

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 355/359
THURSDAY, JULY 15, 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
Bob Peregrine Fritz Ruf (Arrived at 1:05 p.m.)

Commission

Members Absent: Gary Goodchild Jim Siepmann

Staff

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

Guests Present: Saul Suster
Stewart Wangard

CORRESPONDENCE: A letter from an anonymous person was distributed to the Commissioners regarding "Foolery's Liquid Therapy" in the Town of Oconomowoc.

MEETING APPROVAL: None

MINUTES: Approval of the June 17, 2010, Minutes

- *Mr. Peregrine moved, seconded by Mrs. Haukohl and carried unanimously for approval of the June 17, 2010, Minutes, as corrected.*

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.

SCHEDULED MATTER

- **1:00 p.m. Report of Nominating Committee for Park and Planning Commission Officers and Election of Officers**

- Chairperson William Mitchell
- Vice-Chairperson Robert Peregrine
- Secretary Patricia Haukohl

After discussion Mrs. Haukohl moved, seconded by Mr. Peregrine and carried unanimously to approve the officers listed above effective immediately.

• **SCU-1532 (Town of Delafield-Cushing Park Trail) Town of Delafield, Section 31**

Ms. Scherer presented the “Staff Report and Recommendation” dated July 15, 2010, and made a part of these Minutes. She pointed out the location of the property on the west side of the Cushing Park Road right-of-way between S.T.H. 18 and Abitz Rd. in the Town of Delafield on the aerial photograph and indicated the request was for approval of fill and land altering activity associated with the construction of a bicycle and pedestrian recreational path constituting about 900 lineal feet.

Mrs. Haukohl noted the DNR required the petitioner to complete an alternative analysis and questioned whether that had been completed. Ms. Scherer replied “she could not answer that” however all of the disturbance will be in the road right of way. In an effort to minimize the amount of wetland disturbance the width of the trail was reduced from 10 ft. to 8 ft., three retaining walls ranging from 0 to 3 ft. high and 53 ft., 71 ft. and 85 ft. in length will be constructed at the culvert to reduce the amount of necessary fill; there is a 3 ft. tall concrete headwall being constructed at the culvert to protect the banks and trail from eroding and the Town is constructing a boardwalk along the higher quality wetlands to avoid any impact on the wetlands. The Commission noted the length of the retaining walls was rather unusual but felt there should be no adverse effects associated with the project.

After discussion, Mr. Peregrine moved, seconded by Mr. Ruf, 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-1501A (Ron Olson and Patricia Nolan-Olson) Town of Genesee, Sections 34 and 27**

Ms. Scherer presented the “Staff Report and Recommendation” dated July 15, 2010, and made a part of these Minutes. She pointed out the location of the property at W302 S5348 S.T.H. 83, in the Town of Genesee on the aerial photograph and indicated the request was for after-the-fact approval of land-altering activities associated with the construction of a berm and re-grading of a riding arena.

Ms. Scherer explained in 2008, a Conditional Use (CU-1501) was approved for the owners to operate a horse boarding and training operation and an indoor storage facility subject to a number of conditions. At the time, the petitioners were proposing to re-grade and re-surface the existing riding arena on the property. The owners recently re-graded and re-surfaced the riding arena without complying with the conditions of the Conditional Use approval. In addition, the owners constructed an earthen berm on the northeast side of the riding arena without the necessary approvals or permits. Therefore, the owners are requesting after-the-fact approval of the land-altering activities to authorize the re-grading and re-surfacing of the riding arena and to authorize the construction of the berm.

Mrs. Haukohl asked if the grading was done according to plan to which Ms. Scherer replied Mrs. Tilley felt that it was. She explained the approval of this conditional use request will allow the petitioners to proceed with the grading even though the other conditions of approval have not been complied with. Mrs. Haukohl noted the Staff Report condition states “If applicable, an Erosion Control and Storm Water Management Plan shall be review and approved...” and asked who determines if it is applicable. Ms. Scherer replied the condition was added because Staff did not know if the Land Resources Dept. had reviewed the project yet, or if it would be necessary for them to issue a permit. Mrs. Haukohl felt the condition should be amended to identify who would make that determination and the other Commission members concurred.

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

1. If applicable as determined by Staff, an Erosion Control and Storm Water Management Plan for the proposed use shall be reviewed and approved by the Waukesha County Land Resources Division prior to the issuance of the Conditional Use Permit.

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-1501B (Ron Olson and Patricia Nolan-Olson) Town of Genesee, Sections 34 and 27**

Ms. Scherer presented the “Staff Report and Recommendation” dated July 15, 2010, and made a part of these Minutes. She pointed out the location of the property at W302 S5348 S.T.H. 83, in the Town of Genesee on the aerial photograph. She continued that since the land-altering activities have already occurred, the owners have applied for a separate Conditional Use Permit to authorize the land-altering activities (CU-1501A) and are herein requesting to modify the existing Conditional Use (CU-1501) for the horse-boarding and training operation to remove the re-grading of the riding arena from that approval. Specifically, Conditions No. 4 and No. 10 would be removed from the original approval. This will allow the land-altering activities to be considered through a separate Conditional Use and will allow the owners to work on compliance with the remaining outstanding conditions of the Conditional Use for the horse-boarding operation on their own timeline.

After discussion, Mr. Peregrine 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-1529 (Kari Pietsch-Wangard) Town of Summit, Section 36**

Ms. Scherer presented the “Staff Report and Recommendation” dated July 15, 2010, and made a part of these Minutes. She identified the property as Lot 22 and an undivided interest in Outlots 1-2 of Waterville West Subdivision, located in Section 36, of the Town of Summit on the aerial photograph and indicated the request was for approval of a commercial horse stable and breeding operation and earth-altering activities.

Mr. Wangard stated he felt the recommendations put forth by the Town of Summit to be reasonable, however the Planning and Zoning Staff added several conditions he felt were unnecessary because of comments that were made by several neighbors at the public hearing. He continued anytime there is a vacant property, such as his, neighboring properties sometimes start to use it as their own. He would like to fully utilize his entire property and not have conditions placed on the perimeter, basically because someone has already encroached on it. The reason they have applied for a Conditional Use Permit is two-fold; one is they want a riding and training track on the property and because of the earth moving that is occurring they need approval and the second thing is really quite minor to them and that is the request for a commercial horse operation. When he spoke with Mr. Mace he recommended they apply for approval of the commercial horse operation/breeding at the same time that they apply for the grading approval; however, it is not necessary for them. This will be a private training stable and they do not need to sell or breed horses from the property. If that has any impact on the Commissioners thoughts, they are willing to remove that portion of the request, but the training track is very important. He continued his wife is an amateur competitor and shows horses throughout the country. A training facility of this type is necessary to train the

horse and the rider. If the track and commercial operation are excluded from the request, the other uses are all permitted in the zoning district.

He explained Mrs. Lieffring added the condition that any riding track must be located at least 20 ft. from the lot line and he would like to see that condition removed to allow full usage of their property. With the exception of the track, neither the Town nor the County have the right to impose additional conditions. Ms. Scherer replied the condition was discussed in a Staff meeting and the setback was added because there was concern by some of the neighbors of having the repetitiveness of the horses on a trail close to the lot line. Mr. Fritz asked if we had the right to ask for the setback? Ms. Scherer noted the neighbor comments were outlined under Public Reaction in the Staff Recommendation and that the Staff (Mrs. Lieffring) was trying to address the neighbors concerns by adding the setback. Unfortunately, she is not available to answer any questions today as she is out of the office and at training.

Mrs. Haukohl commented she didn't feel comfortable removing the condition without consulting with Mrs. Lieffring. Perhaps it would be best to wait to find out her reasons for doing so as it is the County's job to consider the impact of a request on neighbors. It was suggested that to expedite the request the CU be approved and then Mr. Wangard could come back for an amendment. Mr. Wangard interjected that he would rather see the request tabled until the next meeting so that Mrs. Lieffring could attend and explain the reasons for the setback rather than approve it now.

After discussion and upon the request of the petitioner, Mr. Peregrine moved, seconded by Mr. Kolb, and carried unanimously to table the matter until the next Park and Planning Commission meeting to allow Sheri Lieffring to attend the meeting and explain the reason for the requirement of the 20 ft. trail setback as set forth in Condition No. 5.

• **PO-10-SUMT-03 (Kari Pietsch-Wangard) Town of Summit, Section 36**

Ms. Scherer presented the "Staff Report and Recommendation" dated July 15, 2010, and made a part of these Minutes. She stated the request was related to the previous Conditional Use SCU-1529.

After discussion and upon the request of the petitioner, Mrs. Haukohl moved, seconded by Mr. Ruf, and carried unanimously to table the matter until the next Park and Planning Commission meeting to allow Sheri Lieffring to attend the meeting and explain the reason for the requirement of the 20 ft. trail setback as set forth in Condition No. 5.

• **(Saul and Jenny Suster) Town of Delafield, Section 22**

Ms. Scherer presented the "Staff Report and Recommendation" dated July 15, 2010, and made a part of these Minutes. She pointed out the location of the property in part of the SE ¼ of Section 22, Town of Delafield on the aerial photograph and indicated the request was for approval of revision to the building envelope in the Primary Environmental Corridor on Lot 69 of The Arbors subdivision.

Ms. Scherer stated the petitioners have recently constructed a new residence on the property to maximize the building envelope on the site. The owners are now requesting modifications to the building envelope to allow landscaping, patios, walkways, and retaining walls to be constructed outside of the existing building envelope.

Mr. Susek explained he has been working with the Town Engineer to come to a solution and he has recommended a revised building envelope. The revised envelope would be modified to accommodate the proposed landscaping plan and will decrease the amount of possible disturbance in the Primary Environmental Corridor by 5,000 sq. ft. It will involve no hardscape cutting or the removal of any other vegetation. The area to be utilized is basically flat with no vegetation and is very muddy. He asked the Commission that because the area to be landscaped/restored is rather large if the completion date could be amended to October 31, 2010. The Commission agreed the extension was a reasonable request.

After discussion, Mr. Peregrine moved, seconded by Mr. Ruf, and carried unanimously for approval, as conditioned, in accordance with the "Staff Memorandum with Condition No. 2 amended to read:

2. A Letter of Credit must be issued to the Waukesha County Planning and Zoning Division in the amount of the actual restoration costs plus 15% to implement the Restoration/Landscape Plan, in order to allow the Planning and Zoning Division the ability to restore the site at the expense of the owner, in the event the owner does not implement the Restoration/Landscape Plan, prior to **October 31, 2010**. A Declaration of Restrictions must be recorded with Register of Deeds, drafted by the Planning and Zoning Division, agreeing to comply with the Restoration/Landscape Plan and maintain the property in compliance with the Restoration/Landscape Plan in perpetuity. Proof of said recordation shall be submitted to the Planning and Zoning Division prior to **October 31, 2010**.

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. Peregrine moved, seconded by Mrs. Haukohl to adjourn at 2:05 p.m.

Respectfully submitted,

Pat Haukohl
Secretary

PH:es