

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, JUNE 18, 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 Richard Morris
William Mitchell William Maslowski Keith Hammitt

Members Absent: None

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
Kathy Brady, Support Staff Supervisor
Amy Barrows, Senior Land Use Specialist

Guests Present: Carol Schueler: CU-1606
Joseph Scharle: ZT-1740A
Don Murn: SCU-1603
Josh Radomski: SCU-1609
Angie Van Scyoc: ZT-1812
Gary Lake: SCU-1605
Bill Groskopf: SCU-1608
Dave Moore: SCU-1610
Beth Raab: SCU-1609
Chuck Sampey: SCU-1605

CORRESPONDENCE None.

MEETING APPROVAL None.

MINUTES Approval of the May 21, 2015, Minutes.

Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for approval of the May 21, 2015, Minutes.

PUBLIC COMMENT None.

• **ZT-1811 (Richard and Gloria Reindl) Town of Delafield, Section 11**

Mr. Fruth pointed out the location of the property at N35 W29710 North Shore Drive in the Town of Delafield on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agricultural District to the A-2 Rural Home District.

Mr. Fruth indicated the parcel is approximately 3.2 acres in size and contains a single-family residence. The current A-1 Agricultural District requires a minimum lot size of 40 acres, and the A-2 Rural Home District requires a three (3) acre minimum lot size. The petitioner would like to construct an outbuilding on the property and the rezoning would result in the property being conforming to the lot size requirements.

After discussion, Mr. Peregrine 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.

- **ZT-1740A (Joseph Schartle) Town of Lisbon, Section 18**

Mr. Fruth pointed out the location of the property at N74 W27410 Howards Pass in the Town of Lisbon on the aerial photograph. He indicated the request is to rezone the property from the R-1 Suburban Single Family Residential District to the A-3 Agricultural/Residential Estate District.

Mr. Fruth indicated the zoning change would be for a small wooded area of Lot 2 that is being transferred to Lot 3 resulting in the zoning districts being consistent with the new lot lines. He noted that an application has been submitted for a flag lot approval, which would come forward at a future Park and Planning Commission meeting. No change in density is being proposed.

After discussion, Mr. Mitchell moved, seconded by Mr. Hammitt 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.

- **SZ-1806 (Map Amendment/Saylesville Dam) Town of Genesee, Sections 25 and 36**

Mr. Fruth pointed out the location of the property in part the SW ¼ of Section 25 and part of the NW ¼ of Section 36, T6N, R18E, Town of Genesee on the aerial photograph. He indicated the request is to rezone lands affected by the Dam Failure Analysis for the Saylesville Dam from the EC Environmental Corridor, R-1 Residential and A-E Exclusive Agricultural Conservancy Districts to the C-1 Conservancy District.

Mr. Fruth indicated the Wisconsin Department of Natural Resources (DNR) has increased its enforcement of dam maintenance in the State. The DNR has been working with dam owners to either require physical improvements or have the dam failure shadow mapped. In this particular area, the dam failure shadow is similar to how the floodplain is mapped. A total of eight (8) parcels would be minimally affected. Areas that are currently FEMA floodplain, now will be floodway, with no structures being located within the shadow. The dam is owned by a property owner who resides immediately adjacent to the dam. The action to adopt the dam failure shadow will allow the Saylesville Dam to be classified as a low hazard dam, and the maintenance requirements would be less for the owner.

After discussion, Mr. Hammitt moved, seconded by Mr. Peregrine 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.

- **SZ-1806A (Text Amendment) Town of Genesee, Sections 25 and 36**

Mr. Fruth indicated the request is for text amendments to the Waukesha County Shoreland and Floodland Protection Ordinance to adopt the Dam Failure Analysis for the Saylesville Dam in accordance with NR116 of the Wisconsin Administrative Code.

Mr. Fruth explained that Table 6(b)1.B.ii in the Waukesha Shoreland and Floodland Protection Ordinance would reflect the addition of the Saylesville Dam Study.

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

• **ZT-1812 (FRED-Lathers LLC - Text Amendments) Town of Waukesha**

Mr. Fruth indicated the request is for text amendments to the Town of Waukesha Zoning Code relating to residential site regulations, multi-family unit Conditional Use requirements and amendments to clarify regulations relative to properties that are located partially within the Waukesha County Shoreland jurisdiction.

Mr. Fruth indicated the text amendment was requested by the developer of a property along the Fox River to make sure their project will comply with code provisions relative to the accommodation of multiple family development projects and Planned Unit Developments. He explained, the amendments are listed below (some were modified by the Town Attorney and Town Planner):

- For properties that are located partially within the shoreland jurisdictional areas, floor area ratio and lot size shall be based on the entire area of the parcel.
- More than one building per lot would be allowed with a Conditional Use, Residential PUD or senior housing.
- Various modifications to the multi-family Conditional Use parameters. Clarification that floor area ratio for multi-family projects would be two (2) times the underlying district and the maximum number of dwelling units could be 15 units per acre in areas contiguous to the City of Waukesha (8 units per acre, if not contiguous), minimum open space requirements are proposed as are minimum dwelling unit sizes.

Mr. Fruth noted the text amendments would allow for the potential for more multi-family projects to come forward in the Town of Waukesha.

Ms. Van Scyoc expressed concerns with the language in Section 13-3-1(5). She asked if a parcel of land which is located partially within the shoreland and partially out would now not need County approvals. She felt it would take away the County's oversight on development. Mr. Fruth responded, "No," and explained it would not take away the applicability of the County Shoreland Ordinance jurisdiction. He further explained there would be some dual zoning provisions, relative to lot size, minimum square footage, etc. Ms. Van Scyoc said it seemed to be an unusual situation for the Town since they never have been in favor of multi-family because of the minimum one acre lot sizes and the importance of keeping septic systems and wells separated. She stated the Town Chairman owns a particular parcel of land that would qualify. In addition, the parcel contains a navigable stream and numerous wetlands. She wanted to make sure that future lands within the Town, which are harder to develop properties, would still be protected and preserved. In addition, she did not understand how there could be 15 units per acre in developments without water and sewer, and how sewage would be accommodated on a 25 acre parcel? Mr. Fruth commented that in Section 13-3-9(1)(16)(d) it provides that one, two unit structure, or more than two units per structure on a lot, may be considered when served by both a municipal sewer system and municipal water system. He added, there is an expectation set forth, to get to that density, municipal services would have to be present. He clarified, the amendment is for the multi-family section not the PUD section. Ms. Van Scyoc asked how it would work since historically, the Town does not have municipal sewer and water? Chairperson Siepmann replied that there would have to be an agreement with the City of Waukesha. Ms. Van Scyoc expressed concerns regarding losing the tax base to the City, and the County not having jurisdiction on the property. She felt it did not serve the community, especially if it is presenting a pathway for someone to take property out of the Town.

Mr. Fruth said he would attempt to speak to the issue. He explained, that the developer who is initiating the request was attempting five years ago to obtain municipal services from the City. If there would be municipal cooperation at some point in the future, this Ordinance would allow for multi-family projects to stay in the Town rather than being annexed to the City. Mr. Mitchell indicated he was at the Town meeting, and said the intention was that in the future, the Town could work with the City and developers in order to help properties develop in border areas. Mr. Hammitt asked who would be responsible for paying for the sewer and water? Chairperson Siepmann responded that it depends on the community, however, typically the developer is responsible for that type of expense. Mr. Goodchild said commercial type septic and water systems are utilized as an alternative/option for developments in communities where there is not sewer and water. Chairperson Siepmann added this would give the Town the opportunity to keep the land within the Town if they can get sewer and water agreements from the City and it would benefit the community.

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

- **ZT-1810 (RM100 Inc./Dale Bergman) Town of Delafield, Section 10**

Mr. Fruth pointed out the location of the property at W300 N3317 Maple Avenue in the Town of Delafield on the aerial photograph. He indicated the request is rezone the property from the A-1 Agricultural District to the R-1A Residential District.

Mr. Fruth indicated that two (2) parcels are proposed to be rezoned, approximately 16 acres in size, total. The petitioner is proposing a single family residential PUD subdivision containing 11 lots. The concept plan submitted by the petitioner indicates that the subdivision would be accessed via an extension of Rookery Road. Mr. Fruth explained that the Town Engineer has indicated that another access point to Maple Avenue is not desirable given the number of access points already existing in the area

After a brief discussion, Mr. Maslowski moved, seconded by Mr. Peregrine 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.

- **SCU-1603 (Donald J. and Lisa Marie Murn Revocable Trust) Town of Genesee, Sections 25 and 36**

Mr. Fruth pointed out the location of the property at W289 S5694 Holiday Road in the Town of Genesee on the aerial photograph. He indicated the request is for a single-family residential PUD subdivision.

Mr. Fruth indicated the property is approximately 72 acres in size and located southeast of Saylesville Road in the Town of Genesee. The proposed subdivision would have smaller, clustered lots, primarily on the western portion of the property with substantial open space. An approximate 25 acre portion of the property, east of Genesee Creek is proposed to be transferred to the Waukesha Land Conservancy for preservation and approximately 40% of the development would be kept in open space. Mr. Fruth noted the petitioner has spent a substantial amount of time establishing natural plant communities and planting numerous trees on the property over the years. Mr. Mitchell commended the petitioner for collaborating with the County Staff on the development. Chairperson Siepmann added that he visited the site with the petitioner and noted the prairies and trees are beautiful.

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.

• **SCU-1605 (Brookfield Corners, LLC) Town of Brookfield, Section 29**

Mr. Fruth pointed out the location of the property at 20005 West Bluemound Road in the Town of Brookfield on the aerial photograph. He indicated the request is for mixed commercial and residential uses in a unified development.

Mr. Fruth indicated the development would be an Urban Form PUD. The easterly five (5) acres are located in the County’s shoreland jurisdiction. The petitioner is proposing a large scale, mixed-use development which will contain a mixture of residential and commercial. The development would be accessed via Marcus Drive with a second access from Bluemound Road directly opposite Jennifer Drive. Part of the TIF funding would provide a potential bridge crossing of Poplar Creek. He presented a proposed site layout containing the building footprints (10), parking, etc. Proposed Building B is one of the larger buildings with first floor at grade retail space, a mezzanine level of parking which would serve the upper level residential units. Due to the grade change between the former Marcus Theater, the strip mall and the former Menards, this area would be utilized for a parking level at a lower grade for the majority of the footprint of the development, excluding the proposed Von Maur Department Store. The buildings along Bluemound Road are proposed to have two (2) levels of retail space. In addition, there will be some surface parking on the east and west sides of the proposed Von Maur Department Store and a park area located in the center of the development.

Mr. Fruth explained that the proposed residential apartments would range from 600 to 700 sq. ft. studios to 1,500 sq. ft., two (2) bedroom units with dens. There would be approximately 244 dwelling units overall. In addition, there would be 750,000 sq. ft. of building space with a parking ratio of 4 stalls per 1,000 sq. ft. of leaseable area (1,700 public parking spaces and 353 for residential uses). There would also be limited angled parking along Marcus Drive and on-street parallel parking.

Mr. Morris asked if both intersections would be signalized? Mr. Sampey replied, that the Marcus Drive intersection is not signaled, however, the east entrance would be signalized. He indicated they would be working with the WDOT to make the parking/entrance/exits effective and efficient for all users of the shopping center. Chairperson Siepmann asked how the storm water would be handled? Mr. Sampey replied there would be underground storage utilizing corrugated tubes along the east end of the property. Mr. Lake, Town of Brookfield Building Inspector introduced himself and added that the Storm Water Plan has been submitted and is under review by the Town Engineer. Mr. Peregrine asked if the runoff goes to the creek, to which Mr. Lake replied “Yes.” Mr. Maslowski expressed concerns with the size of the development and the significance on the Goerkes Corner area, along with traffic. He thought the development was too large for the small amount of space and wanted his comments noted on the record.

After discussion, Mr. Peregrine moved, seconded by Mr. Goodchild 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.

- **PO-15-BKFT-02 (Brookfield Corners, LLC) Town of Brookfield, Section 29**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-1605) listed above.

After a brief discussion, Mr. Peregrine 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.

- **CU-1607 (Pretty Lake Protection and Rehabilitation District) Town of Ottawa, Section 28**

Mr. Fruth pointed out the location of the property at W376 S5226 Pretty Lake Road in the Town of Ottawa on the aerial photograph. He indicated the request is for land altering activities.

Mr. Goodchild recused himself from voting on this matter due to a conflict of interest.

Mr. Fruth said the project is being initiated to allow dredging at the Pretty Lake boat launch in the Town of Ottawa. He indicated the sand being removed would be moved to other acreage held by the Pretty Lake Protection and Rehabilitation District. He pointed out the location on the aerial photograph and noted that approximately 210 cubic yards of spoil material are planned to be dredged.

Mr. Goodchild explained that the spoil material would be used to fill in a small depression area on land owned by the Pretty Lake Protection and Rehabilitation District. The site also contains a composting area. A local farmer uses the compost on his nearby farm. Mr. Goodchild further explained that there is a sandbar (near the boat launch) impeding boats trying to enter the lake. The Conditional Use is dependent upon approval from the Wisconsin Department of Natural Resources.

After discussion, Mr. Maslowski moved, seconded by Mr. Mitchell and carried by a vote of 6 to 0 (Mr. Goodchild recused himself from voting on the matter) 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.

- **CU-1606 (Schueler Revocable Living Trust) Town of Ottawa, Section 12**

Mr. Fruth pointed out the location of the property at W349 S2874 Waterville Road in the Town of Ottawa on the aerial photograph. He indicated the request is for a commercial horse boarding stable operation.

Mr. Fruth indicated the request includes two parcels. He noted that the petitioner has been boarding her own horses, as well as helping other neighbors and friends by boarding their horses at no charge. The petitioner would now like to operate a commercial operation and to have 16 horses on the site. The property contains a single-family residence, a detached storage garage with three horse stalls, eleven horse shelters, an outdoor riding arena, a riding ring and a horse barn with indoor riding arena. A Manure Management Plan has been submitted and as a condition, would need to be approved by the Waukesha County Land Resources Division. The Planning and Zoning Division Staff is recommending a maximum of 17 animals be allowed, no special events are being authorized, a maximum of two (2) horse trailers are allowed and the Town is requiring an annual review of the Conditional Use.

After discussion, Mr. Hammitt moved, seconded by Mr. Peregrine 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.

- **PO-15-OTWT-01 (Schueler Revocable Living Trust) Town of Ottawa, Section 12**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-1606) listed above.

After a brief discussion, Mr. Peregrine moved, seconded by Mr. Goodchild 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.

- **SCU-1608 (Daniel and Nancy Holzhauer) Town of Merton, Section 30**

Mr. Fruth pointed out the location of the property at W334 N6010 Road M in the Town of Merton on the aerial photograph. He indicated the request is for land altering activities associated with the construction of a new single family residence, and attached garage, deck and patio.

Ms. Barrows, Senior Land Use Specialist indicated the property is located on the east shore of Okauchee Lake in the Town of Merton. The parcel is approximately 0.69 acres in size and contains two (2) residences, both of which will be removed. The petitioner is proposing to build a new residence with an attached garage in the location of the existing home. A Conditional Use is required for the construction of the home and attached garage because the grading exceeds normal backfill for a single family residence. There would be a six (6) to eight (8) ft. cut on the east side, however, the grades will closely match the adjacent property to the south. She noted a Certified Survey Map has been submitted to attach an adjacent parcel to the property.

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.

- **SCU-1610 (Donald H Mullett Trust) Town of Merton, Section 27**

Mr. Fruth pointed out the location of the property at N57 W30650 Stevens Road in the Town of Merton on the aerial photograph. He indicated the request is for land altering activities associated with the construction of a new single-family residence, attached garage, decks and patios.

Ms. Barrows indicated the property is located on the south shore of Beaver Lake. The property is approximately 39,838 sq. ft. in size, and served by a private well and septic system. The existing residence was recently removed and the petitioner is proposing to construct a new residence with an attached garage. The grading activities exceed normal backfill which initiated the Conditional Use Permit. She explained, the site is challenging with a ridge on the west side and then a steep drop off towards the lake. Since the petitioner is proposing a larger home with a main level garage (on the south side of proposed residence) and a lower level garage (on the east side of the residence) it will require approximately 6 ft. of fill on the south

side at the entrance to the residence. Additional fill extends approximately 130 ft. towards the road along with several tiered retaining walls. Drainage is a concern, specifically for the properties to the west and east, and the petitioners are proposing revisions and will work with the Land Resources Division.

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.

• **SCU-1609 (Paul and Beth Raab) Town of Merton, Sections 21 and 28**

Mr. Fruth pointed out the location of the property at N64 W31261 Beaver Lake Road in the Town of Merton on the aerial photograph. He indicated the request is for land altering activities associated with the construction of a single-family residence, attached garage, deck and patio.

Ms. Barrows indicated the property is located on the north shore of Beaver Lake. The property is approximately 26,403 sq. ft. in size, and served by private septic system and well. A new single-family residence with an attached garage is being proposed. An existing garage located close to the road will be removed. The petitioners are currently living in the second story of the boathouse during construction, however, the second level will eventually be removed. In order to get the driveway to a main level elevation, 8 ft. of fill is being proposed on the roadside of the residence. Retaining walls are being proposed on both sides of the driveway in order to accommodate the fill. There will be a driveway on the northeast corner of the residence going to a lower level garage which will match the existing grades of the site. The neighboring property owner raised concerns with drainage. The Land Resources Division Staff made several suggestions which were agreed to by the petitioners. Swales will be created towards the road and lake. Approximately 18 trees will be removed, however, 30 trees will be planted.

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.

• **PPC15 006 (Catherine Catozzi) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at N48 W34178 Lindy Lane in the Town of Oconomowoc on the aerial photograph. He indicated the request is for approval of a retaining wall located within 5' of the property line.

Mr. Fruth indicated one retaining wall is over the property line to the north on lands that are commonly owned by the subdivision owners. The subdivision owners agreed that the wall can stay in its current location. Several other retaining walls to the east are proposed to be removed.

After discussion, Mr. Peregrine moved, seconded by Mr. Hammitt and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. 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**

Chairman Siepmann indicated the Nominating Committee would be himself, Mr. Peregrine and Mr. Mitchell.

ADJOURNMENT

With no further business to come before the Commission, Mr. Maslowski moved, seconded by Mr. Hammitt to adjourn at 2:30 p.m.

Respectfully submitted,

Gary Goodchild

Gary Goodchild
Secretary

GG:kb