

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, MAY 18, 2017, 1:00 P.M.**

CALL TO ORDER

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

Commission

Members Present: Richard Morris James Siepmann Robert Peregrine
 Bonnie Morris William Maslowski

Members Absent: Keith Hammitt William Mitchell

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Elfriede Sprague, Administrative Specialist

Guests Present: John and Jean Carrao – PPC17_001
 Jerry Strand – St. Bruno’s
 Paul Hoffman – St. Bruno’s
 Linsey Lezama – PPC17_004
 Jack Gutschenritter – PPC17_003

CORRESPONDENCE: Letter submitted at beginning of meeting by John and Jean Carrao.

MEETING APPROVAL: None

MINUTES Approval of the April 20, 2017, Minutes.

Mr. Siepmann moved, seconded by Mr. Peregrine and carried unanimously for approval of the April 20, 2017, Minutes.

PUBLIC COMMENT

COMPREHENSIVE DEVELOPMENT PLAN AMENDMENTS – 2017

2B. Warren Mundschau, representing St. Bruno’s Congregation, 226 W. Ottawa Avenue, Dousman, WI 53118, requests property owned by E-R Acres LLC, c/o Anthony J. Igl, 140 North Prairie Drive, Oconomowoc, WI 53066, and located at W385 S2927 C.T.H. “Z”, in part of the SW ¼ and SE ¼ of Section 8, T6N, R17E, Town of Ottawa (part of Tax Key No. OTWT 1614.997), be amended from the Farmland Preservation category (>35 acres of area per dwelling unit or greater) to the Governmental and Institutional category, to allow the conveyance of one (1) acre of land for cemetery use.

Mr. Fruth explained the request was heard at the public hearing on February 23, 2017 and had been held over for Town approval. He stated that on May 8th, the Town of Ottawa Board approved the request with the condition that the proposed one-acre parcel and the existing cemetery parcel adjacent to the northeast not be sold separately. Mr. Fruth gave a brief recap of the request. He explained that the one-acre parcel is adjacent to the existing St. Bruno’s cemetery. The current property owner plans to deed the one acre to St. Bruno’s to allow for future expansion of the cemetery. Mr. Fruth noted that following the approval of this request, the one-acre parcel will also need to be rezoned so that it will be a permitted use. He added this will probably be done when the County does the next Comprehensive rezoning.

Mr. Paul Hoffman, St. Bruno's, asked if the condition would be a Deed Restriction? Mr. Fruth replied, "No", it would be a condition of the Comprehensive Development Plan amendment approval.

After discussion, Mr. Peregrine moved, seconded by Mrs. Morris and carried with 4 yes votes (Mr. Siepmann abstained from voting) for approval, in accordance with the "Staff Report and Recommendation" and conditioned by the Town. 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.

- **ZT-1848 (Ronald Bartsch) Town of Delafield**

Mr. Fruth pointed out the location of the property, at S12W29085 Summit Ave., in the Town of Delafield on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agricultural to the A-2 Rural Home District.

Mr. Fruth stated the petitioner is requesting his property be rezoned to the A-2 District to allow him to rebuild an accessory building that was destroyed in a fire. He explained the petitioner's property is 6.71 acres in size and is not consistent with its current A-1 District zoning which requires a 40-acre minimum lot size. The A-2 District has a 3-acre minimum lot size requirement and would allow more open space flexibility to rebuild the accessory building and to make future improvements. Mr. Fruth noted that even though the property is 6 acres, it could not be split into two lots as it would not be able to achieve the minimum average lot width of 200 ft. required in the A-2 District. He stated staff is recommending approval of the request, as it would place the property in a zoning district consist with its existing use.

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

- **PPC17 001 (John and Jean Corrao) Town of Oconomowoc**

Mr. Fruth pointed out the location of the property, at W358 S2502 Hunters Lake Road, in the Town of Ottawa on the aerial photograph. He indicated the request was tabled at the February 23, 2017 meeting and is for an after-the-fact retaining wall within 5' of a lot line.

After discussion, Mr. Peregrine moved, seconded by Mr. Maslowski and carried unanimously to untable the matter.

Mr. Fruth gave an overview of the petitioners' request. He stated that at the February 23, 2017 meeting the request before the Commission was for after the fact approval of retaining walls within 5 ft. of a lot line. Mr. Fruth explained that shortly after the County's adoption of impervious surface limitation, Mr. Corrao had a 1,200 sq. ft. gravel parking pad installed between the road and the retaining walls, which exceeded the impervious surface limits. The matter was tabled to give the applicant time to develop a plan to meet those limits.

Mr. Fruth stated that since the February meeting, Mr. Corrao has looked into several options and ultimately decided to restore the 1,200 sq. ft. gravel area to green space. The restoration method will involve installation of a landscape fabric over the gravel area and filling that area with top soil and planting turf grass. Mr. Fruth stated that this restoration method has been reviewed and approved by the Land Resources Division. He commented that once this restoration is complete, the parcel will comply with the impervious surface regulations.

Commissioner Peregrine asked Mr. Corrao if he had any comments regarding the conditions of approval. Mr. Corrao questioned what was meant by "effective screening" and went on to describe his landscaping plans. The Corraos then stated they did not wish to install a fence at the top of the walls. They asked if both walls would need fencing and what type and height would be needed. They asked if some type of vegetation/bushes would be acceptable. There was a lengthy discussion amongst the Commissioners regarding the request and it was

agreed that some type of protective barrier was needed on the top of both walls to prevent accidental falls and to protect any future owners and their guests. The Commission felt the condition should be amended to allow for the possibility of a vegetative barrier. The Commission stressed that the Corraos would need to work with the County and the Town to reach an agreeable method of barrier and screening. Mr. Fruth added that the condition is written to include both walls. He commented that the County is not looking for elaborate landscaping/screening, just some additional plantings to make the wall aesthetically pleasing to adjacent properties.

Mr. Siepmann moved, seconded by Mr. Maslowski and carried unanimously for approval in accordance with the “Staff Memorandum” and with condition No. 2 amended as follows.

2. A complete and detailed Vegetation Plan with a specific timetable for completion, and species and sizes of plants and/or other vegetation, shall be submitted to the Town Planner and the County Planning and Zoning Division (PZD) for review and approval prior to June 9, 2017. The Vegetation Plan shall be implemented no later than August 11, 2017, unless the time is extended by the Town Planner and the Waukesha County Planning and Zoning Division Staff for just cause. The proposed vegetation shall provide appropriate and effective screening of the after-the-fact retaining walls from adjoining properties, and shall also include fencing or a vegetative barrier at the top of the walls, sufficient to prevent accidental falls from the top of the walls as determined by the Town Building Inspector, Town Planner and the Waukesha County Planning and Zoning Division Staff.

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.

• **PPC17 003 (John Gutschenritter) Town of Oconomowoc**

Mr. Fruth pointed out the location of the property in Section 12 in the Town of Oconomowoc on the aerial photograph. He indicated the request was for approval of a farm building on a parcel without a principal residence.

Mr. Fruth stated the request is to construct a new agricultural building 20 ft. to the south of the property line between Mr. Gutschenritter’s two properties. Mr. Fruth stated that the petitioner’s residence, garage and other agricultural structures are located on a five-acre property immediately to the south. He explained that the building would be used for the storage of farm machinery. Mr. Fruth noted that at 20 ft. from a lot line the petitioner is not allowed any livestock in the building and the petitioner is aware of the restriction. He stated that the property is zoned FLP Farmland Preservation District and the building would be accessory to the farming operation, which is consistent with the use provisions of the district. Mr. Fruth stated the staff is recommending approval with a condition that a Deed Restriction be recorded stating the building will be used for agricultural purposes only.

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

• **PPC17 004 (Town of Oconomowoc – Sand Beach Road)**

Mr. Fruth pointed out the location of Sand Beach Road, in Section 29 in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a road width right-of-way waiver for a portion of the road from 66 ft. to 50 ft.

Mr. Fruth indicated that Sand Beach Road was platted as part of the Edgemoore Estates Subdivision in 1928 at 50 ft. starting at Blackhawk Drive and running north to an access channel to Lac La Belle. The portion of the road north of the channel is private. Mr. Fruth noted that this action is being prompted by a proposed Certified

Survey Map for residents who live on Blackhawk Dr. who are combining their lots. Mr. Fruth stated Staff is recommending approval as the Town does not intend to improve Sand Beach Road beyond the platted road right of way width and approval will provide these lots with additional square footage for improvements.

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

• **PPC17_005 (Town of Oconomowoc – Bayview Road)**

Mr. Fruth pointed out the location of Bayview Road, in Section 25 in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a road width right-of-way waiver for a portion of the road from 66 ft. to 25 ft.

Mr. Fruth indicated that the portion of Bayview Road was platted as part of Tweedens Subdivision #2 recorded in 1913 at 25 ft. in width. Bayview Road dead ends at a private driveway, just west of Okauchee Lake. Mr. Fruth explained that the request is being prompted by two proposed Certified Survey Maps for property owners that live along Bay View Rd.

Mr. Fruth stated that on April 18, 2017, the Town of Oconomowoc Board approved the road right-of-way width reduction for Bayview Road from 66 ft. to 25 ft. However, the Town Planner has since indicated that the Town of Oconomowoc is further analyzing whether the subject portion of Bayview Road is public or private. Mr. Fruth explained that if the road is found to be private, the reduction is null and void, however, if the road is found to be public, the Town and County do not want to cause a delay for the two proposed Certified Survey Maps while the matter is sorted out. Mr. Fruth stated that the Planning and Zoning Division Staff recommends approval for the established road right-of-way width of Bayview Road to be reduced from 66 ft. to 25 ft. The Town does not intend to improve Bayview Road beyond the platted road right of way width as it would create a hardship for property owners desiring to improve their properties due to the county zoning ordinance setback requirements.

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

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Siepmann to adjourn at 1:47 p.m.

Respectfully submitted,

Richard Morris

Acting Secretary

RM:es