

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, OCTOBER 21, 2021 - 1:00 P.M.**

CALL TO ORDER

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

Commission

Members Present: William Mitchell Robert Peregrine James Siepmann
Thomas Michalski Richard Morris

Members Absent: William Groskopf

Staff

Members Present: Jason Fruth, Planning Manager
Kathy Brady, Support Staff Supervisor

CORRESPONDENCE: None.

MEETING APPROVAL: None.

MINUTES: Approval of the August 19, 2021, Minutes.

After discussion, Mr. Morris moved, seconded by Mr. Siepmann and carried unanimously for approval, of the August 19, 2021, Minutes as presented.

PUBLIC COMMENT: None.

• **RZ84 (Alesana Investments, LLC) Town of Oconomowoc, Section 35**

Mr. Fruth pointed out the location of the property at N53 W35994 West Lake Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is to rezone the property from the R-2 Residential District to the B-2 Local Business District.

Mr. Fruth stated that the parcel has historically been occupied by a restaurant/tavern, however, has been vacant for approximately 10 years. The proposed rezone to the B-2 Local Business District is to allow a professional office building. Notable conditions on the current rezoning request include, the use shall be limited to professional office type uses (doctor, dentist, chiropractor, realtor, accountant, attorney or similar use), no retail businesses with a high traffic volume, no businesses with a drive-thru window, no restaurants, taverns, grocery stores, etc., a vegetative buffer be required along the eastern property line and a Site Plan/Plan of Operation is required for each proposed business use. At the public hearing, there were concerns regarding increased traffic and accidents. Mr. Fruth noted that the Department of Public Works has advised that the proposed low intensity use is not expected to negatively impact the intersection. As the roadway is improved over time, intersection improvements will be considered. Surrounding uses include residential to the northeast and south.

Mr. Erdmann, petitioner, stated that 2 lots were combined into one lot for the development. He presented a rendering of the proposed lot with setbacks, maximum possible building layout (approximately 5,000 sq. ft.) and parking area. He stated a large building would not be possible on the site and a smaller office type use, dentist, chiropractor, attorney, insurance agency, financial planner or other service type retail use would be appropriate. He indicated the driveway for the proposed use

would be placed on the property as far to the east as possible, away from the intersection of CTH P and W. Lake Drive. Mr. Peregrine asked if the building currently on the site would be removed to which Mr. Erdmann responded, “Yes, the 30’ x 30’ pole building will be removed.” He noted there is a concrete pad on the property from the previous building which was removed. There was discussion regarding screening between the proposed parking lot and the neighbor located to the east. Mr. Erdman questioned Condition No. 7 on the “Staff Report and Recommendation.” It states if the property is not developed within 3 years, the zoning shall revert back to the R-2 Residential District. He noted the Town Plan Commission and Board revised the 3 year requirement to 5 years. Mr. Peregrine added that the Town extended the time for the property to be developed to 5 years, because of the limited uses which are anticipated on the property and that it may take a while to find a suitable business. Mr. Fruth verified that the Town’s action stated 5 years and noted that Condition No. 7 in the “Staff Report” would be corrected.

After discussion, Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a change to Condition No. 7 which will now read:

- 7. If the subject property is not developed within five (5) years of the Waukesha County Board of Supervisors action (if approved), the zoning of the property shall automatically revert back to the R-2 Residential District, unless extended by the Town and County upon just cause.*

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.

- **RZ89 (Town of Eagle Board) Town of Eagle**

Mr. Fruth indicated the request is for comprehensive text amendments to the Town of Eagle Zoning Code.

Mr. Fruth stated many of the text amendments are minor administrative type changes such as clarifying application requirements for Conditional Uses. Other amendments include changes to the Land Use Matrix. Agri-tourism (Christmas tree farms, pumpkin farms, educational programs, overnight cabins, etc.), bed and breakfasts and commercial truck parking will be available in fewer districts. In-law units would become a permitted use by right. Another change involves the minimum lot size in Planned Unit Developments (PUDs) being proposed to be increased from 1.5 acres to 2 acres. In the Staff Recommendation, he suggested adding the wording “in zoning districts where the minimum lot size is currently 3 acres”. The change in topography threshold is being reduced from 1,000 cu. yds. to 250 cu. yds.

Mr. Siepmann asked regarding PUDs going from 2 acres to 1.5 acres, what the rationale was for this decision? Mr. Fruth replied that from past amendments the Town believes that keeping lot sizes larger would keep the area more rural. He added that smaller lots are being allowed in conservation design subdivisions in some areas. Mr. Siepmann stated it is a lack of understanding between density and lot size and more open space could be preserved. Chairperson Mitchell commented on agri-tourism which can help farms survive and why it was being proposed to be reduced into fewer districts to which Mr. Fruth responded that he was unsure and the Town Planner gave no reasons as to why.

After discussion, Mr. Peregrine moved, seconded by Mr. Michalski and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.

- **RZ86 (Kim Thompson) Town of Merton, Section 19**

Mr. Fruth pointed out the location of the property at N67 W33395 CTH K in the Town of Merton on the aerial photograph. He indicated the request is to rezone the property from the R-3 Residential and C-1 Conservancy Districts (Town) and B-2 Local Business and R-3 Residential Districts (County) to the B-2 Local Business District (Town and County).

Mr. Fruth indicated the property is approximately 2 acres in size and located on the south side of CTH K and east of the mobile home park. The petitioner is requesting to rezone the southern portion of the property for an expanded parking area for Kim's Gourmet Pizza. There is a septic system on the west side of the property with portions underneath the driveway. Exhibit A of the Staff Recommendation shows the proposed expanded parking area and dumpster location currently next to the mobile home park to the east. The Planning and Zoning Division staff is recommending the dumpsters be relocated to another part of the property and additional screening be added on the west side of the property. It was revealed that some of the trailer park units to the west are encroaching on the petitioner's property. In early discussions, an event building was being proposed, however, due to parking, and other logistics is not part of this rezone request. A condition of rezoning is that a screening plan be provided (fencing/landscaping).

Chairperson Mitchell asked about the C-1 Conservancy zoning on the property, to which Mr. Fruth said the Town C-1 Conservancy is mapped in error. The petitioner, Ms. Thompson, introduced herself and stated that currently they are working with the encroachment issue before moving forward with the landscaping/fencing plan.

After discussion, Mr. Siepmann moved, seconded by Mr. Morris 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.

- **PPC21 011 (Jon and Lisa Schwabenlander) Town of Merton, Section 11**

Mr. Fruth pointed out the location of the property at W290 N8132 Florencetta Heights in the Town of Merton on the aerial photograph. He indicated the request is for approval of a retaining wall within 5' of the south property line.

Mr. Fruth indicated the existing railroad tie retaining wall (located within 5 ft. of the south property line) is failing and would be replaced with a block type material. In conjunction with the construction of the new single family residence and patio, several other retaining walls on the property are being removed. Mr. Fruth presented photographs of the failing railroad tie retaining wall. Since the existing retaining wall is legal non-conforming by law it is allowed to be replaced by right. Mr. Siepmann asked what type of material the new retaining wall would be constructed of, to which Mr. Fruth replied he did not know the specifics other than block. Mr. Siepmann suggested a condition be added that the color of the retaining wall should be natural, earhtone colors, not gray. The Commission agreed.

After discussion, Mr. Siepmann moved, seconded by Mr. Peregrine and carried unanimously, for approval, in accordance with the "Staff Report and Recommendation" with an added condition which will read:

- *The color of the block material for the retaining walls shall be natural, earthtone colors (tans/browns), no gray.*

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.

- **PPC21 012 (Dennis and JoAnn Cotic, Town of Oconomowoc, Sections 35 and 36)**

Mr. Fruth pointed out the location of the property at N52 W35293 West Lake Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is for approval of a retaining wall within 5' of the west property line.

Mr. Fruth explained that there are a series of 6 railroad tie retaining walls which are failing and are proposed to be replaced, in kind, with block walls. The Planning and Zoning Division staff is requesting a more detailed Site Plan including that the top and bottom of the wall elevations be provided. In addition, due to the size of the project, an erosion control plan shall be prepared, reviewed and approved by the Land Resources Division. Mr. Morris inquired as to the height of the present retaining walls, to which Mr. Fruth replied, approximately 2 ft. to 4 ft. Mr. Siepmann asked what type of product and color would be used on the replacement retaining walls? Mr. Cotic, petitioner, replied a keystone block, 18" x 8", gray color with streaks and texture. Mr. Siepmann suggested a condition be added that the color of the retaining wall should be natural, earthtone colors, not gray. The Commission agreed.

After discussion, Mr. Siepmann moved, seconded by Mr. Peregrine and carried unanimously, for approval, in accordance with the "Staff Report and Recommendation" with an added condition No. 4 which will read:

4. *The color of the block material for the retaining walls shall be natural, earthtone colors (tans/browns), no gray.*

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.

- **PPC21 014 (Virgil and Kerry Hardin) Town of Genesee, Section 17**

Mr. Fruth pointed out the location of the property in Section 17 of the Town of Genesee on the aerial photograph. He indicated the request is to approve a remnant parcel not shown on the Certified Survey Map.

Mr. Fruth indicated the property is approximately 35 acres in size and located south of CTH E. The petitioners are proposing to divide off the southeast corner for a residential building site. Directly south of the southeast corner of the parcel a recent Certified Survey Map created several large building sites with a narrow outlot left to provide access to the future site. The remaining 30 acres would be unsurveyed at this time. The Town recommended a condition that the acreage be held by an abutting property owner, as there has been no investigation of the site for other buildable lots. To create other buildable lot(s) (along CTH E), soil tests would need to be done, an assessment of appropriate access and a determination if there would be enough buildable depth with highway and wetland setbacks.

Mr. Fruth added there is a critical species habitat area on the property, in the area along the wetland on the northwest edge of the proposed parcel. The Southeastern Wisconsin Regional Plan Commission indicated there is a Blandings turtle habitat and they recommended when any activity should occur, in, or near the wetland.

Mr. Fruth suggested since the narrow outlot would connect and become part of the larger lot, the Minutes from this meeting should reflect that the action taken on this remnant parcel waiver would also include a lot not abutting a public road. Mr. Morris asked what the shape and size of the proposed lot would be? Mr. Fruth pointed out on Exhibit A that the lot is approximately 3+ acres in size and includes the outlot acreage to the south and would follow the westerly edge of the pond. Mr. Siepmann questioned the lot not abutting a public road when access is off of Esser Drive. Mr. Fruth said it is a matter of how the ordinance defines adjacency and it would be referred to as a flag lot under the lot not abutting a public road section. Due to the critical species habit, the Planning and Zoning Division staff reached out to the Waukesha County Land Conservancy and they are interested in tracking the rest of the acreage on the remnant lands. Mr. Peregrine asked where the water comes from for the ponds, to which the petitioner replied it is groundwater fed.

After discussion, Mr. Morris moved, seconded by Mr. Siepmann and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. This approval also signifies acceptance of the proposed lot not abutting a public road. 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.

• **2021 Election of Officers for the Park and Planning Commission**

It was decided that the new officers would be:

- *Mr. Siepmann, Chairman*
- *Mr. Michalski, Vice Chairman*
- *Mr. Morris, Secretary*

ADJOURNMENT

With no further business to come before the Commission, Mr. Morris moved, seconded by Mr. Mitchell, to adjourn the meeting at 1:53 p.m.

Respectfully submitted,

Thomas Michalski

Thomas Michalski

TM:kb