

WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, JULY 16, 2020 1:00 P.M.

Due to COVID-19, the meeting was conducted virtually via the Microsoft Teams application and phone access was also available. The meeting was open to the public and individuals were invited to participate via telephone or Microsoft Teams.

CALL TO ORDER

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

Commission

Members Present: Robert Peregrine (via Microsoft Teams)
Richard Morris (via Microsoft Teams)
James Siepmann (via Microsoft Teams)
William Mitchell (via Microsoft Teams)
Thomas Michalski (via Microsoft Teams)

Members Absent: William Maslowski

Staff

Members Present: Jason Fruth, Planning and Zoning Manager (via Microsoft Teams)
Ben Greenberg, Senior Land Use Specialist (via Microsoft Teams)
Kathy Brady, Support Staff Supervisor (via Microsoft Teams)

CORRESPONDENCE None

MEETING APPROVAL None

MINUTES Approval of the June 18, 2020, Minutes

After discussion, Mr. Siepmann moved, seconded by Mr. Mitchell and carried unanimously for approval, of the June 18, 2020, Minutes as presented.

PUBLIC COMMENT

• **RZ60 (Text Amendment) Town of Lisbon**

Mr. Fruth indicated the request is to amend the text of the Town of Lisbon Zoning Ordinance, relating to the B-4 Commercial Special Use Zoning District.

Mr. Fruth stated the Town of Lisbon initiated the text amendment to their code. The B-4 Commercial Special Use Zoning District is mapped in some gateway areas near the border with the Village of Sussex and only a few properties in the Town fall into this category. He further explained the text amendment includes unique language regarding the review of special design standards and acknowledges there is a boundary agreement relevant to properties zoned in this particular category. There is language which is specifically changing relative to the boundary agreement references. Currently, there are references to the Joint Planning Committee (JPC), a group comprised of both Village and Town appointees, needing to review and approve projects. The boundary agreement calls for the JPC to review proposals in boundary areas within the Town of Lisbon.

Mr. Fruth further explained when the B-4 District was created it included language stating that the JPC had approval authority. The current text amendment includes language which aligns to the boundary agreement and states that the JPC has review authority. The Lisbon Town Board approved the text amendment in December 2019. The Village of Sussex expressed concerns and asked the County to hold the text amendment ordinance while they worked with the Town of Lisbon on specific differences. They have since been involved in a legal process and have made progress regarding their disputes and are working towards a resolution regarding boundary agreement issues. Subsequently, the Village of Sussex notified the County that they were comfortable moving forward with this text amendment. In addition, Mr. Fruth indicated that the prohibited uses list is being removed and being replaced with a permitted uses list. Anything not on the permitted uses list would be prohibited.

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

Chairperson Peregrine asked if the related signature sheet to this ordinance could be electronically signed and submitted by the Planning Division staff, to which all Commissioners agreed.

- **SCU-1400T (Steven Schafer) Town of Ottawa, Section 11**

Mr. Fruth pointed out the location of the property at W359 S2390 Hwy 67 in the Town of Ottawa on the aerial photograph. He indicated the request is for the termination of an existing Limited Family Business Conditional Use for an excavation contracting business.

Mr. Fruth indicated the petitioner previously operated a small excavating business from the property via a limited family business Conditional Use. A semi, skidsteer and trailer related to the business were parked on the property. The petitioner no longer operates the business, so the Town suggested that the Conditional Use be terminated.

After 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.

- **CU43 (Thirst 4 Jesus, Inc.) Town of Oconomowoc, Section 22**

Mr. Fruth pointed out the location of the property at W360 N7077 Brown Street in the Town of Oconomowoc on the aerial photograph. He indicated the request is for conditional use approval to utilize a portion of the building and site for a community church for members and the general public.

Mr. Greenberg, Senior Land Use Specialist indicated the property is owned by the Oconomowoc School District and the church is proposing to rent out and utilize a portion of the former Meadow View Elementary School building for a community church. The property is located north of CTH P and CTH K and contains approximately 75 acres. Surrounding properties include single family residential and agricultural uses. The church would utilize portions of the first and second floors but not the entire building. The congregation consists of approximately 500 persons, with 2 services per week proposed. The services would be held in the gym using folding metal chairs, other rooms are proposed to be used for classrooms, study areas, a break room, storage areas and offices. Special events are also being proposed including a Christmas event, Easter egg hunt and a 5 day summer camp during the day hours only. Hours of operation would be 7 days a week from 8 am to 12 pm and on Saturday from 11 am to 7 pm and Sunday, 8 am to 12 pm. There would be up to 11 staff members employed during the week. There are

approximately 200 striped parking spaces and no changes to the building or site plan are being proposed. The Waukesha County Department of Public Works commented that as long as there is no increase in building occupancy no road improvements would be required.

Mr. Greenberg suggested that Condition No. 4 of the Staff Report and Recommendation be revised to include the Waukesha County Department of Public Works approving any off street parking in advance, along with the Town of Oconomowoc Plan Commission.

After discussion, Mr. Morris moved, seconded by Mr. Siepmann and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”, with a revision to Condition No. 4 which will now read:

- 4. Adequate parking shall be provided and maintained as required by the Waukesha County Shoreland and Floodland Protection Ordinance. No street parking is allowed unless specifically approved in advance by the Waukesha County Department of Public Works and the Town of Oconomowoc Plan Commission or its designee.*

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.

- **SP102 (Thirst 4 Jesus, Inc.) Town of Oconomowoc, Section 22**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU43) listed above.

After a brief discussion, Mr. Siepmann moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”, with a revision to Condition No. 4 which will now read:

- 4. Adequate parking shall be provided and maintained as required by the Waukesha County Shoreland and Floodland Protection Ordinance. No street parking is allowed unless specifically approved in advance by the Waukesha County Department of Public Works and the Town of Oconomowoc Plan Commission or its designee.*

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.

- **CU44 (Lakewood Farms, Inc./Thomas O’Bryan Jr.) Town of Mukwonago, Section 33**

Mr. Fruth pointed out the location of the property at W310 S10675 County Road I in the Town of Mukwonago on the aerial photograph. He indicated the request is for conditional use approval to allow outdoor special events, including weddings, family reunions, individual small gatherings, etc.

Mr. Greenberg stated the property is unique and totals approximately 600 acres in Waukesha County and significant additional acreage in Walworth County. The property surrounds Wood Lake and the Mukwonago River runs through the property. Most of the land is undeveloped or in agricultural uses. The property contains two residential units used for short term rental, along with a third residential unit which is occupied by the property owner’s family. In addition, there is a boathouse on Wood Lake and multiple accessory buildings across the property. The property owner resides south of the parcel, on the adjacent farm in Walworth County.

Mr. Greenberg indicated the petitioner is proposing to host up to 10 outdoor events per year from May through October, with a maximum of 200 persons per event. Live or amplified recorded music would be included with some events. Events would run from 9 am to midnight, with music ending by 11:45 pm. Wedding events would utilize at least one of the rental units possibly for the wedding party or event hosts. Temporary tents would be set up in an open field near the rental units and lake. Two grass parking areas are proposed in open field locations along with a third parking area located near the southern entrance in Walworth County. The parking areas in Waukesha County can accommodate 50 vehicles and the parking area in Walworth County, up to 90 vehicles. Portable toilets will be required during events, however, permanent sanitary facilities in the rental units would be strictly limited for use by guests staying in the respective dwelling units. All food and alcohol service would be catered and caterers are responsible for obtaining any necessary liquor licenses if alcohol is served during events. No food would be prepared, stored or served from within the existing dwelling units. The property is served with multiple accesses along with a gated entrance off CTH J in Walworth County serving the event location, parking and rental units. Walworth County issued a Conditional Use Permit for the use of an existing barn as an event barn but is not part of this request.

Mr. Greenberg noted that the Town of Mukwonago Fire Department would like to review the overall site plan, including parking and access plans prior to any approval to ensure they can provide adequate access and service the proposed uses on the site. In addition, currently the fire department is not granted authority to require tent installation inspections for events with less than 100 persons. The fire department would like proper notification in advance for all events and the ability to require tent inspections for the smaller events. They also requested that the main access road from CTH J be kept free of parked vehicles as it is considered a fire lane to access the property.

Mr. Greenberg indicated the public hearing was held on March 4, 2020. There was some confusion by the residents in the subdivision to the east who thought the events were being proposed immediately adjacent to the subdivision. After clarification that events are being proposed ½ mile to the west of CTH I near Wood Lake some were satisfied that noise and traffic would not be an issue since traffic would access the property off of CTH J in Walworth County, not CTH I, although many were still opposed to the request and expressed concerns that excess noise and traffic from events would disturb the rural character of the area.

Mr. Greenberg stated that the Town of Mukwonago Plan Commission voted 3-2 to deny the request stating the proposed use does not fit the definition of a private club or resort within the County's Ordinance and that the applicant has not shown that the proposed use complies with the conditions and requirements of the County's zoning regulations. After discussion between the Town and County, the Town Plan Commission and Town Board forwarded a number of recommendations to the County relating to the accompanying Site Plan/Plan of Operation to this Conditional Use request. The Planning and Zoning Division staff is recommending approval of the request in accordance with the Town's recommendations and as modified within the Staff Report and Recommendation. The proposed use is consistent with Town and County plan recommendations for these categories which notes that limited commercial uses, which avoid disturbance of environmental corridors can be considered via a conditional use process. As conditioned, any sound concerns are mitigated by the significant distance, topography and vegetation between the proposed use and nearby residential uses as well as the proposed decibel limits established. In addition, the single access from Walworth County ensures that the use does not have an adverse impact to the county highway (CTH I) and nearby subdivisions. Also, if noise or other problems arise, the Town and County can modify the terms of this approval.

Mr. Mitchell asked, after the initial Town denial and their subsequent recommendations to the County, did the Town Plan Commission and Board take any action during any meetings to acknowledge that they were on board with the request? Mr. Greenberg stated that the Town Plan Commission reviewed the Site Plan/Plan of Operation and they advanced 7 conditions which were incorporated into the County's recommendation. Mr. Schwecke, Town of Mukwonago Planner, confirmed what Mr. Greenberg stated above, however, he wanted to make note that the vote to deny the conditional use was 4-1 not 3-2 as stated in the Staff Report and Recommendation. Mr. Greenberg noted the Staff Report would be corrected to reflect a 4-1 vote. Mr. Mitchell asked again, if another vote was taken by the Town after the denial? Mr. Schwecke responded that the Site Plan/Plan of Operation was reviewed by both the Town Plan Commission and Town Board and the Plan Commission made a recommendation with additional conditions including the approval. Mr. Fruth mentioned that all but 2 of the Town's recommendations were retained. The proposed Town Condition No. 3 (removed) relating to the owner providing a cash deposit, letter of credit or other financial assurance to be used for refuse removal on adjoining properties or law enforcement activities, etc. He stated that there were nuisance provisions built into some of the other conditions in the Conditional Use. If there were issues, the County has the authority through other terms of the Conditional Use to impose additional conditions or restrictive requirements. Regarding proposed Town Condition No. 6 (removed) relating to the owner submitting a document within 7 days of an event, summarizing their success or lack thereof in complying with conditions relative to each special event. The Planning and Zoning Division staff felt details for the events should be provided in advance of the event rather than documenting success or failure after an event. If there is failure, it could be documented by complaints by neighbors or law enforcement and there is strong language in the document which would resolve any violation type issues.

Mr. Mitchell asked, with the 2 conditions removed does the Town still want to go forward with the request? Mr. Schwecke responded that if there is a problem, people will be calling the Town Chairman or Town Police, not the County, and would be a cost to the Town that they are trying to avoid or minimize. He stated it is a taxing position for the Town's revenue/budget if there are problems, and that is why the conditions were recommended by the Town. The Town also wanted documentation so the petitioner is aware what the limitations are and head off any problems as part of the follow up to an event. He said, since there are only 10 events the follow up could be done through an email to the Town Administrator.

Mr. Michalski said it was not clear to him if the Town agreed with the removal of the 2 conditions. Mr. Fruth said the Town Planner is speaking on behalf of the Town explaining the rationale for their conditions. He further explained that the Planning and Zoning Division staff has looked at several different special event venues in the past, the conditions set forth are tailored to the specific requests and felt a clear proposal prior to the event from the petitioner would be adequate. He also stated that staff was not opposed to revisiting restoring the two conditions if the Commission was so inclined.

After discussion, Mr. Morris 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.

• **SP103 (Lakewood Farms, Inc./Thomas O'Bryan Jr.) Town of Mukwonago, Section 33**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU44) listed above.

After a brief 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.

• **PPC20 002 (Kenneth and Elizabeth Jurczyk) Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth pointed out the location of the property at N50 W35060 Wisconsin Avenue in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a retaining wall located within 5 ft. of the western property line.

Mr. Fruth indicated the property is located west of downtown Okauchee on Wisconsin Avenue. Currently, the old railroad tie retaining walls holding back the slope on the property are failing. The proposal is to replace them with a two series block type wall. The wall is 5 ft. in height and the lower wall 1 ft. in height. Conditions of note include the petitioner obtaining any necessary easements or approvals for construction and maintenance of the retaining wall along the west lot line. The retaining walls would tie into an existing retaining wall with the adjacent neighbor. In addition, an erosion control plan would be required.

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.

• **Appointment of Nominating Committee for Officers**

It was decided that the Nominating Committee would be:

- Chairperson Peregrine
- James Siepmann
- William Mitchell

Mr. Mitchell moved, seconded by Mr. Michalski and carried unanimously for approval of the Nominating Committee.

ADJOURNMENT

With no further business to come before the Commission, Mr. Morris moved, seconded by Mr. Siepmann to adjourn at 1:40 p.m.

Respectfully submitted,

James Siepmann

James Siepmann
Secretary

JF:kb