WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, APRIL 20, 2006

CALL TO ORDER
Pat Haukohl, Secretary, called the meeting to order at 1:00 p.m.

Commission Members Present	Karen Schuh	Gary Goodchild	
	Walter Kolb	Pat Haukohl	Betty Willert

Commission Members Absent:	Walter Baade Ellen Gennrich

Staff Members Present:	Richard L. Mace, Planning and Zoning Manager Elfriede Sprague, Clerk III Sheri Mount, Senior Land Use Specialist James Kavemeier, Parks Manager Andrew Thelke, Enterprise Operations Manager Amy Barrows, Senior Land Use Specialist

Guests Present:	Sandra Doyle	James Doyle	Diana Visuri
	John Rooney	Jerry Erdmann	Betty Lutzynski
	Dennis Lutynski	Tim Mikehlec	Jim Seipmann
	Mark Mader	Robyn Schuchardt	Tom Farley
	John Rooney	County Board Chair - Jim Dwyer	

CORRESPONDENCE: None.

MEETING APPROVAL: None

- **Meeting Dates** - Schedule Park and Planning Commission Meeting Dates for August, September and October 2006.

August 3 and 17, 2006
September 7 and 21, 2006
October 5 and 19, 2006

MINUTES:

- ***Mrs. Willert moved, seconded by Mr. Goodchild, and carried unanimously, for approval of the April 6, 2006, Minutes.***

PUBLIC COMMENT:
Secretary Haukohl asked if anyone from the audience wished to address the Commission? There being no one, she moved to the next item on the agenda.

- **1:00 p.m.** **Parks System Update,** *by James W. Kavemeier, Parks System Manager*

Mr. Kavemeier introduced the new Enterprise Operations Manager, Andy Thelke, to the Commission. He then gave an update on various park projects. The Moor Downs Golf Course's remodeled clubhouse is proceeding on schedule and within budget. There were no records showing the appearance of the original building except for an old colored photo obtained from the County museum, which was used as a basis for the remodeling. The remodeled clubhouse has been designed with the intent of preserving the nature and feel of the 1920's. The anticipated completion date is July 16, 2006. They are working on acquisition of the Berg property, in the Town of Mukwonago along the Mukwonago River, and 2 lots along the Pewaukee River in the Village of Pewaukee, in conjunction with the Greenway Project. The County is working with the DNR and several builders to preserve the Butler Garter snake habitat along the Greenway project. Fox River Park is almost completed. It is awaiting two observation decks and a play experience by the picnic areas. The Nagawacki storage building plans are completed and construction will commence later this year. The Wanaki Park storage building has not proceeded. In regard to park proceeds, the weather has created a loss of revenue due to a poor cross-country ski season and fewer annual sticker sales. It is anticipated this will be made up.

- **ZT-1610 (Robert and Judith Raymond) Town of Delafield, Section 27 (A-1 Agricultural District to the A-2 Rural Home District**

Mr. Mace pointed out the location of the property, on the south side of Bryn Drive in the Town of Delafield on the aerial photograph and indicated there needed to be clarification of a condition of approval from the April 6, 2006 meeting.

Mr. Mace explained the Commission added a condition to the rezoning at the last meeting, which was inappropriate, as the property was not in the Shoreland and Floodland Protection Ordinance jurisdiction. He indicated the condition was included in the review of the Certified Survey Map. Mrs. Haukohl felt the Commission's concern should be mentioned in the yellow copy and the County Board needed to be made aware of it. Mr. Mace agreed to add a comment to the signature sheet identifying their concerns. He invited the Commission to attend the next Development Review Team meeting so they could have an opportunity to observe how the Staff goes about reviewing a proposed development.

After discussion, Mr. Mace agreed to place the following comment on the Park and Planning Commission Signature Sheet so the County Board would be aware of their concern.

> ***"The Commission was concerned about the endangered species designation noted for the general wetland area to the south of the property, which extends onto the subject property, and requested that the petitioner be advised of the need to contact the Wisconsin Department of Natural Resources about that matter. They were advised that such a requirement could not be a condition of rezoning imposed by the County. The Staff however incorporated a requirement in its review of the Certified Survey Map on the property, advising the petitioner that he must contact the Wisconsin Department of Natural Resources about this issue".***

- **CU-1388 (Jerry Erdmann) Town of Oconomowoc, Section 22**

Mr. Mace presented the "Staff Memorandum" dated April 20, 2006, and made a part of these Minutes. He pointed out the location of the property in part of SW ¼ of the NE ¼ of Section 22, T8N, R17E, Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting approval of a revised grading plan for earth-altering activities approved by the Waukesha County Park and Planning Commission on November 18, 2004.

Mr. Mace indicated during the process of Mr. Erdmann building his new house, he over graded and therefore needed to revise his original Grading Plan. Mrs. Haukohl asked if the original application for a Zoning Permit included the patio, retaining walls and grill structure? Mr. Mace replied "No". She and Mrs. Willert asked if the petitioner has received any citations, paid after-the-fact fines or if he has now gotten a permit, as the Staff Report stated he constructed them without one? Mrs. Willert and Mrs. Haukohl were agreeable to approval as long as Mr. Erdmann had received the necessary permits and paid the appropriate fees. Mr. Mace asked Mrs. Barrows to clarify. She responded Mr. Erdmann has received the necessary permits and paid the after-the-fact fees, which were, "$100.00, ($50.00 doubled)".

After a brief discussion, Mr. Goodchild moved, seconded by Mr. Kolb and carried unanimously for approval of the revised Grading Plan, as conditioned, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.

1:30 p.m. (Siepmann Realty) Town of Summit, Sections 22 and 23

Mr. Mace presented the "Staff Memorandum" dated April 20, 2006, and made a part of these Minutes. He pointed out the location of the property in part of the NW ¼ of Section 23 and the NE ¼ of Section 22, T7N, R17E, Town of Summit on the aerial photograph and stated the petitioner is requesting approval of a cul-de-sac length waiver from Section 7.2 B 4 of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance for a proposed subdivision on the Kenehan property.

Mr. Siepmann gave a brief presentation outlining the proposed development, which is in the preliminary phase. Neither the Town nor the Development Review Team have reviewed or approved it. The number of lots may change during the plat review, however the general layout will remain the same. Because of the physical features of the site, the wetlands and the two existing lakes, he is proposing a 1,600 ft. cul-de-sac (Circle Drive), as it is not feasible to have through street extensions. The street patterns are designed with the intent of future acquisition of the parcel to the east. The Department of Public Works has reviewed the two access and egress points and has no objections to either. At this point in time, these are the safest ways to enter and exit the property, while at the same time preserving the tree line. The loop street, which is proposed, meets the standard Town street width, except for about 300 ft. He added Mrs. Moore requested that in the event the Oconomowoc Training Center to the south would develop in the future, a road reservation or dedication be created south off the loop, which might ultimately connect to Genesee Lake Road. They are also in the process of consulting with the Dept. of Natural Resources to determine if a lake access is required. Mr. Goodchild asked if the Town has seen the proposed layout? Mr. Siepmann replied, "No, however Henry Elling has viewed it and he also asked for a road dedication to the south". Mr. Siepmann's concern at this time is that the cul-de-sac length waiver be approved before preceding any further with the development.

After discussion, Mr. Goodchild moved, seconded by Mr. Kolb 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.

- **CU-1422 (Steven and Dina Visuri) Town of Genesee, Section 35**

Mr. Mace presented the "Staff Report and Recommendation" dated April 20, 2006, and made a part of these Minutes. He pointed out the location of the property at S57 W29687 Saylesville Rd. in the Town of Genesee on the aerial photograph and stated the petitioner is requesting Conditional Use approval for after-the-fact earth-altering activities to permit the retention of two berms constructed without permits.

Mr. Mace explained the Visuri's had recently purchased this property and were not aware they needed a Conditional Use Permit to create the berms. Mrs. Haukohl questioned the berms encroaching into the C.T.H. "X" right-of-way? Dina Visuri answered she has worked with Pete Chladil, from the Dept. of Public Works, and has received the necessary permits from them. The Engineers have been to the site and have staked it out. There are two pine trees that need to be moved or she can apply for a Revocable Occupancy Permit, which would be filed in the Register of Deeds office. They have determined that the site distances are not affected by the berms. Mr. Kolb asked about the right-of-way width on Saylesville Rd.? Mrs. Visuri responded that it varied in different spots on the road. She added the berm was built to shield the residence from the traffic and noise on the road. The Commission agreed it was a well-vegetated and nicely constructed berm on a very large lot, which was unintentionally constructed without permits.

After a brief discussion, Mr. Goodchild moved, seconded by Mrs. Schuh 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.

- **SCU-1425 (Trinity Development, LLC) Town of Summit, Section 24**

Mr. Mace presented the "Staff Report and Recommendation" dated April 20, 2006, and made a part of these Minutes. He pointed out the location of the property in the NE ¼ of Section 24, T7N, R17E, Town of Summit on the northwest corner of Delafield Road and Venice Beach Road on the aerial photograph and stated the petitioner is requesting Conditional Use approval for filling in conjunction with the construction of two single-family residences.

Mr. Mace identified the area as being in the floodplain of the Bark River, requiring the first floor of the residence to be 2 ft. above the 100-year flood elevation, and thus necessitating the placement of fill on the property. Mrs. Haukohl and Mr. Goodchild questioned whether the fill would create more runoff onto the neighboring lots and if we normally allow development in a floodplain? Mr. Mace replied there is a swale between the properties and the small amount of fill around the home will not affect the floodplain elevation. The Ordinance allows development on existing lots under certain conditions; meaning that if a house is allowed to be built, it must be above the floodplain elevation so as not to impact the construction. Mr. John Rooney, of Stonebank Development, added he had a surveyor extend the topography to the neighboring lots on the Site Grading and Erosion Control Plan to indicate the grades and there should be no adverse drainage onto the adjacent lots.

After a brief discussion, Mrs. Willert moved, seconded by Mr. Goodchild 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.

- **2:00 p.m. Discuss procedure of the Resolution process for the Waukesha County Development Plan Amendments** *by Thomas Farley, Waukesha County Corporation Counsel*

A lengthy discussion ensued regarding the Resolution process for the Development Plan Amendments. It was decided the Resolution would go through as an affirmative action, with a signature sheet and an attachment indicating the Commission's vote for each issue.

- **SCU-1426 (Whitetail Hills Add. No. 1) Town of Merton, Section 2**

Mr. Mace presented the "Staff Report and Recommendation" dated April 20, 2006, and made a part of these Minutes. He pointed out the location of the property in part of the SE ¼ of Section 2, T8N, R19E,

Town of Merton on the aerial photograph and stated the petitioner is requesting Conditional Use approval for a Planned Unit Development for a single-family residential development referred to as Whitetail Hills Add. No. 1, on the portion of the property located within the Waukesha County Shoreland and Floodland Protection Ordinance jurisdictional limits.

Mr. Mace indicated this is an extension of Whitetail Hills subdivision, located immediately to the east. The Development Plan, which has been submitted for our review, indicates there will be no intrusion of roads or home sites in the Primary Environmental Corridor, while maintaining at least 50% of the site in the open space. Mrs. Haukohl asked if this was conditioned anywhere? Mr. Mace replied it was in the Land Use Amendment that was passed last year. Mrs. Haukohl questioned the Ordinary High Water Mark determination that needed to be conducted? Mr. Mace answered it is being done now; the determination may result in the floating bog becoming part of the lake.

After a brief discussion, Mr. Goodchild moved, seconded by Mrs. Schuh 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.

- **CU-0004A and PO-06-OTWT-1 (Dennis Lutynski/Skydance Pet Lodge aka Skydance Kennels) Town of Ottawa, Section 34**

Mr. Mace presented the "Staff Memorandum" dated April 20, 2006, and made a part of these Minutes. He pointed out the location of the property at W367 S5519 S.T.H. 67, Town of Ottawa on the aerial photograph and stated the petitioner is requesting Conditional Use and Site Plan/Plan of Operation approval to expand the commercial dog kennel operation on the property to include additional kennels, parking, a two-story office area and a pool area.

Mr. Lutysnki read the Staff Memorandum and asked which conditions were being questioned; as he was under the impression the Town had approved his request? Mr. Mace commented he did not know which ones were in question as there were no approved Town Minutes in the file, only a Draft copy of the Staff's conditions, which he presented to Mr. Lutynski for review. Mrs. Haukohl asked if it was possible to settle the request before the Town's June 5th meeting? Mr. Goodchild replied the Town cutoff is four (4) weeks before a meeting. He felt it was unfair for the petitioner to have to wait till June for approval to start his new building, as material costs could escalate and if the request needed to go back to the Plan Commission, they have a special meeting. He perceived the main concern of the Town and the State to be the number of dogs and the noise that could be generated, as it would abut the Ottawa Lake campground. Mr. Lutynski presented a brief history of the facility and outlined his proposed plans, with drawings and Site Plans. Mr. Kolb asked if it was possible to give approval of his request, subject to conditions, so Mr. Lutynski could start construction? Mr. Mace replied that it is up to the Staff to work out the details and make a recommendation and at this point there are still concerns that need to be resolved. It was decided the Staff should present a report at the May 4th Commission meeting to clarify some of the concerns.

After a brief discussion, Mrs. Willert moved, seconded by Mrs. Schuh and carried unanimously to refer the matter back to the Town Plan Commission for clarification of conditions and to have the Planning and Zoning Division Staff prepare a report identifying the issues of concern and present the report at the May 4, 2006, Park and Planning Commission meeting.

- **SCU-1428 (Scott and Kristin Beckwith) Town of Eagle, Section 33**

Mr. Mace presented the "Staff Report and Recommendation" dated April 20, 2006, and made a part of these Minutes. He pointed out the location of the property at S103 W37879 Betts Rd, Town of Eagle on the aerial photograph and stated the petitioner is requesting Conditional Use approval to operate a commercial horse-boarding stable.

Mr. Mace explained the horse-boarding stable has been operating for a number of years under different ownership. There has been a recent change in owners, thereby requiring a new Conditional Use Permit. It is an extremely well kept and maintained operation with no complaints in over 10 years of its existence. All conditions of the original Conditional Use Permit would remain the same.

After a brief discussion, Mrs. Schuh moved, seconded by Mrs. Willert 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.

- **PO-06-EGLT-1 (Scott and Kristin Beckwith) Town of Eagle, Section 33**

Mr. Mace presented the "Staff Report and Recommendation" dated April 20, 2006, and made a part of these Minutes. He pointed out the location of the property at S103 W37879 Betts Rd, Town of Eagle on the aerial photograph and stated the petitioner is requesting Site Plan/Plan of Operation approval in conjunction with SCU-1428 to operate a commercial horse-boarding stable.

After a brief discussion, Mrs. Schuh moved, seconded by Mrs. Willert 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.

- **PO-03-OCOT-18 (Mission Lakes) Town of Oconomowoc, Section 36**

Mr. Mace presented the "Staff Memorandum" dated April 20, 2006, and made a part of these Minutes. He pointed out the location of the property at N50 W34851 Wisconsin Avenue, Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting an amendment to PO-03-OCOT-18 to include two (2) larger well houses and one (1) additional outside parking stall.

Tim Mikehlic explained the original Site Plan for Mission Lakes had a raised concrete reservoir and a well house. The DNR has now requested they have two (2) wells instead; the reason being there would be a back up if one of them failed. This created the need for larger well houses to allow room for the pressure tanks. Mark Powers of Lake Country Engineering has surveyed the site and verified there is a large enough turning radius for the fire trucks to maneuver around. Currently a gravel path is being installed for the Fire Dept.'s use. Mission Lakes has also installed a pump house, which they donated to the Fire Dept., with the capability of delivering 2,000 gallons a minute. It charges the fire hydrants on site for both the Town's use and for the sprinkler system throughout the project.

After a brief discussion, Mr. Goodchild moved, seconded by Mr. Kolb and carried unanimously for approval of the amended Site Plan, 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.

MISCELLANEOUS

- **Amend the Regional Water Quality Management Plan for the Village of Mukwonago**

Mr. Mace presented the "Amendment to the Regional Water Quality Management Plan for the Village of Mukwonago" dated March 2006, and made a part of these Minutes.

Mr. Mace indicated the purpose of the amendment is to include within the planned sewer service area certain lands located immediately adjacent to, but outside of, the currently adopted sewer service area. He outlined the area to be added on the aerial photograph and indicated the extension would include the Heaven City property and lands south of C.T.H. "ES". Mrs. Haukohl asked if creating the sewer extension would allow for greater densities in the Village? Mr. Mace replied," Yes". She expressed concern with the increased densities and the extension going into environmentally sensitive areas.

After discussion, Mrs. Willert moved, seconded by Mr. Goodchild and carried with 4 yes votes, (Mrs. Haukohl voted no), for approval in accordance with the "Regional Water Quality Management Plan for the Village of Mukwonago".

- **Amend the Regional Water Quality Management Plan for the Village of Sussex and Environs**

Mr. Mace presented the "Amendment to the Regional Water Quality Management Plan for the Village of Sussex and Environs" dated March 2006, and made a part of these Minutes.

Mr. Mace indicated the purpose of the amendment is to include within the planned sewer service area certain lands located immediately adjacent to, but outside of, the currently adopted sewer service area and represents a minor increase of about 100 persons in Area A on the map and Area B is anticipated to accommodate future commercial development.

After discussion, Mr. Goodchild moved, seconded by Mrs. Willert and carried unanimously, for approval in accordance with the "Regional Water Quality Management Plan for the Village of Sussex and Environs".

- **(James and Amy Schmidt) Town of Merton, Sections 12 and 13**

Mr. Mace presented the "Staff Memorandum" dated April 20, 2006, and made a part of these Minutes. He pointed out the location of the property at W288 N8025 Park Drive, Town of Merton on the aerial photograph and stated the petitioner is requesting approval for a retaining wall within 5 ft. of the property line (from the January 27, 2005, meeting).

Mr. Mace explained that on January 27, 2005 the Commission approved the petitioners request for after-the-fact retaining walls within 5 ft. of a property line, however there has been an ongoing civil dispute with the Doyle's, their neighbors, regarding the property line. On March 9, 2006 the Court issued a ruling stating a survey prepared by Benchmark Surveying was a true and correct representation of the boundary lines between the properties. Ms. Mount was present to answer some of the Commissions questions. Mr. Goodchild asked if the judge's ruling was filed in the Register of Deeds office, indicating the final map? Mrs. Schuchardt answered there are further proceedings scheduled for May 9, 2006, so the order is not recorded but the order accepted the survey, therefore identifying the boundary line to see if the wall was a proper distance from it. Mr. Doyle commented the walls encroach on his property. Ms. Mount replied that the encroaching walls have been moved and are no longer in the location indicated on the survey; he was looking at an old one. The correct map is "Exhibit B/C". The reason the Staff is asking for an As-Built survey is to determine if it does or does not encroach. She reminded all parties that the request currently before the Commission is to allow a retaining wall within 5 ft. of the property line. The Staff is making a recommendation to allow it with certain conditions. If the conditions are

complied with, there will not be any adverse effects on the Doyle's property. Mr. Kolb asked if the Doyles were agreeable with the request? They replied, "No". Mr. Mace added that normally neighbors are not asked for permission to place a wall closer to their lot line when a request is made from an adjacent property owner. Ms. Mount reiterated that the Ordinance does allow it, as long as it does not create any adverse conditions and subject to Commission approval. Mrs. Haukohl commented the Commission needs to determine if it would be fair to allow the retaining wall as conditioned and look beyond the history of the Schmidt's and their neighbors. Mr. Goodchild noted per the survey, the retaining wall is very small. Atty. Schuchardt reminded the Commission the request has already been approved and the Staff, with the current conditions of approval, is only trying to ensure that at 2 ft. the wall will not have any negative effect on the adjacent property.

After a brief discussion, Mrs. Willert moved, seconded by Mr. Kolb for approval, as conditioned, in accordance with the "Staff Memorandum".

Further discussion ensued with Mr. Doyle expressing concern with the approval, stating he believes the wall still encroaches on his property. He had concerns with erosion caused by the wall and drainage from the Schmidt's roof. Ms. Mount replied the only erosion issues before the Commission are from the retaining walls, and as conditioned, they will not cause any adverse effects or erosion. The Land Resources Staff has checked the site, and they see no problems allowing the wall. Mr. Doyle proceeded to detail the court case and history of his complaints. Ms. Mount reminded the Commission in their last approval they recommended the Staff look into doing an Assessors Plat of the area, as there was a problem with the lot lines. It was determined by Corporation Counsel that the situation did not warrant one. The judge has now made a judgment as to the survey. She pointed out in a correspondence dated April 7, 2006 from Atty. Gutenkunst, the Doyle's attorney; they had specifically asked the Commission to require the placement of a retaining wall 2 ft. from the mutual boundary lines, as long as it does not cause any adverse drainage. Mr. Doyle replied he was misunderstood; it should have been 5 ft. Mrs. Schuh asked if Mr. Doyle received a permit to make modifications to his plans? Ms. Mount answered he did not need any permits to move the wall, as he was trying to comply with the previous conditions of the Commissions approval. The Staff is suggesting an As-Built Survey to verify the retaining wall is no closer than 2 ft. from the property line.

Mrs. Willert called for the question, seconded by Mr. Goodchild and carried unanimously.

The motion carried with 4 yes votes (Mrs. Schuh 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 County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mrs. Schuh moved, seconded by Mrs. Willert to adjourn at 3:55 p.m.

Respectfully submitted,

Pat Haukohl
Secretary

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