

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, NOVEMBER 29, 2007, 1:00 P.M.**

CALL TO ORDER

Pat Haukohl, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Pat Haukohl Gary Goodchild Walter Kolb Walter Baade
 Bonnie Morris Ellen Gennrich Betty Willert

Commission

Members Absent: None.

Staff

Members Present: Richard L. Mace, Planning and Zoning Division Manager
 Duane Grimm, Park System Manager
 Kathy Brady, Secretary Supervisor
 Amy Barrows, Senior Land Use Specialist

Guests Present: Martin Rozeski Sandy Campbell Diane Zakrezewski Dick Rogers
 John Stigler

CORRESPONDENCE: None.

MEETING APPROVAL None.

MINUTES

- *Mrs. Morris moved, seconded by Mr. Goodchild and carried unanimously for approval of the October 18, 2007, Minutes, as corrected.*

PUBLIC COMMENT

Chairperson Haukohl asked if anyone from the audience wished to address the Commission? There being none, she moved to the next item on the agenda.

SCHEDULED MATTERS

- **1:05 p.m. Bioretention and Other Stormwater Techniques
 by Perry Lindquist, Land Conservation Manager**

Mr. Lindquist's presentation included some of the more current trends in stormwater treatment such as infiltration basins/trenches, rain gardens, utilization of native plants, bioretention and green roofs. The Commission thanked Mr. Lindquist for the informative presentation.

- **1:45 p.m. 2008 Colonial Encampment at Naga-Waukee Park - October 4 and 5, 2008**
 - **Waiver from Section 14-156(a) to allow the discharge of simulated black powder firearms and cannons.**
 - **Waiver from Section 14-156(c) to allow campfires in a non-designated area.**
 - **Waiver from Section 14-162(b) to allow overnight camping in a non designated camp area.**

Mr. Grimm, Park System Manager, said the reenactment event will be held at Naga-Waukeez Park on October 4 and 5, 2008. There would be one to two battles per day, lasting approximately 20 to 30 minutes each. The Fire Department and EMT's will be on site during the battles. Approximately 20 campfires would be needed for the event. There would be four to five cannons/50 to 100 muskets firing powder only. It is estimated that approximately 3,000 persons would attend some aspect of the events. School groups would be invited to attend the event for educational demonstrations. Five portable toilets will be provided. The charge for the event will be \$5.00 per carload at the entrance and the County would receive half (\$2.50) which is the normal fall entrance cost. The sponsors of the event will provide volunteers to assist with parking and clean up of the grounds afterwards. Mrs. Morris expressed concerns with the noise from the event and felt the adjacent neighboring properties should be notified of the event. Mr. Kolb asked if a Certificate of Insurance would be required, to which Mr. Grimm replied, "Yes". Mrs. Morris asked, if a person would be able to utilize the park on these particular days? Mr. Grimm responded, "Yes," the park will be open as usual (\$2.50 fee) and if someone would like to attend the event, the volunteers will direct traffic to specific parking areas. Mrs. Gennrich asked, if campsites are going to be built outside of the allowed campsite area, wouldn't it cause damage to the park and who would be responsible for repairing any damage? Mr. Grimm answered, the event sponsors will repair the areas back to their original condition.

After discussion, Mr. Kolb moved, seconded by Mr. Goodchild and carried by a vote of 6 to 1 (Mrs. Gennrich voted against) for approval of the waiver from Section 14-156(a) to allow the discharge of simulated black powder firearms and cannons at the 2008 Colonial Encampment event to be held at Naga-Waukeez Park on October 4 and 5, 2008, subject to the following condition:

- *The Waukesha County Department of Parks and Land Use – Parks Division will supply the petitioner with a list of adjacent neighbors to be notified of the event.*

Mrs. Morris moved, seconded by Mrs. Willert and carried unanimously, for approval of the waiver from Section 14-156(c) to allow campfires in non-designated areas at the 2008 Colonial Encampment event to be held at Naga-Waukeez Park on October 4 and 5, 2008.

Mr. Baade moved, seconded by Mr. Goodchild and carried unanimously, for approval of the waiver from Section 14-162(b) to allow overnight camping in non designated camp areas at the 2008 Colonial Encampment event to be held at Naga-Waukeez Park on October 4 and 5, 2008.

- **ZT-1666 (Circle C-Z Plaza, LLC) Town of Eagle, Section 25 (A-T Agricultural Land Preservation Transition and C-1 Conservancy Districts to the RRE-1 Residential Rural Estate and C-1 Conservancy Districts)**

Mr. Mace presented the "Staff Report and Recommendation" dated November 29, 2007, and made a part of these Minutes. He pointed out the location of the property, between Sprague Road and Jericho Creek in the Town of Eagle on the aerial photograph.

Mr. Mace said the petitioner is proposing a residential subdivision containing 21 lots and two outlots. He pointed out Jericho Creek located on the east end of the property and indicated there are steep wooded slopes along the creek (approximately 40' to 50' in elevation). The rest of the property is fairly flat with good soils for private onsite waste systems. Access to the development would be from Sprague Road and through the development to the north via Jacobs Lane. Mr. Goodchild noted the development is not considered a Planned Unit Development (PUD) because there would not be any commonly owned open spaces by the 21 lot owners. He mentioned, since the development to the north has outlots bordering this project, what was the reason for not having common ownership along a sensitive

environmental area. Mr. Mace replied that he was unsure, and indicated he would have preferred that it be developed that way, however, it cannot be mandated due to the Village of Eagle's Extraterritorial Land Use Plan which overrides the County's.

Mr. Stigler from Jahnke and Jahnke, indicated that the developers intend to live on one of the lots adjacent to Jericho Creek and the open space would be under their supervision with restrictions (ie. clear cutting, not introducing vegetation that is not native, etc.) listed on the plat. Chairperson Haukohl asked what happens to the restrictions if the lot is sold? Mr. Stigler replied that the restrictions would be recorded on the plat in perpetuity. He said the petitioner felt they would be the best stewards of the land. Mrs. Gennrich asked if 21 lots is the maximum number of lots allowed under the RRE-1 zoning? Mr. Mace answered, that mathematically, 33 lots would be allowed, however, with the requirement of three acres per lot minimum, considering the configuration of the site and the steep slope limitations on the east end of the site, only 21 lots are being proposed. He noted there were no conditions mentioned in the Village or Town Board action to limit the number of lots, although the concept plan with 21 lots was discussed.

Ms. Zakrezewski, petitioner/owner said the purpose of three acre lots vs. a PUD in the development was to keep the area near Jericho Creek protected and pristine. She and her son intend to retain two lots abutting the creek to build homes on. The family is looking to preserve the area near the creek and welcomed any additional conditions on the Deed.

Chairperson Haukohl expressed concerns for the lands abutting the creek for future ownership if the land is sold. She felt there should be some type of conditions/restrictions protecting that particular area in perpetuity. Mr. Mace explained that the Commission cannot place restrictions on the rezone, the matter would have to be referred back to the Town Board for them to place any restrictions on the property. Mrs. Gennrich and Mr. Goodchild also expressed concerns regarding the protection of the environmental corridor and Jericho Creek. Mrs. Morris said if the Town had concerns about this issue they would have placed conditions on the rezone. She agreed with the property owner in that they do not want 21 other lot owners utilizing/disturbing the environmental corridor. In addition, the Deed Restriction will be placed on the face of the Plat. Mr. Kolb agreed with Mrs. Morris and felt the petitioners were being responsible. Mr. Goodchild asked what the restrictions were? Mr. Mace replied that it would be decided upon during the Plat review.

After discussion, Mr. Kolb moved, seconded by Mrs. Morris for approval, in accordance with the "Staff Report and Recommendation". The motion was defeated by a vote of 4 to 3 (Chairperson Haukohl, Mr. Goodchild, Mrs. Willert and Mrs. Gennrich voted against the approval).

After further discussion, Mrs. Gennrich moved, seconded by Mrs. Willert and carried unanimously to reconsider the above mentioned denial.

After additional discussion regarding referring the matter back to the Town, Mr. Goodchild moved, seconded by Mrs. Willert and carried unanimously to refer the matter back to the Town Board of Eagle with the suggestion of adding conditions/restrictions for the future development and uses on the Environmental Corridor area (eastern portion of the property) adjacent to Jericho Creek.

• **PO-07-VNT-08 (Cricket Communications) Town of Vernon, Section 25**

Mr. Mace presented the “Staff Report and Recommendation” dated November 29, 2007, and made a part of these Minutes. He pointed out the location of the property at W224 S10030 Big Bend Drive in the Town of Vernon on the aerial photograph, and stated the petitioner is requesting Site Plan/Plan of Operation approval for the co-location of three (3) antennae on an existing lattice tower and an equipment platform at the base of the tower.

Mr. Mace said there are currently three wireless providers utilizing the tower. Cricket Communications is proposing to co-locate on the existing tower and construct an equipment platform at the base of the tower.

After discussion, Mrs. Gennrich 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.

• **(Martin Rozeski) Town of Vernon, Section 33**

Mr. Mace presented the “Staff Memorandum” dated November 29, 2007, and made a part of these Minutes. He pointed out the location of the property in the Town of Vernon on the aerial photograph, and stated the petitioner is requesting approval for the creation of two (2) lots not abutting a public road as defined in the Zoning Code.

Mr. Mace said the petitioner is proposing to divide the eight-acre parcel into two lots. There are several buildings located on the parcel, some of which have been removed. Mr. Rozeski, petitioner, confirmed that the large riding arena building has been removed. Mrs. Morris noted that the Certified Survey Map was revised on July 31, 2007. She wondered why the proposed division was not done at that time? Mr. Rozeski replied at that time, he was not aware that the parcel could possibly be divided into smaller parcels because the eight acre parcel was considered a lot not abutting a public road. Because there is environmental corridor, there is enough land for three land divisions. He decided to divide the eight-acre parcel into two parcels and his remaining residence would be approximately six acres in size. Mr. Mace explained the petitioner has a total of 15 acres between the existing Lots 1 and 2. Mr. Goodchild said on the original recorded Certified Survey Map No. 10433, Note No. 3, states that the zoning for Lot 1 is EC and RRD-5. He asked what the minimum acreage for RRD-5 is? Mr. Mace replied, there is a one acre minimum lot size for that category, but the density is one unit per five acres. Mr. Goodchild said the petitioner does not have two lots anymore. Mr. Mace said the building area is appropriate and outside of the Primary Environmental Corridor (PEC) and no building can take place in the PEC because there are restrictions noted on the proposed CSM. Mr. Goodchild said that Lot 1 is a recorded parcel with its own Tax Key Number and Lot 1 has nothing to do with Lot 2. He asked, if Lot 1 is RRD-5 and only eight acres in size, how can it be made into two lots? Mr. Mace replied that the existing Lot 2 is included in the density formula for the total 18 acres owned. He further explained that the division of Lot 1 is part of a total division including Lots 1 and 2. Mr. Rozeski said he still owns 15 acres of property (density of three acres) and he could sell density to someone else under the A-D 10 category. He added, that Lot 2 containing his residence, is going to be restricted because he is using all of the 15 acre density to justify three lots. Mrs. Willert said the total size of Lots 1 and 2 is 14.8 acres, not 15 acres. Mr. Rozeski said he has 15 acres because he had another parcel of land which exceeded three densities and was deed transferred to this parcel.

Ms. Barrows, Senior Land Use Specialist, explained that Mr. Rozeski owns several other surrounding parcels which allows him the number of lots being proposed. When the parcel to the north was divided off, there was a note on the Deed that stated it can be developed in the future into three lots. There was a

recorded agreement between Mr. Rozeski and the Town of Vernon that when he sold off the parcel to the north he would get the one acre density to add to Lots 1 and 2 to make it 15 acres. Chairperson Haukohl said that Condition No. 1 states there would not be approval unless there is a Resolution by the Town Board. Mr. Mace added that the Town's Ordinance requires them to make a finding which Staff feels has not been accomplished. It was approved by the Town without a finding. Mr. Goodchild clarified, that the petitioner is proposing undoing CSM No. 10433 and creating a new CSM that redivides Lots 1 and 2 using the density from lands owned by the petitioner 1,000 to the north. Ms. Barrows said that was correct. Mr. Goodchild suggested a note be added stating the density calculation is based on the transfer of development rights from the parcel 1,000 to the north. Ms. Barrows also suggested that a condition be added that the Planning and Zoning Division Staff review and approve the CSM.

After discussion, Mrs. Morris moved, seconded by Mrs. Gennrich and carried unanimously for approval, as conditioned, in accordance with the "Staff Memorandum" with an added Condition No. 5 to read as follows:

5. *The Waukesha County Department of Parks and Land Use – Planning and Zoning Division Staff shall review and approve the Certified Survey Map (CSM). A note shall be placed on the CSM documenting the source for the density allowance. Existing Lots 1 and 2 of CSM No. 10433 must be included and a note shall be added to the face of the CSM stating that no further division shall be allowed.*

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.

• **SCS-1047 (Walter Schmidt) Town of Oconomowoc, Section 25**

Mr. Mace presented the "Staff Memorandum" dated November 29, 2007, and made a part of these Minutes. He pointed out the location of the property located at W346 N5602, N5604, N5608 and N5610 Lake Drive in the Town of Oconomowoc on the aerial photograph, and stated the petitioner is requesting a waiver from the requirement to locate adjacent buildings on a Certified Survey Map (pursuant to Sec. 9 of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance).

Mr. Mace said that showing the buildings on the adjacent lot to the north on the Certified Survey Map would be of no value and added that the Planning and Zoning Division Staff recommends approval of the request.

After a brief discussion, Mrs. Gennrich moved, seconded by Mrs. Morris 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, Mrs. Morris moved, seconded by Mrs. Willert to adjourn at 3:35 p.m.

Respectfully submitted,

Betty Willert
Secretary

BW:kb

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