

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, MAY 16, 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    Richard Morris

Members Absent:    None.

Staff

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

**CORRESPONDENCE:**    None.

**MEETING APPROVAL:**    None.

**MINUTES:**                    Approval of the April 18, 2019, Minutes

*After discussion, Mr. Mitchell moved, seconded by Mr. Siepmann and carried unanimously for approval, of the April 18, 2019, Minutes as presented.*

**PUBLIC COMMENT:**        None.

**SCHEDULED MATTER:**    None.

• **RZ34 (Chad and Alissa Rosenow/Rosenow Family Limited Partnership), Town of Oconomowoc, Section 15**

Mr. Fruth pointed out the location of the property located on the west side of McMahan Road, across from Lake Side Heights subdivision in the Town of Oconomowoc, on the aerial photograph. He indicated that the request is to rezone the property from the FLP Farmland Preservation District to the R-1 Residential District.

Mr. Fruth pointed out that there are three (3) different parcels that comprise the farm. The subject farm extends to both sides of McMahan Road. He noted the farm contains one of the last large stretches of undeveloped lakeshore frontage left in Waukesha County, extending roughly 1,600 ft on Ashippun Lake. The proposal would split off two (2) acres of the six (6) acre parcel to create a single-family residential lot. A preliminary meeting between the Town Planner and Waukesha County addressed options as far as how to be the least disruptive to the farm operation. In this case, there was discussion about different options including a lot that would have lake frontage. Mr. Fruth pointed out on the aerial photograph where the property owners would prefer to site the lot. Following the siting standards criteria, with consideration of the existing development across the road, and a house to the northwest, achieves the goal of clustering the development. The parcel is close to McMahan road, with no long driveway knifing through the cultivated land. The Town recommended approval of the rezone.

Mr. Fruth noted that the County Park and Open Space Plan designation of the lands does not affect the parcel in question; however, the plan does affect the lake frontage area. The area is proposed for future County greenway. The area that is not cultivated is wetland, floodplain or both. Waukesha County Parks and Land Use Staff discussed the division being proposed with the owner and Town Planner. The parties agreed that it was not the right time to pursue acquisition.

Mr. Morris questioned who owns the Ashippun Lake access to which Mr. Fruth stated, “The State of Wisconsin.” Ms. Rosenow, the petitioner, noted that the area that runs along the lake is 15 ft. to 100 ft. of marsh. In order to have lake access, they would have to have a 50 ft. to 100 ft. pier to reach the water and avoid the marsh.

Mr. Michalski questioned why the interest from the Waukesha County Department of Parks and Land Use for the land is strictly for greenway. Mr. Fruth stated that is how the land is designated. There are two classifications for County owned land, one is for future County parkland and the other is for greenway. Mr. Fruth went on to explain how greenway protects waterways. It is unusual to have the designation mapped on a lake; however, the circumstance is unique as there is wetland right next to State ownership and the shore.

*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.*

- **PPC19 002 (Chad and Lissa Rosenow/Rosenow Family Limited Partnership), Town of Oconomowoc, Section 15**

Mr. Fruth indicated that the request is related to RZ34 listed above.

Mr. Fruth noted that Condition No. 1 refers to the remnant acreage of four (4) acres to be combined with the adjacent larger holding. There is no bearing on the future density rights of the farm as long as it is zoned as FLP Farmland Preservation District. Two density rights will remain. A Deed Restriction is required as part of the rezone process in conjunction with the Certified Survey Map, so there is no misunderstanding about how many rights remain in the future.

*After discussion, Mr. Mitchell 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.*

- **RZ41 (MC Home Builders/Nancy Washburn), Town of Waukesha, Section 35**

Mr. Fruth pointed out the location of the property on the east side of STH 164 and on the west side of Big Bend Road in the Town of Waukesha, on the aerial photograph. He indicated that the request is to rezone the property from the R-E Single Family Residence Estate District to the R-1 Single Family Residence District.

Mr. Fruth noted that this is a Town of Waukesha rezone. The property has unique characteristics with a utility tower on the northern part of the property. High overhead wires run parallel to the north property line, using the tower to make a 90 degree angle turn to the south.

Mr. Fruth pointed out the configuration of the existing easements on the Staff Report and Recommendation Exhibit "A". The Waukesha County Planning and Zoning Division Staff met with the petitioner to conduct a Development Review Team Meeting to discuss if the utility company would be agreeable to a public road crossing of the easement. Mr. Fruth stated from a land use plan standpoint, the proposal will comply with the County Plan. The County Plan for said area is a three (3) acre density conventional. As a conservation design, the County Plan offers a 30 percent density bonus, which allows for development at a 2.1 acre density. The rezone would take the property from the R-E Single Family Residence Estate District three (3) acres to the R-1 Single Family Residence District one (1) acre, which would allow for smaller lot sizes and additional open space. The density bonus requires 40 percent open space. The Town Plan for the property is low density residential (20,000 sq. ft.).

Mr. Fruth noted that parts of the property are poorly drained. Hydric inclusion and hydric soil expands onto a proposed lot. Restriction of the building envelope in said area will be required. To the west of the easement, the main part of the development topography is sloping east to west. A storm water facility has been proposed in the southwest corner and east part of the property. A small area of wetlands are located in the far northeast corner. One recommended condition requires that the Town Plan be amended, which has now been finalized. Mr. Fruth mentioned the other condition to note is that (ATC) American Transmission Company sign off on the right-of-way will be required.

Mr. Peregrine invited Ms. Washburn, the petitioner, to add any additional commentary about the property. Ms. Washburn noted the site has interesting topography with a variety of features. The week prior to the Thursday, May 8, 2019, Park and Planning Commission Meeting, she worked out the Storm Water Management and Grading Plan. Her next step will be to submit the two plans to Waukesha County and the Town of Waukesha. Once the Grading Plan is approved, she will send the plan to (ATC) American Transmission Company. Ms. Washburn mentioned she has been in communication with the tower company and the project benefits them by now granting them road frontage. Previously, the tower company had to cross the wetlands to reach their tower, this will no longer be the case. The Park and Planning Commission is her next step in the approval process for the plat to advance forward. Mr. Maslowski questioned the septic sustainability. Ms. Washburn noted that testing had been done in the fall of 2018.

*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.*

- **RZ35 (Heaven City Development Co./Ralph Hibbard/ John R. Stigler), Town of Vernon, Section 19**

Mr. Fruth pointed out the location of the property at S91 W27850 W. National Avenue in the Town of Vernon, on the aerial photograph. He indicated that the request is to rezone the property from the A-2 Rural Home District to the R-1 Residential District.

Mr. Fruth noted that the subject property holds a collection of buildings with different uses. Formerly, the Heaven City Restaurant was operating from the main building on the property; however, the restaurant has been out of business for a couple of years. A tavern is located in the lower part of another building. There are a total of 18 additional residential units on the property.

Mr. Fruth stated the part of the property that is proposed to be rezoned is undeveloped land to the far north. The area to be rezoned is closest to the cul-de-sac, which currently terminates at the north property line. A broad area of environmental corridor, steep slope conditions, and wetlands stretch across the land. To the west rests a small storm water area. The Concept Plan would place the storm water area into an outlot, which would be separated from a large outlot that would include the additional environmental corridor acreage. The rezone to the R-1 Residential District versus the existing A-2 Rural Home District would allow two (2), one (1), acre lots with undevelopable land remaining in an outlot. Given the size of the property and collection of uses, going to smaller lot sizes gives greater development and redevelopment potential for the property over time.

Mr. Fruth mentioned that there are possible archeological sites on the property, which have been screened by the Waukesha County Land Resource Division. The State has visited the site as well and indicated the proposal to rezone does not conflict with sensitive areas.

Mr. Fruth explained the conditions being recommended. A Certified Survey Map needs to be brought forward, along with a plan amendment for a final approval through the Town for the area to be rezoned prior to the Ordinance advancing to LUPE and the County Board. Mr. Fruth noted that the condition is rare due to the unusual timing. There is a lack of conformity in the Town Land Use Plan that was not identified when reviewing the rezone. Presently, the Town is working through a process to make comprehensive amendments to their Town Plan. The County thought they would allow for the petitioner to move forward more quickly by advancing them through the Park and Planning Commission and holding the proposal until the Town advises that they have formally amended the plan.

***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.***

• **CU22 (Heaven City Development Co./Ralph Hibbard), Town of Vernon, Section 19**

Mr. Fruth indicated that the request is related to RZ35 listed above.

Mr. Fruth noted that the companion Conditional Use memorializes the list of uses that exist on the site and reduces the area to exclude the acreage to be rezoned. The acreage has never been a part of the business operations on the site. Mr. Fruth went on to explain noteworthy modifications to the Conditional Use:

- Clarification has been added to the tavern’s special events as far as where events with tents and related items can be held relative to the highway.
- The National Liquor Bar sign, relocated from West Allis to the subject property, will remain on the premises.
- The apartment uses will remain with clarifiers regarding no additional density.
- The sale of fireworks is no longer being proposed by the petitioner and will be removed.

- The use approval for the restaurant will remain. If a new tenant is found, they can reoccupy with said use.

Mr. Fruth stated the petitioner is deliberating how he goes about finding a new owner for the acreage around the Fox River. The petitioner is interested in the preservation of the acreage, which is the purpose of the outlot. The Waukesha County Land Conservancy has been made aware of the acreage. Mr. Fruth noted that the petitioner has to consider what he would like to do with the remainder of property as time progresses.

*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.*

- **SP58 (Heaven City Development Co./Ralph Hibbard), Town of Vernon, Section 19**

Mr. Fruth indicated that the request is related to CU22 and RZ35 listed above.

*After a brief discussion, Mr. Maslowski 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.*

- **PPC19 003 (Larry and Joan Koth Trust), Town of Vernon, Section 34**

Mr. Fruth pointed out the location of the property at W247 S10870 Center Drive in the Town of Vernon, on the aerial photograph. He indicated that the request is for a remnant parcel waiver to combine lots and remove the interior lot line.

Mr. Fruth noted that the proposal would expand the owner’s acreage to the lake to the east. The owners would acquire one (1) acre from the Norris Adolescent Center. The Norris Adolescent Center is a large property containing hundreds of acres. The northern portion of the property will continue to maintain a large amount of frontage on the lake. The Certified Survey Map would encompass the existing one (1) acre residential property, plus the area going to the shoreline.

Mr. Koth, the owner, explained there are boats located on the easement area. He stated that he would like direct access to the lake and open up the view by removing non-native trees. He would also like to put a conservation easement on the property for protection and plant native prairie species.

Mr. Maslowski asked the owner if there is a buildable lot located on the subject parcel. Mr. Koth stated that there is not a buildable lot on the subject property. Mr. Fruth noted that part of area is outside of the mapped environmental corridor and mapped wetlands. If Norris Adolescent Center would ever look to sell any of the acreage, the land could be transitioned for another use. Mr. Fruth pointed out that there is a dam on the south end of the property. Several years ago, the dam went through a failure analysis. Waukesha County worked with the adjacent Racine County during the analysis process.

*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.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Maslowski moved, seconded by Mr. Mitchell, to adjourn the meeting at 1:29 p.m.*

Respectfully submitted,

*James Siepmann*

James Siepmann  
Secretary

JS:pd