

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, 1320 PEWAUKEE RD., ROOM 255/259
THURSDAY, JANUARY 24, 2008, 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 Jim Siepmann
 Walter Baade Walter Kolb Robert Hamilton
 Bonnie Morris (Arrived at 3:00 p.m.)

Commission

Members Absent: Betty Willert

Staff

Members Present: Richard L. Mace, Planning and Zoning Division Manager
 Jason Fruth, Senior Planner
 Elfriede Sprague, Clerk III
 Amy Barrows, Senior Land Use Specialist

Guests Present: Jerry Erdmann Henry Elling Robert Gummer
 Brad Voght Marc Wilson Ella Wilson
 Brian Glenzinski Dave Falstad Craig, Westridge Builders

CORRESPONDENCE: None.

MEETING APPROVAL: None.

MINUTES:

- *Mr. Baade moved, seconded by Mr. Kolb and carried with 4 yes votes for approval of the December 13, 2007, Minutes. (Mr. Siepmann and Mr. Hamilton did not vote as they were not present at the meeting)*

- *Mr. Goodchild moved, seconded by Mr. Siepmann and carried with 5 yes votes for approval of the January 10, 2008, Minutes. (Mr. Hamilton did not vote as he was not present at the meeting)*

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.

• **CZ-1663 (Irene Boschuetz) Town of Oconomowoc, Section 20 (A-5 Mini Farm District to the R-3 Residential District with C-1 Conservancy District to remain unchanged)**

Mr. Mace presented the “Staff Report and Recommendation” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property east of Pennsylvania Street and south of S.T.H. 16 in the Town of Oconomowoc on the aerial photograph.

Mr. Mace stated the unusually shaped parcel contains steep slopes, wetlands and conservancy, and presents some problems to develop. Mrs. Haukohl asked how the concept of duplexes fit into the surrounding area uses? Mr. Mace answered the general area does not have any, however with this parcel being next to the highway, Town Road and the golfcourse; it would be an appropriate use for the site. Mr. Goodchild asked if the area is serviced by sewer? Mr. Mace replied, “No”, however, there is a possibility the City of Oconomowoc sewer could service the parcel through the Village of Lac La Belle. The Lac La Belle Golf Course clubhouse, which borders the property on the east, is sewered. Mr. Siepman questioned soil suitability for onsite septic systems. Mr. Mace activated the soils layer on the GIS system and identified areas that might be acceptable for onsite sanitary systems. Mr. Siepman commented access to the proposed development would probably be via an extension of Foster Dr.; is the Town aware of the impact this may have on the wetland areas? Mr. Mace replied, this rezoning is just to allow the land to be developed in the future. A Development Plan has not been prepared, if and when this parcel is developed, the Town and County will have to review the issues of soils, waste management, roads, setbacks etc. The Staff has conditioned that any development of more than one (1) residence be a Planned Unit Development (PUD), which would require a Conditional Use Permit from the Town and County. Meeting the required setbacks for a conventional development on the parcel would be difficult and may require variances, but the PUD allows the standards to be flexed.

After discussion, Mr. Kolb motioned, seconded by Mr. Hamilton 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 her land and meets the intent and purposes of all County Ordinances.

• **ZT-1667 (Dennis and Carol Banaszak) Town of Waukesha, Section 19 (R-1 Residence District to the R-E Residence Estate District)**

Mr. Mace presented the “Staff Report and Recommendation” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property in the Town of Waukesha, west of Green Country Road and south of S.T.H. 59 on the aerial photograph.

Several questions arose regarding the history of the outlot; how it became divided into 4 parcels and why it is not developed. Mr. Mace identified the parcels on the GIS and gave a brief history. He stated the soils on the parcel make development difficult and presented the original plat of Honey Acres, identifying a restriction placed on Outlot 1 stating: “The construction of buildings for human habitation shall be prohibited on Outlot 1, Block 2, until public sewers become available or until separate review and approval has been obtained from the Division of Health, Dept. of Health and Social Services. The installation of soil absorption systems for septic tank effluent disposal is prohibitedunless approved by the Div. Of Health, Dept. of Health and Social Services, restricting development until sewer became available.” Access to the outlot was questioned. He pointed out Mr. Banaszak’s main residence/lot and explained access to the outlot would be across this parcel. The two lots will be combined by Ordinance; however no Deed Restriction or Certified Survey Map is being required. The current zoning permits one acre residential lots, whereas the

proposed zoning requires three acre lots, allowing horses. There were several neighbors present at the Town hearing (per the Town Minutes) who expressed some concerns that this would become a boarding operation. The Ordinance prohibits this use and the Town feels it should not be an issue.

After discussion, Mr. Goodchild moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned by the Town, 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.

- **SZT-1586B (Extencicare) Town of Summit, Section 22 (R-3 Residential District to the P-I Public and Institutional and B-2 Local Business Districts (Shoreland) with other lands to remain C-1 Conservancy District and from the MF-2 Multi-Family Residential District to the NC Neighborhood Commercial District with an amended Planned Development Overlay District (Town)**

Mr. Mace presented the “Staff Report and Recommendation” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property south of C.T.H. "DR" and east of S.T.H. 67 in the Town of Summit on the aerial photograph.

Mr. Fruth explained the properties were the subject of 2007 and 2005 Land Use Plan Amendments. The 2005 amendment authorized mixed-use development on the site including residential, retail and office uses. The 2007 Amendment expanded the terms of the prior amendment to authorize institutional uses as an additional permitted use, which includes the Senior Care Campus for Extencicare; a one story skilled nursing home and a two story assisted living facility. The land use designation of the western portion of the property fronting S.T.H. 67 and C.T.H. “DR” is Commercial, while the easterly acreage is shown as Medium Density Residential. The area to the north of Upper Genesee Lake is designated as Primary Environmental Corridor. A condition of the 2007 Land Use Plan Amendment is that structures adjacent to Silver Maple Lane must maintain a 100’ setback from the Silver Maple Lane right-of-way line. Extencicare has prepared a detailed Landscaping and Berming Plan, creating extensive buffering. At the public hearing the issue of the loading docks arose; the developer of the larger project (Jerry Erdmann) said he would be agreeable to potentially negotiating the delivery time schedule. Another minor area of change is close to where the park and ride drive entrance is; per his understanding this is because a potential specific end user had some additional acreage requirements, necessitating a change from the Residential classification to the Commercial classification. Mr. Erdmann has also requested that the lands operating as a park and ride lot be included in the proposal and designated Commercial, even though he has not firmed up a proposal or purchase agreement with the State Dept. of Transportation (DOT). Also, the DNR has determined that the small area previously identified as wetlands (a small pothole), is not. The Town has forwarded an Ordinance to the County, with a large number of conditions. They have requested the County simply adjust their conditional use recommendations to modify the terms that needed adjustment after the last session.

After discussion, Mr. Siepmann moved, seconded by Mr. Baade 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-1413B (Extendicare) Town of Summit, Section 22**

Mr. Mace presented the “Staff Report and Recommendation” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property south of C.T.H. "DR" and east of S.T.H. 67 in the Town of Summit on the aerial photograph and stated the petitioner is requesting Conditional Use approval for an amendment to a Mixed Planned Unit Development.

Mrs. Haukohl noted that the Staff Recommendation states “stormwater management must be carefully considered for this development. Because parcels are likely to be owned by different parties and stormwater facilities within the institutional portions of the development are likely to receive stormwater from the commercial development, all contributing owners must be held accountable for stormwater management measures. The petitioner is proposing a master association in order to address the stormwater responsibility issue.” She felt a master association should be a condition of approval. The Commission agreed to modify Condition No. 12 to reflect the creation of a Storm Water District.

Mr. Siepmann moved, seconded by Mr. Hamilton for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a modification to Condition No. 12 requiring the creation of a Storm Water District.

Mr. Elling, Town of Summit Planner, spoke regarding two other conditions. The first in regards to Condition No. 5 B’s last line stating, “Lighting fixtures must be consistent throughout the commercial portion of the development”. There was a preliminary presentation after the public hearing and decorative light fixtures were discussed for the main road, however there is separate lighting for the parking lot. The use of the verbiage “must be consistent” may restrict the type of lighting and presents a challenge. Mr. Fruth explained it is a unified development and the County and Town need to set a standard, however the County would not be adverse to considering two different lighting schemes, as long as they are matching or compatible. The intent of the condition is to eliminate the possibility of each retailer establishing their own lighting scheme. The Commission agreed to amend the condition.

Mr. Elling noted Condition No. 16 requires both the Town and County to approve the central landscape/gazebo plan. He questioned whether the County really needs to also approve the plan. Mr. Fruth commented the conditional use approval is for the entire project and the County would like to see some type of central feature/green space; however, it is not necessary for the Staff to approve the plans for that structure as it is well outside the County’s Shoreland and Floodland Protection Ordinance jurisdiction. The Town’s approval would suffice.

After discussion, Mr. Siepmann moved to withdraw his previous motion, seconded by Mr. Hamilton and carried unanimously for withdrawal.

Mr. Siepmann moved, seconded by Mr. Hamilton for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with modifications to Conditions No. 5B, 12 and 16 to now read:

- 5. B. A lighting and photometrics plan must be provided for the senior care campus and the commercial development area. Plans must specify style and height of lighting fixtures and location of fixtures and poles. Parking lot lighting must be shielded downcast fixtures with zero degree tilt. No light spillage shall occur onto neighboring properties along Silver Maple Lane. Lighting fixtures for parking areas must be consistent throughout the commercial portion of the development.*

- 12. All requirements of the Waukesha County Stormwater Management and Erosion Control Ordinance must be complied with, and a Stormwater Permit must be obtained prior to issuance of a Conditional Use Permit. The allocation of responsibility for stormwater facilities must be to the satisfaction of the Waukesha County Land Resources Division. A Master Association for the long term care and maintenance of the stormwater facilities on the site shall be created and all property owners made a part thereof.*

- 16. The central gazebo or landscape feature plans shown on the commercial portion of the development shall be provided to and approved by the Town of Summit.*

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-1416A (Safway Services) Town of Genesee, Section 7**

Mr. Mace presented the “Staff Report and Recommendation” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property at S24 W33285 Sutton Ridge Court, Town of Genesee on the aerial photograph and stated the petitioner is requesting approval for after-the-fact earth-altering activities in conjunction with the construction of a pond.

Mrs. Barrows presented a brief history of the proposal, stating that in 2005, the Wilson’s requested conditional use approval for earth-moving activities in conjunction with the construction of an outdoor riding arena, berms and a pond. After the public hearing, the petitioners withdrew their request due to concerns regarding the filling of the pond with well water. Mr. Wilson is now proposing a pond which is less than ¼ acre in size and will be approximately 4-5 ft. deep in the center. The pond will be natural and fed only by runoff from the barn, surrounding areas and any naturally occurring groundwater seepage. The petitioner has agreed to have a dry pond at times of the year.

Mr. Wilson commented he is agreeable with the conditions of the Staff Report and Recommendation; however he requested that Condition No. 8 be amended. He did not feel he could submit a Landscaping Plan, especially if it was for his entire property, and get all the plantings completed by the deadline of June 30, 2008. Mr. Mace asked if a Landscaping Plan for the pond area would be a problem? Mr. Wilson replied, he would be agreeable to that. Mrs. Barrows suggested an interim Landscaping Plan be submitted by June 30, 2008 and then a long term plan. She reminded the Commission that the original Conditional Use approval for the entire earth-altering activities on the parcel also required Mr. Wilson comply with a Landscaping Plan, and a Conditional Use Permit still has not be issued. That approval required a Landscaping Plan be reviewed and approved, and this

still needs to be done. She suggested the deadline be amended to say the “pond landscaping shall be done by June 30, 2008”. Mr. Wilson stated he has a Landscaping Plan ready for submittal and could have the pond plantings finished by the deadline. Mr. Mace noted this is a Town condition and therefore we cannot change it. It was felt the Town’s intent was for the site to be restored/stabilized with vegetation and not the entire property. After further discussion, the Commission instructed the Staff to contact the Town for clarification of their Condition No. 7, whether it meant Mr. Wilson needed to have his entire 40 acre parcel planted or just the area around the pond by the June 30, 2008 deadline.

After discussion, Mr. Goodchild moved, seconded by Mr. Siepmann and carried unanimously for approval, in accordance with the “Staff Report and Recommendation, as conditioned, and also directing the Staff to contact the Town of Genesee for clarification of the intent of the Landscaping Plan completion date, whether it was for the petitioners entire 40 acre parcel or just the pond area. The approval of this request, as conditioned, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SCU-1478 (Brad and Nicole Bayerlein) Town of Merton, Section 23**

Mr. Mace presented the “Staff Report and Recommendation” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property at N65 W29960 Trumpet Lane, Town of Merton on the aerial photograph and stated the petitioner is requesting approval for earth-altering activities in conjunction with the construction of a single family residence.

Craig, the representative from Westridge Builders, explained the owners wish to orient their house to take advantage of the view of the Environmental Corridor, rather than their neighbor’s back yard. This change in orientation requires several feet of cuts and a large amount of grading to accommodate the home and the basement level garage. The rotation of the residence would not create any disturbance of the Environmental Corridor or cause any adverse drainage. He wished to state for the record, that he had just submitted the required Landscape Plan to Sheri Mount, prior to the commencement of today’s Commission meeting.

After discussion, Mr. Goodchild 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 petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SCU-1477 (Wisconsin Department of Natural Resources) Town of Eagle, Section 9**

Mr. Mace presented the “Staff Report and Recommendation” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property in the Kettle Moraine State Forest, north of Wilton Road and 0.7 miles west of S.T.H. 67, Town of Eagle on the aerial photograph and stated the petitioner is requesting approval for earth altering activities in conjunction with a wetland and prairie restoration project.

Mr. Fruth gave a brief overview of the project. Mr. Goodchild noted three of the manmade drainage ditches are to be filled; would the fill be from offsite? Mr. Fruth replied they would be filled with the original spoil materials from the digging of the ditches. No off site fill will be brought in. This area of restored prairie/wetlands will connect to the DNR owned lands to the west.

After discussion, Mr. Baade 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 petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

SCS-1052 (Charles and Ernestina Cousland) Town of Delafield, Section 31

Mr. Mace presented the “Staff Report and Recommendation” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property at S1 W33857 Abitz Road, Town of Delafield, on the aerial photograph and stated the petitioner is requesting approval for the creation of a lot not abutting a public road and a waiver from the requirement to include the remnant parcel on a Certified Survey Map (CSM). He identified the proposed CSM in the southwestern corner of the property and stated the purpose of the CSM was to create a three acre lot for the Cousland’s son. Access would be via an ingress/egress easement from the end of Waterville Lake Dr., which presently terminates at the west line of their property. When the adjacent unplatted land is developed, the proposed ingress/egress easement must become a public road. There are no plans to further divide the remnant parcel at this time.

After discussion, Mr. Hamilton moved, seconded by Mr. Baade and carried unanimously for approval, in accordance with the “Staff Memorandum” as conditioned. 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-1048 (Phantom Lakes Development Co., LLC) Town of Mukwonago, Section 34**

Mr. Mace presented the “Staff Memorandum” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property in the Town of Mukwonago and stated the petitioner is requesting a waiver to reduce the established road right-of-way width of an unnamed road right-of-way located on Phantom Woods Road from 66 ft. to 50 ft.

Mr. Mace stated the petitioner is proposing to combine three adjacent substandard parcels, located on the corner of Phantom Woods Rd. and the unnamed right-of-way, into one lot by CSM. A condition of the CSM approval required the petitioner to either dedicate an additional eight (8) feet of road right-of-way along the unnamed right-of-way, to result in a right-of-way width of thirty-three (33) feet from the centerline, or receive a waiver from the Park and Planning Commission to reduce the established road right-of-way of that unnamed right-of-way to its platted width of fifty (50) feet.

The unnamed road right-of-way, was platted in 1915, is approximately 275 feet long, abuts four properties to the southwest of the proposed Certified Survey Map and is only used to access one residence, located at the end of the right-of-way. It is unimproved, except for a driveway leading to that one residence. In the unlikely event that the road should ever be improved, the existing fifty (50) foot wide right-of-way provides ample room for future road improvements and access for emergency vehicles. Allowing the reduction will eliminate the requirement to dedicate an additional eight (8) feet of road right-of-way on the proposed CSM.

After discussion, Mr. Goodchild, seconded by Mr. Hamilton 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.

3:00 p.m. – Mrs. Morris arrived at meeting.

• **SCS-1026 (Robert and Jane Smith) Town of Summit, Section 9**

Mr. Mace presented the “Staff Memorandum” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property in the Town of Summit, on the aerial photograph and stated the petitioner is requesting a waiver to reduce the established road right-of-way width of Silver Circle Drive from 66 ft. to 50 ft.

Mr. Mace stated the petitioners are proposing to combine two adjacent substandard parcels into one lot, by CSM. A condition of the CSM approval requires the petitioners to either dedicate an additional eight (8) feet of road right-of-way along Silver Circle Dr., to result in a right-of-way width of thirty-three (33) feet from the centerline, or receive a waiver from the Park and Planning Commission to reduce the established road right-of-way of Silver Circle Dr. to its platted width of fifty (50) feet. The Town has recommended reduction of the right-of-way.

Silver Circle Drive is a minor dead end road approximately 1,100 feet long and provides access to approximately fifteen (15) properties. Most of the other properties along the road are already developed and it is not likely the road is to be expanded, extended or enlarged. Further, the existing fifty (50) foot wide established road right-of-way provides ample room for future road improvements and access for emergency vehicles. Allowing the reduction will eliminate the requirement to dedicate an additional eight (8) feet of road right-of-way on the proposed CSM.

After discussion, Mrs. Morris moved, seconded by Mr. Baade and carried unanimously for approval, in accordance with the “Staff Memorandum” to reduce the right-of-way width of Silver Circle. 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.

• **OC08:007 (Robert Wachowiak) Town of Oconomowoc, Section 28**

Mr. Mace presented the “Staff Memorandum” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property in Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting a waiver to reduce the established road right-of-way widths of Sunset Lane and Farmwood Heights from 66 ft. to 60 ft.

Mr. Mace stated the petitioner is requesting a waiver to reduce the width of the established road right-of-ways of Sunset Lane and Farmwood Heights from sixty-six (66) feet to their platted width of sixty (60) feet to facilitate the approval of a pending Zoning Permit to permit him to remodel and expand his residence and replace his one-car attached garage with a two-car attached garage. Without the established road width waiver, the proposed expansion would require an open space variance.

Sunset Lane and Farmwood Heights are local streets in a fully developed area, with the lots in the area being less than one-half acre in size. An established road right-of-way width of sixty-six (66) feet requires the road setback and lot areas to be measured to a base setback line that is three (3) feet beyond the edge of the sixty (60) feet wide platted road right-of-way. This creates hardships for the property owners attempting to meet road setback, floor area ratio and open space requirements. The Town Resolution states that “60 ft. is now and will be an adequate road width to provide for any future improvements and to provide a street safe for vehicular and pedestrian travel on Sunset Lane and Farmwood Heights” and the County concurs with their approval. Granting the proposed established road right-of-way width waiver would increase the conformity of the lots abutting this road, as well as many of the structures on those lots, eliminating the need for variances.

After discussion, Mr. Siepmann moved,, seconded by Mr. Goodchild 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 meets the intent and purposes of all County Ordinances.

• **SCS-1047, SCU-667A (Walter Schmidt) Town of Oconomowoc, Section 25**

Mr. Mace presented the “Staff Memorandum” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property in the Town of Oconomowoc on the aerial photograph and stated the petitioner is requesting a waiver to reduce the established road right-of-way width of Road F from 30 ft. to 20 ft. Receiving approval of the reduction is a condition of his Conditional Use and Certified Survey Map approval. The Town and County believe the platted 20 ft. for Road F is an adequate width, as it is dead end local road serving approximately seven residences and cannot be extended. All the lots fronting on the road are already improved and twenty feet will provide sufficient width to accommodate any future widening or maintenance.

After discussion, Mr. Baade 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 meets the intent and purposes of all County Ordinances.

• **(Blackhawk Drive and Kohl Lane) Town of Oconomowoc, Section 29**

Mr. Mace presented the “Staff Memorandum” dated January 24, 2008, and made a part of these Minutes. He pointed out the location of the property in the Town of Oconomowoc on the aerial photograph and stated the Town is requesting a waiver to reduce portions of the established road right-of-way widths of Blackhawk Drive and Kohl Lane from 66 ft. to 50 ft. He stated that this is fully developed area containing non-conforming lots and structures, therefore requiring variances from the road setback provision of the Ordinance. The Town feels the reduced road right-of way for both roads will provide ample room for future road improvements and provide sufficient access for safe vehicular and pedestrian travel. Further, granting the reduction would increase the conformity of the lots abutting this road, as well as many of the structures on the lots, eliminating the need for variances.

After discussion, Mr. Hamilton moved, seconded by Mr. Kolb and carried unanimously for approval, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mr. Baade moved, seconded by Mr. Siepmann to adjourn at 3:30 p.m.

Respectfully submitted,

Betty Willert
Secretary
BW:es