor to the north, stated that when patron's park along the road they are throwing litter, going to the bathroom by their cars and it is also a safety issue, especially if an ambulance or fire truck would need to go down the road, it is too tight.

Chairperson Peregrine referring to Condition No. 6, asked if the Commission has the authority to prohibit parking on a public street? Mr. Greenberg said the condition was carried over from the 2018 staff report and all bolded text is considered language added by the County. Attorney Randall clarified that the bolded text in the conditions was added by the County for the current recommendation. Mr. Greenberg responded that not all of the bolded text is a combination of the 2018 conditions and they were not all new conditions. Attorney Randall stated it would be difficult and is not reasonable for the Hideaway to enforce the parking on a public street where it is allowed. Mr. Fruth agreed it is difficult issue and agreed with the offer for the Hideaway to provide additional parking signage onsite and to the neighbors saying it would be a nice compromise.

Mr. Fruth suggested that the Commission review Attorney Randall's suggestions to the conditions listed above.

- **Condition 14.** Related to the pier plan. Mr. Greenberg said he would agree to removing the wording "land surveyor" and adding "professional" but suggested that the "to-scale pier plan" language remain.
- **Condition No. 19.** Remove reference to the "**Town Plan Commission and Town Board**" approving special events. Mr. Fruth suggested that it be removed and language should state that "Town approval is required". Attorney Randall agreed. Mr. Fruth stated regarding removing "All events shall end no later than 10 pm and no events shall be held on Sunday" remain citing that the neighbors deserve a day of peace and didn't believe the Town lifted the prohibition of Sunday events. Mr. Greenberg stated that it was not addressed at the public hearing and he didn't recall the Town taking specific action on this issue. Mr. Fruth asked if the application materials presented to the County asked for this specific change? Attorney Randall responded that it was in regards to special events which the Town has to approve anyway. Mr. Fruth said the Planning and Zoning staff is recommending no special events on Sundays.
- **Condition No. 20.** Mr. Fruth suggested that the language should state that "Town approval is required" and remove the reference to Town Plan Commission and Town Board".
- **Condition No. 20b. "No outdoor music of any kind shall be allowed except for special events as restricted by Conditions 19 and 20a".** Mr. Fruth stated there are residential properties within 40 ft. of the Hideaway. He indicated that even low-volume music can be a disturbance to neighbors on their own property and strongly suggested keeping the condition as-is. He added that this would be expanding or intensifying the legal non-conforming use.
- **Condition No. 26.** Second set of patio doors being removed. Mr. Fruth said the County, not the Town made the recommendation. He said it is a concern regarding the use evolving and intensifying. The Commission can examine the structural elements of the Site Plan. The Planning and Zoning staff feels that one patio door and one service door should be acceptable for the petitioners and it could become a

sound/noise concern, especially if the doors are left open. Staff does not understand why 2 sets of patio doors are necessary. Mr. Greenberg indicated the original Conditional Use request did not show the double set of patio doors only a proposed change to the interior which include a patio door and was authorized. A revised plan was submitted either the day of, or the day before the public hearing indicating changes to the concrete slab and showing the dual set of patio doors. The County was not aware of this change until the public hearing.

- **Condition No. 27.** Regarding the wooden bar and boardwalk being removed. Mr. Fruth indicated there was a violation complaint regarding the wooden bar and boardwalk. Mr. Greenberg stated that an adjacent neighbor submitted photographs regarding the structure, a letter of non-compliance was mailed to the petitioners asking for evidence that it had been in existence as part of the legal non-conforming use, along with a deadline to remove it. No response was received from the owners. He added that in his review of the site plan history of the property, it does not acknowledge this structure existing or being used as a customer area but there are indications that it may be being used occasionally as a customer congregation area.
- **Conditions No. 34 and 41.** Mr. Fruth indicated these conditions are not specific to the Hideaway, only to seek compliance and are included with most every Conditional Use.

Mr. Mitchell stated that no permits were obtained for the additional patio doors and has nothing to do with Act 67. The owner needs to go through the due process. Mr. Greenberg agreed. Attorney Randall said he emailed the Planning Staff a photo of the Hideaway building before the patio doors were installed. He argued that the existing window spaces were wider than the 2 sets of patio doors, they face the lake and there has been no indication of problems or issues. It was a hardship because the building needed repair, the pandemic was going on, there were no meetings going on and they couldn't leave the building open to the outside elements.

Mr. Michalski commented on the parking issue. He said that the Hideaway indicated they are not responsible for where patrons park, however, the Commission approving additional requests, intensifies the uses and will increase the parking on the road. Mr. Fruth responded that especially during special events it is not feasible for all customer vehicles to stay on site but an alternative is to offer a shuttle during events. He welcomed the offer of the owner to provide more signage to help the issue. Mr. Morris expressed concerns regarding the removal of the second patio door. He indicated that he had visited the Hideaway recently and thought they looked nice. Mr. Fruth said the Commission must decide if the 2 patio doors can stay or not. Mr. Maslowski said he understands the issue of the patio doors, and asked if the Commission's approval could be based on if there are future problems with the neighbors regarding the doors, and that the approval could be revisited and then the owner could be required to remove them? Mr. Fruth replied the Town and County can revisit conditions but it would be difficult to remove the doors in the future. Attorney Randall said even though there are 2 sets of patio doors with 4 panes of glass, only one pane on each set of doors can be open at a time. He presented a photograph of the Hideaway indicating the location of the old windows and described where the patio doors are now located. Mr. Siepmann asked if the windows were operable, to which Attorney Randall indicated they were. Mrs. Krier noted the work was done before permits were issued and now they are asking for approvals after-the-fact. Mr. Krahn, petitioner indicated the existing windows were approximately 12.5 ft. wide and both sides could open for air flow and were operable. He added that the building was sinking into the ground because there was no foundation under it and he was surprised it did not collapse. The building was jacked up and concrete was poured under it and in doing this, the windows and openings were screwed up. During the pandemic they did not get approvals because they had to address the issue immediately due to the weather elements. He installed the 2 sets of patio doors and they look great and only one pane opens on each set of doors. He apologized for doing the work without permits but they had to close up the hole.

Chairperson Peregrine stated he did not see an issue with allowing the 2 sets of the patio doors with the provisions set forth in Conditions 34 and 35. Mr. Greenberg stated if the Commission is inclined to approve the patio doors, Condition No. 18 states that the sliding patio doors shall remain closed as long as music is being played within the premises without exception.

After discussion, Mr. Siepmann moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with revisions to the Conditions listed below:

- **Condition No. 6.** The sentence **“All parking must be on the Hideaway property, with no street parking allowed in the vicinity”** be removed.
- **Condition No. 7.** The sentence **“Condition No.4 of CU6 and SP13 and Condition No. 6 of this approval states no street parking is allowed in the vicinity”** be removed. In addition, language be added that the Hideaway must provide a sign on the subject property to better identify the onsite parking areas and they will offer to provide up to a 10 in. x 20 in. sign to any nearby neighbor requesting one, which would say “No Hideaway customer parking or turn around.”

Mr. Greenberg clarified that the Commission would like the Planning and Zoning staff to review the signage plan, to which Mr. Siepmann responded “Yes.”

- **Condition 14.** Remove the wording “land surveyor” and adding “professional”.
- **Condition No. 19.** Remove reference to the **“Town Plan Commission and Town Board”** and replace with **“Town”**.
- **Condition No. 20.** Remove reference to the **“Town Plan Commission and Town Board”** and replace with **“Town”**.
- **Condition No. 26.** Remove condition which would now allow the second set of patio doors.
- **Condition No. 27.** Condition shall remain as stated in the Staff 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.

- **SP77 (Modl/JTM Properties/Krahn) Town of Oconomowoc, Section 36**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU31) listed above.

After a brief discussion, Mr. Mitchell moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with revisions to the conditions listed above in the CU31 motion. 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.

- **PPC20 003 (Ireland Farms, LLC/Spheeris) Town of Oconomowoc, Section 24**

Mr. Fruth pointed out the location of the property at N67 W34891 CTH K in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a remnant parcel waiver.

Mr. Fruth indicated the request is for Lot 1 be included on the Certified Survey Map (CSM) and the balance of the lands would be left unplatted. The developer is proposing a subdivision plat and the residence which would be divided off as part of the CSM (Lot 1) is located on the north end of the

property. Lot 1 would be incorporated as part of the new subdivision. The Department of Public Works (DPW) has reviewed the request and does not want the driveway access for the residence to CTH K. They want the access to CTH K abandoned and the new access would be via an interior road (Ireland Drive) within the subdivision.

Mr. Spheeris stated they want to keep the access to CTH K. He added that the lot would not be part of the Deed Restriction as it is not part of the subdivision. They are against moving the access for Lot 1 to the interior road of the subdivision.

Chairperson Peregrine said that in Condition No. 1, it states the DPW is proposing the driveway access to CTH K be abandoned, to which Mr. Fruth responded that the final determination from the DPW is to abandon the CTH K access due to safety issues. Mr. Spheeris noted the Town has previously approved 5 other properties split off of lands on Brown Street and one other on CTH K. The current access to CTH K has been there for 50 to 60 years and he feels it is better not to make this lot part of the subdivision. Mr. Michalski asked if the Commission approves this request, as presented, is the petitioner being required to move the driveway, to which Mr. Fruth responded, "Yes." He added that the driveway would only be allowed to remain for a short period of time, and when the subdivision is developed and an internal road is available, the driveway access to CTH K would be abandoned. The petitioner is requesting a remnant parcel waiver with the ability to retain the driveway access off CTH K and the Planning Staff is recommending differently upon the advice of the DPW. Mr. Morris asked if the Commission approves the request as presented, does the lot become part of the subdivision? Mr. Fruth responded that the lot would not be part of the subdivision. Mr. Spheeris stated the plan is to keep the lot separate from the subdivision, and Chapter 15 of the Waukesha County Code should allow them to keep the existing access because they are not seeking a new access. Mr. Michalski clarified if the Commission approves the Planning Staff's recommendation, the petitioner would be required to change the driveway access, and if the vote is against the recommendation, the lot would become part of the subdivision and the driveway access would have to be changed. Mr. Fruth replied "No", it would be the choice of the developer if he continues with the Certified Survey Map or incorporate the lot into the subdivision. The only discussion is if the driveway should have access from CTH K or the internal, future Ireland Drive.

After discussion, Mr. Maslowski moved, seconded by Mr. Siepmann and carried by a vote of 4 to 2 (Mr. Michalski and Mr. Morris voted "No") for approval, as conditioned, 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 CouInty Ordinances.

• **PPC20 004 (Brandt/Goetz) Town of Lisbon, Section 31**

Mr. Fruth pointed out the location of the property at N55 W27361 Lisbon Road and N55 W27351 Cty Road K in the Town of Lisbon on the aerial photograph. He indicated the request is for a remnant parcel waiver.

Mr. Fruth indicated the property is approximately 175 acres in size, south of CTH K in the Town of Lisbon. There are 3 residential structures located on the property. The lot being proposed is Lot 1, which would be 5 acres in size. The property immediately abuts a road right-of-way (Elizabeth Drive) which is not improved all the way to the property line and there is quite a bit of terrain in that area along with a drainage way. The Department of Natural Resources has deemed the drainage way non-navigable. The proposal is that there be an easement provided, extending from the public road right-of-way, Elizabeth Drive. The Planning Staff is also recommending that the 5 acre parcel south lot line be adjusted on the

CSM to provide for a full 66 ft. easement to serve the property now and into the future so access is not thereby limited while still maintaining a minimum five acre lot size. Mr. Fruth explained that Elizabeth Drive is described as a 66 ft. right-of-way and Elizabeth Drive abuts the already existing residential parcel to the south. The Town should examine the proposal carefully, because if in the future this property becomes a large subdivision, it could be a logical road extension. The Planning Staff feels it is important that both properties abut the 66 ft. easement and maybe it should be a road reservation rather than an easement to allow for options in the future. Mr. Fruth suggested an added condition stating that the Town Engineer, upon consultation with the local Fire Department shall advise Waukesha County that the Town has explored the necessity of a future extension of Elizabeth Drive, and if deemed necessary have required a road reservation to achieve that purpose. This may require a slight reconfiguration of the 5 acre parcel. He would like the condition added because there is not clarity from the Town where they stand with this complicated issue. The petitioners spoke indicating they are acceptable to a road reservation.

After discussion, Mr. Mitchell moved, seconded by Mr. Morris and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with an added Condition No. 3 to read as follows:

- 3. The Town Engineer, upon consultation with the local Fire Department shall advise Waukesha County that the Town has explored the necessity of a future extension of Elizabeth Drive, and if deemed necessary have required a road reservation to achieve that purpose. This may require a slight reconfiguration of the 5 acre parcel.*

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.

• PPC20 005 (Daniel Losby) Town of Oconomowoc, Section 36

Mr. Fruth pointed out the location of the property at N55 W34450 and N55 W34446 Tweeden Lane in the Town of Oconomowoc on the aerial photograph. He indicated the request is for the replacement of retaining walls located within 5 ft. of the south property line.

Mr. Greenberg stated the property contains 2 legal lots of record, each containing a residence. The property contains very steep slopes. The proposal is to remove the existing residences, combine the lots via a Certified Survey Map and construct a new 2 story residence. In order to provide an adequate area to maneuver vehicles, an approximate 100 ft. long retaining wall along the driveway and southern lot line is being proposed. The retaining wall will be slightly under 7 ft. at its tallest point and taper down to meet existing grades. The neighbors are in support of the proposed retaining wall. A condition of approval includes that a plan for the wall be submitted for review by the Planning Staff and certified by a professional engineer. In addition, the Board of Adjustment approval, which included the retaining wall, also requires a County storm water permit for erosion control.

After discussion, Mr. Michalski moved, seconded by Mr. Siepman and carried unanimously for approval, as conditioned, 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.

- **Election of Officers for the Park and Planning Commission.**

It was decided that the new officers would be:

- *Mr. Mitchell, Chairman*
- *Mr. Siepmann, Vice Chairman*
- *Mr. Michalski, Secretary*

Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously for approval.

ADJOURNMENT

With no further business to come before the Commission, Mr. Morris moved, seconded by Mr. Maslowski to adjourn at 3:17 p.m.

Respectfully submitted,

James Siepmann

James Siepmann
Secretary

JF:kb