

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, AUGUST 20, 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 (arrived 1:55 p.m.) Keith Hammitt (arrived 1:15 p.m.)

Members Absent: William Maslowski

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
Elfriede Sprague, Administrative Assistant

Guests Present: Kim Haines Corporation Counsel
Sean Halpin SZ-1814
Ruth Fraley Farmland Preservation
Robert Ramstack Farmland Preservation
Carol Meier Farmland Preservation
David Ramstack Farmland Preservation
Mark Wimmer Poplar Creek Club
Mary Wilke Farmland Preservation
Daniel Pape Farmland Preservation

CORRESPONDENCE None.

MEETING APPROVAL

Plan Commission Workshop, sponsored by Waukesha County UW Extension and the Town of Lisbon, on Wednesday, September 2, 2015, Richard Jung Memorial Fire Station, N54 W26455 Lisbon Road, Pewaukee, WI 53072.

Mr. Peregrine moved, seconded by Mr. Goodchild and carried unanimously for approval of any interested Commissioner to attend the workshop.

MINUTES Approval of the June 18, 2015, Minutes.

Mr. Peregrine moved, seconded by Mr. Goodchild and carried unanimously for approval of the June 18, 2015, Minutes.

PUBLIC COMMENT None

PUBLIC HEARING

- **1:00 p.m. SZ-1459K and CZ-1459L - Public Hearing for Text and Map Amendments to the Waukesha County Zoning Code and Waukesha County Shoreland and Floodland Protection Ordinance relative to farmland preservation updates.**

Mr. Fruth opened the public hearing. He explained the State's farmland preservation laws were updated within the past several years and require counties to update farmland preservation plans and farmland preservation zoning ordinances on a prescribed schedule. Accordingly, Waukesha County convened an advisory committee and completed a new County Farmland Preservation Plan in 2011. The plan carried forward many of the same general recommendations of the prior plan. Specifically, the updated plan continued the scheme of identifying major blocks of productive farmland (five square miles or more in area) for preservation. The northerly part of the Town of Oconomowoc (north of C.T.H. "K") and the parts of Ottawa and Eagle that are west of the Kettle Moraine State Forest were re-affirmed as meeting the basic area and required soils and parcel size criteria. Accordingly, the updated County Farmland and County Development Plans recommended that these areas continue to be planned for farmland preservation.

Mr. Fruth clarified that the zoning map amendments pertain to the Towns of Oconomowoc, Ottawa and Eagle shoreland areas only and predominantly affect the areas of those towns that are planned for Farmland Preservation. The related text changes predominantly affect the same lands, however, the proposal to convert the C-1 Conservancy and EC Environmental Corridor Districts to overlay districts also affects lands within the three above-referenced towns that are located outside of farmland preservation areas. Mr. Fruth explained the text amendments are proposed to bring the Waukesha County Zoning Code and Waukesha County Shoreland & Floodland Protection Ordinance into compliance with the recently updated farmland preservation laws and outlined the major changes and the effect they would have on the farmers.

- The AP Agricultural Preservation District is proposed to be replaced by the FLP Farmland Preservation District. The proposed FLP District relies upon Department of Agriculture, Trade and Consumer Protection (DATCP) model language but also carries forward many of the criteria and standards of the existing AP District and is proposed to be modernized and updated to more clearly define when and how non-farm residences may be permitted. The new district also provides more flexibility for farmers in locating lots in environmental corridor areas and for the creation of residential lots for non-family members.
- The AE Exclusive Agricultural Conservancy District is proposed to be replaced by two new districts, the FLC Farmland Conservancy District and the HG High Groundwater District. DATCP requires that districts to be certified as farmland preservation districts be clearly distinguished from other zoning districts. The AE district is currently mapped in both farmland preservation and non-farmland preservation areas, thus a new scheme was needed to differentiate the different types of farmed lowland or undeveloped wet soils. The FLC District is proposed to be a certified farmland preservation district.
- The AT Agricultural Land Preservation Transition District is proposed to be revised and re-named the AT Agricultural Transition District. The revised district would no longer be considered a DATCP certified district and district language has been modified to acknowledge that lands in said category are currently in agricultural or open space use but are expected to convert to other uses over time, consistent with land use plan designations. The minimum parcel size within said district is proposed to be reduced from 35 acres to 20 acres.

- Overlay districts are proposed to be created for the C-1 Conservancy District and EC Environmental Corridor District. DATCP requires that lands zoned farmland preservation be clearly identified. Mapping wetlands and floodplains as overlays allows for the underlying zoning in farmland preservation areas to be clearly stated (FLP or FLC) while continuing to provide the same protections for natural resources as currently provided by the EC and C-1 Districts. The move to overlay districts will also make subsequent map updates much less labor and time intensive and will allow for Planning Staff to more quickly integrate new DNR or FEMA mapping into County zoning maps.
- Comprehensive zoning map changes are proposed for the Oconomowoc and Ottawa zoning maps and the Eagle shoreland zoning map in order to bring said maps into conformance with the recently updated farmland preservation law and to incorporate the above referenced district changes. The most recent available 2010 SEWRPC environmental corridor inventory, 2010 DNR wetland inventory and 2014 FEMA mapping inventories have also been incorporated.

Mr. Fruth proceeded to explain the process Staff and the Towns followed to create the new maps and text. He explained that a workgroup consisting of farmers from Ottawa and Oconomowoc, the town planners from the two towns and Planning & Zoning Staff met multiple times over the past year and one-half to analyze existing code provisions, discuss potential land use conflict issues within farmland preservation areas, consider new DATCP requirements, consider strategies being utilized by other counties and analyze data collected by Planning & Zoning Staff. The workgroup eventually selected a preferred alternative that has now been written into the proposed text amendments with accompanying proposed map amendments. Mr. Fruth went on to explain the public hearings and open houses that were held.

Mr. Fruth summarized the proposed amendments. He stated the proposed text and map updates implement the farmland preservation and natural resource protection recommendations of the County Development Plan. The proposed text revisions will continue to provide for 35 acre density within farmland preservation areas and farmers will be able to create limited new lots provided that 35 acre density is maintained, which will enable them to either create parcels for family members or create additional income via sale of limited lots. The proposed maximum lot size and lot siting standards will ensure that new lots are arranged in the least disruptive manner possible. Mr. Fruth stated that the Farmland Preservation zoning allows eligible landowners to claim a tax credit on a per acre basis.

Mr. Fruth explained that the proposed map changes place the vast majority of properties that are currently zoned AP District into the FLP Farmland Preservation District, meaning that most lands currently eligible for farmland preservation zoning tax credits will continue to be eligible for such tax credits if the revised maps are accepted. A number of properties that were zoned AP but are no longer planned for farmland preservation have been placed into conventional zoning categories. Some properties, primarily in the Town of Oconomowoc, that are planned for farmland preservation but that are not currently zoned as such are proposed to be zoned FLP District to bring zoning into conformance with local and County plan designations. Properties less than 10 acres in area that are planned for farmland preservation have generally been assigned conventional zoning designations, as such parcels are generally outliers that are no longer in farm use. Approximately 10,000 acres in the Town of Oconomowoc and 1,600 acres in the Town of Ottawa are proposed to be zoned to either the FLP or FLC Districts and less than 200 upland acres in the shoreland areas of the Town of Eagle would be zoned FLP District. The vast majority of this acreage is already zoned in the AP or AE Districts.

Mr. Fruth noted that both the Towns of Oconomowoc and Ottawa have recommended approval of the proposed amendments. Both also offered recommended edits and those have been incorporated into the final draft text. The Town of Eagle has expressed its intention to match the proposed County zoning scheme for the areas that are subject to the Town of Eagle Zoning Code. The Eagle Town Planner has indicated that he does not have any concerns with the proposed Eagle shoreland zoning map. The draft text and map will be forwarded to DATCP for review and comment and any required changes are proposed to be incorporated into the final documents.

Mr. Siepmann opened the public hearing to comment. One individual claimed that she did not receive a hearing notice and expressed concern about affected land owners not being notified of the changes. She questioned the effect it would have on her property. Mr. Goodchild responded that the proposed amendments would have no effect on her property.

There being no further comments, Mr. Siepmann closed the public hearing at 1:37 p.m.

- **SZ-1459K (Text Amendments to the Waukesha County Shoreland and Floodland Protection Ordinance and Map Amendments for the Towns of Oconomowoc, Ottawa and Eagle)**

Mr. Fruth indicated the request is for approval to incorporate text amendments to the Waukesha County Shoreland and Floodland Protection Ordinance and Map Amendments for the Towns of Oconomowoc, Ottawa and Eagle to incorporate the revised farmland preservation provisions. He referred to the previous public hearing comments.

After discussion, Mr. Hammitt 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.

- **CZ-1459L (Text Amendments to the Waukesha County Zoning Code and Map Amendments for the Towns of Oconomowoc and Ottawa)**

Mr. Fruth indicated the request is for approval to incorporate text amendments and map amendments to the Waukesha County Zoning Code for the Towns of Oconomowoc and Ottawa. He noted that the County only has jurisdiction over the Shoreland areas of the Town of Eagle. He referred to the previous public hearing comments.

The Commission thanked the Planning Staff for their thorough and hard work on the Farmland Preservation update. Mr. Peregrine also thanked the Planning Staff on behalf of the Town of Oconomowoc.

After discussion, Mr. Peregrine 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.

• **Consideration of the Year 2015 Request for Amendment to the Comprehensive Development Plan for Waukesha County (Tabled from the March 6, 2014, meeting)**

- 1A - Poplar Creek Club, LLC, 5300 S. 108th St., Hales Corners, Wi 53130-1368, requests property located in the SW ¼ of Section 29, T7N, R20E, Town of Brookfield (Tax Key No.'s BKFT 1123.977.007 and BKFT 1123.977.008), be amended from the Commercial and Office Park category to the Mixed Use category to allow for future retail, and multi-family housing uses.

Mr. Peregrine moved to remove the item from the table, seconded by Mr. Morris and carried unanimously to reopen the request of Poplar Creek Club.

Mr. Fruth pointed out the location of the property in Section 13 of the Town of Oconomowoc on the aerial photograph. He explained the request is for approval of a 2014 amendment to the Comprehensive Development Plan. He explained that the Town of Brookfield tabled action on the request on March 4, 2014 so that a consultant could be retained to further analyze the planning vision for the surrounding properties. Mr. Fruth explained that subsequently the 2014 County Plan amendment request was also tabled to allow the Town more time to study the request and work with a consultant. That work has now concluded. The Town Board unanimously approved action on the Town Plan amendment at their July 7, 2015 meeting.

Mr. Fruth outlined the conceptual plans for the property. He explained the pending request would expand the Mixed Use designation to the site, which is immediately opposite other lands along Bluemound Road with the same designation. The surrounding properties to the west are a mix of commercial uses, while lands to the north and east are Town owned conservancy lands along Poplar Creek. Lands to the south on the opposite side of Bluemound Road are commercial in nature and many of those properties are now vacant, with a major regional mixed use redevelopment project in the planning stages for that location.

Mr. Fruth presented the concept plans and explained the proposed development project would seek to integrate into the neighborhood with sidewalks and a street oriented architectural and layout scheme with buildings positioned close to the internal road system with on-street parking being provided. A planning study was presented by the petitioner at the public hearing that details how the proposed development project could integrate with the other uses within the same Barker Road/Bluemound Road quadrant.

Mr. Fruth stated the site would be served by a further extension of an existing private road, Jennifer Drive. He noted the petitioner proposes to extend the roadway to the north and west so as to provide a connection from Bluemound Road to Barker Road. The petitioner has agreed to provide a road reservation to the Town of Brookfield that would allow for the road to become public at some point in the future.

The Commission questioned who maintained Jennifer Drive and what the future plans for an extension were. Mark Wimmer, Wimmer Communities, responded that it extends to the north end of the hotel property and is used and maintained by F&M Tire. He stated that a traffic study has been performed and Jennifer Drive will need to be expanded at the signalized intersection. Mr. Wimmer stated the original site plan of the intersection has been reviewed by the DOT and revisions have been made, which he proceeded to outline.

After discussion, Mr. Morris 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-1814 (Halpin) Town of Vernon, Section 11**

Mr. Fruth pointed out the location of the property in the NW ¼ of Section 11, T5N, R19E, Town of Vernon on the aerial photograph. He indicated the request is to rezone the property from the R-1 Residential District to the B-2 Local Business District.

Mr. Fruth explained the request is for a single parcel rezone to allow the petitioner to convert his existing residence into a chiropractic office. He explained the property currently shares a circle driveway with the adjacent residential/kennel property to the west. There is a 20 ft. shared driveway easement that runs along the common lot line to the access point on C.T.H. "ES." The Waukesha County Department of Public Works (DPW) has indicated that due to the amount of frontage on C.T.H. "ES," only one access drive for the subject property and the adjacent property to the west is permitted. Therefore, the driveway will need to be relocated approximately 50 ft. to the west. The Town of Vernon Fire Department has indicated that an additional access point is desired for emergency access. Therefore, DPW has indicated that the westerly driveway may remain as long as it is chained and signed for emergency use only. The Town of Vernon has indicated that their Ordinances do not allow access to a lot by private easement but that a shared driveway can be permitted. Therefore, for the driveway access to be relocated to the west to comply with sight distance requirements, a lot line adjustment will also be required to ensure that the driveway is shared. A new Certified Survey Map will be required to adjust the lot line and relocate the easement.

Mr. Fruth stated staff is recommending approval subject to approval of an access plan, a Certified Survey map and a Site Plan/Plan of Operation. Chairman Siepmann asked Mr. Halpin if he had any questions regarding the approval. Mr. Halpin responded he did not and that the requested Certified Survey Map was ready for review.

After discussion, Mr. Peregrine moved, seconded by Mr. Hammitt and carried unanimously for approval, in accordance with the "Staff Report and Recommendation", as conditioned. 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-1813 (Town of Mukwonago Board) Town of Mukwonago**

Mr. Fruth indicated the request is for text amendments to Subsection 82-21(a)(2) of the Town of Mukwonago Zoning Code relating to notice requirements for public hearings.

Mr. Fruth explained The Town of Mukwonago is proposing amendments to the existing public notice requirements for rezoning, conditional use requests and board of adjustment requests to slightly amend the Town's mailing requirements that call for owners within 300' of the subject parcel to be notified of such hearings. The proposed change clarifies that each individual owner of commonly-held outlots shall be notified of such hearings by mail. The changes also remove the requirement that notice of such pending actions or requests be physically posted near the subject property and instead specifies that notice shall be provided to property owners within 300' via mail.

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

- **ZT-1816 (Todd and Arlene Pickett) Town of Eagle**

Mr. Fruth indicated the request is for text amendments to Subsection 3.03(6)(a)(4) of the Town of Eagle Zoning Code to allow accessory buildings to be located in front of a principal building with Town approval.

Mr. Fruth explained that the Town of Eagle recently received a request from a property owner to amend its zoning code to allow for accessory buildings to be located in front of the principal building. The petitioners own a large property (approximately 8 acres) and the home on the property sits more than 400' from the road. They wish to be able to expand an accessory building that also sits hundreds of feet from the road but is located slightly closer to the road than the home.

The existing Town Code calls for accessory buildings to be located to the rear of the principle structure. The Town Planner advised the petitioner that a variance would likely not be approved. He advised that a text amendment could, alternatively, be pursued. The County zoning codes do not contain such a provision and instead call for outbuildings and principle buildings to comply with a specified road setback. The proposed text amendment would allow the Town Plan Commission to grant authorization for an accessory building in front of a principal building if it meets certain criteria, i.e. the size of the property, visibility of the accessory building from the road and surrounding properties and the practical difficulty in locating a building in a conforming location. The proposed special exception process would also provide notice of such a request to property owners within 300' of such a proposed structure.

After discussion, Mr. Goodchild 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.

- **Amend the Sanitary Sewer Service Area for the Village of Mukwonago**

Mr. Fruth presented the “Amendment to the Regional Water Quality Management Plan for the Village of Mukwonago, dated June 2015, Waukesha and Walworth Counties, Wisconsin, and made a part of these Minutes.

Mr. Fruth stated the Village initiated the request and is proposing to include lands that are currently in, or in the future, will be within the Village corporate limits, which includes both Waukesha and Walworth Counties. The areas on the Waukesha side affect properties along Maple Ave. near the Home Depot and the Walmart development. SEWRPC has conducted a study and has determined that the anticipated flow to be generated as a result of this bailout would result in flow rates of 1.4 mgd to 1.9 mgd on an average basis, thus the average annual flow would range from 2.2 mgd to 2.7 mgd. Mr. Fruth stated the current plant capacity is 1.5 mgd, therefore the wastewater flows to the Village would exceed the current plant capacity and it will be necessary for the Village to plan for a plant expansion prior to the waste flows exceeding capacity. He noted that the 260 acres that are in the area of change within Waukesha County are all in the planned business park land use category.

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

• **PPC15 008 (Town of Oconomowoc), Section 35**

Mr. Fruth pointed out the location of the property at W351 N5288 Road C, Town of Oconomowoc on the aerial photograph. He indicated the request is approval for a retaining wall within 5 ft. of the property line.

Mr. Fruth explained the Town has an accepted offer of purchase for a parcel of land on the north side of Lake Dr. for the intended use of a stormwater basin, contingent upon Certified Survey Map (CSM) approval which would adjust the common lot line with the parcel immediately to the north. The northern parcel contains a single family home and is served by a private sewage system and well. The grinder pump that services the northern parcel is currently located on the subject property. The non-conforming retaining wall is currently 4 ft. south of the existing lot line; the adjustment of the lot line will place the retaining wall approximately 1 ft. or less to the north of the proposed lot line. Mr. Fruth stated that the approval of this request would allow the retaining wall abutting the side lot line to remain less than five (5) ft. from the side lot line, in a location that will not interfere with the northern lot or the proposed use of the southern lot. He added that the Town Plan Commission has already approved the request.

After discussion, Mr. Peregrine 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.

• **Report of Nominating Committee and Election of Officers for the Park and Planning Commission**

The Nominating Committee voted for the following officers for the upcoming year:

- Chairperson – Jim Siepmann
- Vice Chairperson – Bill Mitchell
- Secretary – Gary Goodchild

After discussion, Mr. Hammitt moved, seconded by Mr. Morris, and carried unanimously for approval, of the officers as reported.

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Goodchild to adjourn at 2:10 p.m.

Respectfully submitted,

Gary Goodchild

Gary Goodchild, Secretary

GG:es

