

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, SEPTEMBER 15, 2016, 1:00 P.M.**

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**CALL TO ORDER**

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

Commission

Members Present: James Siepmann      Robert Peregrine      Gary Goodchild  
William Maslowski      William Mitchell      Richard Morris

Members Absent: Keith Hammitt

Staff

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

Guests Present: Devin Anderson: CU-1611  
Linda and Tom Dumke: CU-1624 and PO-16-OCOT-13  
Dan Minor: CU-1623

**CORRESPONDENCE**

- Correspondence submitted by Terry and Peggy Siewert and Darrell and Deb Schultz regarding CU-1611 Devin Anderson.
- Sales Analysis Documentation for CU-1611 Devin Anderson.

**MEETING APPROVAL**

- **WCCA Fall 2016 Conference**, October 12-14, 2016, Radisson Paper Valley Hotel, 333 West College Avenue, Appleton, WI 54911

*Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously for approval, for any member of the Park and Planning Commission to attend the WCCA Fall Conference.*

**MINUTES**      Approval of the August 18, 2016, Minutes.

*Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval of the August 18, 2016, Minutes.*

**PUBLIC COMMENT**

**SCHEDULED MATTER**

- Approval of the 2017 Park and Planning Commission Meeting Dates.

*Mr. Mitchell moved, seconded by Mr. Siepmann and carried unanimously for approval of the 2017 Park and Planning Commission Meeting dates.*

<i>January 19, 2017</i>	<i>May 18, 2017</i>	<i>September 21, 2017</i>
<i>February 23, 2017</i>	<i>June 15, 2017</i>	<i>October 19, 2017</i>
<i>March 16, 2017</i>	<i>July 20, 2017</i>	<i>November 16, 2017</i>
<i>April 20, 2017</i>	<i>August 17, 2017</i>	<i>December 7, 2017</i>

- **ZT-1839 (Town of Waukesha Board – Text Amendment)**

Mr. Fruth indicated the request is for a text amendment to repeal and re-create Section 13-2-10(d)(7) of the Town of Waukesha Zoning Code regarding requests for waiver or modifications relating to accessory buildings.

Mr. Fruth indicated the Town of Waukesha is proposing to change their existing code language which currently requires the Town Board of Appeals to hear and consider accessory building waivers and modification provisions. The proposed text amendment would transfer approval authority to the Town Board. He noted that it would alleviate fees for petitioners from \$300.00 to \$65.00. Mr. Mitchell added that the Town Board meets regularly, whereas the Town Board of Appeals meets only when waiver or modification requests are made. He mentioned it will be more cost efficient for Town residents.

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

- **ZT-1840 (Jeff and Mary Fillinger) Town of Lisbon, Section 19**

Mr. Fruth pointed out the location of the property, at W275 N6646 Lake Five Road, in the Town of Lisbon on the aerial photograph. He indicated the request is to rezone the property from the B-2 Local Business District to the B-3 General Business District to expand a mini-warehouse storage use on the adjacent property located to the north.

Mr. Fruth indicated the property is located northeast of C.T.H. “MD” and west of Lake Five Road. He explained that the B-3 General Business District is more permissive and will allow the mini-warehouse storage use being proposed. He noted that there is a residential subdivision located south of the property, however, there is a stormwater facility which provides a substantial buffer for the residents. The petitioner currently operates an existing mini-warehouse storage business on the adjacent parcel to the north and is proposing joint access via shared driveways to C.T.H. “MD” and Lake Five Road. The Town of Lisbon’s action recommended that the petitioner work with the Waukesha County Department of Public Works regarding the shared access point to confirm that it meets their requirements and addresses the Town’s concerns of safe emergency vehicle access. In addition, the Town is requiring landscaping and berming to screen the use from view.

Mr. Fruth brought to the Commission’s attention that site work has already begun for the project. He said the Town has been struggling administratively over the past year due to changes with the Town Clerk’s staff. After the rezone went to the Town Plan Commission, there was a long delay before it was approved by the Town Board and yet another long delay before it was submitted to the County for review. Unfortunately, it puts the petitioner in a bad spot thinking they have approvals and are moving forward with the project only to find out that additional approvals are needed. He noted that the Town is working to improve their process and may seek additional planning services.

*After discussion, Mr. Maslowski moved, seconded by Mr. Siepmann and carried unanimously for approval, 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-1624 (Thomas and Linda Dumke) Town of Oconomowoc, Section 24**

Mr. Fruth pointed out the location of the property, at W341 N6950 Northern Lights Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is for after-the-fact Limited Family Business Conditional Use approval to allow a small wood furniture business to operate in an existing accessory building with a proposed addition.

Mr. Fruth pointed out that the residential property is located at the end of a cul-de-sac. When the petitioner applied for a Zoning Permit to construct an addition to an existing accessory building on the property it was determined that a small wood furniture business operation was being operated without permits. The petitioner indicates there are no retail sales from the site, however, customers do come to the property periodically. Several neighbors came to the public hearing and spoke in support of the request. Mr. Fruth explained a few of the Town's recommended conditions:

- Employees be limited to family members with the exception of one full-time equivalent.
- No retail sales conducted from the premises.
- The Conditional Use expires on transfer of the property by sale or otherwise.

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

• **PO-16-OCOT-13 (Thomas and Linda Dumke) Town of Oconomowoc, Section 24**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-1624) listed above.

*After a brief discussion, Mr. Peregrine 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.*

• **CU-1623 (Kris Rhyner-Scherrer Construction) Town of Vernon, Section 34**

Mr. Fruth pointed out the location of the property, at W248 S10740 Doll Court in the Town of Vernon on the aerial photograph. He indicated the request is for land altering activities associated with the construction of a new single family residence, attached garage and deck.

Mr. Fruth indicated the property is fairly large (approximately 2.7 acres) within the Creekside Estates Subdivision. A Master Grading Plan was completed, however, the petitioner is proposing to create a full exposure with a significant cut on the back (northwest corner of the residence). The Town indicated the septic area was not shown on the plan and a condition was added stating that the area be protected from grading or compaction as part of the construction of the residence. Chairperson Morris asked where the septic system would be located, to which Mr. Fruth replied that he was unsure of the location. A property representative pointed out the septic area on the plan and indicated it was near the west lot line. Mr. Mitchell asked the property representative if he reviewed and understood the Staff Recommendation and conditions, to which he indicated, "Yes."

*After discussion, Mr. Peregrine moved, seconded by Mr. Goodchild 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-1611 (Devin Anderson) Town of Oconomowoc, Section 3**

Mr. Fruth pointed out the location of the property, immediately east of N88 W36880 Mapleton Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a one-year review to authorize the Conditional Use on a permanent basis.

Mr. Fruth explained that the operation services both automobiles, trucks and agricultural equipment. In 2015, one of the conditions of the Commission’s motion required that the petitioner track and document the number of auto vs. agricultural equipment jobs during a one-year period and present documentation to the Town and County prior to August 2016. He presented documentation from the petitioner indicating approximately \$56,000 in agricultural equipment repairs and approximately \$105,000 in automotive repairs.

Mr. Peregrine added that there were two neighbors who were opposed to the original approval for the business. There were considerable conditions that the petitioner was required to meet along with the one-year trial basis. He indicated that the County had made numerous site visits to the property during the past year to make sure all of the requirements of the conditions were met, which they were. The Town does not see the need to continue with the yearly review.

Mr. Fruth presented a number of photographs of the property and the site improvements such as fencing, the parking area, plantings, the septic area, the new bathroom installation, equipment and items stored behind the building (allowed). He noted that all of the required site improvements have been made and the property looks much better than it did a year ago.

Mr. Fruth summarized a letter received on September 13, 2016, from two (2) neighboring property owners who were not able to come to the meeting. He noted, the neighbor’s concerns are as follows:

- Agricultural repair work is not being done. (*No evidence was submitted to verify complaint*).
- Constant traffic up and down C.T.H. “CW” and turn arounds in their driveways. (*No evidence was submitted to verify complaint*).
- Site line and potential accidents (*A permit from the Department of Public Works regarding the entrance to the business was obtained.*)
- Vehicles coming and going at all hours (*There are defined hours of operation, however, no evidence was submitted to verify complaint*).
- Full barrels of garbage (*None was observed during site visits*).
- Juvenile behavior and childish antics meant to intimidate and harass the neighbors (*Matter is outside of zoning parameters*).
- Cutting down foliage/tree to place a rusty horse trailer behind the mailbox and posting “No Trespassing” signs (*The Planning Staff called Mr. Anderson on this issue and due to the fact that the trailer was being stored in an area where storage was not allowed, the petitioner agreed to relocate the trailer and the issue was resolved*).
- Not following permit guidelines.
  - Cars, trucks, campers parked outside fence (*None were observed during site visits*).

- Fence installation, fencing not going all the way to the ground (*The petitioner indicated the fence does not go all the way to the ground so when the snow is plowed in the parking area it would have a place to go and melt underneath the fence. The Planning and Zoning Division Staff felt it allowed the fence to extend a little bit higher and did not create negative effects*).
- Hours of operation (*The hours of operation will be emphasized in the Decision letter sent to the petitioner*).
- Working with overhead doors open (*No evidence was submitted to verify complaint*).
- Vehicles being moved between the business and abutting property (*No evidence was submitted to verify complaint*).
- Dirt pile remains from septic excavation (*The septic system install is recent and site photos show it is not visible from the road*).

Mr. Fruth indicated that no tangible photos have been received from the neighbors regarding the above concerns. He said it appears from the letter that the neighbors are frustrated with the business being there. The Planning and Zoning Division Staff have tried to limit the review of the site to the conditions which are in place for the business. From the Staff's position it seems as if the petitioner has complied with everything he was asked to do. The Planning and Zoning Division Staff is recommending that the operation be able to remain beyond the one-year trial period.

Mr. Peregrine stated when the business was approved a year ago, the petitioner was required to make large expenditures in order to comply with the conditions. There was a risk that the Conditional Use may not be renewed after the one-year trial period. Mr. Siepmann commented, that there is obviously a conflict between the petitioner and the neighboring property owners. He strongly suggested that the petitioner not antagonize them further. He cautioned that if the neighbors come in with proof, the Conditional Use could be taken away at any time.

***After discussion, Mr. Peregrine moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, 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.***

**ADJOURNMENT**

***With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Mitchell to adjourn at 1:35 p.m.***

Respectfully submitted,

*William Mitchell*

William Mitchell  
Secretary

WM:kb

