

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, DECEMBER 14, 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 Richard Morris
 Robert Peregrine Gary Szpara

Commission

Members Absent: William Groskopf

Staff

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

CORRESPONDENCE:

Mr. Fruth indicated Mr. Hamilton, Park and Planning Commission alternate, submitted a comment regarding the Lad Lake/MLG Capital matter later on the agenda.

MEETING APPROVAL

Schedule of 2024 Park and Planning Commission Meeting Dates

Chairperson Siepman indicated that he and Mr. Groskopf have a conflict with the February 22, 2024, Commission Meeting date. It was decided to change the meeting date to February 28, 2024. The rest of the Commissioners agreed.

MINUTES:

Approval of the November 16, 2023, Minutes

After discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously for approval, of the November 16, 2023, Minutes, as presented.

PUBLIC COMMENT:

None.

PUBLIC COMMENT

None.

• **RZ135 (Wisconsin Department of Natural Resources) Town of Ottawa, Section 12**

Mr. Fruth pointed out the location of the property, on the east side of Waterville Road between Parry Road and Manor House Road in the Town of Ottawa on the aerial photograph. He indicated the request is to rezone the property from the A-T Agricultural Transition District to the AD-10 Agricultural Density-10 District.

Mr. Fruth indicated the property is located on the east side of Waterville Road between Parry Road and Manor House Road, and contains approximately 38 acres. He explained that the lands have recently been acquired by the State of Wisconsin. The state was interested in the lands due to a drumlin located on the site and the Ice Age Trail which traverses the general surroundings. There were recent easement acquisitions so the trail could be constructed off road, and this is one of the next progressions in the advancement of the Ice Age Trail. The state would like to give Ice Age Trail users an experience of traversing over top of the drumlin and a possible small parking area for a trail head and signage. The state is proposing to rezone a portion of the property and divide off a 10 acre parcel in the northwest corner and sell it for a residential homesite. The sale would generate some revenue to offset the cost of the acquisition and future parking

area. Mr. Morris asked what the implications were for the non-profit agency which was mentioned in the Staff Report? Mr. Fruth responded that it represents acreage which local organizations such as Tall Pines Conservancy, the Waukesha County Land Conservancy, the County or the State have been identified as having potential to be of interest. He explained that the land does not have to be dedicated or acquired by those entities. If there is interest in that acreage, the planning staff would reach out to the local organization which is most active in the area to facilitate dialog as to if there would be interest in acquisition and/or an easement on the lands.

After discussion, Mr. Peregrine 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.

• **PPC23 009 (Nathan Stoppenbach) Town of Oconomowoc, Section 23**

Mr. Fruth pointed out the location of the property at N65 W35249 Road J in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a retaining wall located within 5 feet of the north property line.

Ms. Anderson, Land Use Specialist indicated that the property is located east of Road J on the west side of Okauchee Lake. The residence is located on the top of a hill and slopes northward towards the adjacent property and southeast toward the lake. A Zoning Permit was issued for the relocation of a shed near the north property line and required it to be at least 10 ft. from the existing residence. When the shed was relocated, there was only a small amount of room from the edge of the slope to the shed. This required a retaining wall to be built to support the ground where the shed is currently located. When the permit was issued, it was not apparent that a retaining wall would be needed. A new residence was recently constructed on the property to the north which caused removal of vegetation and exposed more of the slope where the shed is now located and a retaining wall would be needed to support the ground area. A site visit was done with both the property owner and neighbor to the north in October 2023 to see if there would be any drainage issues. There is a proposal for a swale between the northeastern lot line and the new residence to the north to help with drainage, however, during the site visit in October, no swale was observed. The Town of Oconomowoc Plan Commission approved the retaining wall which was constructed. Ms. Anderson indicated the approved Zoning Permit for the shed noted that there was fill placed in the area (to create a level, flat area) where the shed would be relocated to before the retaining wall was proposed. Arborvitae were planted along the lot line to replace vegetation which was removed and to create screening. The Planning Staff is recommending the request for a retaining wall located within 5 ft. of the north property line be approved.

Mr. Morris asked if fill was needed in order to move the shed and was the retaining wall built after the fact? Ms. Anderson responded, correct. She indicated the fill was approved through the permitting of the shed to extend the slope to create a flat surface. Chairperson Siepmann clarified the Planning Staff determined that a 2 ft. retaining wall was needed and an after the fact request would be needed. Ms. Anderson advised the petitioner that the County does not regulate 2 ft. retaining walls. After the petitioner received Town Plan Commission approval for a retaining wall taller than 2 ft., the wall was constructed along with vegetation being planted for screening. She indicated the retaining wall is shorter than 4 ft., approximately 3 to 3 ½ ft tall.

After discussion, Mr. Morris moved, seconded by Mr. Peregrine 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.

• **PPC23 011 (Town of Oconomowoc Board) Town of Oconomowoc, Section 35**

Mr. Fruth pointed out the location of the section of W. Lake Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is to reduce the established road right-of-way width for a section of W. Lake Dr. from 66 ft. to 50 ft.

Mr. Fruth indicated the reason for the request is that a property owner is working on a construction project which involves the preparation of a Certified Survey Map. Land divisions require the dedication of right of way as specified on the Waukesha County Street and Highway Width Map. This would have placed an off street parking area into the road right of way and also would entail a slight reduction in available building footprint. The subdivisions on either side were platted at 25 ft., for a total 50 ft. right of way. The Town Planner placed the request with the County. Historically, Lake Drive at one time was a county trunk highway, however, at the present time the area has very tight surroundings. The Town and County agree that reducing the road right of way width from 66 ft. to 50 ft. would be acceptable. The Town Board approved the road width right of way reduction. The Town Resolution has been prepared and will be on their January 15, 2024 agenda to be approved. Condition No. 1 of the Staff Memorandum states that the Town Board must approve the resolution prior to the right of way being reduced.

Mr. Szpara questioned that in giving up the right of way, who benefits, the property owner? Mr. Fruth responded it is not just one single property owner. The proposed road width right of way reduction would stretch from Road B to Lake Drive, benefiting 20 to 30 property owners. It works better to do the entire stretch of the road than taking in individual property owner requests. Mr. Szpara asked if the County was taking land from property owners? Mr. Fruth responded if someone would proposed land division activities, then they would have to dedicate lands. In this case, it is a dedication to the Town of Oconomowoc. Mr. Morris clarified the road width right of way would go back to what the original plat described, to which Mr. Fruth indicated, correct.

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.

• **PPC23 012 (Lad Lake, Inc. MLG Capitol) Town of Ottawa, Section 2**

Mr. Fruth pointed out the location of the property in part of the NE ¼ of Section 2, T6N, R17E, Town of Ottawa on the aerial photograph. He indicated the request is for a remnant parcel not shown on a Certified Survey Map and the creation of a lot not abutting a public road.

Mr. Fruth indicated there are two requests, a remnant parcel not shown on a Certified Survey Map (CSM) and the creation of a lot not abutting a public road. The proposal is to divide off 17 acres which would be attached to the Village of Dousman and part of the larger proposed subdivision by MLG Capital. The staff memorandum mentioned the new parcel would be land locked with no frontage on a public road. He explained it will have access via an easement from Sunset Drive to Lot 1 of the CSM. It would be considered a “lot not abutting a public road” and would be served by an internal road network when the subdivision plat is submitted. Mr. Hamilton, alternate Commissioner, wanted the fact brought up that the revised CSM will show an easement so if the development does not occur for whatever reason, the 17 acre parcel will not be landlocked as it currently appears and is stated in the memo.

Chairperson Siepmann asked if Mr. Bukovich, from MLG Capital could explain the timeline for the development. Mr. Bukovich indicated by Spring 2024 everything should be in order to move forward with the development. He further explained there would be commercial and multi-family on the west side of the conservancy close to the intersection of STH 67 and STH18. On the east side would be single family

residences or general residences (condominiums). He presented a preliminary plat which has been approved by both the Village of Dousman and the Town of Ottawa with the CSM parcel highlighted. A stormwater pond will be located on the southeast side, closest to the Lad Lake campus. Chairperson Siepmann asked if the project would be done in phases, to which Mr. Bukovich indicated there would be three phases.

After discussion, Mr. Morris moved, seconded by Mr. Szpara 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.

• **PPC23 013 (Dan and June Pape) Town of Ottawa, Section 18**

Mr. Fruth pointed out the location of the property at W395 S3611 Hardscrabble Road in the Town of Ottawa on the aerial photograph. He indicated the request is for a remnant parcel not shown on a Certified Survey Map and the creation of a lot not abutting a public road.

Mr. Fruth indicated a portion of the property had recently been rezoned from the Farmland Preservation District to the R-1 Residential in order to divide a 1.2 acre lot for a proposed residence, from the parent parcel which will be located on the southeast portion of the property, near the road. Although the new 1.2 acre parcel abuts Hardscrabble Road, the proposal is for the property to continue to be served by a driveway easement (lot not abutting a public road). The other request is for a remnant parcel not shown on a Certified Survey Map. He pointed out on the aerial photograph that much of the property is undeveloped wetlands and will continue to be untouched. Mr. Morris stated the only buildable land is the small 1.2 acre portion on the south side of the property.

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.

Chairperson Siepmann thanked the members of the Commission for their service this year. He also wanted to thank the Planning and Zoning Division staff for their organization throughout the year with clear direction with regards to the staff reports submitted. Mr. Fruth thanked the Commission for giving their time serving on the Commission and being prepared and working through tough situations.

ADJOURNMENT

With no further business to come before the Commission, Mr. Morris moved, seconded by Mr. Peregrine to adjourn the meeting at 1:34 p.m.

Respectfully submitted,

Robert Peregrine

Robert Peregrine
Secretary

RP:kb