

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, FEBRUARY 19, 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 Bonnie Morris William Mitchell

Members Absent: William Maslowski Keith Hammitt

Staff

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

Guests Present: Steve Smith: SCU-1599
 Carolyn Hewitt: CU-1590 and PO-14-OCOT-09
 Bob Buchta: CU-1590 and PO-14-OCOT-09
 Jim Harmann: SCU-1598

CORRESPONDENCE None.

MEETING APPROVAL None.

MINUTES Approval of the January 15, 2015, Minutes

Mr. Peregrine moved, seconded by Mr. Morris, and carried unanimously for approval of the January 15, 2015, Minutes.

PUBLIC COMMENT None.

• **CU-1590 (Carolyn Hewitt) Town of Oconomowoc, Section 8**

Mr. Fruth pointed out the location of the property at N80 W38726 McMahan Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is to approve an unspecified Conditional Use to allow special events to be held in an existing barn.

Mr. Fruth pointed out that lands surrounding the property contain a Town Park to the east which will be utilized for overflow parking, other agricultural lands, a residential subdivision to the east, a subdivision outlot which abuts the property to the north and east and a residence (approximately 500') to the east. The specific proposal is for the existing agricultural barn to be used for weddings, charity events and other special events. Mr. Fruth presented photographs of the interior and exterior of the barn. He pointed out a finished area on the interior plan of the barn containing two (2) restrooms, a bar area and living/recreation space. The petitioner indicated this area will be locked during events mainly because of the plumbing which runs into the same septic system as the residence on the property. The current septic system is sized for a four (4) bedroom residence and would not be able to handle an event with 200 people.

Mr. Morris asked about a reference in the Staff Recommendation stating that permanent wash facilities for the caterers be installed, and where they would be located? Mr. Fruth replied, that permanent wash facilities

were not proposed in the application, but are a condition that the Planning and Zoning Division Staff is recommending. He explained that the catering staff needs a sanitary place to wash hands in the area where they would be set up. The petitioner's proposal is for temporary restrooms to be set up for events outside of the barn (two ADA accessible restrooms with a wash station). The Environmental Health (EH) Division indicated that a temporary wash station located outside of the space where the caterer's work is not advisable.

Mr. Fruth pointed out on the Site Plan an existing concrete area to the rear of the building for parking, a circular driveway around the building, existing pavement on the west side of the building where 2 ADA accessible handicap parking stalls are proposed. The Town recommended that a dumpster be provided (north side of the building). There are two (2) smaller doors located on the north and west sides of the barn which are proposed to be upgraded to be ADA compliant. Since the facility is to be used seasonally (May to October), and is not heated or cooled, the large overhead doors are proposed to be opened and closed as needed for climate/temperature control. He added that the Building Inspector indicated that "State Approved Building Plans" will be required.

Mr. Fruth said the hours of operation are from 1:00 p.m. to 11:00 p.m. The Town of Oconomowoc recommended that the closing time be 10:00 p.m. on weekdays and 11:00 p.m. on weekends. The petitioner is proposing setup starting at 10:00 a.m. and cleanup until 12:00 a.m. No signing or lighting has been proposed. Both the Town and County Staff expressed concerns regarding noise, due to the existing residence to the east and the subdivision and future residences to the northeast. The petitioner completed testing with a decibel meter utilizing a live DJ and plotted decibels around the perimeter of the property and generally achieved readings in the 50 to 65 decibel range at the property boundaries. The Planning and Zoning Division Staff has used 50 decibels on other projects and proposals for bar type operations in urban/dense areas. The Town recommended that in order to mitigate noise issues, the overhead door to the north must remain closed while music is occurring. Mr. Fruth stated, that Staff recommends that sound shall not exceed 75 decibels at the property lines.

Mr. Buchta, Oliver Construction, introduced himself and presented a site plan showing the location of the barn, parking area, floor plan, etc. In addition, he presented photographs taken from different locations on the property showing the terrain. He provided information regarding the sound study with a live DJ taken at different locations on the property. He mentioned the wind provided a higher reading than the actual music itself. Mr. Peregrine asked where the closest plumbing is for running water for the proposed sink? Mr. Buchta pointed out on the plan, a closet area next to the restrooms. Mr. Peregrine confirmed that plumbing is close by, to which Mr. Buchta replied, "Yes." Ms. Hewitt, petitioner, stated that there are three 3 sinks, a shower and a washer/dryer in the finished portion of the barn. Mr. Peregrine was interested in knowing where a hot water heater and sink could be located. Ms. Hewitt replied that there is already a hot water heater and Mr. Buchta said they could tie into the existing plumbing. Ms. Hewitt noted she has done research on portable sinks specifically made for the food service industry (caterers). These sinks are portable and connect to electrical to provide hot water for hand washing. Mr. Buchta said there was communication with the EH Division and because this is a permanent structure they would like to see a permanent sink installed. His concern was that the new sink would be located in an unheated area and the petitioners would have to make sure the water is turned off during the colder months so the pipes don't freeze.

Mr. Fruth asked Mr. Buchta to explain the parking plan. Mr. Buchta indicated they spoke with the Town regarding utilizing Monterey Park for overflow parking. The Town suggested they speak with the soccer association for permission. The soccer association responded favorably to the request indicating there were

only three (3) dates throughout the season that the petitioner would have to coordinate the times events are planned with the soccer club's events. Mr. Buchta explained that the petitioner would have to make arrangements for valet parking to accommodate getting guests to and from the site to Monterey Park. He pointed out the parking area available on site, and noted the driveway flow lends itself well to the site. Mrs. Morris asked, if there are smaller groups, would parking be allowed along the driveway? Mr. Buchta responded "No", and explained there is not a lot of room along the driveway. Mr. Mitchell cautioned that there needs to be room for emergency vehicles to access the site.

Mr. Peregrine noted, the Town of Oconomowoc recognized this proposal as unique. They cautioned the petitioner to be mindful of the subdivision lot owners closest to the barn when the lots are built upon in the future and that the Town would be reviewing the establishment periodically. Mr. Peregrine suggested a change to Condition No. 17, not to require the petitioner to install a permanent hand washing sink in the area where the caterers are located. He said it makes sense to have a portable hand washing facility such as the type the petitioner explained above because the barn is not heated. Mr. Fruth cautioned, that he spoke with the EH Division on several occasions and they indicated the type of portable sink the petitioner described should be used at venues which lack a physical structure. They strongly recommended that a permanent sink be provided. He mentioned that the proposal indicates the facility will be used with great regularity, up to 35 events a year and added that in the interest of health and sanitation, the EH and Planning and Zoning Division Staff feel strongly that a permanent sink is appropriate. Mr. Peregrine said that removing the word "permanent" from the condition provides flexibility. Mr. Fruth said if the wording "permanent" was removed from the condition, it would mean the staff would be reliant upon a variety of caterers to have the right equipment and be diligent enough to bring it with them on a given day. Mr. Peregrine said the petitioner would have to provide the sink. Ms. Hewitt said she would provide the portable hand washing sink for the caterers that is supposed to be approved by the Health Department and for food services. She further explained the sinks plug in, are on wheels, have 11 to 25 gallon holding tanks and are utilized for hand washing only. She added that it is actually more expensive than installing a permanent sink and indicated she would do whatever the Health Department is requiring her to do. Mr. Mitchell said that if a permanent sink is installed then heating could be added to that area. He expressed concerns that removing the wording "permanent" from the condition could miscommunicate to the owner what is actually required by the Health Department. Mr. Peregrine agreed that the Health Department controls the approval, but they could also approve the portable sink. Mr. Fruth interjected and clarified that because the facility will not be licensed as a restaurant, we cannot rely on an EH permit. He said the Commission will make the decision on the Conditional Use and Plan of Operation and the terms relative to sanitation. He noted that the EH Division is making a strong recommendation that a permanent sink be provided. Ms. Hewitt said she just wanted to make sure that the EH Division doesn't think that the portable sink she is referring to is similar to the ones placed outside of the portable toilets. Mr. Fruth said they are aware of the type of sink she was proposing, but their recommendation was not to accept that part of the proposal. Mr. Goodchild suggested leaving "permanent" in the condition. Mr. Morris agreed and added that a permanent sink has a shutoff valve and can be drained.

Mr. Fruth indicated that a Town condition states that the proposed events be limited to no more than 35 total for 2015 and the Conditional Use approval shall be on a trial basis for one year and be reviewed by the Town and County in February 2016 to ensure that the facility can co-exist with surroundings. The Town also conditioned that the Fire and Building Inspectors inspect the facility for compliance before the first event takes place.

Mr. Morris asked, referring to the State Approved Plans if a sprinkler system is required? Mr. Fruth said he did not know that specifically, only that because there will be a change of use for the building, State Approved Plans are required, if applicable.

After discussion, Mr. Mitchell 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.

- **PO-14-OCOT-09 (Carolyn Hewitt) Town of Oconomowoc, Section 8**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-1590) listed above.

After a brief discussion, Mr. Mitchell 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.

- **CU-1592 (Robert Rowlands) Town of Genesee, Section 12**

Mr. Fruth pointed out the location of the property at W289 S3068 Road "DT" in the Town of Genesee on the aerial photograph. He indicated the request is for Conditional Use approval for land altering activities to prepare the site for the future construction of a residence on the property.

Mr. Fruth indicated the undeveloped parcel is located at the corner of Road “DT” and C.T.H. “DE” in the Town of Genesee. He noted that because of similar high groundwater conditions, the parcel to the north was authorized a Conditional Use for fill for a residence a number of years ago. The petitioner is proposing to raise the grade by approximately 6 ft. to develop a building pad and allow the property to be more saleable. Groundwater testing showed that water is present at approximately 1 ft. from the surface. There was discussion regarding the drain tile which runs through the property from west to east and terminates at a pond to the east. The Town expressed concerns for safeguarding the drain tile on the site so it would continue to function. Mr. Rowlands, petitioner, introduced himself to the Commission and indicated he was available to answer questions.

Mr. Fruth mentioned that there may be some work within the right-of-way (Town and County). In addition, the wetlands will need to be delineated on the site, a Storm Water Permit from the Land Resources Division would be required and the Town Engineer needs to review the drain pipe.

Mr. Siepmann asked if the property would be filled at one time and if a completion date been set? Mr. Fruth replied, the completion date is November 15, 2015. Mr. Morris asked if the surface material would be removed first. Mr. Fruth said he assumed that any topsoil that is there would be stripped first. Mr. Siepmann noted the existing contour is 844’ and the fill would raise it 6’. Mr. Fruth confirmed, with fill it will be 850’ at the building pad.

After discussion, Mr. Peregrine moved, seconded by Mrs. 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-1597 (Mark and Kimberly Torbett) Town of Vernon, Section 26**

Mr. Fruth pointed out the location of the property on Golf View Court in the Town of Vernon on the aerial photograph. He indicated the request is for Conditional Use approval for the construction of a multi-family residence.

Mr. Fruth pointed out that the parcel is 8 acres in size, located south of C.T.H. "L" in the Town of Vernon. The property was once a planned condominium development. Some improvements were made such as Fox River Woods Drive being constructed which is now a public road. Ultimately, the property was taken back by the bank. The parcel is accessed by a cul-de-sac (Golf River Court). The petitioner is proposing to construct a two-story duplex on the parcel for themselves, their daughter and her family. The upper unit would contain 3,000 sq. ft. on the first floor and 964 sq. ft. on the second floor. The lower unit would be over 3,000 sq. ft. Mr. Fruth presented the Site Plan layout for the duplex and noted there would be a two level garage on the northeast side of the site with a large outbuilding to the west.

Mr. Peregrine noted that the duplex is substantially less than the original condominium project. Mr. Goodchild asked it was ever a condo plat? Mr. Fruth replied that the land was split by Certified Survey Map, but never got as far as a condo plat. Mr. Morris asked if there were 3 structures on the property? Mr. Fruth replied that the subject parcel will contain 2 structures, the large multi-family duplex unit and the accessory unit and the third structure is on a stand alone parcel to the south. Mr. Goodchild asked why it is not being zoned as duplex? Mr. Fruth responded there is not a permitted by right duplex district and the only option is to pursue a Conditional Use. Mr. Goodchild asked who owns Outlot 1 to which Mr. Fruth replied, the neighbor to the south.

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

- **PO-14-VNT-08 (Mark & Kimberly Torbett) Town of Vernon, Section 26**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-1597) listed above.

After a brief discussion, Mr. Mitchell 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-1598 (James Harmann) Town of Merton, Section 35**

Mr. Fruth pointed out the location of the property at at N55 W29519 C.T.H. "K" in the Town of Merton on the aerial photograph. He indicated the request is for Conditional Use approval for land altering activities associated with leveling an area for possible future parking.

Mr. Fruth indicated the property was the subject of a 2014 Comprehensive Land Use Plan Amendment to the Commercial category. A landscape business operates from the southern portion of the parcel. It is anticipated that the landscape business property will be sold to the property owner to east. The land altering activities include 800 cu. yds. of fill to the northern portion of the site for a future parking area. Conditions include, that the final grading plan remove any concentrated flow or swales to the west, a Storm Water

Permit be obtained and the recommended completion date be September 15, 2015. Mr. Peregrine noted the Staff Report states that if the Conditional Use is approved, the adjacent property owner will purchase the property and the petitioner will vacate the premises within three years. He wondered what assurances there are that this will happen? Mr. Morris said the Town felt that regardless of who purchases the property this would be an improvement. In addition, clean fill must be added. Mr. Harmann, petitioner, introduced himself and indicated that a sale agreement has already been executed.

After discussion, Mr. Peregrine 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-1599 (Steve Smith) Town of Genesee, Section 12**

Mr. Fruth pointed out the location of the property at S30 W28656 Sunset Drive in the Town of Genesee on the aerial photograph. He indicated the request is for land altering activities associated with a wetland scrape and placement of spoil material on the property.

Mr. Fruth said the property is located north of C.T.H. "DE". He pointed out on the aerial photograph the area where the wetland scrape will occur with the maximum depth being 1½ ft. The spoil material will be placed on an existing berm approximately 4 ft. high. As long as the fill occurs in the berm area or secondary area (outside of the wetland) no additional delineations would be necessary. Approximately 8,400 cu. yards would be excavated from an area 3½ acres in size. A Restoration Plan is required to be submitted to the Town and County showing native plantings in the wetland area and all spoil material being located outside of the wetland and corridor. Mr. Morris asked if the wetland scrape is for recreation and wildlife purposes? Mr. Smith, petitioner indicated that the pond is approximately 80% enclosed with cattails and he would like to see it restored.

After discussion, Mr. Goodchild 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.

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Morris to adjourn at 2:02 p.m.

Respectfully submitted,

Gary Goodchild

Gary Goodchild
Secretary

WM:kb

