

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, JANUARY 16, 2020 - 1:00 P.M.**

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**CALL TO ORDER**

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

Commission

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

Members Absent:     None

Staff

Members Present:     Jason Fruth, Planning and Zoning Manager  
                                 Amy Barrows, Senior Planner  
                                 Kathy Brady, Support Staff Supervisor

**CORRESPONDENCE:**     None.

**MEETING APPROVAL:**     None.

**MINUTES:**                     Approval of the November 21, 2019, Minutes.

*After discussion, Mr. Mitchell moved, seconded by Mr. Siepmann and carried unanimously for approval, of the November 21, 2019, as presented.*

**PUBLIC COMMENT:**         None.

**SCHEDULED MATTERS**

- **1:00 p.m. Public Hearing to amend the text of the Waukesha County Shoreland and Floodland Protection Ordinance to modify the conditional use provisions for contractor's yards (RZ52).**

Chairperson Peregrine opened the Public Hearing at 1:00 p.m.

Ms. Barrows, Senior Planner introduced herself and indicated that an amendment is being proposed to reduce the minimum lot size requirements for the contractor's yard provisions in both the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code. She explained that a contractor's yard is a use that includes the storage of landscaping and construction materials or equipment. The request was brought forward, in part, to accommodate a business wishing to locate in Vernon, which constructs concrete foundations and they need a place to store equipment and materials. The current minimum lot size is five acres in any district where contractor's yards are allowed. The Staff feels that large lot size requirements are not essential in the B-3, Q-1 or Industrial Districts of the codes. She indicated, in the Conditional Use section of the codes, there are landscaping, offset and setback requirements. The amendment proposes a minimum lot size requirement of three acres. She further explained that starting later this year there would be a major code amendment for the Conditional Use sections of the codes. At that point, if further revisions are needed they could be done at that time.

Mr. Mitchell asked if there were any negative comments regarding reducing the requirement to 3 acres during the discussions? Ms. Barrows responded that none of the towns expressed concerns. Mr. Fruth added that there were a few questions but no concerns from any of the town planners. Ms. Barrows explained that the Town of Vernon would be going through the same text amendment to their code and added that there will be a related rezone and conditional use on a future agenda for the specific user.

Supervisor Johnson asked if the amendment would affect Phantom Lakes because she is a member of the Phantom Lakes Management District? Ms. Barrows replied that she did not envision any impact related to the Phantom Lakes and added it would only apply to the B-3, Q-1 and Industrial Districts, and all provisions related to landscaping, setbacks, offsets, etc. If it applies to a business use, the petitioner would need to go through the storm water management process and water quality would be considered.

*Chairperson Peregrine asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 1:05 p.m.*

- **Public Hearing to amend the text of the Waukesha County Zoning Code to modify the conditional use provisions for contractor's yards (RZ53).**

Chairperson Peregrine opened the Public Hearing at 1:05 p.m.

Ms. Barrows indicated this public hearing is to reduce the minimum lot size requirements for the contractor's yard provisions in the Waukesha County Zoning Code and would include the non-shoreland areas of the Towns of Oconomowoc and Ottawa only.

*Chairperson Peregrine asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 1:06 p.m.*

- **RZ48 (Jon Spheeris/Ireland Farms, LLC) Town of Oconomowoc, Section 24**

Mr. Fruth pointed out the location of the property at N67 W34891 CTH K in the Town of Oconomowoc on the aerial photograph. He indicated the request is to rezone the property from the A-T Agricultural Transition District to the R-2 Residential District.

Mr. Fruth indicated the request is for a 47-acre parcel south of CTH K near Okauchee Lake and added that the west half of the original farm was developed years ago. The proposed rezoning would allow a 32-lot subdivision containing lots approximately  $\frac{3}{4}$  acres in size. The Town and County Land Use Plans designate the property as Low Density Residential and the proposal complies with both plans. He presented a plan for the subdivision layout and pointed out that there is an existing farmhouse located along CTH K on the property. The farmhouse is proposed to be retained, however, the outbuildings would be removed. At the public hearing, there were questions and concerns regarding access to the property. He pointed out on the subdivision layout the proposed accesses. There would be three accesses via the internal roads within the subdivision to the west and a new intersection proposed off of Road J to the east. At the public hearing, neighbors in the subdivision to the west expressed concerns regarding an increase in traffic within their subdivision, a bus stop location and they felt there should be a main entry to the proposed subdivision off of CTH K. The Department of Public Works reviewed the comments and decided that a new access would not be granted to CTH K because the County Code designates that access be provided from local roads, where available, rather than county trunk highways. He pointed out two kettles, one in the southeast corner and the other on the east part of the property,

which would be evaluated as part of the storm water review. He indicated that one lot, Lot 32 would have access from Road J.

Mr. Maslowski asked if there was a barn located on the lot where the farmhouse is and would it be removed? Mr. Fruth responded, "Yes." Mr. Siepmann pointed out that the farmhouse on Lot 4 appears to be encroaching on Outlot 1. Mr. Fruth indicated, it would not be allowed and would be checked during the plat review process. Mr. Mitchell said the "Staff Report and Recommendation" states that there are a total of three accesses to the subdivision, one from Road J and two from within the subdivision, and asked if it was an error? Mr. Fruth replied there are a total of four accesses one from Road J and three from within the subdivision and noted the correction would be made to the report. Mr. Siepmann suggested encouraging that the driveway to the farmhouse be internal to the subdivision not from CTH K. Mr. Fruth said that the Planning and Zoning Division staff and Town Planner have suggested that the driveway be vacated and relocated.

*After discussion, Mr. Michalski moved, seconded by Mr. Siepmann 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.*

- **RZ55 (Joey Wisniewski/Fiduciary Real Estate Development, Inc.) Town of Waukesha, Section 32**

Mr. Fruth pointed out the location of the property at W269 S5550 River Road in the Town of Waukesha on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agriculture District (Town) to the RE Residence Estate District (Town).

Mr. Fruth indicated the property to be rezoned is part of the original Lathers Farm. It includes the south 10 acres on the east side of CTH I in the Town of Waukesha. The land was previously divided into three large parcels (approximately 20 acres in size each). The petitioner is requesting to divide one of the 20-acre parcels into two, 10-acre parcels. A rezone is need because the A-1 Agriculture District requires a minimum parcel size of 20 acres, and the RE Residence Estate District allows lots as small as three acres.

*After discussion, Mr. Mitchell moved, seconded by Mr. Siepmann 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.*

- **CU37 (Crosspoint Community Church) Town of Oconomowoc, Section 20**

Mr. Fruth pointed out the location of the property at W380 N6931 N. Lake Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is for conditional use approval to allow the Pabst Farm YMCA to utilize the church facility for youth sports and preschool programs, exercise classes and programs to support adults with disabilities.

Mr. Fruth explained that no outside use is being proposed on the property. The property is located on the west side of Lake Drive, south of the Oconomowoc bypass. Residential properties are located to the north and a landscape/greenhouse business to the east. At the public hearing, neighbors to the north expressed concerns with noise related to band activities. The Town recommended a condition that there be some study of the issue by a sound consultant. The classes and programs would occur Monday through Friday during the day, with the exception of Saturdays when youth sports would occur until

8:00 pm. Conditions of note, all programs must remain inside the building and the sound consulting study and Preliminary Site Evaluation be obtained. The Planning and Zoning Division Staff is recommending approval with conditions. Mr. Mitchell asked if this type of use was not allowed in the existing conditional use? Mr. Fruth replied it was mostly for the church with no day school use. Chairperson Peregrine indicated that elections would now be held at the church for the Town of Oconomowoc.

*After discussion, Mr. Maslowski moved, seconded by Mr. Michalski 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.*

• **SP85(Crosspoint Community Church) Town of Oconomowoc, Section 20**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU37) listed above.

*After a brief discussion, Mr. Mitchell moved, seconded by Mr. Siepman 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.*

• **CU38 (Jeffrey and Vickie Marshall) Town of Oconomowoc, Section 30**

Mr. Fruth pointed out the location of the property at N58 W39990 Wisconsin Avenue in the Town of Oconomowoc on the aerial photograph. He indicated the request is for after-the-fact Conditional Use approval to allow a retail space for pop-up shops within an existing accessory building up to six times per year.

Mr. Fruth indicated the pop up gift shop would be located in a large outbuilding on the property located on Wisconsin Avenue near the Jefferson County line. The petitioner is requesting to open the shop six times per year and offer décor and antiques for sale. Signage is being requested 10 days in advance of an event and there is parking available for 3 to 4 vehicles in the driveway. If additional parking is needed, Lac La Belle Drive to the west is available. The petitioner is also requesting that customers would be able to pick up items by appointment. Notable conditions include:

- Maximum of 6 events per year.
- A written report be provided to the Town notifying them of the year’s schedule of events by May 1<sup>st</sup> of each year.
- The use would expire upon the sale of the property.
- Proposed hours would be 9:00 am to 5:00 pm.
- Signage is allowed 10 days prior to an event.
- A Fire Department inspection is required.

Mr. Michalski asked if 6 events would be 6 days total? Mr. Fruth replied the 6 events may extend Friday-Sunday. Mr. Maslowski asked if parking would be restricted along Wisconsin Avenue? Mr. Fruth responded, that directly in front of the property there is a turning lane and you would not be able to park there. He added that the petitioners studied how many vehicles came during a previous small event and it seems that the 3 to 4 parking spaces would be sufficient with overflow parking along Lac La Belle Drive.

*After discussion, Mr. Michalski moved, seconded by Mr. Mitchell 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.*

- **SP87 (Jeffrey and Vickie Marshall) Town of Oconomowoc, Section 30**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU38) listed above.

*After a brief discussion, Mr. Siepmann moved, seconded by Mr. Michalski 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.*

- **CU34 (3rd Rock Development, LLC) Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth pointed out the location of the property at N52 W35002 Lake Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is for conditional use approval for a ten-unit condominium development including the construction of a boathouse and reconstruction of the existing pier system.

Ms. Barrows, Senior Planner indicated the development is located in the Downtown Okauchee District (DOD). The property is located in Zone 3 of the DOD district, which requires the development to obtain a conditional use permit. The density regulations of the district allow for 11 units per acre (one unit for the first 100’ of shore frontage and an additional unit for every 25’ after), however, the petitioner is only requesting 10 units. Currently, there are 5 piers with 10 slips as part of a previous commercial mooring operation. Although the commercial mooring operation will no longer be valid as part of this conditional use, the 5 piers and 10 boat slips are requested to be available for residents only. She presented a site plan showing the photos of the proposed condominium. She added that all of the dimensional standards are being met for the district and for the most part, the building meets the 42’ height requirements. The Ordinance allows 54’ if specific design requirements are provided. On the east side of the building, the height is 48.5 in order to accommodate an exposed lower level garage entry. The increase in height is acceptable but the petitioner must demonstrate that the development exhibits exemplary design and additional landscaping requirements may be required in order to screen the building. One, two-sided, freestanding monument sign with a lannon stone slab is being proposed which complies with the requirements. The sign will be illuminated with minimal spotlighting and there will be white lettering “The Waters” on the roadside facade.

Ms. Barrows pointed out that there would be 2 designated parking spaces per unit within the garage area and visitor parking would be 1 space per unit in a parking lot, along Point Comfort and Lake Drives. Minimal lighting is being proposed, gooseneck lighting on the lakeside of the building and a light near the lower entry and under lighting at the entry canopy. She asked the petitioner if any lighting is being proposed near the shore. Mr. Ristow, property owner, replied that there would be a solar light on the pier and near the boathouse. Ms. Barrows suggested that the Planning and Zoning Division Staff review and approve the lighting plan. In addition, an extensive landscaping plan is being proposed. She noted that 5’ of landscaping is being required around the signage, and the landscaping requirement between the parking area and the road must be met. The Planning and Zoning Division staff is asking for changes to the species in the rain garden to accommodate storm water management. The proposed vegetation may drown with water and added that plants should be chosen for infiltrating runoff. Several

dying trees are proposed to be removed and the Planning and Zoning Division staff is requesting that additional replacement trees be planted. A boathouse is being proposed at the shore. An underground tunnel will allow residents to access the boathouse from the lower level garage entry.

Mr. Maslowski asked what the boathouse would be used for? The petitioner responded, boat related paraphernalia. Ms. Barrows pointed out there is a deck on top of the boathouse and it would be jointly owned by all of the units. Mr. Morris asked how many sewer requisitions are there for the property? Ms. Barrows responded they have 10 sewer requisitions, and water will be served by 2 private wells.

Ms. Barrows reviewed the design standards for the DOD district. The building materials and design need to have a variety of aesthetically compatible building materials and styles. Long, monotonous facades or rooftop designs are not permitted. At the public hearing, there was discussion that the south side of the building facing the road has large masses of cedar siding with minimal articulation.

In their action, the Town of Oconomowoc Plan Commission requested that the Town and County contract with an architect to review the front façade and offer suggestions for improvements (Condition No. 2). The Planning and Zoning staff is recommending approval with conditions. Ms. Barrows asked that the Commission look carefully at the design of the building. Mr. Maslowski asked where the mechanical equipment would be located? Ms. Barrows responded on the rooftop and it would be screened from public view.

Mr. Renner, architect said they disagreed with the idea that 45' of cedar is monotonous. He said they have been working on the issue for over 6 months and have presented a series of other options. Mr. Fruth explained that the architectural provisions are part of the DOD. When the district was being created, there was a great deal of discussion with the advisory committee. Some members wanted to have a stand alone architectural review committee and others did not. The committee compromised and wording was added to the code that the Town and County have the right to retain a consultant architect to provide review and comments on a project.

Chairperson Peregrine mentioned that the petitioners submitted revised plans to the Town Planner either the day before or after he had left for vacation and was unable to review them prior to the Town Plan Commission meeting. The Town Plan Commission pointed out to the petitioner that this is the first project in the new DOD. He further explained that the design provisions were necessary because of the past haphazard aesthetics in architectural design of some of the buildings in downtown Okauchee. The idea was to make the downtown area more inviting. He added that the Town Plan Commission supports the condominium proposal along with the architectural review by a consultant. Mr. Siepmann agreed and added that the Town does not have an architect on staff or an architectural committee. Ms. Barrows also noted that several new façade designs were just presented today before this meeting and the Planning and Zoning Division staff did not have any time to review them. Mr. Fruth added that the Town Planner and the Planning and Zoning Division staff have been working with the petitioner for over a year. Both have encouraged different alternatives for the front façade. In addition, the Town does not want a full redesign of the project, only the front façade.

A member of the audience spoke in favor of the development and felt it was the highest and best use of the property. He expressed concerns regarding the architectural review provision and process, and felt it was not well defined, subjective, arbitrary and not a fair process.

Mr. Ristow (owner/developer) and Mr. Renner (architect) disagreed with the additional architectural review being required in Condition No. 2.

After a lengthy discussion regarding the design elements of the project, the Commission did not feel qualified to decide on the architectural improvements to the front façade. Ultimately, the Commission felt that a third party architect should be consulted to assess if there were any design improvements which could be made to enhance the appearance of the front façade before the matter comes back to the Park and Planning Commission as stated in Condition No. 2. Mr. Siepmann asked if the decision would be made internally by the staff? Mr. Fruth replied that the consultant would provide a report on alternatives and share with Town Plan Commission and the Park and Planning Commission. Mr. Mitchell suggested, in the future, if an additional review is needed from a consultant that it is done before the matter comes before the Park and Planning Commission. Mr. Morris asked if the Town or County would ultimately approve the recommendation of the architect, to which Mr. Fruth indicated both. Ms. Barrows clarified that the Planning and Zoning Division staff has been working with the applicants for a very long time on this issue and they were inclined to come to the Town and County and try to encourage that the review not be required. Mr. Fruth suggested that after the consultants review, the Town and County could have a joint meeting in order to facilitate the issue.

Supervisor Decker asked what the timeframe would be for the review to be completed? Mr. Fruth replied that the review would be for single façade on a building and should not be a time intensive matter. Mr. Siepmann said it is clear that the Park and Planning Commission does not want to be involved in architectural decisions. Going forward he suggested that the community should make the decision on what they want their community to look like and the Commission would make sure the height, width, setbacks are in line with the code.

*After discussion, Mr. Siepmann moved, seconded by Mr. Mitchell 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.*

- **SP81 (3rd Rock Development, LLC) Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU34) listed above.

*After a brief discussion, Mr. Mitchell moved, seconded by Mr. Maslowski 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.*

- **PPC19 015 (Eric Barthenheier) Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth pointed out the location of the property at W350 N5323 Road B in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a retaining wall located within 5 ft. of the south property line.

Mr. Fruth indicated the property contains a 4 unit residential structure, which existed prior to the Waukesha County Shoreland and Floodland Protection Ordinance being enacted. Therefore, the use is considered legal nonconforming. There was a violation complaint on the property regarding the retaining wall. There are unsafe conditions on the property (stairwells and retaining walls). A

nonconforming garage near Road B is proposed to be removed. Concrete on the north side of the property would be moved and a new lakeside sidewalk and deck are being proposed along with a replacement retaining wall and step series along the south property line. Conditions of approval include that written approval be obtained from the neighbor to the south and the Town Engineer must approve the drainage plan.

*After discussion, Mr. Mitchell moved, seconded by Mr. Michalski 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.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Maslowski moved, seconded by Mr. Mitchell to adjourn the meeting at 2:39 p.m.*

Respectfully submitted,

*James Siepmann*

James Siepmann  
Secretary

JS:kb