

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, MAY 20, 2010, 1:00 P.M.**

CALL TO ORDER:

Bill Mitchell, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Bill Mitchell	Pat Haukohl	Walter Kolb
	Gary Goodchild	Jim Siepmann	Bob Peregrine

Commission

Members Absent: None

Staff

Members Present: Sandy Scherer, Senior Planner
Elfriede Sprague, Clerk III
Jason Fruth, Senior Planner

Guests Present:	Jeff Herrmann	CZ-1703
	Richard Ische	CZ-1703
	Chris Krenke	CZ-1703
	Mylan Voss	CZ-1703
	David Gee	SCU-1524
	Kathy Gee	SCU-1524

CORRESPONDENCE: None.

MEETING APPROVAL: None.

MINUTES: Approval of the May 6, 2010, Minutes

- *Mrs. Haukohl moved, seconded by Mr. Siepmann and carried unanimously for approval of the May 6, 2010, Minutes.*

PUBLIC COMMENT:

Chairperson Mitchell asked if anyone from the audience wished to address the Commission? With no public comment, he moved to the next item on the agenda.

- **1:00 p.m. CZ-1703 (Town of Oconomowoc) Section 21 (R-1 Residential and C-1 Conservancy Districts to the P-I Public and Institutional and C-1 Conservancy Districts)**

Ms. Scherer presented the "Staff Report and Recommendation" dated May 6, 2010, and made a part of these Minutes. She pointed out the location of the property on the east side of N. Lake Road between the Hwy. 16 Bypass and C.T.H. "K in the Town of Oconomowoc on the aerial photograph. She indicated the request was tabled at the May 6, 2010 meeting in order for a Town representative to attend the next Park and Planning Commission meeting and address the concerns and details for the recycling center site.

Mr. Siepmann moved, seconded by Mr. Peregrine and carried unanimously to bring the matter back to the table.

Jeff Herrmann, Town of Oconomowoc Planner, gave the history of the lands to be rezoned. He explained the property was part of the Department of Transportation (DOT) lands that were purchased for possible use in the development of the Hwy. 67 bypass. In 2008, after completion of the project, the DOT contacted him and asked if the Town of Oconomowoc was interested in purchasing any of the lands. He took the offer to the Town of Oconomowoc Board and they indicated "yes" they were. The Town asked the DOT if they would do any type of

environmental review of the property and the DOT replied “No”, it’s a Quit Claim Deed and the property is purchased “as is”. The price of \$62,500 was agreed upon between the DOT and the Town, so in September 2008 a special Town meeting was held for the purchase of the property for a recycle center, with thirteen people present at the meeting. There was also discussion regarding the possible use of the property for the police department, a public works salt shed, etc., anything that would be considered a public use. The Board voted to purchase the property knowing that there were two parcels, a 0.43 acre parcel, which is actually where the road is and the other 2.38-acre parcel, which is where the recycle center would be located. There was a stipulation put on the agreement with the DOT that the 2.38-acre parcel must be in a “public use” for the next 25 years and the 0.43-acre parcel was conditioned upon being in public use forever and be a public road. The Town closed on the property in 2009 and has since proceeded with the design of the recycle center.

He continued that on the Comprehensive Development Plan for Waukesha County, the property is designated as Governmental and Institutional and on the Town of Oconomowoc Land Use Plan, it is designated as Institutional, so the proposed use is in compliance with both Plans. The request is to rezone the parcel from Residential to Public and Institutional so the Town can operate a recycle center and possibly construct public works buildings on the site.

Chairman Mitchell asked how often the chipping would be done? Mr. Herrmann replied the current recycle center is open on Mondays, Wednesdays and Saturdays. Deliveries are accepted during those times. When a large enough quantity of branches, etc. is obtained, someone comes and chips which is typically two to three times per summer. The chips are then available to the residents for their use at no cost to them. There is no burning at the center, it is just a recycling center for green materials, brush, leaves, etc. and there will be no acceptance of any other materials.

Mrs. Haukohl asked what were the residents’ main concerns at the public hearing? Mr. Herrmann answered there were 13 residents at the meeting, many of which resided on Mallard Lane, located to the east of the property, and they were concerned whether the back row of trees would remain when the recycling center was relocated. He identified the current center as directly behind their properties. Mrs. Haukohl asked if any of the residents present at the special Town Board hearing were from across Hwy. 67 to which he replied the minutes do not indicate exactly who was there. She asked if it would be possible in the Plan of Operation to restrict the chipping hours and to notify the surrounding residents of the permitted hours, as it can be very loud and noisy. There also appeared to be a major concern regarding the possibility of ground water pollution from the salt piles. She asked does the Town have a way of assuring the residents that the activities will be restricted?

Mr. Herrmann replied that from an environmental standpoint, the Town will be required to install a sediment basin. The entire operation will be on an approximately 100 ft. x 100 ft. asphalt pad, with a 50 ft. buffer from the wetlands. At sometime in the future the Town may go to a 30 ft. buffer and if that happens the Town will have to install a stormwater basin, which will cover the entire area just north of the wetlands. Mr. Herrmann pointed out the current recycling center on the aerial photograph and showed its access via a long drive off of Hwy. “K”. He then pointed out the proposed location of the new recycling center, which is approximately 900 ft. to the west of the current location with a proposed access from Hwy. 67. He added that the main reason for purchasing the property was because the present site is being rented for \$500.00 a month. The DOT property is being purchased for \$62,500.00. That means it will be paid for in about 10 years and will be a significant cost savings to the Town.

Mr. Siepmann asked if the special meeting regarding the purchase of the land for the recycling center was publicly noticed. Mr. Herrmann replied it was published in the papers; however, it was not sent to the neighbors, in fact the Oconomowoc Focus ran an article regarding the Town looking to purchase the property for the recycle center. He then presented a preliminary Site Plan and described the proposed layout of the area. Mrs. Haukohl asked if there would be any other noise associated with the center other than the chipper? Mr. Herrmann replied there might be some occasional noise when a front-end loader or truck moves the piles around. He reiterated it is only for Town residents, so the use is limited and he will meet with the residents before the operation opens to work with them regarding the Site Plan and Plan of Operation, the landscaping, etc. He continued that regarding the traffic, there is a bypass lane and a turn lane that is 500 ft. long going from the south to the north and passes the property. When the State redid S.T.H. 67 up to the bypass, a turn lane was created for this property as well as a bypass lane to turn into Park St., so the Town does not envision any traffic issues. However, there may be some increased traffic on the days

the center is open, especially during the spring and summer months. Mrs. Haukohl noted that some of the complaints stated the current center is a “pig sty” and asked if this was true. Mr. Herrmann replied he does not visit it very often; however, if that is the case he will see to it that it is cleaned up.

Chairperson Mitchell entertained comments from the public. Three adjacent property owners spoke in opposition of the rezoning and their comments are summarized below:

- Notices for the Public Hearing were not sent out to the residents.
- There will be a decrease in property values for surrounding residents.
- Potential groundwater contamination (Salt sheds)
- Potential wetland contamination
- Concern for public safety with the speed limit at 55 mph and an increase in car accidents.
- The rezoning is not an acceptable proposal.
- Noise from trucks coming and going, back up beepers, etc.
- Worried about the appearance. That it may not be maintained and will look like old recycling center.
- A letter was read into the record from the residents of Park St. in the Town of Oconomowoc opposing the rezoning.

Mrs. Haukohl commented that based on the pictures of the present recycling center, she agrees it appears to be a mess and would hope the new site would be better maintained. She also expressed concern about the traffic and speed limit, as the road also services a large church and a landscape center and adding the recycling center would definitely compromise safety. The Staff Report does not indicate the Site Plan and Plan of Operation needs to be reviewed by the Park and Planning Commission and she would definitely like to see it to make sure those issues are addressed. Mr. Siepmann felt the location of the recycling center was appropriate; however, he also has concerns about the speed limit and suggested Mr. Herrmann ask the Town to conduct a traffic study and possibly reduce the speed limit. He would also like to see the Site Plan and Plan of Operation reviewed by the Commission. Mr. Goodchild added that now that the Town owns the recycling center land, he feels a Landscaping Plan could be implemented that would complement the site and address the neighbor’s concerns.

Mr. Peregrine commented the Town has not received any complaints about the present recycling center from the residents on Park St. The only concerns the residents on Mallard Lane had, which is east of the property, came to light when a lot of fill was brought to the site, and those complaints were taken care of. He feels most of the resident’s concerns can be addressed through the review of a Site Plan and Plan of Operation.

Mr. Herrmann added that before the Commission reviews the Site Plan and Plan of Operation, he would like the opportunity to meet with the neighbors regarding the landscaping and any other concerns they may have. Chairperson Mitchell agreed it was a good idea and suggested he also notify the neighbors when it is placed on the Park and Planning Commission agenda, so they have the opportunity to attend and speak at the meeting.

After discussion, Mr. Siepmann moved, seconded by Mr. Hamilton, and carried by a vote of 5 to 1 (Mrs. Haukohl voted “No”) for approval in accordance with the “Staff Report and Recommendation” with the addition of the following condition:

- *The final Site Plan and Plan of Operation needs to be reviewed and approved by the Waukesha County Park and Planning Commission.*

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-1524 (David and Katherine Gee) Town of Genesee, Section 34**

Ms. Scherer presented the “Staff Report and Recommendation” dated May 20, 2010, and made a part of these Minutes. She pointed out the location of the property at W300 S5721 Hwy. 83 in part of the NE ¼ of Section 34, in the Town of Genesee and indicated the request is for approval of a private club/resort, specifically an educational operation where the public can visit by appointment and learn about the farm and its animals. She noted the petitioner is also requesting approval for ATV wetland rides and a Day Camp.

Mrs. Haukohl expressed concerns regarding hand washing and sanitizing facilities and whether the insurance would cover any illness transmitted from the animals. The letter from Environmental Health only mentions a supply of safe water must be available at all times and that hand washing and toilet facilities be provided and accessible.

Mr. and Mrs. Gee outlined their proposed operation and explained the animals are to be presented to one child at a time; it is not a petting zoo. There will not be group interaction or group petting. Hand sanitizer and hand washing facilities will be placed throughout the operation and she is planning to squirt hand sanitizer into each participant's hand before they leave the facility. They have worked closely with Environmental Health and other agencies to comply with the requirements and the details of the liability insurance have been worked out. A USDA License is required to exhibit animals and the inspector will be visiting once or twice a year to make sure the animals are healthy. The presentations will be held under a temporary canopy in the front area of the yard and it will be done with very small groups or individually. Their intent is to share their farm and create an educational opportunity for children.

Mr. Kolb asked if there would be retail sale of animals or sheltering of any wounded animals. The Gee's responded “No”, it is not a wildlife in need center. Mrs. Haukohl asked why are the Gee's asking for approval of a maximum of 75 people? Mrs. Gee answered that they were told by the Town to request the maximum number of participants they thought they might ever host and to ask for anything they might foresee happening in the future, so as not to have to come back for additional approvals later. Currently, they do not foresee having that many persons on the property at one time. Mrs. Haukohl questioned the Day Camp and the ATV wetland rides. The Gee's replied they are thoughts for the future, however now they just want to get the operation up and running. Before they could do a Day Camp, there would be a lot of approvals that would be required and details that would need to be worked out. The ATV's they would like to purchase are not the typical four wheel ATV's, they would have a driver and three seats and float on the water. They have a very low impact on the wetlands and the rides have been approved by the Dept. of Natural Resources, with certain conditions. Mrs. Haukohl felt the wetland rides had nothing to do with the animal farm operation and should have separate conditional use approval, as they appeared to be more of a commercial venture. Mr. Gee replied the ATV rides would be a future thing, however if the Commission does not want to approve them now, it is okay. Later, if they wish to pursue them, they will apply for another Conditional Use. The Commission agreed to exclude the rides from this approval. Mr. Siepmann asked if the Day Camps would be permitted if the Commission does not take action on them now? Mr. Gee requested the Commission allow the Day Camp usage in the Conditional Use because for them to open a Day Camp is a complicated process, with many requirements that would have to be met. The additional requirement of having another public hearing and going through the conditional use process is costly and time consuming. Mrs. Haukohl suggested the Day Camp be permitted in the conditional use approval, however the Site Plan and Plan of Operation for the Day Camp and the ATV rides return to the Commission for review and consideration.

After discussion, Mrs. Haukohl moved, seconded by Mr. Siepmann, and carried unanimously for approval in accordance with the “Staff Report and Recommendation” with the following added condition:

ATV rides through the wetlands are not permitted unless the petitioner submits an application for and is granted approval of an amended Conditional Use Permit by the Town and County

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-10-GNT-1 (David and Katherine Gee) Town of Genesee, Section 34**

Ms. Scherer presented the “Staff Report and Recommendation” dated May 20, 2010, and made a part of these Minutes. She indicated the request is related to SCU-1524.

After discussion, Mrs. Haukohl moved, seconded by Mr. Siepmann, and carried unanimously for approval in accordance with the “Staff Report and Recommendation” with the following added condition:

If in the future the petitioner wishes to operate a Day Camp or provide ATV rides through the wetlands, the petitioner will need to apply for an amended Site Plan and Plan of Operation that will require review and approval by the Town of Genesee Plan Commission and the Waukesha County Park and Planning Commission.

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. Haukohl moved, seconded by Mr. Siepmann to adjourn at 2:17 p.m.

Respectfully submitted,

Walter Kolb
Acting Secretary

WK:es