

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 355/359
THURSDAY, MAY 21, 2015, 1:00 P.M.**

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 Keith Hammitt
 Richard Morris William Mitchell William Maslowski

Members Absent: None

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Elfriede Sprague, Administrative Specialist
 Kim Haines – Corporation Counsel

Guests Present: Sharon Leair, Town of Genesee Chair - ZT-1728A
 Mark Augustine – SCU-1604
 Buck Houston – ZT-1728A

CORRESPONDENCE: Letter dated May 18, 2015 from Sharon Leair e-mailed to the Commission on May 19, 2015 supporting the approval of ZT-1728A, Town of Genesee Zoning Code.

MEETING APPROVAL: None

MINUTES: Approval of the April 23, 2015, Minutes.

Mr. Peregrine moved, seconded by Mr. Mitchell, and carried unanimously for approval of the April 23, 2015, Minutes as corrected.

PUBLIC COMMENT: None.

SCHEDULED MATTER:

- **1:05 p.m. Public Hearing for Out of Sequence 2015 Amendment to the Comprehensive Development Plan for Waukesha County (Town of Oconomowoc Board)**

At 1:05 p.m. Mr. Fruth read the Notice of Public Hearing into the record.

1. In the Town of Oconomowoc, the following request is being made:

The Oconomowoc Town Board, W359 N6812 Brown Street, Oconomowoc, WI 53066, requests that property located in part of the SW ¼ of Section 23, T8N, R17E, Outlot 4 Woodside Farms, Town of Oconomowoc (Tax Key No. OCOT 0523.058), be amended from the Commercial and Office Park category to the Governmental and Institutional category to accommodate a proposed municipal salt shed and other future Town facilities.

Mr. Fruth identified the property on the southeast corner of C.T.H. “K” and “P” and stated the Town of Oconomowoc acquired the approximately 5 acre parcel in 2013. He pointed out on the GIS that it is immediately opposite the Town Hall and associated municipal buildings. Mr. Fruth stated that there was acknowledgment when the adjacent Woodside Farms subdivision was developed that the outlot was intended for commercial, multi-family or governmental use in the future. The Town would like to construct a new salt shed on the recently acquired property this year. The site is planned to accommodate other municipal buildings when the Town has out-grown existing facilities. While the zoning designation of the site is already P-I Public and Institutional District, the Town and County land use plans reflect a planned commercial category for the property. Mr. Fruth stated the land to the south is also in the Commercial category, so it is a transitional area with mixed uses including commercial use on the northwest corner, residential uses to the east.

Mr. Fruth stated Staff received a letter commenting on the Land Use Plan change and also two telephone calls from neighbors. One neighbor raised a concern about the hours of operation of the future municipal salt shed, as his residence is located to the south. Mr. Herrmann offered that there may be a possibility of preloading trucks in the early morning hours so that the first time the trucks would be returning to the facility would be 8 a.m. Another concern he voiced was that because he owned several rustic barns, he would like to see compatible architectural designs for the new buildings. Mr. Fruth stated Jeff Herrmann indicated the Town would be willing to look into designs that would be compatible with his rustic buildings. He and another neighbor both expressed a desire to see additional screening from Woodside Farms. Mr. Fruth stated that the transmitted letter expressed concerns regarding ground water and runoff. Mr. Fruth explained development of the site will need review from the Land Resources Dept. and the DNR and those will be considered at the Site Plan and Plan of Operation phase.

Chairman Siepmann opened the public hearing to comments. There was no one present who spoke to the matter. Chairman Siepmann declared the public hearing closed 1:10 p.m.

• **Consideration of the Year 2015 Out of Sequence Amendment to the Comprehensive Development Plan for Waukesha County (Town of Oconomowoc Board)**

Mr. Fruth pointed out the location of the property in Section 23 of the Town of Oconomowoc on the aerial photograph. He indicated the request is to amend the Waukesha County Comprehensive Development Plan from the Commercial and Office Park category to the Governmental and Institutional category for property located in part of the SW ¼ of Section 23, T8N, R17E, Lot 4 Woodside Farms, Town of Oconomowoc.

Mr. Fruth referred to the public hearing portion of the meeting. He stated the Town has approved the request and the Staff feels that any concerns regarding the site, hours of operation and ground water issues will be resolved during the Site Plan review. The location will cluster municipal services in one area and staff is recommending approval of the request. Mr. Peregrine and Mr. Morris both spoke in favor of the request stating it is a much needed addition to the Town services.

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

- **ZT-1808 (Text Amendment) Town of Mukwonago**

Mr. Fruth stated the request is to amend Subsection 82-131(1) of the Town of Mukwonago Zoning Code relating to the keeping of livestock in the A-1 Zoning District.

Mr. Fruth explained this is a text amendment relative to the keeping of livestock in the A-1 zoning district. The A-1 District allows for parcels as small as three acres and accommodates both agricultural and limited residential uses. The request was initiated by the Jean Holtz Trust which. The Holtz family is proposing to split two 3.3 acre lots from their original farm. Mr. Fruth explained there are two existing outbuildings on the two proposed smaller parcels and the current ordinance did not allow for the keeping of livestock to continue in those buildings, with the reduction in parcel size. Therefore, the Town drafted a proposal that would allow for adjacent lands owned by the same owner to be utilized in calculating the number of permissible livestock and provides individuals with the ability to petition the Town Plan Commission to increase the number of available animals if a lease of adjacent lands is secured and such lands are zoned C-1, EC, A-1, AE or AP. Mr. Fruth explained the Town Planner asked the County if there had been any problems with the similar County ordinance leasing provision. Mr. Fruth replied that we had not had many issues with the provision and advised that the language allows for a fairly informal process whereby some documentation of a given lease is requested to demonstrate compliance with the ordinance.

Marsha Holtz addressed the Commission. She explained the family history of the farm and stated with the passing of her mother, it was bequeathed that two smaller lots be created and one of the lots was to go to her and the other to her sister. The approval of the request will allow the farm to operate as it has in the past and allow her to have some feeder chickens and stock. Mr. Peregrine asked if she read the Staff Report and Recommendation and if she had any comments on the report. Ms. Holtz replied she had read it and was in agreement with the recommendation.

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

- **ZT-1809 (Jean Holtz Trust) Town of Mukwonago, Section 18**

Mr. Fruth pointed out the location of the property in Section 18, T5N, R18E, Town of Mukwonago on the aerial photograph. He indicated the request is to rezone the property from the A-P Agricultural Land Preservation District to the A-1 Agricultural District.

Mr. Fruth explained the lands proposed to be rezoned are located in the northeast corner of the subject farm that is located to the west of C.T.H. “E” in the Town of Mukwonago. The petitioner received a remnant parcel waiver from the Waukesha County Park and Planning Commission in March to allow for two lots to be divided from the farm. The existing large farm parcel (approximately 140 acres-west side of C.T.H. “E”) that the lots would be divided from currently contains two houses and numerous agricultural outbuildings. The related proposed land division would create two, 3.3 acre parcels, to settle an estate, leaving the vast majority of the acreage as “unplatted lands.” Each parcel would contain one residence. The proposed A-1 zoning designation allows for minimum three acre lots. Therefore, each resultant lot would be conforming.

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

• **ZT-1728A (Town of Genesee Board) Town of Genesee**

Mr. Fruth stated the request is to consider approval of the Town of Genesee Code Zoning Code that would replace General County Zoning within the Town of Genesee.

Mr. Fruth gave a brief overview of the proposal for the Town of Genesee to adopt its own Zoning Code and replace County Zoning. He stated staff has worked closely with Jeff Herrmann over the past year reviewing the code and suggesting edits. The Code will be very similar to the County Code with the County still administering Shoreland Zoning. Mr. Fruth outlined several of the issues that were different from the County Zoning Code.

- Grading Provisions – Conditional Use provisions for grading would be reduced. Only very large projects would require a permit: a six feet +/- change in grade, four feet +/- in the vicinity of a lot line or an Environmental Corridor or fill projects larger than 1,000 cubic yards.
- Accessory Buildings – The County Code allows a maximum 3% floor area ratio for all accessory building square footage on a site, whereas the Town Code will reduce said measure to 2% in the A-1 through A-3 Districts and specify a whole number maximum square footage size in the R-1 District.
- Parking – A proposing a formalization of policies that have been in place in areas like Genesee Depot to allow for consideration of available municipal parking in arriving at reduced parking requirements.

Mr. Fruth discussed several other issues the Town is addressing: communication laws regarding Cell Towers, Special Use Systems, specifically proposals for wind and solar energy systems, and a 50 ft. wetland setback.

Mr. Fruth stated that, in 2011, when the Code was first presented, there were some policy concerns regarding the implementation the County Development Plan. Since the initial submittal, State law was amended which provides Waukesha County with the continuing role of approving all Town zoning amendments even if all towns in the County adopted their own zoning ordinances at some point in the future. The new law will help to ensure that the County Development Plan is preserved as a tool to guide future land use and other important countywide issues. Mr. Fruth added that the Town Zoning map has been updated and defers Shoreland Zoning to the County and captures the most recent available natural resource inventories.

Sharon Leair thanked Staff and Mr. Fruth for all their assistance in working with the Town in creating the code and stated the Town was excited to be moving forward with implementation.

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

• **SCU-1604 (Patrick J. DiStefano) Town of Delafield, Section 14**

Mr. Fruth pointed out the location of the property in Section 14 of the Town of Delafield on the aerial photograph. He indicated the request is for land-altering activities associated with the construction of a new single-family residence with an attached garage and associated retaining walls.

Mr. Fruth explained this a request for land altering for a property on Maple Avenue on the northwest side of Pewaukee Lake. He explained that there is a significant grade falling off from Maple Avenue to the lake with some existing very large retaining walls up near the road with a garage situated around the walls. The proposal is to remove the existing residence and replace it with a larger residence that is closer to the road

and incorporates the grade differences in the property. Mr. Fruth presented several pictures showing the existing property, garage and retaining walls.

Mr. Fruth stated one neighbor commented that there have historically been some drainage problems to the east. The property to the west is held in common by several owners for lake access so is not as much of an issue. He continued that the property owner to the east indicated he would be agreeable to the grading extending onto his lot, because he feels it will help to create a better swale on the property line. Mr. Fruth stated there is a 12 ft. basement being proposed that will help to bridge some of the topographical difference from the front of the road to the back of the house. Mr. Fruth added the petitioner was before the Board of Adjustment for several variances, and may need to go back because of some updated survey information, however, staff does not feel that has an impact on this request. He stated because of the high ground water conditions and drainage, Land Resources and the DNR approvals will be required. Mr. Fruth reviewed the conditions with the Commission and stated staff was recommending approval of the request. He noted that the date of completion of the land altering activities had been changed to September 15, 2016 to allow the petitioner additional time to complete the project.

Mr. Augustine stated the house may be moved a few feet as the petitioner would be seeking approvals from the Board of Adjustment again, because the original surveyor did not correctly identify the established right of way width for the road. They need to get approvals based on the new accurate information. He noted that other than that, the proposed grades will not be changed significantly as the house should not be moved more than +/- a few feet. Mr. Augustine stated the proposed grades are actually more in line with what the lot was prior to the construction of the large 10 ft. retaining wall across the roadside. The proposal virtually eliminates all of the wall except for the smaller retaining wall on the western side to allow for overhead garage doors. He stated he has spoken with the Pewaukee Lake Sanitary Sewage District and they are not opposed to the project grades. Mr. Augustine explained the long 4 ft. walkway will be redesigned to stop before it crosses the sanitary sewer easement and the discharge from the drain tile will be shifted to the west side of the lot. Mr. Goodchild noted that the survey states C.T.H. "E" and because the jurisdiction has been shifted to the Town, it should just be Maple Ave. Mr. Augustine replied the survey has been corrected to just reflect it as a town road.

After discussion, Mr. Peregrine moved, seconded by Mr. Hammitt 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 at 2:00 p.m.

Respectfully submitted,

Gary Goodchild

Gary Goodchild
Secretary
GG:es

