

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, OCTOBER 18, 2018 1:00 P.M.**

CALL TO ORDER

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

Commission

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

Members Absent: None.

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Paige Drew, Administrative Specialist

Guests Present: Mike Schick: CU12
 Sandy Schick: CU12
 Lauren Downing: RZ19
 Adam Ramme: N/A

CORRESPONDENCE: None.

MEETING APPROVAL: Approval of 2019 Park and Planning Commission Meeting Dates.

Mr. Mitchell moved, seconded by Mr. Siepmann and carried unanimously for approval of the 2019 Park and Planning Commission Meeting Dates.

- Balancing Community Values, Local Discretion and New State Rule on Conditional Use Workshop, October 30, 2018, Genesee Town Hall, 6:30 p.m. – 8:30 p.m.

Mr. Mitchell moved, seconded by Mr. Siepmann and carried unanimously for approval for any Commissioner to attend the workshop.

MINUTES: Approval of the September 20, 2018, Minutes.

Mr. Siepmann moved, seconded by Mr. Morris and carried unanimously for approval of the September 20, 2018 Minutes, as presented.

PUBLIC COMMENT: None.

• **RZ18 (Text Amendment) Town of Eagle**

Mr. Fruth pointed out that the request is for text amendments to the various sections of the Town of Eagle Zoning Code relating to Conditional Uses and related matters.

Mr. Fruth noted there are several categories temporarily being removed from the list of uses available by Conditional Use. These categories include multi-family units (both two and three to five unit varieties), resorts, airports, bus and commercial truck parking. The Town of Eagle considers this a temporary set of

amendments. The amendments are in response to the recent legislation to better define the rules for Conditional Use parameters. Additional time will be taken by the Town to write more detailed standards for the uses and their ordinances, as the Town of Eagle does not want to be accused of wrongfully applying inadequate standards. The Town of Eagle Planner informed the public, that if they are seeking a temporarily deleted use, they may apply for a text amendment; however, a considerable amount of effort will need to be applied from both the Town of Eagle and the applicant to create a new Conditional Use section.

Mr. Mitchell questioned the impact of a temporarily deleted Conditional Use. Mr. Fruth stated, for example, if an applicant desired to propose a duplex, there is no availability with how the code is currently written; thus, they would have to approach the Town of Eagle requesting the consideration of a new Conditional Use option for a duplex.

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

• **RZ19 (Heather Hennick/Casey’s General Store) Town of Lisbon, Section 25**

Mr. Fruth pointed out the location of the property at W220 N5701 Town Line Road in the Town of Lisbon on the aerial photograph. He indicated the request is to rezone the property from the A-3 Agricultural Residential Estate District to the B-4 Commercial Special Use District to allow the construction of a convenience store and fuel station.

Mr. Fruth noted the property is located at a prominent intersection between Town Line Road and Silver Spring Drive, on the Village of Sussex and Town of Lisbon border. The area is planned Commercial and the surrounding area is a Mixed Use Environment. Surrounding properties include school facilities to the north, light business and industrial uses to the south, a residence immediately to the west, and a nearby privately held property, which ATC is currently using as a staging laydown area for towers. The proposal is to rezone the land from an A-3 Agricultural Residential Estate District to a B-4 Commercial Special Use District for a Casey’s Gas Station and Convenience Center to replace the residence on the subject property.

Mr. Fruth further stated the Boundary Agreement between the Village of Sussex and Town of Lisbon requires the review and approval of all entities involved. Both parties have been actively reviewing site plans based on comments heard at the Town Public Hearing. Neighbors and the affected public specifically mentioned concerns regarding a 24 hour operation, a request for fencing the west side of the property, lighting, and signage. Of the various concerns heard, attention has been given to each of them at the Site Plan and Conditional Use level. The developer expressed a willingness to construct a monument type sign in place of the originally proposed seven (7) foot high pole signage. The hours of operation have been modified from 24 hours to 5 a.m. to 11 p.m. Ms. Scherer, Senior Planner, Waukesha County Planning and Zoning Division, has been facilitating dialogue between developers, Waukesha County Land and Resource Division, and Waukesha County Public Works Division, ensuring access and stormwater issues are handled properly.

Mr. Mitchell inquired about the ATC laydown. Mr. Fruth explained the area is designed for storing equipment such as towers and poles.

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

• **CU12 (Okauchee Lions Club Inc.) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at N49 W34400 Wisconsin Avenue in the Town of Oconomowoc on the aerial photograph. He indicated the request is for after-the-fact land altering activities associated with filling a portion of an existing kettle.

Mr. Fruth stated the applicant is requesting a Conditional Use approval for earth altering activities. The Okauchee Lions Club has met with the Waukesha County Planning and Zoning Division in previous years for future field lighting, and recently, a retro-fit and expansion of the pavilion facility on-site. Excess materials were left on the property from the pavilion expansion, which the Okauchee Lions Club wishes to dispose of. Mr. Fruth proceeded to point out the historic fill area, kettle, and wetlands of the property. An unnatural knob is present in the kettle, which has been a historic area where fill has been placed. The disturbance has been estimated to be approximately 1,000 cubic yards covering approximately 3,000 square feet. The photographs indicate fill was pushed into vegetated areas, and tree trunks were damaged and buried. There was no erosion control or delineation of the wetland on the front end of the project.

Mr. Fruth said the Planning and Zoning Division Staff consulted with the Waukesha County Land Resources Division Staff. Staff did not feel the new material would compromise the storage of the kettle or cause flooding to the adjacent properties; however, Land Resources Staff noted that stabilizing the slope would not be possible, as it was left in a severe state with steep side slopes in a shaded area. The Town of Oconomowoc Planner pointed out in his report that Town and County plans call for preservation of steep slopes which are twelve (12) percent or greater. When dealing with kettles, especially wooded, had the Waukesha County Planning and Zoning Division Staff been asked prior to activity occurring, they would have tried to direct the fill elsewhere. The Okauchee Lions Club has since regraded the land, and put seed and straw down to restore the area. The Waukesha County Land and Resource Division Staff is going to investigate the property and ensure the slopes are properly stabilized. A special shade type seeding may need to be laid down as well.

Mr. Fruth noted the Town of Oconomowoc placed a condition on their approval that trees be planted to offset the impact to vegetation on the property. A report has been received by the Waukesha County Planning and Zoning Division Staff from the Okauchee Lions Club that trees have been planted.

Mr. Maslowski questioned if the coloration of the layers on GIS indicated that water was filling the kettle? Mr. Fruth stated the coloration indicated the Wisconsin Department of Natural Resources (WDNR) believes there may be wetlands in the low part of the kettle.

Mr. Schick, the President of the Okauchee Lions Club, explained that during the construction process the tractors and loaders created ruts in the grass, which filled with water during rain events. Two companies came forward and offered to remove top soil from the area and put stone in its place. He stated the area covered in stone was roughly 150 cubic yards, and was unsure how the 1,000 cubic yard area of disturbance was determined. The contractor that performed the work donated \$1,400.00 of his time and equipment to help. In June 2018, when Mr. Schick was notified of the problem, they put a barrier sock halfway down the hill before all of the seeding was done. He went on to note that a silt

fence was recently added to the premises. Overall, \$4,000.00 of time, labor, and equipment was spent in order to bring the property to compliance.

Mr. Mitchell inquired if concrete slabs were previously located on the property or if someone else deposited them on the property? Mr. Schick stated the concrete slabs were possibly dumped by someone else, because they were not on the premises before June 2, 2018.

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.

ADJOURNMENT

With no further business to come before the Commission, Mr. Siepmann moved, seconded by Mr. Michalski to adjourn at 1:24 p.m.

Respectfully submitted,

James Siepmann

James Siepmann
Secretary

JS:pd

**WAUKESHA COUNTY PARK & PLANNING COMMISSION MEETING
(Administration Center)**

◆ **ATTENDANCE SHEET** ◆

DATE OF MEETING October 18, 2018

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

NAME	ADDRESS	PHONE NUMBER	IN ATTENDANCE FOR THE MATTER OF:	RELATIONSHIP TO PETITIONER
mike Schick & Sandy	W340 N4931 Road O, Washotah, WI 53058	262-567-2725	Okauchee Lions Club	Petitioner
LAUREN DOWNING	5291 ZENITH PKWY LOVES PARK, IL 61111	815-484-7300	Casey's General Store	Applicant's Representative
ADAM RAMME	461 THURLOW DR ECONOMOWOC	414-852-5703	GENERAL	NA