

**WAUKESHA COUNTY**  
**MINUTES OF THE PARK AND PLANNING COMMISSION**  
**ADMINISTRATION CENTER, ROOM AC 255/259**  
**THURSDAY, JUNE 20, 2019 - 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  
                                 William Maslowski    Thomas Michalski

Members Absent:    Richard Morris

Staff

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

**CORRESPONDENCE:**    None.

**MEETING APPROVAL:**    None.

**MINUTES:**                    Approval of the May 16, 2019, Minutes

*After discussion, Mr. Maslowski moved, seconded by Mr. Siepmann and carried unanimously for approval, of the May 16, 2019, Minutes as presented.*

**PUBLIC COMMENT:**        None.

• **Consideration of the Year 2019 Request for Amendment to the Comprehensive Development Plan for Waukesha County**

2. In the Town of Lisbon, the following request is being made:

- A. *Neumann Developments, Inc., representing Bowen Global Investments*, 633 S. 4<sup>th</sup> Street, Suite 7, Las Vegas, NV 89101-6631, requests property located in part of the S ½ of Section 30, T8N, R19E, Town of Lisbon (Tax Key No. LSBT 0264.998.002), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Other Open Lands to be Preserved categories to the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit), to allow a single-family residential subdivision.

Mr. Fruth indicated the request has been on hold awaiting Town action since the public hearing in February 2019. The Town of Lisbon Board approved the amendment request on May 13, 2019. The property is located within a boundary agreement area, which required Village of Merton approval. The Village approved the request in June 2019. Mr. Fruth indicated the property is located north of CTH K and south of Ainsworth Road in the Town of Lisbon. Adjacent properties include a subdivision to the west, rural type properties to the south and other low density residential to the southwest and northeast. The property has been utilized for agricultural purposes and contains a wetland in the northeast corner. At the public hearing, an adjacent neighbor to the northeast expressed concerns with respect to a Conditional Use for a private firing range currently on his father's property, which he would like to retain. He also noted that there was standing water on the subject property every year and that there

were drainage conditions with a low area, which extends across the existing property lines. The County's GIS system shows the area as a mapped wetland. In addition, another property owner located to the southeast, that is in the process of building a new home, also expressed concerns with drainage runoff onto her property.

Mr. Fruth indicated that the drainage concerns were relayed to the Land Resources Division staff. A Development Review Team meeting was held for the project, where the offsite drainage issues were discussed. He explained that the County's Storm Water Ordinance would deal with all of the issues as the matter gets to the plat review stage. He indicated that the Conditional Use for the private firing range was a Town Conditional Use. The Planning and Zoning Division Staff will track the issue, however, until the lands are actually developed it did not seem problematic for the firing range to continue. If, and when, a final plat is recorded, the Town would need to address the Conditional Use issue.

Mr. Fruth said the proposed Suburban I Density Residential category is a 1.5 to 2.9 acres of area per dwelling unit category. The submitted concept plan shows the subdivision would be a conservation design, containing 40% open space, and the associated rezone (next item on agenda) specifies that a General Development Plan would be required. At the Development Review Team meeting, there were revisions to the proposed access location onto CTH K, which will be addressed by the Waukesha County Department of Public Works. Another access to the development would be located on Ainsworth Road to the north.

Mr. Fruth stated the Planning and Zoning Division staff is recommending approval with a condition that the property be developed as a conservation type project with a minimum of 40% common open space as proposed on the concept plan.

*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.*

• **RZ42 (Neumann Developments, Inc./Bowen Global) Town of Lisbon, Section 30**

Mr. Fruth pointed out the location of the property, north of CTH K and south of Ainsworth Road in the Town of Lisbon on the aerial photograph. He indicated the request is to rezone the property from the A-10 Agricultural and C-1 Conservancy Districts to the R-1 Suburban Single Family Residential and C-1 Conservancy Districts with a Planned Unit Overlay.

Mr. Fruth indicated the proposed development would contain 64 lots on the 106-acre property along with 40% open space. The terms of the Planned Unit Development would allow lots as small as 30,000 sq. ft., with a road setback of 35 ft. on interior roads and 110 ft. lot width minimum. The Town conditioned its approval upon conformance of the General Development Plan.

Mr. Maslowski expressed concerns with the issue of the firing range. He asked if it would be a component of the approval of the development. Mr. Fruth responded that the Town did not make it part of their specific approval, however, County Staff acknowledged it at the Development Review Team meeting. He indicated that just because the lands are rezoned today does not mean that the development will happen immediately, however, it should be dealt with at such time that a Preliminary Plat is submitted. Mr. Maslowski said he brought the subject up because there are possibilities that there could

be some harm as communities build up around an existing Conditional Use. He hoped the Town would be sensitive and come up with some agreement with the new development as well as the existing property owner of the firing range. He noted the Conditional Use could be withdrawn. Mr. Fruth added that the Conditional Use was granted in the early 1980's and conditioned that if, and when, the lands to the west were developed that the use may have to cease. Chairperson Peregrine said there was no specific discussion at the public hearing as to where the firing range is located on the property and which way the shooting occurs. Mr. Mitchell said it is a Town issue and they need to deal with the firing range. A project representative clarified that it is a privately owned gun range and is not open to the public and only the owner uses it.

*After discussion, Mr. Maslowski, 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.*

- **RZ39 (Estate of Joan Mallow/Beth Schmitz) Town of Oconomowoc, Section 5**

Mr. Fruth pointed out the location of the property, on the east side of STH 67 and south of Evergreen Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is to rezone the property from the FLP Farmland Preservation District to the R-1 Residential District.

Mr. Fruth indicated the proposed rezone is being requested to divide off a three-acre lot including the existing residence and outbuildings. The remaining portion of the parcel will continue to be farmed. The petitioner is also requesting a remnant parcel waiver, which would allow the three-acre parcel to be placed on the Certified Survey Map (CSM) (next item on the agenda). In addition, there is a request to allow for the accessory building square footage on the site to be greater than 2% (next item on the agenda). In general, this allows landowners with property zoned in the Farmland Preservation District to be able to retain historic, agricultural barns and outbuildings. The Planning and Zoning Division staff is recommending approval of the request with several conditions; a CSM is being required and that a Deed Restriction be recorded indicating that only one additional development right remains for the remnant parcel.

*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.*

- **PPC19 004 (Estate of Joan L. Mallow/Beth Schmitz) Town of Oconomowoc, Section 5**

Mr. Fruth pointed out the location of the property, on the east side of STH 67 and south of Evergreen Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is related to RZ39 above and is for a remnant parcel waiver and accessory building footprint waiver for the creation of a three-acre lot, which will include the existing residence and outbuildings.

Mr. Fruth stated, the approvals for the request would allow the CSM to move forward.

*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.*

- **CU26 (Milwaukee Boys Club/Willems) Town of Merton, Section 11**

Mr. Fruth pointed out the location of the property, at W294 N8436 Camp Whitcomb Road in the Town of Merton on the aerial photograph. He indicated the request is for land altering activities for a lake access road in conjunction with a weed harvesting operation.

Mr. Fruth indicated that Camp Whitcomb is located on the northwest shore of Lake Keesus. The Lake Keesus Management District operates a weed harvester from the shore of the property. The weeds from the lake are then trucked off the property. The request is for improvements to the existing access road for easier trucking. A portion of the road would be filled to reduce the slope of the road, asphalt paving would be added and at the shore of the lake, a turnaround and concrete pad would be added. No work or grading would be within the 100-year floodplain. One oak tree (with signs of decline) would need to be removed along the road. The Planning and Zoning Division staff is recommending that it be replaced with one, two-inch oak tree. The staff is also recommending that wording be added to Condition No. 5 stating that the weed harvesting operation comply with the most current Site Plan/Plan of Operation on file with Waukesha County.

Chairperson Peregrine stated that a two-inch replacement tree would take a very long time to grow to the size of the tree being removed. Mr. Fruth said that the Shoreland Ordinance protects priority trees of native species. Mr. Maslowski asked what size is the slab near the turnaround area? Mr. Fruth responded, approximately 15' x 8'. He added that it is located near the turnaround area.

*After discussion, Mr. Maslowski moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a change to Condition No. 5 which will now read:*

5. *All operational aspects of the weed harvesting operation shall continue to comply with PO-17-MRTT-02 or the most current Site Plan/Plan of Operation on file with Waukesha County.*

*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 005 (Robert Whitehouse) Town of Delafield, Section 24**

Mr. Fruth pointed out the location of the property at W285 N2022 Louis Court in the Town of Delafield on the aerial photograph. He indicated the request is for a road width right-of-way reduction for Louis Court from 66 ft. to 50 ft.

Mr. Fruth indicated there is a recorded subdivision plat that relates to this area but the actual lot lines are considerably different from what was recorded. He stated that the petitioner has frontage on three different roads and the road setback is challenging. The request is to reduce the right-of-way from 66' to 50' on Louis Court. No improvements are planned by the Town of Delafield for the road.

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

- **PPC19 006 (William Schmitz) Town of Lisbon, Section 5**

Mr. Fruth pointed out the location of the property at N95 W26740 CTH Q in the Town of Lisbon on the aerial photograph. He indicated the request is for a road width right-of-way reduction of CTH Q from 100 ft. to 86.25 ft.

Mr. Fruth indicated the property is located on Lake 5 in the Town of Lisbon. The petitioner is only seeking the reduction for the stretch of CTH Q that abuts his property. There is an agreement between Waukesha and Washington counties regarding road improvements/maintenance of CTH Q. This portion of CTH Q is Washington County's stretch of highway, however, both Department of Public Works are agreeable with the proposal. The proposal reduces the north side of the centerline from 50 ft. to 36.25 ft. Mr. Maslowski asked why is the request being made and would improvements need to be made in the future to the road? Mr. Fruth replied, that it is not expected that CTH Q would need to be expanded beyond 36.25 ft. from the center of the road in this area. Mr. Schmitz, petitioner, introduced himself and indicated that his existing garage is 36.25 ft. from the centerline of the road. He would like to expand the current garage but not towards the road. He explained that on his property deed, it indicates 23,000 sq. ft. of property, but when using the 50 ft. setback vs. the 36 ft. setback, it reduces it to 12,000 sq. ft.

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

- **PPC19 007 (Andrew and Lynda Freseth) Town of Oconomowoc, Sections 10 and 15**

Mr. Fruth pointed out the location of the property at N77 W36498 Saddlebrook Lane in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a lot not abutting a public road.

Mr. Fruth indicated the property was rezoned earlier in the year to divide the thirty-nine acre property into two (2) parcels in order to separate the single-family residence (three acres, located in the northeast corner) from the commercial horse breeding, boarding and training operation and existing structures, which would be reduced to 36 acres in size. The property owner is planning to move from the property and would like to be able to sell the residence separately from the horse operation and still have the use approvals continue for the horse operation. The petitioners are proposing a two lot CSM. Lot 1 located in the northeast corner of the property would be three acres in size and contain a single-family residence. Lot 2 would be approximately 36.07 acres in size and contain a commercial horse boarding facility and existing structures. Mr. Siepman asked if another residence could be constructed on Lot 2, to which Mr. Fruth replied no, because there are no density rights left.

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

- **PPC18 008 (David Robinson) Town of Oconomowoc, Section 13**

Mr. Fruth pointed out the location of the property at W340 N7661 Townline Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a remnant parcel waiver and lots not abutting a public road to allow the creation of four, single-family residential parcels and accessory building footprint for farm consolidation parcels.

Mr. Fruth indicated that approximately 16 acres of the property was recently rezoned from the Farmland Preservation and Farmland Conservancy Districts to the R-1 and HG Districts to accommodate four, single-family residential lots. The land division is currently proposed via two Certified Survey Maps. Two of the parcels will incorporate the existing residences and outbuildings and the remaining two parcels will remain vacant for future residential use. The remaining lands, approximately 138-acres, will be kept in agricultural use as per the FLP District requirements, and no additional density rights will remain. The Planning and Zoning Division staff recommends approval of the request with conditions.

*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.*

• **Appointment of Nominating Committee for Officers**

It was decided that the Nominating Committee would be:

- Chairperson Peregrine
- Mr. Siepmann
- Mr. Mitchell

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Siepmann moved, seconded by Mr. Michalski to adjourn the meeting at 1:43 p.m.*

Respectfully submitted,

*James Siepmann*

James Siepmann  
Secretary

JS:kb