

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, JULY 21, 2016, 1:00 P.M.**

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**CALL TO ORDER**

Mr. Siepmann, 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  
Chris Morgan, Corporation Counsel  
Kim Haines, Corporation Counsel

Guests Present: Peter Klein: PPC16\_008  
Judy Sebastian: CZ-1663B  
Jay Cavaiani: SCU-0703A and PO-16-GNT-01  
Rob Demlang: SCU-1620  
Mike Campbell: SCU-0703A and PO-16-GNT-01  
Barbara Carroll: SCU-0146G and PO-16-MUKT-02

**CORRESPONDENCE** None.

**MEETING APPROVAL** None.

**MINUTES** Approval of the June 16, 2016, Minutes.

*Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously for approval of the June 16, 2016, Minutes.*

**PUBLIC COMMENT** None.

• **CZ-1663B (Irene Boschuetz Trust) Town of Oconomowoc, Section 20**

Mr. Fruth pointed out the location of the property, south of S.T.H. 16/67 and east of Pennsylvania Street in the Town of Oconomowoc on the aerial photograph. He indicated the request is to extend the previous approval for an additional five years.

Mr. Fruth explained the property was originally rezoned to the R-3 Residential District and C-1 Conservancy Districts with a PUD in 2008, for a three (3) building, (6) unit residential development. The Town of Oconomowoc placed a condition on the rezone stating that the zoning would revert back to the A-5 Mini Farm District after three (3) years if the property was not developed. In 2011, the petitioner requested to amend the previous condition of approval and extend the timeframe to develop the property for an additional five (5) years with the new deadline being September 19, 2016.

Currently there is an accepted offer for the property and a developer has been lined up who is interested in bringing the project forward in the near future. Mr. Peregrine said the Town indicated that this would be the last extension for the property. Mr. Mitchell stated as he understood, there is a potential plan going forward in the fall 2016.

*After 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.*

• **SCU-0703A (Reichert/Cavaiani) Town of Genesee, Section 21**

Mr. Fruth pointed out the location of the property, at S42 W31230 S.T.H. 83, in the Town of Genesee on the aerial photograph. He indicated the request is for a church and religious assembly use with an associated office and youth-related activities.

Mr. Fruth indicated the church would occupy the large building which sits on a site made up of several parcels in Genesee Depot. Various commercial uses have occupied the buildings over time. Some of the tenants would stay, including the post office, which indicated they were pleased to see the additional investments being made to the building along with a proactive owner. Four public hearings were held in 2016 regarding the project. Drainage concerns were brought forth by the property owners to the east. There was an onsite meeting held with the abutting property owners and the petitioner, who agreed to provide some type of storm water treatment to address the concerns. The adjacent property owners spoke in support of the project at the conclusion of the final public hearing.

Mr. Fruth stated, at one of the public hearings, there was discussion regarding land ownership along the railroad. The petitioner conducted research and concluded that the lands in question resided with the current owner of the property, not the railroad. This helped resolve some the parking concerns. He explained that variances were needed for signage and parking standards. The church has an existing free standing sign with a reader board at their current location which they plan to reuse at the new location. The application materials indicated the sign would be a static message, not scrolling or changing. Regarding the parking, the petitioner submitted an analysis of high demand use hours. Mr. Fruth noted that the petitioner would like to deviate from the proposal on the signage board by including changing messages. The Planning and Zoning Division Staff felt after four (4) public hearings where it was proposed that the sign message board would be static, if the petitioner would like to change their original proposal, it should go back to the Town for additional consideration.

Mr. Fruth added that a Certified Survey Map (CSM) review will be done to combine the separate parcels. The Planning and Zoning Division Staff asked the Wisconsin Department of Transportation (WDOT) for comments. The WDOT is suggesting the smaller driveway entrance nearest to the railroad tracks be closed and the larger opening to the east be narrowed to 35 ft. He suggested that this requirement could be done during the CSM review rather than the Conditional Use/Plan of Operation. Mr. Peregrine asked where the current access is located? Mr. Fruth replied, in both spots and pointed out both driveways on the aerial photograph. Mr. Goodchild asked if the WDOT need to approve the survey? Mr. Fruth responded that it is a part of the Land Division Control Ordinance Checklist that Town, County or State highway approval be obtained. Ms. Baum, Senior Land Use Specialist commented that the WDOT does not have any access permits for the property and were unaware that these are permitted accesses.

Mr. Caviani, petitioner/pastor, introduced himself and referred to Condition No. 3 which states:

3. The operation of the Church services (Saturday or Sunday service, funerals, weddings, etc.), where more than 50 persons are in attendance shall be limited to Saturdays after 10:00 a.m. and on Sunday's, except for Easter and Christmas services. All other services or events (funerals, weddings, etc.) beyond said days and hours of operation shall require Town Plan Commission approval at least ten (10) days prior to said event, **or if not possible for funerals, at a minimum Town Planner approval.**

He questioned the Town's Condition and stated that the church has enough parking (87 parking spots) even if everyone showed up at the same time and was not sure of the logic of the condition. Chairperson Siepmann replied, that unfortunately the petitioner would have to go back to the Town and ask them to change it since it was their requirement. Ms. Baum added, in order to help out the petitioner, the County added the wording "or if not possible for funerals, at a minimum Town Planner approval" to the condition in cases where Town Plan Commission approval could not be received at least 10 days prior to an event. Mr. Fruth explained that the Town may be worried about overflow parking if the event demands more than 87 parking spots. They may also be trying to prevent conflicts with businesses who rely upon the parallel parking along S.T.H. 83 and the Town Hall lot. Mr. Caviani said he was told since the property is located within the Shoreland jurisdiction, the County is the authority of the Conditional Use/Plan of Operation, not the Town. Mr. Fruth explained that it is a collaborative process. The County's Shoreland Ordinance calls for heavy Town participation in the public hearing and recommendation of conditions. Mr. Caviani asked if he needed to go back to the Town to change the condition? Mr. Fruth indicated that it was the petitioner's choice if they deemed the condition to be problematic. He mentioned that the Town may be frustrated with an immediate request, since the Town Planner prepared his report after many public hearings. Mr. Caviani said he was never consulted about the conditions and received the report only two hours before the Town meeting and added there was no chance to comment on the Town's conditions at the meeting. Mr. Fruth suggested, to start, he may want to speak with the Town Planner and ask if there would be some willingness on the part of the Town to reconsider the issue. Mr. Caviani asked if he would have to come back before the Park and Planning Commission to which Mr. Fruth replied, "Yes."

Mr. Fruth suggested that if there were other concerns the matter could be tabled and returned to the Town for further review. Mr. Caviani said he was not interested in delaying the project but wanted their voice be heard on a few conditions. Mr. Peregrine asked Mr. Caviani if he wanted the Commission to table the matter and not take any action and schedule it for the next meeting? Mr. Caviani replied "No" he would like to move forward at this point. Mr. Fruth mentioned that the Town based the condition on the information submitted on the application. He said that maybe after the church operates for a period of time, without problems, he could go back to the Town and ask for reconsideration of certain conditions.

Chairperson Siepmann asked if there were any other conditions he would like to discuss, cautioning that only the wording in bold (County's modification) could possibly be changed. Mr. Caviani, referred to Condition No. 3 (above) and said he may not be able to reach the Town Planner on short notice. He expressed concerns with the immediate scheduling of funerals. The Commission suggested that the wording "**or approval by a representative of the Town**" be added to the last sentence of Condition No. 3. Mr. Caviani asked, referring to Condition No. 6 if the detailed lighting plan was for inside or outside the building. Mr. Fruth replied, it would be a detailed inventory of outdoor lighting on the site. Mr. Caviani asked, referring to Condition No. 11 (static message board) if it could be revised to a scrolling message and added that it was an application mistake on their part. Ms. Baum noted the Board of Adjustment approved the sign which exceeded the size requirements of an illuminated sign based on the fact that it was to be static.

After discussion, Mr. Peregrine moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a change to Condition No. 3 to read as follows:

3. *The operation of the Church services (Saturday or Sunday service, funerals, weddings, etc.), where more than 50 persons are in attendance shall be limited to Saturdays after 10:00 a.m. and on Sundays, except for Easter and Christmas services. All other services or events (funerals, weddings, etc.) beyond said days and hours of operation shall require Town Plan Commission approval at least ten (10) days prior to said event, or if not possible for funerals, at a minimum Town Planner approval or approval by a representative of the Town.*

*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-GNT-01 (Reichert/Cavaiani) Town of Genesee, Section 21**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-0703A) listed above.

After a brief discussion, Mr. Peregrine moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a change to Condition No. 3 to read as follows:

3. *The operation of the Church services (Saturday or Sunday service, funerals, weddings, etc.), where more than 50 persons are in attendance shall be limited to Saturdays after 10:00 a.m. and on Sundays, except for Easter and Christmas services. All other services or events (funerals, weddings, etc.) beyond said days and hours of operation shall require Town Plan Commission approval at least ten (10) days prior to said event, or if not possible for funerals, at a minimum Town Planner approval or approval by a representative of the Town.*

*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-1620 (Jeff and Nicol Befus) Town of Oconomowoc, Section 35**

Mr. Fruth pointed out the location of the property, at W352 N5318 Lake Drive, in the Town of Oconomowoc on the aerial photograph. He indicated the request is for land altering activities in conjunction with the construction of a new single family residence and garage.

Mr. Fruth indicated the parcel is very small in size (4,000 sq. ft.) and served by a holding tank and a private well. The petitioner received variances from the road setback, open space and floor area ratio requirements of the Ordinance for approval to construct a new, two story residence with an attached garage. The petitioner would like to add significant fill to achieve access into a garage. He presented photographs of the site and the grading plan to the Commission for review. Mr. Goodchild said he thought this area in Oconomowoc was sewered, to which Mr. Fruth indicated there were holding tanks. He pointed out the location where most of the fill would be placed, along the right-of-way edge where there is a steep drop off. He explained that the amount of fill varies with the highest amount being approximately eight (8) or nine (9) feet.

*After discussion, Mr. Maslowski 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.*

- **SCU-0146G (Brian and Barbara Carroll) Town of Mukwonago, Sections 34 and 35**

Mr. Fruth pointed out the location of the property, at W299 S10545 Phantom Woods Road, in the Town of Mukwonago on the aerial photograph. He indicated the request is to amend the previous Conditional Use Permit to allow for changes to the restaurant operation to include a name change, modified site plan, new ownership and live indoor acoustic music.

Mr. Fruth indicated the petitioner is requesting to re-open the former Lakeside Inn in the Town of Mukwonago. The Conditional Use is legal non-conforming as it dates back to the 1970’s. Notable changes to the Conditional Use include:

- Addition of acoustic music during open hours, 11:00 a.m. to 10:00 p.m. Sunday through Thursday and from 11:00 a.m. to midnight Friday and Saturday.
- Change in signage.
- Outdoor game area.
- Minor modifications to the pier approvals, reducing the size of the docks, however, keep the mooring the same.

He added that a Preliminary Site Evaluation is being required on the existing holding tank to include the 2 bedroom apartment above the bar/restaurant.

*After discussion, Mr. Mitchell 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-MUKT-02 (Brian and Barbara Carroll) Town of Mukwonago, Sections 34 and 35**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-0146G) 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.*

- **PPC16 008 (Peter Klein) Town of Oconomowoc, Section 35**

Mr. Fruth pointed out the location of the property, at W352 N5348 Lake Drive, in the Town of Oconomowoc on the aerial photograph. He indicated the request is for approval of a retaining wall within 5 ft. of an adjacent lot line.

Mr. Fruth indicated a recent holding tank installation prompted the need for the construction of two (2) retaining walls. The replacement walls should prevent erosion.

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

• **Report of Nominating Committee and Election of Officers for the Park and Planning Commission**

The Nominating Committee voted for the following officers for the upcoming year:

- Chairperson – Richard Morris
- Vice Chairperson – Jim Siepmann
- Secretary – William Mitchell

*Mr. Peregrine moved, seconded by Mr. Maslowski and carried unanimously for approval.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Morris to adjourn at 1:48 p.m.*

Respectfully submitted,

*Gary Goodchild*

Gary Goodchild  
Secretary

GG:kb

WAUKESHA COUNTY PARK & PLANNING COMMISSION MEETING  
 (Administration Center)

◆ ATTENDANCE SHEET ◆

DATE OF MEETING July 21, 2016

(PLEASE FILL OUT COMPLETELY AND PLEASE PRINT. THANK YOU.)

NAME	ADDRESS	PHONE NUMBER	IN ATTENDANCE FOR THE MATTER OF:	RELATIONSHIP TO PETITIONER
Peter Klein	W352 N5348 Lake Drive Oxonomauc, WI	928-274-0907	Retainig Wall	OWNER
Judy Sebastian	w2331 W60 PO County Road C	262 966 9968	Regona	
Jay Cavaiami	823 E. Brady Brook Rd Wales	262-968-1781	Genesee Dept	Purchase
Rob Demlang	W352 N5318 LAKE DR.	2-366-5916	New Constr.	GC
MIKE CAMPBELL	1221 N. JEWKINS, Oron	262 646 7621	BRANDS TRUCK GUARD	MEMBER
Berbara Carroll	417 Pleasant St mukwonago	414 418 1023	C.O. Castaway	
Chris Morgan	Corp Counsel			
Kim Haines	Corp Counsel			