

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER
THURSDAY, APRIL 3, 2008, 1:00 P.M.**

CALL TO ORDER

Pat Haukohl, Chairperson, called the meeting to order at 1:36 p.m.

Commission

Members Present: Pat Haukohl Gary Goodchild Betty Willert
 Walter Kolb Bonnie Morris Jim Siepmann

Commission

Members Absent: Walter Baade

Staff

Members Present: Jason Fruth, Senior Planner
 Kathy Brady, Secretary Supervisor

Guests Present: Nancy Crichton Thomas Crichton Jeff Jaworski

CORRESPONDENCE

- Wisconsin County Code Administrators Decoder Newsletter – Sent via e-mail
- Subprime Mortgage Collapse and Local Governments Article – Sent via e-mail

MEETING APPROVAL

- **Waukesha County Storm Water Management and Erosion Control Workshop**, Tuesday, April 22, 2008, 7:30 a.m. to 4:00 p.m. to be held at Ruckert & Mielke, Inc.

Mrs. Morris moved, seconded by Mr. Siepmann and carried unanimously to approve Mr. Goodchild's attendance at the abovementioned workshop.

MINUTES

- *Mr. Siepmann moved, seconded by Mr. Goodchild and carried unanimously for approval of the March 6, 2008, Minutes.*

PUBLIC COMMENT None

SCHEDULED MATTER

- **1:00 p.m. CU-0752G (Waukesha County), Town of Genesee, Section 6,**
by Perry Lindquist, Land Conservation Manager
Part of the W ½ of the SW ¼ of Section 6, T6N, R18E, Town of Genesee. More specifically, the property is located on the northeast corner of the intersection of C.T.H. "C" and Morris Road
Request: Annual Conditional Use Update for the Waukesha County Gravel/Compost site/Reclamation Project.

Mr. Lindquist indicated that one of the 89 conditions of the 2004 Conditional Use Permit is that an annual report be submitted to the Town of Genesee. To date (fall 2004 to the end of 2007), the site has processed approximately 23,000 tons of yard waste and 13 tons of wood wastes. The yard waste is converted to compost and will be used as a substitute for topsoil for the reclamation of the site. Wood wastes are

converted to wood chips and to date, approximately 852 tons have been sold. In addition, approximately 357,970 tons of sand and gravel have been mined and sold by Johnson Sand and Gravel. The permit requested nine (9) years for composting and ten (10) years for mining and reclamation of the site. Another permit secured would allow the existing landfill area to be exhumed. As of 2007, the project was a little behind schedule due to the slow building industry market and the landfill exhumation has not begun. After reclamation, the proposed end land use for the site will be a business park containing 17 lots with 37 acres of open space and storm water retention. Materials exhumed from the existing landfill would be removed and either recycled, placed in another landfill or re-buried in an area between proposed Lots 14 and 16. He said the project has worked out to be a great public/private partnership for turning a waste product into a resource between Waukesha County, Johnson Sand and Gravel and the 12 communities that are cooperating.

Mrs. Morris noted the project is scheduled to be completed within 10 years. As she recalled, at the public hearing, the neighbors expressed concerns with the project lasting 10 years. She asked what would happen if it is not completed in 10 years due to the economy? Mr. Lindquist replied, the hope is that Wolf Construction or Vulcan would take over the project or he would have to ask for an extension.

The Commission thanked Mr. Lindquist for the informative update.

- **ZT-1670 (Thomas and Nancy Crichton) Town of Delafield, Section 10 (A-1 Agricultural District to the R-2 Residential District)**

Mr. Fruth presented the "Staff Report and Recommendation" dated April 3, 2008, and made a part of these Minutes. He pointed out the location of the property, at W300 N3401 Maple Avenue in the Town of Delafield on the aerial photograph.

Mr. Fruth indicated the property is located north of the Hawksnest Subdivision and adjacent to the River Reserve Subdivision. The petitioners are proposing to rezone the property to the R-2 Residential District (85% open space requirement) to replace a shed, which has recently been removed. Currently, the property is zoned in the A-1 Agricultural District which has a 95% open space requirement and would not allow the shed to be replaced. The Town of Delafield approved the request on March 11, 2008, conditioned upon the parcel never being further divided. Mrs. Willert asked what type of zoning is in place for the River Reserve Subdivision? Mr. Fruth replied, that the River Reserve Subdivision is located in the Village of Hartland and contains lots approximately $\frac{2}{3}$ acre in size. Mrs. Morris asked if the petitioner could have applied for a Variance? Mr. Fruth responded, it could be another option, however, there may be issues in demonstrating they have a hardship. Chairperson Haukohl and Mrs. Willert expressed concerns that this could be considered spot zoning. Mr. Siepmann said at the current time it could be considered spot zoning but the land to the south will eventually be developed similar to the lot sizes in the Hawks Nest Subdivision (one acre lots, two acre density). Mr. Fruth added that undeveloped lands to the east may also be developed similarly in the future.

Mr. Crichton, petitioner, clarified the land surrounding his property was formerly a 276-acre farm. There was a 35 year old shed on the property which he removed due to its poor condition. When he applied for a permit for a new shed he found out he would only have a 5% area to work with due to the 95% open space requirement on the property. The shed will be used to store his tractor, tools, etc. The R-2 Residential District would give him 475 sq. ft. to build a new shed, however, a 20' setback is also required. He would not be able to build a new shed in the same location because of the setback. Chairperson Haukohl asked if he would need to apply for a setback Variance? Mr. Crichton replied, he most likely would not be approved for a setback Variance because there is not a hardship. Depending on the outcome of this rezoning, the adjacent neighbor to the south may be willing to sell him some

footage (12') along the south property line to square off his lot and comply with the setback. Mr. Fruth asked, what is the size of the new outbuilding being proposed, to which Mr. Crichton replied that it would be 12' x 20' (the same size as the prior shed).

After discussion, Mrs. Morris 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-1041 (TKLW, LLC) Town of Summit, Section 22**

Mr. Fruth presented the "Staff Memorandum" dated April 3, 2008, and made a part of these Minutes. He pointed out the location of the property, in Section 22 of 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 Maple Lane from 66 ft. to 60 ft.

Mr. Fruth explained the request is to utilize the platted road right-of-way of 60' for Silver Maple Lane rather than 66' which will result in a 3' area being kept by the developer. The Town of Summit approved the request at their meeting on October 4, 2007. Chairperson Haukohl asked if the public portion of the road would remain 66' or would it be changed to 60'? Mr. Fruth replied, that the preliminary Certified Survey Map (CSM) shows a northerly stub connecting with C.T.H. "DR" (shown on the CSM as 60'). The petitioner is asking to reduce the existing Silver Maple Lane to 60', not including the northerly stub (entrance to development). Mr. Siepmann added that the Town of Summit required the petitioners to make all of the future roads 66' so the Town would not have to give them additional density for the 6' gain.

After discussion, Mrs. Willert moved, seconded by Mr. Siepmann 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.

• **SCS-1055 (Jeff Jaworski) Town of Lisbon, Section 11**

Mr. Fruth presented the "Staff Memorandum" dated April 3, 2008, and made a part of these Minutes. He pointed out the location of the property at N87 W23233 N. Lisbon Road in the Town of Lisbon on the aerial photograph and stated the petitioner is requesting approval for the creation of a "flag" lot and a lot without direct access to a public road.

Mr. Fruth identified the property as being located east of the Lisbon Town Hall and south of North Lisbon Road. A wetland delineation has been completed for the property as depicted on the Certified Survey Map, however, the Primary Environmental Corridor has not been depicted in detail but was traced from existing SEWRPC mapping. Since the Staff Memorandum was finalized, an issue has surfaced. The Land Resources Division has required that a Storm Water Management Plan would be required, they also informed the Planning and Zoning Division Staff that the property is part of a Conservation Reserve Enhancement Program (CREP) in which the petitioner initiated participation in 2004. The program is sponsored by both Federal and State agencies and is administered through the County. The program involves a 15-year commitment on the part of the petitioner by restoring riparian zones. A variety of species of trees has been planted on the property, however, the Land Resources Division would have to agree to release the petitioner out of the program. Because storm water

management is being proposed, a conceptual arrangement has been discussed, including if the vast majority of the planted lands would be placed in a permanent conservation or drainage easement to protect the lands and to satisfy the storm water management provisions.

A small, navigable, intermittent stream runs east/west through the property and another stream runs north/south and is located on the far east side of the property. Lot 1 would need approval from the Park and Planning Commission for a "lot not abutting a public road". The petitioner is proposing a 33' easement across Lot 3 (second "lot not abutting a public road" request). Due to the navigable stream he felt the best way to access Lot 1 is via a shared driveway. Mr. Jaworski (petitioner) pointed out that the Town of Lisbon indicated they would not entertain three residences sharing one driveway. Mr. Fruth asked if the Department of Natural Resources (DNR) was willing to approve a second crossing of the navigable stream, to which Mr. Jaworski said the DNR indicated they did not have a problem with general stream crossings in that area because it is not a wetland area. Mrs. Morris asked where the driveway for Lot 4 would be located? Mr. Jaworski responded, "Off of Lisbon Road, arcing around the wetlands on the lot". Mr. Fruth asked Mr. Jaworski if the Town was aware of his participation in the CREP program when they made recommendations for the driveways? Mr. Jaworski answered, that he was unsure and added he did not bring up the fact to the Town because he felt it was not an issue. His initial plan was to sell off his house and build a new residence further back on the property (Lot 3) with an easement for a driveway.

Mr. Fruth noted that the Town of Lisbon Planner had recommended one driveway to service all four lots. Mr. Jaworski clarified the existing residence currently has a driveway to Lisbon Road. Mr. Fruth said the planted area on the central portion of the site may meet the Environmental Corridor (EC) criteria standards and added that it may be better to have one single driveway going through the EC for the other three lots. Mr. Jaworski said that option would be agreeable to him, however, the Town rejected his proposal for the single driveway.

Mr. Goodchild suggested that three, rather than four lots may work better for the Certified Survey Map. Also, shared driveways may pose issues for the property owners and a Driveway Agreement would need to be in place. Mr. Fruth said from a density perspective for the five-acre designation, the petitioner could have 5 lots. He did not feel the amount of lots being proposed was inappropriate. Chairperson Haukohl asked what are the restrictions if the petitioner pulls out of the CREP program early? Mr. Jaworski replied, that he would have to pay back the money given to him as part of the program which he is prepared to do. He did not want to go ahead until the decision from today's meeting is made. In addition, he would like to see the plantings remain intact as much as possible. Mr. Fruth said the Land Resources Division would have the final say as to whether to release the petitioner out of the CREP program. They may require a conservation and drainage easement be placed on the majority of the planted lands.

There was considerable discussion and the following concerns were brought forward by the Commission:

- Possible reconfiguration of Lot 3, combining Lots 1 and 3 into one lot, having 3 lots vs. 4 lots.
- The Town reviewing the driveway locations for the proposed lots and discussing shared driveways vs. individual driveways.
- The Town being informed of the petitioner's participation in the CREP program on the property.
- Additional stream crossings vs. one shared drive crossing.

Chairperson Haukohl said she felt uncomfortable approving the matter “as-is” and was concerned about the appropriate land use planning for the property. Mr. Fruth said the matter could be tabled so the Planning and Zoning Division Staff could meet and further analyze with the Town Engineer the driveway locations and shared driveways, possible lot configurations and notification of the petitioner’s agreement in the CREP program.

After discussion, Mrs. Willert moved, seconded by Mr. Siepmann and carried unanimously to table the matter in order for the Waukesha County Department of Parks and Land Use Staff and the Town of Lisbon Staff to meet and further analyze/discuss the following issues:

- *Review the driveway locations for the proposed lots and discuss shared driveways vs. individual driveways.*
- *The Town of Lisbon be informed of the petitioner’s agreement with the Conservation Reserve Enhancement Program (CREP) on the property.*

ADJOURNMENT

With no further business to come before the Commission, Mrs. Morris moved, seconded by Mr. Siepmann to adjourn at 3:05 p.m.

Respectfully submitted,

Betty Willert
Secretary

BW:kb