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

CALL TO ORDER
Walter Baade, Chairperson, called the meeting to order at 1:00 p.m.

Commission Members Present:	Walter Baade (left at 4:00 p.m.)	Pat Haukohl	Walter Kolb
	Ellen Gennrich	Betty Willert	Gary Goodchild
	Mareth Kipp (arrived at 1:10 p.m., left at 3:30 p.m.)		

Commission Members Absent: None

Staff Members Present:
Richard L. Mace, Planning and Zoning Manager
James W. Kavemeier, Parks System Manager
Attorney Deborah Price, Waukesha County Corporation Counsel
Kathy Moore, Senior Planner
Peggy Pelikan, Land Use Specialist
Kathy Brady, Secretary Supervisor

Guests Present:	Chris and Dani Dix	John Baumann	Ron Gasser
	Jerry and Judy Heine	Dennis Cira	Attorney Tim Kay
	Pam Gross	Frank Gross	Paul Scheuble
	Brett Meili		

CORRESPONDENCE - Letter from Pat Celek regarding Jollymon's Cove Plan of Operation.
MEETING APPROVAL – None.

MINUTES

- ***Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously, for approval of the June 2, 2005, Minutes.***

- ***Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously, for approval of the June 16, 2005, Minutes.***

- ***Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously, for approval of the June 30, 2005, Minutes.***

- ***Mrs. Willert moved, seconded by Mr. Goodchild and carried unanimously, for approval of the July 21, 2005, Minutes.***

- ***Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously, for approval of the August 4, 2005, Minutes.***

- ***Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously, for approval of the August 18, 2005, Minutes.***

Mrs. Kipp arrived at the meeting at 1:10 p.m.

PUBLIC COMMENT

Chairperson Baade asked if anyone from the audience wished to address the Commission?

Mr. Scheuble stated he was unable to stay for the meeting but wished to comment on the discussion of the percent of disturbance of land in EC zoning. He felt the Southeastern Wisconsin Regional Planning Commission's (SEWRPC's) recommendation for one to five acre densities and a requirement that someone would have to prove how their plan for a development would better accomplish certain objectives was a good idea. It would result in limiting disturbances in environmental corridors to and protect wildlife and aquifers.

There was no other public comment.

SCHEDULED MATTER

- **1:15 p.m. Discussion of percent of disturbance land in EC Zoning**

Mrs. Haukohl felt the total disturbance requirements (15% or 32,600 sq. ft) were too generous. She wondered if there was a better way to calculate disturbance such as on a graduated scale? Ms. Moore said that SEWRPC allowed 20% and the County thought that was too large of an amount so we limited it to not more than 15%. She explained in the Environmental Corridor District a lot can be two to five acres and the overall density has to be one lot per five acres. On smaller lots containing a residence, driveway, septic, outbuildings, grading 30' away from the residence, clearing of roads for Fire Departments, etc., 15% would not work. If there is a lot, which is partially in and partially out of the environmental corridor, the Ordinance states the building envelope must be located outside of the corridor. Mrs. Gennrich wondered if there could be a limit so as not to exceed a certain amount? Ms. Moore replied that 32,600 sq. ft. is the maximum. Mrs. Kipp felt that on a two-acre lot, ¾ acre of disturbance was too much. Ms. Moore agreed, but said it is an average. She further explained that somewhere else there could be an eight acre property which can only disturb 15% and would make up for the two-acre property. Mr. Kolb expressed concerns that the Ordinance requirements are mandating more and more restrictions to private property owners and felt it was unfair. Mr. Mace said that if the conservation design is done, and the primary environmental corridors are placed in common open space, credit is given. Mrs. Gennrich said that clustering and preserving large blocks of open space is the answer. She also mentioned that land is being annexed to villages and is being built with much greater densities. The Commission did not come to any conclusions, however, it was suggested they revisit the idea periodically.

- **ZT-1563A (Randy and Brenda Schuett) Town of Mukwonago, Section 14 (A-1 Agricultural District to the C-1 Conservancy District)**

Mr. Mace presented the "Staff Report and Recommendation" dated September 1, 2005, and made a part of these Minutes. He pointed out the location of the property, on the west side of S.T.H. 83, south of Sugden Road in the Town of Mukwonago on the aerial photograph.

Mr. Mace indicated the property was rezoned in February 2005 for the entire 77-acre parcel. A condition of approval was that the petitioner submit a rezoning request for the wetland area on the west side of S.T.H. 83, once the wetland inventory was verified by the Department of Natural Resources. The area will be retained as a separate outlot and will not have any development rights.

After a brief discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich 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.

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

Mr. Mace pointed out the location of the property, on the west side of Woodside Road, immediately north of the 18th hole of the Woodside Golf Course. Ms. Moore said the continuation of the termination hearing is scheduled for September 15, 2005. Information has been received from the DNR and they are satisfied with the buffers. The Land Resources Division indicated the petitioner has complied with their permit. The area is seeded, the lights have been installed and there have been no additional neighbor complaints. The Staff is recommending the Commission withdraw the request to terminate the Conditional Use. Mrs. Gennrich asked if the portable toilets have been screened to which Ms. Moore replied, "Yes". She indicated the neighboring property owners would receive notice that the public hearing has been cancelled.

After discussion, Mr. Kolb moved, seconded by Mrs. Gennrich and carried unanimously to withdraw their request to continue the public hearing, scheduled for September 15, 2005, for termination of the Conditional Uses on the property, as the petitioner has complied with all of the conditions.

- **SCU-622B (North Lake Yacht Club) Town of Merton, Section 16**

Mr. Mace presented the "Staff Report and Recommendation" dated September 1, 2005, and made a part of these Minutes. He pointed out the location of the property on the south side of North Woods Drive, approximately ¼ mile west of S.T.H. 83, in the Town of Merton on the aerial photograph and stated the petitioner is requesting Conditional Use approval for the construction of a clubhouse/sailboat storage/school facility and new driveway.

Mr. Mace indicated the Waukesha County Board approved the rezoning of the property on August 9, 2005. The original request was to construct a building 5,000 sq. ft. in size for the storage of piers, boatlifts, sailboats/prams, judging boats and other boats owned by the yacht club. The Town required the size of the building be reduced to 4,200 sq. ft. because they felt a 5,000 sq. ft. building would be too large on a 3.6-acre parcel. The reduction in size results in the storage of the piers and boatlifts being stored outside of the structure. Mr. Goodchild asked if disturbance would be kept out of the marked wetland boundaries on the map submitted by the Town? Mr. Mace replied "Yes". Mr. Goodchild suggested a condition be added stating those areas be marked at the site and not disturbed.

Mr. Dix from the North Lake Yacht Club asked with regards to Condition No. 4 if the only time boats could be launched is during an event? Mr. Mace replied, "Yes". The Staff felt that for a $150.00 membership fee it would create unlimited access to the lake and would go beyond what was originally intended as a yacht club. The intent was for a yacht club, for a sailing school and regattas, not for the unlimited launching of boats not associated with a specific event.

Mr. Goodchild moved, seconded by Mrs. Haukohl for approval of the request.

Mr. Dix disagreed with the condition and said the current Conditional Use allows and limits boat launching by yacht club members only and it has been done for years. He stated the yacht club would like to keep the original Conditional Use language regarding members being allowed to launch boats regardless if it was associated with an event. Mr. Baade said it would add more traffic to the dead end road. Mrs. Gennrich asked if it was limited by parking? Mr. Mace replied "Technically, yes". Mrs.

Willert asked how many members the yacht club has? Ms. Dix replied, approximately 170 families. Mr. Dix said that individuals do not launch their boat and park on the site for the entire day. The parking layout was designated because the Town of Merton wanted a layout to show the yacht club could accommodate regattas. Mr. Baade asked how is the parking controlled? Mr. Dix said the gate is locked and is only available to members with a key from a road chairperson. Mrs. Haukohl suggested there could be a restriction that boats could be launched for the season, rather than daily. Mr. Kolb asked what the language was on the existing Conditional Use? Mr. Dix replied, that boats could be launched in the spring and removed in the fall except if maintenance was needed. Mr. Baade disagreed and said it could be abused and result in additional traffic on the dead end road. Mrs. Kipp said in Exhibit "1" (4) (g) of the Town it states, "Yacht club members may launch and withdraw sailboats and power boats for any reason during the season." Mrs. Willert and Mr. Kolb felt the Town's condition was acceptable.

Mr. Heine, yacht club member, said the site is monitored well. Each road person fills out a log. The status of each member is checked and there is a strict time limit for the key to be returned. No one is allowed to park at all on the launch site, only to launch their boat. The boats stay there unless there is a mechanical problem with their boat. Mr. Kolb and Mrs. Willert felt that it has not created a problem in the past and suggested that Condition No. 4 be removed.

After further discussion, the first motion was amended and Mr. Goodchild moved, seconded by Mrs. Haukohl and carried by a vote of 6 to 1 (Mr. Baade voted against), for approval, as conditioned, in accordance with the "Staff Report and Recommendation", with the following revisions:

- ***Condition No. 4 shall be deleted.***
- ***Add new Condition No. 7, as follows:***

7. The wetland areas indicated on Exhibit "A" shall be decided upon and prominently marked at the site and not disturbed.

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.

- **2:00 p.m. SCU-97C (Okauchee Lake Yacht Club) Towns of Oconomowoc and Merton, Sections 25 and 30**

Mr. Mace pointed out the location of the property on Breezy Point Road on the north shore of Okauchee Lake in the Town of Oconomowoc on the aerial photograph. The petitioner is requesting reconsideration of the August 18, 2005, Park and Planning Commission's action.

Ms. Moore, Senior Planner, said the request was heard at the August 18, 2005, Park and Planning Commission meeting. The petitioner informed the Planning and Zoning Division Staff that they were not notified that their request was agendized for the August 18, 2005, meeting. The agenda was inadvertently sent to the yacht club property address, which does not receive mail. Attorney Deborah Price, Waukesha County Corporation Counsel, said that procedurally, the agenda should have been sent to the Attorney Kay (petitioner's agent). She stated the Commission should invalidate their August 18, 2005, decision to allow the petitioner due process, rather than consider this a reconsideration.

After discussion, Mrs. Kipp moved, seconded by Mr. Kolb and carried unanimously to invalidate the Park and Planning Commission's decision of August 18, 2005, due to the fact that the petitioner was not given proper notification of the agendized item.

Mr. Mace said he recently spoke with Mr. Baumann, Commadore of the yacht club about bringing the matter back to the table. He indicated the discussion involved tabling the matter and having the Commission set up a date to view the site along with the Staff and petitioner. The Staff would then meet with the petitioner to discuss the items of concern. The Commission and petitioner agreed to Mr. Mace's suggestion.

Ms. Moore asked if the petitioner could review the items of concern? Attorney Kay explained, there were two public hearings held at the Town of Oconomowoc and meetings with the Town Board of Oconomowoc and Merton and after review, many of the exhibits and plans, which were filed at the public hearing, were not submitted to Waukesha County Staff. Specifically, they involve the driveway, parking, boat launch, congestion on Breezy Point Road and other neighbor concerns. He suggested filing the necessary plans today so the Staff can review them prior to the site visit.

After further discussion, Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously for the Commission, Planning and Zoning Staff and petitioner to meet and view the property on Wednesday, September 28, 2005, at 11:00 a.m. The Planning and Zoning Staff will subsequently meet with the petitioners to discuss the items of concern. An agenda for the meeting will be posted and may include a quorum of the Waukesha County Park and Planning Commission.

- **CU-1411 (Jay and Jan Leuenberger) Town of Genesee, Section 17**

Mr. Mace presented the "Staff Report and Recommendation" dated September 1, 2005, and made a part of these Minutes. He pointed out the location of the property in the Town of Genesee on the aerial photograph and stated the petitioner is requesting Conditional Use approval for earth altering activities to fully expose the basement and raise the driveway.

Mr. Mace indicated the Town of Genesee Plan Commission recommended denial of the request. The Town Plan Commission felt the proposed house did not conform to the lot.

After a brief discussion, Mr. Goodchild moved, seconded by Mrs. Kipp and carried unanimously for denial, in accordance with the "Staff Report and Recommendation" and the recommendation of the Town of Genesee Plan Commission.

- **PO-05-VNT-7 (Ronald Gasser) Town of Vernon, Section 1**

Mr. Mace presented the "Staff Report and Recommendation" dated September 1, 2005, and made a part of these Minutes. He pointed out the location of the property on the southwest corner of C.T.H. "ES", Crowbar Road and north of I-43 in the Town of Vernon on the aerial photograph and stated the petitioner is requesting Site Plan/Plan of Operation approval for the expansion of a landscaping business to include retail sales of all landscape materials and salt, equipment rental, landscaping and trucking services and the filling and grading of the subject property.

Mrs. Willert wondered if the hours of operation should be included in the conditions rather than in the text of the Staff Recommendation? Mr. Gasser replied, the hours of operation are included in the Conditional Use. Mrs. Haukohl asked if a condition should be added stating the dome building will require Variances from the Waukesha County Board of Adjustment? Mrs. Gennrich replied, that the

petitioner has not applied for it at this time. Mr. Mace said there would be an additional hearing held at that time and felt it was not an issue.

After discussion, Mrs. Willert 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.

- **PO-05-OCOT-11 (Jollymon's Cove) Town of Oconomowoc, Sections 35 and 36**

Mr. Mace presented the "Staff Report and Recommendation" dated September 1, 2005, and made a part of these Minutes. He pointed out the location of the property at N52 W35091 Lake Drive in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting to update the existing Site Plan/Plan of Operation for a tavern/restaurant to include the addition of a hot dog cart, two special events and revise the days and hours of live music.

Mrs. Gennrich wanted to know which conditions of the revised Conditional Use have not been complied with? Ms. Pelikan, Land Use Specialist, indicated it is a separate Plan of Operation for the restaurant/tavern use. She said the conditions which have not been complied with include, the Department of Natural Resources approving the number of piers, a Deed Restriction stating the conditions of the Conditional Use and complaints regarding the live music and events. Mrs. Gennrich expressed concerns (referring to correspondence submitted by a neighbor) regarding the live music and more than the two approved events per month taking place. Mr. Cira (petitioner) said that he didn't realize that fact. Mr. Mace asked the petitioner if he intended to comply with the conditions as proposed? Mr. Cira replied, "Yes". He asked if the wording "live music" in Condition No. 5 could include comedy acts? Mr. Mace said he was unsure. Mr. Meili, a neighbor, wanted to make sure if that was the case the condition could state that "live entertainment" could be held one day during the week and one day on the weekend. He was concerned that if the wording remained "live music" then live music could be held one day per week and other events could be held besides live music. Mrs. Gennrich asked about the noise complaints? Mr. Meili said that noise is a significant problem and the neighbors must close their windows on the weekends due the noise from the bar. Patrons on motorcycles and on boats that leave at bar time are very loud and disrespectful to the surrounding neighborhood. He felt it would be helpful to scale back the hours and expressed concerns regarding the decibel limitation being abused. Mr. Cira said he was unsure how to stop the motorcycle mufflers from being loud. He has asked the patrons to respect the neighbors when leaving the bar. Mr. Meili suggested that signage could be placed on the inside of the door to inform the patrons of the restaurant/tavern to be respectful of the surrounding residential neighborhood when leaving the establishment. Mr. Cira agreed. Mrs. Gennrich suggested a condition be added regarding the abovementioned signage. The Commission agreed. Mr. Kolb also suggested that the petitioner try to control the clientele because the consequences would fall on the owner of the business. Regarding Condition No. 5, Mr. Mace suggested the first line read "Live entertainment (including jam sessions, music, comedy, karaoke, etc.) inside the restaurant/tavern shall be allowed one night per week." The Commission agreed.

Mrs. Willert asked if the Plan of Operation approval was expanding the use on the property? Ms. Pelikan, replied "Yes," the petitioner is requesting live music/entertainment twice per week. She noted in the previous Conditional Use, live music was allowed twice per month. Mr. Meili asked, referring to Condition No. 5 if the word "music" in the second to last sentence be changed to "entertainment". The Commission agreed. Mrs. Willert asked referring to Conditions No. 8 and 9 which allowed two boat shows and two other events per year, was also being expanded? Ms. Pelikan replied that only two special events were allowed before, and the petitioner is requesting four special events per year. Mrs.

Willert said she did not agree with allowing the petitioner additional outside events due to the configuration of the lot and parking issues. The Commission also suggested the petitioner choose the type of events which would attract a clientele which would not cause a negative impact on the neighboring residential properties. Mr. Mace suggested a sentence be added to Condition No. 9 stating "If a "special event" includes a boat show, it must start no earlier than 8:00 a.m. and end no later than 8:00 p.m." It was decided to change the wording in Condition No. 5, delete Condition No. 8 and add the above sentence to Condition No. 9.

After discussion, Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with the following changes:

Condition No. 5 shall now read:

5. Live entertainment (including jam sessions, music, comedy, karaoke, etc.) inside the restaurant/tavern shall be allowed one night per week. Live entertainment inside the restaurant /tavern during the week (weekday night) shall only be permitted from 8:00 p.m. to 11:00 p.m. and live entertainment inside the restaurant/tavern on the weekend shall only be permitted from 8:00 p.m. to midnight. During other times, other music may be allowed, but in no case shall any music be piped, amplified or permitted outside of the structure. Further, the decibel reading from the entertainment shall not exceed 35 decibels as measured at the perimeter property lines of the property. All windows and doors, except doors used for patrons to enter and exit the building shall remain closed as long as any music is being played in the premises.

Condition No. 8 shall be deleted.

Condition No. 9 (new Condition No. 8) shall now read:

8. Two (2) "special events" per year, which are defined as any event in which space outside the restaurant (excluding the deck) is utilized for patrons and that is not normally used for patron use during normal business hours. A "special event" shall include, but not be limited to, any large outside gatherings of more than 75 persons. If a "special event" includes a boat show, it must start no earlier than 8:00 a.m. and end no later than 8:00 p.m. A detailed description of the event, including but not limited to, type of event, location of parking, sanitary facilities, number of persons, length of time, etc. shall be submitted to the Town Board and the Waukesha County Department of Parks and Land Use for their review and approval. In addition, the Police and Fire Chief shall be notified of the event and the number of patrons. The Town Board shall approve special events at least thirty (30) days prior to said event taking place.

Add Condition No. 20, which shall read:

20. A sign shall be placed on the inside door of the establishment to inform the patrons of the restaurant/tavern to be respectful of the surrounding residential neighborhood when leaving the establishment.

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.

- **1728 (Frank Gross/Sandhill Subdivision), Town of Lisbon, Section 11**

Mr. Mace presented the "Staff Memorandum" dated September 1, 2005, and made a part of these Minutes. He pointed out the location of the property at N80 W23792 Plainview Road in the Town of Lisbon on the aerial photograph and stated the petitioner is requesting approval to create lots not abutting a public road.

Mr. Mace indicated the Commission approved rezoning the property on December 19, 2002, and the Waukesha County Board of Supervisors subsequently adopted the zoning change with a condition that only one access point shall be allowed from the subdivision onto Plainview Road. The proposed layout would include four new driveways, in addition to the existing drive serving the Gross residence. All driveways would be located within 1,000' feet of each other and would gain access to Plainview Road. Mrs. Gennrich said the Commission could not approve the request because it does not meet the condition of rezoning. Mr. Goodchild said the petitioner does not want to pay for a public road and is proposing to stack the lots on top of one another.

Mrs. Gross, petitioner's wife, said that originally, the Waukesha County Parks Division expressed interest in acquiring the northerly wetland/conservancy acreage on the property. Mr. Kavemeier, Parks System Manager, told them a plan should be submitted showing exactly how many acres were to be considered for purchase. When the plan was submitted to Mr. Kavemeier, they were notified that the County was no longer interested in acquiring the property. The proceeds from the sale of the property were to finance the public road. She indicated they are only asking for seven lots and have spent a considerable amount of money on plans and studies, and the lots are still not approved. Last year, less than one mile away from her property, two properties were approved for the creation of lots not abutting a public road. Mr. Gross, petitioner, angrily said he changed the zoning on the rear portion of the property to have one-acre lots on advice from the Planning and Zoning Division Staff. He originally wanted to have five-acre lots but was told he couldn't do so. He met with Mr. Mace and came up with a preliminary plan of what could be done with the property, however, the Town of Lisbon Engineer did not approve of the plan. It was finally decided to have two lots and one cul-de-sac. Mrs. Gross read from the Town of Lisbon's Plan Commission Minutes of February 3, 2005, stating that Mr. Stigler (Town Engineer) told Mr. Gross that he is better off without the road and did not like the cul-de-sac and wanted the larger lots. Mrs. Kipp tried to explain to the petitioner the reason for the condition on the rezone (regarding only one access to the road) was because it is a public safety issue. Mrs. Gross disrespectfully disagreed and said that there hasn't been any accidents on the road and a subdivision nearby was approved by the County with three entrances.

After discussion, Mrs. Willert moved, seconded by Mrs. Kipp and carried unanimously for denial, in accordance with the "Staff Memorandum" due to the fact that the request does not meet the condition of rezoning.

- **Parks System Update** ***by James W. Kavemeier***

Mrs. Kipp left the meeting at 3:30 p.m.

Mr. Kavemeier said the County Park revenue is up 9.3% for the year ($100,000 in collected revenue) which is a 10% increase over last year. He noted they have collected 77% of the revenue goal for the year at this point. Retzer Nature Center revenue is up 3.8%, but noted it has only been open since May 20, 2005, park camping (up $2,700), pavilion rentals (up $500), entrance fees (up $53,500), annual

stickers (up $24,700) and concession sales (up $23,700). Items which are down are beach house rentals (down $400), Camp Pow Wow Lodge (down $3,300), boat launching (down $400) and land rentals (down $1,600).

Regarding the Waukesha County Park and Open Space Plan he presented a map of the Towns of Merton and Mukwonago showing lands open for recreation or park open space purposes. He pointed out areas on the Greenway Plan, which includes all wetlands, slopes of greater than 20%, upland woods and buffers. He also pointed out other areas, which could be acquired by the State, Town or other organizations. The maps are not completed at this time, however, they should be done in November and another presentation will be given identifying all of the lands within a town, which are open or available for recreation (public or private).

A maintenance building is being proposed at Retzer Nature Center for the year 2010, for the inside storage of equipment and utility vehicles. Presently it is being stored at three different locations. The building could also be used for plant sales and Apple Fest.

Other miscellaneous items.
-Plans are being prepared for the clubhouse at Moor Downs Golf Course.
-Playground equipment area for Fox River Park is still being decided upon.
-Upcoming discussions with the Towns of Ottawa and Vernon regarding possible trails.

The Commission wanted to know if there were any parcels in the works for acquisition. Mr. Kavemeier indicated, possibly the Porter property

Mr. Baade left the meeting at 4:00 p.m.

The Commission thanked Mr. Kavemeier and asked if he could present Park updates on a quarterly basis, to which Mr. Kavemeier agreed.

ADJOURNMENT
With no further business to come before the Commission, Mrs. Haukohl moved, seconded by Mrs. Willert to adjourn at 4:10 p.m.

Respectfully submitted,

Ellen Gennrich
Secretary

EG:kb

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