

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 355/359  
THURSDAY, APRIL 23, 2015, 1:00 P.M.**

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**CALL TO ORDER**

Mr. Siepmann, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:    James Siepmann            Robert Peregrine            Robert Hamilton  
                                 Richard Morris            William Mitchell            William Maslowski

Members Absent:    Gary Goodchild            Keith Hammitt

Staff

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

Guests Present:      Chaz Hastings:            SCU-0370G and PO-15-DELT-01  
                                 Cliff Koutnik:            SCU-1602  
                                 Josh Neureuther:        SCU-0370G and PO-15-DELT-01

**CORRESPONDENCE**      None

**MEETING APPROVAL**

**MINUTES**                      Approval of the April 2, 2015, Minutes.

*Mr. Morris moved, seconded by Mr. Peregrine, and carried unanimously for approval of the April 2, 2015, Minutes.*

**PUBLIC COMMENT**      None.

• **ZT-1807 (Francis and Mae Mehringer/Anderson) Town of Lisbon, Section 36**

Mr. Fruth pointed out the location of the property at N51 W22619 C.T.H. "K" in the Town of Lisbon on the aerial photograph. He indicated the request is rezone the property from the A-10 Agricultural District to the R-2 Single Family Residential District.

Mr. Fruth stated that the property to be rezoned is located south of C.T.H. "K", containing 3.3 acres, some of which contains high ground water soils. He noted there was a delay in the transmittal of the rezoning ordinance to the County due to numerous staff changes during the past year at the Town of Lisbon. The petitioner is requesting the proposed rezone for a future single-family residential use by a family member.

*After a brief discussion, Mr. Peregrine 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.*

- **SCU-1602 (Cliff Koutnik) Town of Ottawa, Section 14**

Mr. Fruth pointed out the location of the property in Section 14 of the Town of Ottawa on the aerial photograph. He indicated the request is for land altering activities in conjunction with the construction of a single family residence.

Mr. Fruth indicated the property is located south of C.T.H. "D" and southeast of S.T.H. 67 and contains high ground water conditions. The petitioner is proposing to construct a slab on grade basement (out of the ground) with fill surrounding the residence and the exposed basement walls would be backfilled. There would be a maximum of 10' of fill. There will be little drainage impact to adjacent neighbors due to the large size of the property (approximately 9 acres) and 34,000 sq. ft. of area is proposed to be disturbed. Conditions of note include, a Storm Water Permit be obtained, the restoration be completed by the end of June 2016, ensure protection of the Environmental Corridor and wetlands, and adverse drainage shall not be created.

Mr. Peregrine asked if the septic bed location was acceptable, to which Mr. Fruth replied, "Yes." Mr. Maslowski asked what type of a foundation will the concrete slab sit on? Mr. Fruth responded that he did not have the specific details. Mr. Koutnik, petitioner, introduced himself and indicated the topsoil would be stripped and then they would dig down four feet due to the foundation wall, and the basement floor will be at ground elevation height. The testing revealed groundwater at 6 ft. and the seasonal high at 4 ft. Frost walls will be constructed on the exposed foundation wall. Mr. Mitchell asked Mr. Koutnik if he understood all of the conditions on the Staff Report and Recommendation to which he replied "Yes."

*After discussion, Mr. Maslowski 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.*

- **SCU-0370G (Chaz Hastings) Town of Delafield, Section 15**

Mr. Fruth pointed out the location of the property at N26 W30227 Maple Avenue of the Town of Delafield on the aerial photograph. He indicated the request is to modify the existing Conditional Use for a change in property owner and operator, as well as modifications to the site plan and operational components of the restaurant and tavern.

Mr. Fruth indicated the Golden Anchor property is located on Pewaukee Lake. The restaurant/bar uses for the site have operated under legal non-conforming Conditional Use status dating back to 1978. Surrounding properties are mainly residential. Several neighbors spoke at the public hearing and expressed concerns regarding any possible outside food and drink service, the potential for a bar environment, an increase in noise, traffic and parking, previous non-compliance with pier usage, damage and maintenance to the lot line fence, etc. Mr. Fruth said the Town has tried to address the neighbor's concerns in their action, however, Site Plan details (garage removal and dumpster location) still need to be acted upon. Ms. Barrows, Senior Land Use Specialist explained that the petitioner is revising the dumpster location closer to the building and away from the lot line. She noted that the Town is asking for a 6 ft. dumpster enclosure.

Mr. Fruth pointed out that the restaurant is located on the first floor with two (2) apartments on the second floor and one (1) apartment on the third floor which would continue as rentals. The restaurant has a maximum seating for 60 inside of the restaurant with an additional 20 at the bar, and there are 32 seats on the patio (outdoor waiting area) with no tables or food/beverage service. No drinks are allowed outside after 9:00 p.m. on weekdays and 10:00 p.m. on weekends. No boat launching is allowed from the site and the

fence along the west lot line and the dumpster enclosure must be maintained. In addition, there are four (4) total moorings available for the tenants of the apartment and the owner of the property which will continue. The Planning and Zoning Division Staff suggested that if the petitioner wishes to propose temporary moorings for float up traffic, they should consider expanding/revising the Site Plan application. Mr. Fruth stated during past permit processes there was extensive discussion regarding the movement patterns of boats relative to adjacent properties and riparian rights. If additional temporary moorings are proposed, the Staff would refer to the Department of Natural Resources pier planner guidelines and standards. The Planning Staff is also recommending requiring additional details regarding signage and other site details. Mr. Hamilton clarified that no tables would be allowed in the patio waiting area. Ms. Barrows confirmed and noted that it has been a condition for years and the Town has continued the condition for the new property owner. Mr. Fruth added, it is an effort made by the Town to control noise that occurs on a narrow lake property that is close to residential uses. Ms. Barrows added that the detached garage near the road would be removed and a Landscape Plan has been submitted.

Mr. Hamilton asked if requiring a Site Plan/Plan of Operation Permit for temporary docking by patrons of the restaurant was too stringent, commenting that it could prohibit someone from stopping at the restaurant while fishing or boating. Ms. Barrows responded that the applicant is proposing changes from the existing permit. She stated that a previous owner was given four (4) moorings and the Town allowed additional moorings, however, the County previously conditioned the approval of the additional moorings upon a detailed Site Plan for the moorings being submitted. The previous owner never complied with the condition. The County notified the previous owner in writing that since the condition was not complied with, they would be limited to four (4) moorings. The reason the condition is being included now is to eliminate the need for the petitioner to go through an additional public hearing and the County Staff could review the moorings as part of the Site Plan/Plan of Operation. Ms. Barrows added that no information regarding the location of the temporary moorings was given to the County before the public hearing or this meeting for the Planning and Zoning Staff to review. In addition, a point that was brought up during previous submittals is that customers who temporarily dock are not allowed to encroach on the adjacent properties and riparian rights. Mr. Hamilton asked if the petitioner was aware of these conditions? Mr. Hastings, petitioner said he would clarify this with Ms. Barrows. Mr. Neureuther stated that they would like to operate the same way as the previous owners. He was unaware that the previous owners did not submit a plan to the County regarding the temporary moorings. He noted there is an "L" on the end of the dock that goes one way and another one that goes the other way and is the same length as 25'. He added that the previous owners had been docking up to seven (7) boats. Mr. Maslowski asked if this issue could be approved without coming back to the Commission? Mr. Mitchell said the Site Plan has to be submitted and reviewed by Staff but it does not need to come back before the Commission. Ms. Barrows suggested the condition could be amended or modified. Mr. Fruth said the Commission's motion could reflect that a revised Site Plan be reviewed and approved by the Planning Staff prior to any temporary docking taking place. Mr. Maslowski expressed concerns that patrons will temporarily dock which will cause problems if the decision is not in force. Ms. Barrows added that the neighbors were concerned that the previous owners were in violation. She suggested that a sentence be added to Condition No. 11 stating that any temporary docking or modifications to the Pier Plan shall require a revised Site Plan being reviewed and approved by the Planning and Zoning Division Staff. Chairperson Siepmann asked if this would affect the Town's Conditional Use? Ms. Barrows replied that the Town did not address temporary docking, as none was proposed in the application.

Ms. Barrows said the Town Engineer contacted her shortly before the meeting and asked if the Commission wanted to require that the conditions of the Conditional Use be recorded as a Deed Restriction. The Commission decided it would not be necessary.

*After discussion, Mr. Peregrine moved, seconded by Mr. Maslowski and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”, with a modification to Condition No. 11 which shall now read:*

11. ~~Boat dockage shall be provided by one pier extending out no further than 100 feet from the shoreline; an L may be extended to the east, but must be located such that it is not located further than 100 feet from the shoreline. The length of the “L” portion shall be no longer than 25 feet measured from the west end of the 100 foot pier to the east end of the “L” section. The distance from the east end of the “L” section to the east lot line extended shall be no less than two times the length of the largest mooring space. The pier section with no “L” shall be no closer than 25 feet from the extended lot line adjacent to the pier. The pier location and designated boat slips shall comply with the Site Plan attached as Exhibit “A”. Users of the pier shall not be allowed to maneuver across extended lot lines of the neighbor when docking at said pier. Four permanent boat slips or lifts shall be allowed for the following users: one each for the three apartments located on the second and third floor of the building and one for the owner of the property. A Pier Plan with designated boat slips and mooring spaces shall be submitted to the staff of Waukesha County Parks and Land Use, Planning and Zoning Division and to the Town Plan Commission for their review and approval by February 15, 2005. Any temporary docking or modifications to the Pier Plan designated on Exhibit “A”, shall require a revised Site Plan to be reviewed and approved by the Planning and Zoning Division Staff prior to said temporary docking taking place and prior to the revised pier layout being approved.~~

*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-DELT-01 (Chaz Hastings) Town of Delafield, Section 15**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-0370G) listed above.

*After a brief discussion, Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”, with a modification to Condition No. 11 which shall now read:*

11. ~~Boat dockage shall be provided by one pier extending out no further than 100 feet from the shoreline; an L may be extended to the east, but must be located such that it is not located further than 100 feet from the shoreline. The length of the “L” portion shall be no longer than 25 feet measured from the west end of the 100 foot pier to the east end of the “L” section. The distance from the east end of the “L” section to the east lot line extended shall be no less than two times the length of the largest mooring space. The pier section with no “L” shall be no closer than 25 feet from the extended lot line adjacent to the pier. The pier location and designated boat slips shall comply with the Site Plan attached as Exhibit “A”. Users of the pier shall not be allowed to maneuver across extended lot lines of the neighbor when docking at said pier. Four permanent boat slips or lifts shall be allowed for the following users: one each for the three apartments located on the second and third floor of the building and one for the owner of the property. A Pier Plan with designated boat slips and mooring spaces shall be submitted to the staff of Waukesha County Parks and Land Use, Planning and Zoning Division and to the Town Plan Commission for their review and approval by February 15, 2005. Any temporary docking or modifications to the Pier Plan designated on Exhibit “A”, shall require a revised Site Plan to be reviewed and approved by the Planning~~

and Zoning Division Staff prior to said temporary docking taking place and prior to the revised pier layout being approved.

*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-1593 (Corey Oil) Town of Merton, Sections 14, 15 and 16**

Mr. Fruth pointed out the location of the properties at N77 W31349 Kilbourne Road on the aerial photograph. He indicated the request is for an Unspecified Conditional Use for bulk plant storage of fuels, oils, trucks, and tanks in order to operate an oil company.

Mr. Fruth indicated that Corey Oil is interested in acquiring a property immediately opposite to their existing operation on Kilbourne Road. Surrounding properties are generally industrial or quarry in nature. Nineteen (19) tanks to be built out over years are proposed for the site for the storage of fuel, oil, antifreeze and windshield wash, etc. Details for lighting, landscape, outside storage and signage have not been submitted at this time. Mr. Hamilton asked if there were any environmental issues with respect to oil/fuels? Mr. Fruth replied that the Hazardous Materials Coordinator for Waukesha County has completed a Phase I Environmental Assessment for a portion of the property and the operation will need to obtain a license from the State.

*After discussion, Mr. Hamilton 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-14-MRTT-06 (Corey Oil) Town of Merton, Sections 14, 15 and 16**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-1593) listed above.

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

- **PPC 15 004 (Town of Merton) Section 21**

Mr. Fruth pointed out the location of Beaver Road in the Town of Merton on the aerial photograph. He indicated the request is for a road right-of-way width reduction for Beaver Lake Road from 66 ft. to 50 ft.

Mr. Fruth indicated the existing homes along Beaver Lake Road are relatively close to the road right-of-way. This road right-of-way reduction would allow homeowners more room for expansion and the ability to be conforming vs. non-conforming. Mr. Maslowski asked if there was one particular property owner which had an interest in expanding his property towards the road initiating this request? Mr. Fruth replied, “Yes.” Mr. Morris said he was unsure of which specific property it was, but he remembered they needed more floor area ratio and this request by the Town gave them a few more feet on the lot to meet the minimum. The Town determined the road was very narrow and they did not need the additional right-of-way. Mr. Maslowski asked if the request was justified due to other neighbors who over the years have complied with the existing setback? Mr. Morris said when the request was brought to the Town they

realized an error was made. Mr. Maslowski clarified, this is a Town issue being rectified, not a personal request. Mr. Fruth added that the Shoreland Ordinance has averaging provisions and homeowners can benefit from averaging which also equalizes things for various owners.

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

- **PPC 15 005 (Vicki Braden, Force Properties, LLC) Town of Delafield, Section 14**

Mr. Fruth pointed out the location of the property at W293 N3080 Poplar Drive in the Town of Delafield on the aerial photograph. He indicated the request is for a road right-of-way width reduction for Poplar Drive from 66 ft. to 30 ft.

Mr. Fruth indicated that Poplar Drive serves very few properties. A Certified Survey Map is being proposed to combine three (3) lots and the road right-of way reduction will increase the size of the property and keep the current principle structure outside of the established right-of-way. The Town determined that the 30’ road right-of-way is adequate. Mr. Hamilton asked why the Town did not review the other right-of-way areas to the east and north? Mr. Fruth replied that the Town would have to devote many resources to resolve all of these types of issues. Mr. Maslowski asked if the Town currently maintains the road? Mr. Fruth replied that he thought it was privately maintained. Mr. Maslowski expressed concerns regarding the older homes in this area being replaced by newer, larger homes in future years and determining whether these roads are public or private and correcting road right-of-way widths. Chairperson Siepmann said it is the Town’s decision to review these types of issues. Mr. Hamilton said the Commission could point these issues out to the Town. Mr. Maslowski asked if the Planning and Zoning Staff could contact the Town of Delafield. Chairperson Siepmann said the Staff could send correspondence to the Town highly recommending the road right-of way for the streets in this particular area be viewed as a whole, not by individual request from property owners. He also suggested that Mr. Fruth telephone the Town Planner and explain the situation prior to the correspondence being sent.

*After discussion, Mr. Hamilton moved, seconded by Mr. Peregrine and carried unanimously for approval, in accordance with the “Staff Memorandum”. In addition, the Commission directed the Planning and Zoning Staff to send correspondence to the Town of Delafield recommending the road right-of-way for the streets in this particular area be viewed as a whole not by individual request from property owners. 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.*

- **Amendment to the Regional Water Quality Management Plan for the Village of Hartland**

Mr. Fruth presented the “Amendment to the Regional Water Quality Management Plan for the Village of Hartland, dated March 2015, and made a part of these Minutes.

Mr. Fruth indicated the area proposed to be added to the Hartland sanitary sewer service area is approximately 47 acres in size and located north of Arrowhead High School, north of C.T.H. “K” and west of C.T.H. “V” in the Village of Hartland. The area is proposed to be developed for single family uses and would accommodate approximately 48 homes and 120 persons.

*After discussion, Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously for approval, in accordance with the report entitled “Amendment to the Regional Water Quality Management Plan for the Village of Hartland.”*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Maslowski to adjourn at 2:07 p.m.*

Respectfully submitted,

*Gary Goodchild*

Gary Goodchild  
Secretary

GG:kb

