WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, MARCH 10, 2005, 1:00 P.M.

CALL TO ORDER

Mareth Kipp, Vice-Chairperson, called the meeting to order at 1:00 p.m.

Commission Members Present:	Mareth Kipp	Pat Haukohl	Gary Goodchild
	Walter Kolb	Ellen Gennrich	

Commission Members Absent:	Walter Baade, Chairperson
	Betty Willert
Staff Members Present:	Richard L. Mace, Planning and Zoning Manager
	Pete Pulos, Enterprise Operations Manager
	Kathy Moore, Senior Planner
	Kathy Brady, Secretary Supervisor

Guests Present:	Attorney Dan Fay	Mike Toebes	Peter Slowik	Barbara Michaels

PUBLIC COMMENT

Vice-Chairperson Kipp asked if anyone from the audience wished to address the Commission? There being no one, she moved to the next item on the agenda.

MINUTES

- ***The Commission postponed approving the January 13, 2005, Minutes until the necessary corrections are completed.***

- ***Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for approval of the February 10, 2005, Minutes.***

- ***Mrs. Gennrich moved, seconded by Mr. Goodchild and carried unanimously, for approval of the February 24, 2005, Minutes.***

Because Mr. Slowik, President of the Waukesha Wings Hockey Association was not present at the 1:15 p.m. scheduled time, the Commission moved to the next item on the agenda.

- **SCU-1188B (Toebes Family Partnership) Town of Lisbon, Section 11**

Mr. Mace presented the "Staff Memorandum" dated March 10, 2005, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Ms. Moore (Senior Planner), explained in October 1998, the petitioner received approval for SCU-1188 which allowed a golf course on the east and west sides of Woodside Road, three golf shelters, to retain the existing residence for a golf course clubhouse and convert the barn to a maintenance building. In January 2002, the petitioner applied for a new Conditional Use, SCU-1188A, to amend the existing Conditional Use to allow the construction of a new clubhouse and maintenance building. In September 2003, another Conditional Use (SCU-1188B) was granted to allow a golf driving range with additional parking to the north of the golf course and west of Woodside Road. All of the conditions of SCU-1188A and SCU-1188B were not complied with so the files were not closed and the permits were not

issued. The Conditional Use for the golf course and clubhouse required the golf course, maintenance and clubhouse facilities be completed no later than April 1, 2004. Subsequently, the Commission granted a six month extension to complete the project until October 2004. In October 2004, while trying to document that the project was completed, it was discovered that the petitioner did not have an Occupancy Permit, there were issues with the Fire Department and the building had been occupied since August 2004. In November and early December 2004, the petitioner eventually received an Occupancy Permit from the Town of Lisbon Building Inspector and written documentation from the Fire Department stating the issues (additional fire extinguishers, doors being hinged the wrong way) had been taken care of. At that time, she spoke with Mr. Fay (petitioner's attorney) regarding Mr. Toebes supplying the necessary information to the Planning and Zoning Division Staff for the Site Plan/Plan of Operation. In January 2005, the application for the Site Plan/Plan of Operation still had not been submitted to the Staff. On February 11, 2005, the Plan of Operation was finally submitted to the Staff and the Town of Lisbon for review and approval. The Conditional Use required the Staff and Town Plan Commission to approve the Site Plan/Plan of Operation. In February 2005 (shortly after the Site Plan/Plan of Operation was submitted), the Staff was notified that filling was occurring on the property. She noted the Conditional Use Permit had not been issued. Mr. Kolb asked if any permits were received by the petitioner to allow filling? Ms. Moore replied, the petitioner received Conditional Use approval, however, the Conditional Use Permit had not been issued because the conditions had not been complied with. Another issue was that there was no Site Plan/Plan of Operation approval for the clubhouse. The petitioner received a temporary Restaurant License conditioned upon the petitioner receiving the Conditional Use Permit by March 1, 2005, which did not happen. In addition, the Liquor License received in 2004 did not cover the golf course (serving liquor from a cart on the golf course).

Mrs. Gennrich asked where the fill was being placed? Ms. Moore pointed out the location on the aerial photograph and noted it is on the edge of the Environmental Corridor, north of the clubhouse. She added, the Plan, which was approved in September 2004 (dated August 2004), showed parking and three practice holes. The Commission did not approve the three practice holes and the petitioner indicated it would be redesigned. The new plan shifted the practice holes to the west but also had a good portion of the Environmental Corridor almost to the wetland being filled and graded. Vice Chairperson Kipp asked why the area was being filled? Ms. Moore replied, for parking. Mrs. Gennrich said the Commission did not give the petitioner permission to fill in the Environmental Corridor or wetland. Ms. Moore agreed. She sent correspondence to the petitioner stating the new Plan was not what was previously approved. The intent of the Staff is to close the file and issue permits, however, because the petitioner has not been cooperative, has been given a six month extension, the Site Plan/Plan of Operation has not been approved and the plans do not match from what was previously approved, the recourse is to terminate. Mr. Kolb asked if the petitioner has cooperated or communicated with the Staff? Ms. Moore replied that she had not spoken with Mr. Toebes in months, only with his Attorney. She also indicated the Town tabled the matter hoping for the petitioner to resolve the issues with the County and she still has not heard from Mr. Toebes or his Attorney. Mrs. Haukohl asked what is the Commission being asked to do? Ms. Moore replied, the Commission is being asked to schedule three termination hearings for the following:

- SCU-1188, because verification has not been received that the golf course is finished, the golf cart paths are paved and the three toilet buildings have been constructed (only one is built). There have been complaints from the neighbors that portable toilets are near their backyards. In addition, if there is not a clubhouse and maintenance building, how can the golf course operate.

- SCU-1188A, for the clubhouse and maintenance building.

- SCU-1188B, due to the driving range site continuing to be filled without permits.

Mr. Kolb asked if a "Stop Order" had been issued and if the petitioner continued to truck in fill after that occurred? Ms. Moore replied, "Yes", and added that the Conditional Use was explicit in that no further fill was allowed until written permission was received from the adjacent owners regarding the redesign and berms. On March 2, 2005, the Town Building Inspector contacted the petitioner and told him to stop filling without the necessary permits. The next day (March 3, 2005), a Staff member visited the property and witnessed three more truckloads were in the process of being dumped. The Staff member informed the truck drivers they were not authorized to dump. The truck drivers indicated they had spoken with Mr. Toebes the night of March 2, 2005, and were told everything was fine and the materials were allowed to be dumped. Ms. Moore said the trucks had come from the Quadgraphics site.

Attorney Fay (petitioner's attorney) said they did not dump at all, however, other people could have dumped on the property. Mr. Kolb asked if they had control over their property? Attorney Fay said they have a Grading Permit for those things. He indicated that last Thursday (March 3, 2005), Mr. Barrows, from the Land Resources Division inspected the property and there was no dumping that he could find in the Environmental Corridor at all. Everything that occurred happened in October 2004. Loads were dropped off on Thursday, but if they were properly identified it was gravel for the existing parking lot which is on the other property. Mr. Kolb clarified that Ms. Moore said dirt was being dropped off and the petitioner indicated it was gravel, not dirt. Attorney Fay replied, "Yes". With regard to the driving range property, fencing would be installed so no one can get back there because at this time of the year the petitioner is not on the property all of the time. Vice Chairperson Kipp asked where will the fence be located? Attorney Fay replied "Into the driving range property." Mrs. Gennrich clarified, the truck drivers indicated to the Staff member that they had permission from Mr. Toebes to dump on the property. Attorney Fay argued, that Mr. Toebes had told the truck drivers they did <u>not</u> have permission to dump there and correspondence indicated the drivers spoke to Mr. Toebes later on that same day. He pointed out that later that day, Mr. Toebes was not around. Mrs. Gennrich asked why Quadgraphics would have gravel to dump? Mr. Toebes replied they were adding on and they have a parking lot with two to three feet of fresh crushed material which they were hauling out and he could use it for his parking lot. Mrs. Gennrich asked if the truck drivers had permission to dump the gravel? Mr. Toebes answered, "On the existing parking lot". Vice-Chairperson Kipp asked if the gravel was dumped at the existing parking lot or somewhere else? Mr. Toebes responded, "On the existing parking lot". Ms. Moore presented the Commission correspondence dated March 5, 2005, from the Town of Lisbon Building Inspector in which he told them to stop the filling activities on the property. Ms. Moore pointed out the Site Plan/Plan of Operation has not been approved for the parking lot it was supposed to be completed by October 2004. She said the petitioner needs to submit a different Site Plan/Plan of Operation for what was approved in 2002 for the clubhouse and the maintenance building, including the location of the driving range. The new Plan proposed placing fill and grading for the parking lot into the Environmental Corridor. Mr. Kolb said these items have been clearly documented and seem to have been ignored by the petitioner. He asked if they had been made clear to Attorney Fay and Mr. Toebes? Ms. Moore replied "Yes". Attorney Fay said it was a total misunderstanding. Mr. Kolb said there are conflicting stories between the Staff and the petitioner. Ms. Moore presented photographs of the site in November 2004 and as it is currently. Mr. Kolb said the fact of the matter is, the petitioner does not have permits. He asked if the petitioner had been made aware of that fact? Attorney Fay replied that they have a permit. Ms. Moore asked "Where is the Conditional Use Permit for the driving range?" Attorney Fay presented an Erosion Control Permit. Ms. Moore said the Erosion Control Permit is not for the same Plan, which was submitted last week. The Plan that the Erosion Control Permit was issued for is dated August 24, 2004. Attorney Fay reiterated that they have not done any dumping in conjunction with the new Plan. He said in discussions with Ms. Moore regarding what was originally

approved, there was going to be parking immediately adjacent to the subdivision. Ms. Moore pointed out the location of the parking lot (not in the Environmental Corridor), however, the Plan submitted on February 11, 2005, showed the location of the filling and grading and it has been determined they are on the edge of the Environmental Corridor. The DNR has visited the site and indicated that 216 Permits may be required and that there are tracks in the wetlands. She said that Staff could not approve the Plan submitted on February 11, 2005. Attorney Fay said they are not asking for approval. Ms. Moore asked "Then why was the Plan sent to the Staff?" Attorney Fay replied, after receiving the Staff's response they are going to make the next determination which is to forget the driving range because it is not economical to the petitioner. It makes more sense to put the road extension in (which the Town wants) and instead of having open space, to eventually divide the area into conventional lots and move on. Ms. Moore suggested, if that is the case, to go ahead with the Termination Hearing on that issue and as part of the hearing the petitioner is required to remove all of the fill, which was placed there illegally.

After discussion, Mr. Kolb moved, seconded by Mrs. Haukohl and carried unanimously, to direct the Planning and Zoning Division Staff to schedule a Joint Public Hearing with the Town of Lisbon Plan Commission to consider the termination of Conditional Use SCU-1188B, which allowed the golf course driving range and parking lot, as the applicant has not complied with the conditions of approval and has continued to authorize the filling of the property without the Conditional Use Permit being issued. Further, if the Conditional Use is terminated, the Commission may require that all of the fill material be removed within 60 days and the site be restored.

Ms. Moore indicated she would try to schedule the Termination Hearing with the Town of Lisbon on April 7, 2005. Mrs. Gennrich expressed concerns not only with the wetlands but also the natural areas signified by SEWRPC and felt strongly that the fill should be removed. Mr. Kolb said there seems to have been a concerted effort on the petitioner's part <u>not</u> to communicate and ignore instructions from the Staff to resolve these issues. He suggested Mr. Fay and Mr. Toebes communicate closely with the Staff to resolve the problems. Attorney Fay agreed and stated he was ready to meet with the Staff yesterday and was told there was not time to meet. Ms. Moore indicated she was not aware of this fact.

With regards to SCU-1188A, Ms. Moore asked if all of the golf course paths were asphalted? Mr. Toebes replied "Yes, with recycled asphalt". Ms. Moore asked if all of the toilet buildings have been constructed? Mr. Toebes answered, "No". Ms. Moore asked if he intended to construct the remaining toilet buildings and if so, what is the time frame? Mr. Toebes replied, "Yes". Attorney Fay added that SCU-1188 states the applicant is authorized to construct three 15' x 20' golf shelters which must be approved by the Planning Commission prior to commencement of construction. He stated there is no deadline for when they should be built. Ms. Moore disagreed, and noted the Conditional Use required the total project be completed by April 1, 2004, which was subsequently extended to October 2004. She said because the golf course is there, but the Site Plan/Plan of Operation has not been approved for the clubhouse and maintenance building, that technically, the petitioner should not be operating out of the buildings. A temporary permit was issued to operate out of the trailer for a six-month period, the time for which has since passed. She suggested the Commission consider terminating the Conditional Use for the golf course and clubhouse and if the petitioner wishes to ask for an extension on the construction of the toilet buildings, he could apply for that. In addition, the termination hearings would be scheduled and if the petitioner submits all of the necessary documentation to meet the Town of Lisbon's Plan Commission agenda cutoff (next Thursday) for the April 7, 2005, meeting which address the issues, the Site Plan/Plan of Operation could be placed first on the Town's agenda. If the Town and Staff both approve the Site Plan/Plan of Operation, the Staff could recommend to consider withdrawing the termination of the Conditional Use for the golf course and clubhouse. If the Site Plan/Plan of Operation is not approved, the Town and Staff would continue with the termination. Vice Chairperson Kipp

expressed concerns that previously the petitioner has not followed through with the documentation submitted. She asked if a timeframe could be placed on when the activities would have to begin? Ms. Moore replied, the Town and County could place conditions (including dates certain) for the petitioner to meet based on the termination being withdrawn. Vice-Chairperson Kipp clarified the driving range would be eliminated. Ms. Moore answered, "Yes", according to what the petitioner stated today. Vice Chairperson Kipp noted that the County is being very generous in this offer. Ms. Moore said it has been 11 months since the April 2004 deadline. The intent of the Staff is not to take away the golf course and clubhouse, however, compliance is needed regarding the licenses, parking, safety issues, etc. Mrs. Gennrich asked what specifically does the petitioner need to submit for the April 7, 2005, Town Plan Commission meeting? Ms. Moore answered, the Site Plan/Plan of Operation must be in order and submitted to the Town and County by next Thursday. Mr. Toebes asked if he could meet with the Staff in the near future to clarify what needs to be done. Ms. Moore said she is willing to work with the petitioner, however, plans need to be submitted. Attorney Fay disagreed and noted that plans have been submitted, many of the conditions have been met and permits have been issued. Ms. Moore said the recently submitted plans have been changed and any permits issued were for different plans previously submitted. Mr. Kolb said the issue is that the new plans submitted were not approved and any approvals were for plans submitted previously. Attorney Fay disagreed. The Commission decided that Attorney Fay, Mr. Toebes and the Planning and Zoning Division Staff should meet and discuss which conditions need to be satisfied and/or which items/details need to be worked out.

After additional discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously to direct the Planning and Zoning Division Staff to schedule a Joint Public Hearing with the Town of Lisbon Plan Commission to consider the termination of Conditional Uses SCU-1188 and SCU-1188A, which authorized a golf course and clubhouse, as the applicant has not complied with the conditions of approval, has occupied the buildings without the necessary Occupancy Permits and failed to complete the entire project by October 1, 2004. If the applicant submits the necessary application by March 17, 2005, and receives the necessary Site Plan/Plan of Operation approval prior to commencement of the Public Hearing, the Staff is authorized to withdraw the petition to terminate Conditional Uses SCU-1188 and SCU-1188A.

<u>SCHEDULED MATTER</u>

- **1:15 p.m. Ice Hours Contracting Policy by Pete Pulos, Enterprise Operations Manager and Peter Slowik, President, Waukesha Wings Hockey Association**

Mr. Pulos, Enterprise Operations Manager, indicated a request was presented by the Waukesha Wings Hockey Association regarding the current contracted ice policy for the Eble and Nagawaukee Ice Arenas. The issue is the prime ice hours (after school and weekends) are primarily full and in order to encourage the hockey programs which have been with the County for years, the policy in the past has been to "grandfather" these organizations to come back with the same hours for the next season. The Waukesha Wings Association is requesting the County review the current ice contracting policy times. He added, at this time, the Department of Parks and Land Use does not feel comfortable disturbing the existing clientele, which would result in the Waukesha County Youth Hockey skating later in the evening closer to 10:30 p.m. If the schedule is changed, everyone's times would be pushed back approximately ½ hour. It should be noted the Waukesha Wings first began skating at the Eble Ice Arena in during the 1997-1998 season and informed the County in the fall 2000 that they would be moving to the Ponds Ice arena in Brookfield.

Mr. Slowik, from Waukesha Wings Hockey Association, explained they have been currently skating at the Ponds of Brookfield since 2002, under the promise that a second sheet of ice would be added and they would receive their choice of ice time. However, the second sheet of ice was never added to the Ponds of Brookfield. Over the years they have been trying to get back into the County's ice arenas. He indicated that due to the "grandfathering policy" it makes it impossible for them to share any of the prime ice time with other organizations, which receive the same times year after year. He presented two proposals and felt that some accommodation should be made for them to access the County's ice.

Mr. Kolb said the Waukesha Wings left the County of their own accord. Mr. Pulos indicated he did not wish to turn away business and would be willing to work with Waukesha Wings Hockey Association. The Commission expressed concerns that the existing loyal customers to the County should not have to give up their earned ice times, however, Mr. Slowik could work with the other organizations to come up with a compromise. If a compromise cannot be reached, the policy should remain intact.

The Commission unanimously chose to keep the current existing ice hours contracting policy in place.

- **SCU-1397 (Brian and Kristine May) Town of Oconomowoc, Section 24**

Mr. Mace presented the "Staff Report and Recommendation" dated March 10, 2005, and made a part of these Minutes. He pointed out the location of the property on the north shore of Okauchee Lake and west of Whitaker Road in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit to allow earth-altering activities beyond 30 feet of the residence and the construction of retaining walls.

Mr. Mace indicated the petitioner is proposing an in-ground swimming pool to be located between the residence and the lake. He pointed out on the submitted Site Plan and photographs of the site, the location of the proposed swimming pool. In addition, a number of retaining walls are being proposed, all of which meet the shore setback and offset requirements of the Waukesha County Shoreland and Floodland Protection Ordinance. Mrs. Haukohl asked, due to safety concerns, if the swimming pool would be fenced? Mrs. May replied the pool would be gated and fenced and due to the steep slopes, the retaining walls are needed to keep the soil in place. She added they would maintain the natural landscape of the property and aquatic plants would be added near the shore of the lake. Mr. Mace said the distance from the residence to the lake is approximately 161 ft. and the distance from the pool to the shore is approximately 105'. He indicated, as conditioned by the Town, the project must be completed no later than July 1, 2005.

After discussion, Mrs. Haukohl moved, seconded by Mr. Kolb and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **(James and Barbara Michaels) Town of Ottawa, Sections 3 and 10**

Mr. Mace presented the "Staff Memorandum" dated March 10, 2005, and made a part of these Minutes. He pointed out the location of the property on Mill Pond Road in the Town of Ottawa on the aerial photograph and stated the petitioner is requesting the right to apply for an Unspecified Conditional Use Permit for a water skiing tournament.

Mrs. Gennrich expressed concerns regarding the neighbors being notified of this event. Mr. Mace indicated, if approved, a public hearing would be held for the request, however, at this time, the Commission is being asked to allow the petitioner the right to apply for a Unspecified Conditional Use. Mr. Goodchild added that the Town of Ottawa Plan Commission has approved the request to apply for the Unspecified Conditional Use. Mrs. Haukohl asked how deep is the pond? Mrs. Michaels, petitioner replied approximately 20' to 40' deep. She added the event is a professional water skiing tournament, which would include some of the premier athletes worldwide, sponsored by Malibu Boats. The tournament would be open to the public and is a family event with no alcohol being served and no carry-ins would be allowed. The event would take place June 24 through 26, 2005, from 8:00 a.m. to 9:00 p.m.

After discussion, Mr. Goodchild moved, seconded by Mr. Kolb and carried unanimously, for approval, to allow the petitioner the right to apply for an Unspecified Conditional Use Permit.

- **SCU-1393 (Wisconsin Department of Natural Resources) Town of Ottawa-Sections 33 and 34 and Town of Eagle-Sections 3 and 4**

Mr. Mace presented the "Staff Report and Recommendation" dated March 10, 2005, and made a part of these Minutes. He pointed out the location of the property in the Scuppernong River Habitat Area (SRHA) in the Towns of Ottawa and Eagle on the aerial photograph and stated the petitioner is requesting earth altering activities to restore wetlands and natural streambeds, including filling old farm drainage ditches, removal of old drain tiles, and the removal of brush and spoil banks next to the ditches to restore the natural streambeds in the SRHA.

Mr. Mace explained the portion of the project in the Town of Ottawa involves the diversion and restoration of a small stream, which serves as the Ottawa Lake outlet. The portion of the project in the Town of Eagle involves filling in ditches with spoil material located along the banks of the ditches allowing the streams to return to their natural stream beds, and restoring the disturbed areas with collected native prairie plants. Mrs. Gennrich noted that the proposal was a good idea.

After a brief discussion, Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-03-OCOT-15 and PO-04-OCOT-08 (Oconomowoc Landscape Supply Center) and PO-04-OCOT-8 (Town of Oconomowoc Recycling Center) Town of Oconomowoc, Section 21**

Mr. Mace presented the "Staff Report and Recommendation" dated March 10, 2005, and made a part of these Minutes. He pointed out the location of the property at the northeast corner of C.T.H. "K" and S.T.H. 67 in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting to revise the Site Plan for the Oconomowoc Landscape Supply Center previously approved by the Commission on September 11, 2003.

Mr. Mace pointed out on the aerial photograph the location of the Town's recycling center, a building and a small topsoil and screening area, which was approved on the previous Site Plan. The Plan of Operation Permit issued for the Oconomowoc Landscape Supply Center was for the operation of a landscape supply center including the storage and sale of topsoil. In October and November 2004, the Planning and Zoning Division Staff received complaints regarding the size and height of a large topsoil stockpile on the property as well as complaints regarding dust from the stockpiles and excessive noise from dump trucks. The stockpiles far exceed the size approved with the previous Plan of Operation,

some being 35' to 50' high. After meeting with the petitioner, the Planning and Zoning Division Staff and the Town Planner, the Town reduced the required size of the stockpiles. The west (main) stockpile would be reduced so as not to exceed 35,000 cu. yds. of material and would be approximately 120' x 350' and 25' in height. The northeast side of the existing stockpile would be reduced and restored to the proposed size by August 2005. The west side of the pile would be reduced and restored to the proposed size by September 2005 and the top of the pile would be lowered to its proposed height of 25' by June 2006. All of the topsoil screening would occur on the west and south side of the main topsoil pile in order to minimize dust and dirt blowing to the east and the remainder of the main topsoil pile would be vegetated the majority of the time. During the discussion, the Staff decided the area was more of a contractors yard and is not appropriate for the B-2 Local Business District due to the scale and size of the stockpiles. The Staff also decided to reduce the size of the stockpiles and require the property to be rezoned to the B-3 General Business or M-1 District by March 1, 2007, to accommodate the use. Mrs. Gennrich asked if the M-1 District was appropriate for this area considering the surrounding residential properties? Mr. Mace replied the Town and neighbors would be satisfied if the stockpiles are reduced and the operation is run differently. At this point, the operation is too large and not appropriate for the B-2 Local Business District. Mr. Goodchild said he thought most of the topsoil came from the S.T.H. 67 project. He doubted the petitioner would ever have this much material on the site again. Mr. Mace agreed. Mr. Goodchild asked why the zoning would need to be changed? Mr. Mace answered, because the Staff determined the use is not accessory to a B-2 Business District type use. Mr. Goodchild asked if it was because of the temporary topsoil pile? Mr. Mace replied, it has more to do with the size and scope of the stockpiles. Vice Chairperson Kipp said the initial operation was for a neighborhood landscape center. Mr. Mace said if the Commission doesn't want the property to be rezoned, conditions could be in place, which state, once the stockpiles are gone they would only be able to exist at a certain size and location. He said the Staff is recommending the size of the operation be downsized and rezoned by March 1, 2007. Mrs. Gennrich said that one stockpile would be 25' high and 120' x 350' high and the other would be 20' high and 70' x 300'. Mr. Mace noted the closest residence is approximately 475' away and the operation would work only on the south and west sides. Mrs. Gennrich said that by 2007 if the stockpiles are back to the original size, which was permitted there would be no reason to change the rezoning. Mrs. Haukohl asked if there was enough of a planting buffer to the wetland and conditions to protect the wetland? Mr. Mace replied, that the Land Resources Staff believes so, and as long as the stockpile is vegetated there should not be runoff.

Mrs. Gennrich asked if the wording in Condition No. 8 should be changed regarding the east and west topsoil stockpiles being permanent? Mr. Mace replied, "No," and explained the Staff is giving the petitioner the option that if he wants permanent stockpiles, a Conditional Use for a contractors yard and rezoning of that portion of the site must be completed on or before March 1, 2007. The Commission felt Condition No. 8 was not clear. Mr. Mace suggested adding a sentence to Condition No. 8 which states that failure to successfully rezone and obtain a Conditional Use Permit will result in the stockpiles being eliminated and the stockpiles will be only allowed as set forth on the October 16, 2003, Site Plan.

After discussion, Mr. Goodchild moved, seconded by Mr. Kolb and carried unanimously, for <u>approval</u>, as conditioned, in accordance with the "Staff Report and Recommendation" with a change to Condition No. 8 for the Oconomowoc Landscape Supply Center (PO-03-OCOT-15) which shall now read:

8. The permanent placement and retention of both the east and west topsoil stockpiles shall be authorized through the issuance of a Conditional Use Permit for a contractors yard and rezoning of that portion of the site to the B-3 General Business District, on or before March 1, 2007. This requirement is based upon the fact that the size and scope of the topsoil screening

operation as now envisioned, is substantially larger than what was on the original Site Plans for the Site Plan/Plan of Operation approval in 2003. This use is more appropriately located in an area zoned B-3 General Business District with the issuance of a contractors yard Conditional Use Permit. In order to maintain the topsoil stockpiles as outlined in Conditions No. 4 and 5 above, said rezone and Conditional Use Permit shall be applied for and received by the March 1, 2007, deadline unless the petitioner desires to reduce the overall size of all of the topsoil stockpiles on this site to the sizes proposed on the July 2003, Site Plan and as authorized in the Plan of Operation Permit issued on October 16, 2003. Failure to successfully rezone and obtain a Conditional Use Permit will result in the stockpiles being eliminated and the stockpiles will be only allowed as set forth on the October 16, 2003, Site Plan.

The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCS-959 (Kenneth and Sandra Murray) Town of Summit, Section 16**

Mr. Mace presented the "Staff Memorandum" dated March 10, 2005, and made a part of these Minutes. He pointed out the location of the property on Silver Cedar Road in the Town of Summit on the aerial photograph and stated the petitioner is requesting to reduce the established road right-of-way width of the southern 150 feet of Silver Cedar Road to 33' from 66'.

The petitioners are requesting the width of the established road right-of-way of Silver Cedar Road, in the area abutting their property be reduced in order to facilitate the approval of a proposed Certified Survey Map which was required as a condition of a Variance granted by the Waukesha County Board of Adjustment to permit the petitioners to enclose a second story deck and covert it to living space.

After a brief discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously, for approval, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mrs. Gennrich moved, seconded by Mrs. Haukohl to adjourn at 3:30 p.m.

Respectfully submitted,

Ellen Gennrich
Secretary

EG:kb