

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, SEPTEMBER 17, 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 Richard Morris
William Mitchell Keith Hammitt (arrived at 1:05)

Members Absent: William Maslowski
Gary Goodchild

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
Elfriede Sprague, Administrative Specialist
Amy Barrows, Senior Planner
Ben Greenberg, Senior Land Use Specialist
Rebekah Baum, Land Use Specialist

Guests Present: John Fischer, AFW (Land Use Plan Amendment)
Bob Buchta, Agent AFW (SCZ-1815)
Michael Higbee (SCU-0448H)
Mike Schick, Treasurer Lions Club (SCU-0448H)
Sandy Schick (SCU-0448H)
Cindy and Rick Russart (SCU-0448H)
Ron Marshall (SCU-1546A)
Atty. T. Michael Schober (SCU-1546A)
Ryan Billingham, Waukesha Freeman
Mark Wimmer ((SCU-1612)
Devin Anderson (CU-1611)
Darrell Anderson (CU-1611)
Terry Siewert, Neighbor (CU-1611)

CORRESPONDENCE Letters of support received via e-mail by Devin Anderson distributed to Commission.

MEETING APPROVAL None

MINUTES Approval of the August 20, 2015, Minutes.

Mr. Morris moved, seconded by Mr. Mitchell and carried unanimously for approval of the August 20, 2015, Minutes.

PUBLIC COMMENT None

PUBLIC HEARING

- **1:05 p.m. Public Hearing for Out of Sequence 2015 Amendment to the Comprehensive Development Plan for Waukesha County (Mindel Custom Golf/American Friction Welding -Town of Vernon)**

Mr. Fruth opened the public hearing to amend the land use category from the Commercial and Office Park category to the Mixed Use category. He explained that this is an out of sequence request for a land use plan amendment for American Friction Welding (AFW), which is currently located in Brookfield, and is looking to re-locate in Vernon. They have an offer to purchase on the property and before they close on the offer, they would like an approved land use plan amendment and rezone in place so they have assurances that the site can be developed as proposed. Mr. Fruth pointed out the property on the south side of C.T.H. "ES" (National Ave.), approximately ½ mile west of the I-43/S.T.H. 164 interchange. He noted the property currently houses the National Golf Center which includes a golf driving range and mini-putt course. The golf center was authorized via a Conditional Use permit and the owners of the property are now seeking to discontinue the use and sell the property.

Mr. Fruth identified properties both to the east and west along National Avenue designated in the Commercial and Office Park land use category. He noted that lands to the northeast are in the planned Mixed Use or Commercial and Office category. Mr. Fruth explained that although the facility may not be constructed immediately in the future AFW would like to raze the existing improvements and construct a light manufacturing facility of approximately 60,000 square feet. The facility would be expected to initially employ approximately 25 people with the possibility for expansion over time. The petitioner will need to work with the Department of Public Works relative to access and any necessary highway improvement.

Mr. John Fischer, president of AFW, explained that AFW is looking to move from its current location in Brookfield and wants to relocate to grow the business. Mr. Buchta, Oliver Construction, indicated his firm is working with AFW to finalize any site plans and plan of operation requirements that will be needed in the future.

Mr. Morris noted there is an existing storm water easement on a portion of the property. Mr. Buchta responded they are aware of the easement and are working with the Land Resources division to incorporate it into their site plan.

Mr. Siepman opened the public hearing to the public. There being no comments, Mr. Siepman closed the public hearing at 1:11 p.m.

- **Consideration of the Year 2015 Out of Sequence Land Use Plan Amendment for Waukesha County (Mindel Custom Golf/American Friction Welding - Town of Vernon)**

1. ***A. Mindel Custom Golf, LLC***, S74 W24255 National Avenue, Big Bend, WI 53103, American Friction Welding, Inc. (agent), 115 North Janacek Road, Brookfield, WI 53045, requests that property located in part of the NE ¼ and SE ¼ of Section 10, T5N, R19E, Lot 1, Certified Survey Map 10648, Town of Vernon (Tax Key No. VNT 2053.997.003), be amended from the Commercial and Office Park category to the Mixed Use category.

Mr. Fruth pointed out the location of the property in Section 10 of the Town of Vernon on the aerial photograph. He explained the request is for approval of an out of sequence amendment to the Comprehensive Development Plan.

Mr. Fruth referred to the public hearing portion of the meeting. He explained this agenda item is for the vote to amend the Land Use Plan from the Commercial and Office Park category to the Mixed Use category. He reiterated that AFW is seeking to purchase the property and feels that it needs use approvals in order to be able to exercise the purchase of the property this year. Mr. Fruth stated this is one of the largest commercial developments proposed in the Town of Vernon in the last ten years and the County is recommending approval of the request.

After 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.

- **SCZ-1815 (Mindel Custom Golf) Town of Vernon, Section 10**

Mr. Fruth pointed out the location of the property at S74 W24255 National Ave in the NE ¼ and SE ¼ of Section 10, T5N, R19E, Town of Vernon on the aerial photograph.

Mr. Fruth referred to the previous land use plan amendment. He explained the request is to rezone the property from the A-5 Mini Farm District to the M-1 Limited Industrial District. The M-1 District allows for a range of light industrial uses and also for commercial uses. He stated the County feels the corridor between C.T.H. “ES” and I-43 is a good location for commercial development and is recommending approval of the rezone subject to several conditions, specifically, that the County Board approve the related plan amendment and that a Site Plan and Plan of Operation must be approved by the Town and County. Mr. Fruth stated the Town of Vernon Plan Commission and Board have both recommended approval of the amendment.

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.

- **ZT-1818 (Text Amendments) Town of Mukwonago**

Mr. Fruth indicated the request is for text amendments to Chapter 82 of the Town of Mukwonago Zoning Code.

Mr. Fruth explained the amendment to the Town of Mukwonago Zoning Code would allow for the keeping of up to five chickens on residential properties with several conditions; including that there be full enclosures provided, the enclosures be at least 25 ft. from a property and they be sited in the rear yard. Mr. Fruth noted this would apply to six zoning districts for parcels that allow for lots of three acres or less.

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

• **ZT-1819 (Wimmer Brothers Realty - Poplar Creek Club LLC) Town of Brookfield, Section 29**

Mr. Fruth pointed out the location of the property located in the SW ¼ of Section 29, T7N, R20E, Town of Brookfield on the aerial photograph. He indicated the request is to rezone from the B-2 Limited General Business District to the MU-1 Mixed Use District.

Mr. Fruth stated the proposed rezoning request is the subject of a land use plan amendment that was heard at the August 20th meeting. The amendment will be presented to the County Board at the September 22, 2015 meeting. He explained the next step in the process for the developer is to receive a zoning change from the B-2 Limited General Business District to the MU-1 Mixed Use District to allow for a development that would be opposite “The Corners” development. Mr. Fruth explained the proposal would include two 136 unit residential apartments that would overlook Poplar Creek and the surrounding wetlands, a clubhouse, a retail building, green space and parking. Mr. Fruth stated the Staff is recommending approval subject to the approval of the pending land use plan amendment.

After discussion, Mr. Hammitt 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-1612 (Wimmer Brothers Realty - Poplar Creek Club LLC) Town of Brookfield, Section 29**

Mr. Fruth pointed out the location of the property located in the SW ¼ of Section 29, T7N, R20E, Town of Brookfield on the aerial photograph. He indicated the request is for Conditional Use approval for an Urban Form Planned Unit Development.

Mr. Fruth stated this Conditional Use request is related to the previous land use plan amendment and rezoning request. He explained the petitioner is requesting approval for an Urban Planned Unit Development on the approximately 7.5 acres site. The PUD allows for flexing of a wide variety of dimensional provisions. Mr. Fruth explained in this case in lieu of floor area ratio and open space requirements, building footprints shall be substantially consistent with the manner in which they are depicted on the submitted site plan. Mr. Fruth stated that one concern he wanted to mention is a wetland/floodplain wetland setback issue. Mr. Fruth identified the area on the GIS mapping system and stated that typically Staff has not recommended for flexing of natural resource setback as part of the PUD process. However, in this case, without relief, the commercial building may not be viable. Mr. Fruth stated staff suggested a reduced wetland/floodplain be considered if a wetland mitigation area were provided elsewhere on the site to mitigate the reduced setback. He identified the suitable wet soils on the north end of the site that could be expanded to achieve the mitigation. Mr. Fruth explained there would be no encroachment into the wetland/floodplain itself, it would just be a setback reduction.

Mr. Wimmer provided a detailed overview of the project describing, setbacks, entrance drives, easements, property access, proposed building footprints/plans, landscaping and parking. Mr. Wimmer commented about the sentence in Condition No. 16 that states “The initial planned private roadway shall be open to the public”. Mr. Wimmer noted that “the intent is really is that it is not until it is transferred to the Town.” Mr. Wimmer stated the other condition of turning the roadway into a public right of way is that the developer has requested they retain the exclusive rights to parking along the right of way even if it becomes a public roadway. He expressed concerns regarding liabilities of the public using the roadway. After discussion, the Commission felt the condition met the spirit of what the developer wants and the sentence does not make it a public roadway.

Mr. Wimmer stated there are a total of 343 parking units between the residential and commercial buildings. Of that, 69 units are exclusive to Elite Fitness, which leaves 256 units for the residential building which is a 1.88 ratio. Mr. Fruth commented he did not see any ADA stalls outlined on the plan submitted. Mr. Wimmer replied they would be identified on the plan sheets. Mr. Fruth questioned whether there would be any underground ADA parking available. Mr. Wimmer explained that there is 100% underground parking that accesses from both the west and the south end. They are required to provide ADA spots that are immediately adjacent to the three elevators. He pointed out that all of the lobbies will also be ADA accessible and there will be designated spots all along the roadway. Mr. Siepmann asked if the stall count included underground and above ground parking. Mr. Wimmer replied it does, it would basically be one underground stall for each unit and one aboveground per unit.

Mr. Hammitt expressed concern that the project would encroach into the 100-year floodplain. Mr. Fruth replied that this site has a large amount of grade change and felt that flooding would not be a concern. He noted that the project would not encroach upon the floodplain, rather floodplain setback relief has been requested.

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-BKFT-03 (Wimmer Brothers Realty Inc. - Poplar Creek Club LLC) Town of Brookfield, Section 29**

Mr. Fruth pointed out the location of the property located in the SW ¼ of Section 29, T7N, R20E, Town of Brookfield on the aerial photograph. He indicated the request is for a Site Plan and Plan of Operation for an Urban Form Planned Unit Development.

Mr. Fruth referred to the previous SCU-1612 request.

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-0448H (Okauchee Lions Club) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at N49 W34400 Wisconsin Ave. in the SE ¼ of Section 36, T8N, R19E, Town of Oconomowoc on the aerial photograph. He indicated the request is for amendments to the existing Conditional Use to install lights, dugouts, a new scoreboard and replace an existing scoreboard.

Mr. Fruth outlined the details of the project. He stated the proposed improvements include four (4) 60 ft. light poles on Little Lions field and six (6) 60 ft. light poles on Big Lions field; two (2) 38 ft. x 7 ft. dug outs on Big Lions field which are constructed with poles to support a canopy, rather than a traditional baseball dugout; a new electric scoreboard for Little Lions field and a replacement electric scoreboard for Big Lions field, both 4 ft. in height and 10 ft. wide and operate via remote. Mr. Fruth commented that while Little Lions field is very well screened from neighbors by vegetation, Big Lions field is open in view to the residents of the condominium building immediately southeast of the site, and the proposed lighting may also be visible to other residences along Oak Lane. Mr. Fruth stated the Lighting Plans submitted depict the planned lighting levels in footcandles and it appears as though light spillage is expected to occur on some

neighboring properties, particularly, the condominiums. Mr. Fruth stated that Staff has added the condition that a more detailed lighting plan will need to be presented for approval. The Ordinance does not clearly identify a spillage tolerance but most communities allow an average range of .2 to .5 footcandles and Staff is recommending spillage be limited to .2 footcandles at property lines. .

Mr. Fruth stated another condition Staff has added is that landscaping be provided along the southeast boundary abutting the Oak Park Condominiums and that 12 evergreen trees a minimum of 5 ft. tall be planted to help with the reduction of light spillage.

Rick Russart, Lions Club, commented on the planting of the 5 ft. trees. He explained that at the lot line there is a slope and the condominium is at the top of the slope. He felt planting the trees would not have any impact on the lighting as they are too small and would be at the bottom of the slope. Mr. Fruth responded that Staff felt that over the time the trees would grow and act as a bit of a screening and that Staff understood cost may be a factor for the Lions Club if larger trees were required. Mr. Russart suggested that the trees be planted on the condominium property instead as they would provide immediate screening there. The Commission suggested Mr. Russart contact the property owners and request permission to plant on their property and agreed to amend the condition to allow planting on either side if neighbor cooperation is obtained.

Sandy Russart, Secretary, spoke in favor of the proposal. She presented letters of support from parents and community members for the amendments and upgrades to the park.

Mr. Jeff Stark, Pieper Electric, presented an outline of the proposed lighting. He stated the Lions are looking at Musco Lighting, which is a premier lighting and is noted for minimal light spillage. He felt that .2 spillage could be attainable with the property lighting plan.

Mike Schick, Treasurer, stated he is favor of the project, however the lights are very expensive and the Lions Club is still working on funding for the project. He asked if the request is approved, would there be a deadline as to when the lights would have to be installed. Mr. Fruth replied the only deadline was regarding the landscaping to be completed by June 15, 2016. He felt staff could amend the completion date to “prior to the erection of the lights” to allow the Lions extra time to complete the landscaping. The Commission agreed to the modification and commented that the extended timeline for lighting installation would allow the Club to install the landscaping as soon as possible to allow for growth of the trees.

Mr. Siepman suggested that a deadline for the installation of the lights be added to the conditions and if the petitioner needs an extension, they can request an extension at that time. The Commission agreed to a three year extension of the completion date to May 31, 2019.

After discussion, Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously for approval as amended and as conditioned in accordance with the “Staff Report and Recommendation” with Condition No. 3 amended to read:

3. A landscape plan for the area along the southeast property boundary on either side of the Lions Park property abutting the Oak Park Condominium property that incorporates a minimum of twelve evergreen trees, of a minimum of 5 ft. in height at the time of planting, shall be prepared and submitted to the Waukesha County Planning and Zoning staff for review and approval. Said landscaping shall be installed ~~no later than June 15, 2016.~~ prior to the erection of the lights.

And the addition of the following condition:

- All lighting shall be installed by May 31, 2019 unless an extension has been approved by the Town Plan Commission and the Waukesha County Park and Planning Commission.

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-OCOT-14 (Okauchee Lions Club) Town of Oconomowoc, Section 36**

Mr. Fruth pointed out the location of the property at N49 W34400 Wisconsin Ave. in the SE ¼ of Section 36, T8N, R19E, Town of Oconomowoc on the aerial photograph. He indicated the request is for Site Plan and Plan of Operation approval.

Mr. Fruth referred to the previous SCU-0448H.

After discussion, Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously for approval as amended and as conditioned in accordance with the “Staff Report and Recommendation” with Condition No. 3 amended to read:

4. A landscape plan for the area along the southeast property boundary on either side of the Lions Park property abutting the Oak Park Condominium property that incorporates a minimum of twelve evergreen trees, of a minimum of 5 ft. in height at the time of planting, shall be prepared and submitted to the Waukesha County Planning and Zoning staff for review and approval. Said landscaping shall be installed ~~no later than June 15, 2016.~~ prior to the erection of the lights.

And the addition of the following condition:

- All lighting shall be installed by May 31, 2019 unless an extension has been approved by the Town Plan Commission and the Waukesha County Park and Planning Commission.

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-1611 (Devin Anderson) Town of Oconomowoc, Section 3**

Mr. Fruth pointed out the location of the property at N88 W36880 Mapleton Ave. located in the SW ¼ of Section 3, T8N, R17E, Town of Oconomowoc on the aerial photograph. He indicated the request is for Conditional Use approval of an agricultural equipment and automotive repair facility.

Mr. Fruth directed the Commission to letters of support that were received via e-mail from Mr. Anderson and printed for their review. He explained the property is designated as Rural Density and Other Agricultural Land on the Comprehensive Development Plan for Waukesha County and as Five Acre Agricultural on the Town of Oconomowoc Land Use Plan. It is currently zoned A-P Agricultural Land Preservation and is proposed to be rezoned in the relative future to the A-2, Rural Home District as part of the Farmland Preservation Zoning update.

Mr. Fruth explained that in December of 2014, the Town Planner informed Waukesha County that he had received a complaint about a potential auto repair business being operated from the subject property without permits and that a new building was being constructed on the property without permits. Planning and Zoning Staff contacted the owner and advised him of the zoning violations. Mr. Anderson is now requesting

approval of an Unspecified Conditional Use Permit to allow the continued operation of “Anderson Auto & Truck Repair, LLC” from the outbuilding on the property. The petitioner submitted written materials to Waukesha County indicating that the business specializes in repair and maintenance of agricultural equipment and includes auto repair. Mr. Anderson indicated he thought he was following all proper protocols, has obtained some State licensing and thought he was approved to operate his business.

Mr. Fruth stated that auto repair is not an authorized use in the A-P district. The staff advanced the idea of applying for an Unspecified Conditional Use because after conversations with Mr. Anderson, it was felt the business was more of a hybrid, both agricultural and auto repair facility. Mr. Fruth stated that based upon the Staff visit, most all vehicles on site were cars or trucks. Mr. Fruth also stated that the name of the business also references only autos and trucks. At the public hearing the petitioner estimated that the auto/truck repair is approximately 60%-75% of his business. He explained that Mr. Anderson advised that most of the time, when he needs to do agricultural equipment repair, he brings the parts back to the shop or fixes them on site. He does not bring the whole tractor or piece of equipment back.

Mr. Fruth stated the proposed hours of operation are Monday through Friday from 8:00 a.m. to 6:30 p.m. and Saturdays from 9:00 a.m. to 3:00 p.m. and it is possible that a tow truck may drop off a vehicle at the site after hours. Mr. Fruth commented that Staff feels the proposed use of the property for an auto and agricultural equipment repair facility is not in compliance with the Land Use Plan recommendations for the property. He stated that County Planning staff feels that the provided business description was a bit misleading and staff would likely not have recommended the Unspecified Conditional Use process for a predominately auto repair business. Mr. Fruth stated that auto repair is a specific permitted use in the B-3 General Business District and industrial districts and that such a use is more appropriate in that type of zoning district. The Town Planner expressed similar concerns in his staff report and he offered a negative recommendation, however the Town Plan Commission approved the request against his recommendation.

Mr. Morris commented that the nearest agricultural repair business is in Allenton and felt this business would serve the local farmers in the community. Mr. Peregrine stated that he is on the Town Plan Commission and explained that when Mr. Anderson came to the Town for a conceptual, he told the Town what he intended to do, fix farm machinery. The Plan Commission did not inquire what the mix of the business would be, however there was comment made at the meeting that people who fix farm machinery are few and far between and when a farm implement breaks down, it needs to be fixed immediately. Mr. Peregrine stated at that juncture, the Town Planner did not inform the Plan Commission that he felt it was the wrong use for this land. The Plan Commission encouraged Mr. Anderson to apply for the Unspecified Conditional Use, which he did. Mr. Peregrine added that Jeff Herrmann did call him about a week later and told him that he was having concerns approving the request. Mr. Peregrine commented that he was concerned about the Town leading an applicant astray, which was done erroneously. He stated he agrees with Staff’s evaluation, but feels that if the Town Plan Commission had been informed of the Town Planner’s concerns at the conceptual time or before Mr. Anderson applied it would have been much easier and less costly to the applicant. Mr. Peregrine added that Mr. Herrmann stated that if the Plan Commission did approve the request, he would write up conditions that would specify a one year trial, which he has done.

Mr. Mitchell commented that he understood the need for an agricultural repair business but could not agree with having the business, particularly a car repair, in the A-P District. He felt it was not an appropriate use for the zoning district. In certain zoning districts, people have the right to expect designated uses and he did not agree with a one year trial basis. Mr. Siepmann commented he understands that Mr. Anderson is trying to run a business, but with the heavier concentration on auto/truck repair, he does not feel it fits in the A-P zoning District. The Commission referred to Mr. Hammitt for comments. Mr. Hammitt responded that if the

operation was run and licensed correctly, there should be no environmental concerns. A one year trial would allow for monitoring and the petitioner would need to comply with the conditions. If he does not comply with the conditions, he would be shut down. Mr. Hammitt added that being from a farm community he understands the need for an agricultural repair facility and it is a natural transition for it to become an automotive repair also. He assured Mr. Anderson that the conditions that are being required are mandatory for that type of operation. He asked if the complaining neighbor had a view of Mr. Anderson's facility.

Mr. Anderson responded the line of site to the neighbor's property is about 750' and there is a row of pine trees in the way. He listed the neighbors who have signed a petition or issued written comment supporting his business. He commented that he realizes the business is in an A-P zoning but he is benefiting the farmers in the area and preserving the agricultural community. Mr. Anderson stated in regard to chemical containment, all chemicals are sorted into DOT containers, there is no runoff or contamination issues. Mr. Fruth asked Mr. Anderson to clarify that currently he is the sole employee and how many employees he is anticipating having in the future. Mr. Anderson responded that he was the sole employee. He is asking for three; however because of the size of the facility a third person would only be if he had to add his wife who does the bookkeeping. It would probably only be one more person.

Mr. Terry Siewert stated the issue before the Commission is not Mr. Anderson's business, it's about the land use and whether this is an appropriate setting for the business. He stated if the business is allowed, it will open up the possibility of others also trying to open businesses. The property is zoned agricultural and when he moved into the area he had certain expectations of the land uses in the area.

Mr. Darrell Anderson, spoke in favor of his son's business. He feels there is a great need for an agricultural equipment repair in the area and his son is serving the community.

Mr. Morris moved, seconded by Mr. Hammitt to approve the request.

Mr. Siepmann stated the Staff Report is for denial. If the Commission is inclined to approve Mr. Anderson's request, he suggested the Commission table the request to allow the Staff time to prepare a list of conditions that would need to be complied with.

Mr. Fruth interjected that the Staff is not prepared to change their recommendation; however he noted that Staff could prepare conditions that could be considered, if the Commission chooses to approve the request. He listed the conditions he feels need to be addressed if the Commission votes for approval.

- The building be brought up to applicable and/or State building codes as appropriate.
- Public works will need to review the gravel driveway access.
- The hours of operation and number of employees will need to be clarified.
- A Waste and Hazardous Material Management Plan should be considered.
- Because the building is visible from the road, the Commission might want to consider some fencing/screening.
- The number allowable vehicles needs to be determined.

After discussion, Mr. Hammitt moved, seconded by Mr. Peregrine and carried unanimously to table the request until the October 14, 2015 meeting to allow Staff to prepare conditions for the Commissions consideration.

• **PO-15-OCOT-11 Devin Anderson) Town of Oconomowoc, Section 3**

Mr. Fruth pointed out the location of the property at N88 W36880 Mapleton Ave. located in the SW ¼ of Section 3, T8N, R17E, Town of Oconomowoc on the aerial photograph. He indicated the request is for Site Plan/Plan of Operation approval for an agricultural equipment and automotive repair facility.

Mr. Fruth referred to the previous CU-1611.

After discussion, Mr. Peregrine moved, seconded by Mr. Hammitt and carried unanimously to table the request until the October 14, 2015 meeting to allow Staff to prepare conditions for the Commissions consideration.

• **SCU-1546A (Marshall Revocable Trust – Atty. T. Michael Schober) Town of Oconomowoc, Section 25**

Mr. Fruth pointed out the location of the properties at W347 N6129 & W347 N6119 Road I located in the NW ¼ of Section 25, T8N, R17E Town of Oconomowoc on the aerial photograph. He indicated the request is for after the fact approval for land altering activities.

Ms. Barrows gave a brief history of the property. In 2011, the petitioner combined two lots by Certified Survey Map. As part of the project he removed the eastern house and obtained variances in order to remodel and expand the existing western residence. The proposed addition required a Conditional Use Permit because the addition had a significant amount of land altering activity. The petitioner was proposing a full-exposure on the lakeside of the addition where the property was very flat. The petitioner was also proposing to significantly reduce or eliminate the 26% slope between the residence and the lake.

Ms. Barrows stated the Town Plan Commission approved the petitioner's request, subject to several conditions. The County Plan Commission approved the petitioner's request with significant modifications. Ultimately, the Conditional Use Permit required compliance with a specific grading plan, which limited the grade modifications to a partial exposure (~ 6 ft. cut) for the width of the addition (~ 50 ft.). Grading was required to terminate a minimum of 45 ft. from the lake and a 2 ft. tall landscape wall at the top of the slope was approved. Five large native trees were also to be protected. Ms. Barrows stated that in 2014, Staff was notified that the petitioner did not comply with the grading plan as approved. A violation letter was sent to the petitioner and the Planning and Zoning Division and petitioner have since been working toward a resolution. The petitioner recently submitted after-the-fact Conditional Use and Variance applications to legalize the activities.

Ms. Barrows stated the petitioner submitted as-built grading plans and it appears the petitioner constructed close to what was originally proposed with a more significant exposure. The two foot retaining wall was kept, however it was extended more to the lake, which allowed the petitioner to retain some of the slope. The petitioner did also construct several retaining walls within 75 ft. of the lake which were originally denied in order to protect the natural grades on the side of the home and on the slope. He was able to protect all trees he was required to protect. Ms. Barrows explained that because of all the modifications, the petitioner will now need to apply for variances from the Board of Adjustment for retaining walls and a patio within the floodplain setback area.

Ms. Barrows explained because the petitioner did not comply with the original approval, in lieu of having the petitioner restore the site as originally approved, the petitioner is proposing to do two things. One is to plant a mitigated buffer at the shoreline. She commented it is a very dense, native buffer and should be a significant improvement at the shoreline. Ms. Barrows explained they are also proposing a very small 697 sq. ft. view corridor. She added that Mr. Marshall has purchased the adjacent property to the east and has agreed to combine it with the original Certified Survey Map and protect the parcel in open space. She stated that even though the petitioner did not comply with the original proposal, Staff does feel that the mitigation measures and the purchase of the additional land is a substantial improvement to the property and is recommending approval.

Atty. Schober explained the circumstances that created the violation. He stated the problem developed when the house that remained was under construction it was discovered that looking out of the lower level of the house, the view was obscured by a mound of dirt. So a decision was made remove the additional dirt. It was done inadvertently. He stated that Mr. Marshall installed silt fencing and made sure there was no runoff or erosion to the lake. Atty. Schober explained that in order to find a solution to the problem Mr. Marshall purchased the adjacent property, tore down the existing house, removed all the impervious surface and he intends to deed restrict the property to not allow any additional structures on the lake side of the high point, which would permanently prohibit any additional impervious surfaces being placed there. Mr. Marshall has also deeded an easement along the easterly lot line to the Town, because there was a problem with water bowling in the cul-de-sac. Atty. Schober commented that the final result of the project will result in 15% less runoff into the lake than it would have from the original approval.

After discussion, Mr. Hammitt 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-1259T (National Golf Center – Paul Mindel) Town of Vernon, Section 10**

Mr. Fruth pointed out the location of the property at S74 W24255 National Ave in the NE ¼ and SE ¼ of Section 10, T5N, R19E, Town of Vernon on the aerial photograph. He indicated the request is for voluntary termination of National Golf Center Conditional Use Permit.

Mr. Fruth stated the National Golf Center driving range and miniature golf facility located on C.T.H. “ES” in the Town of Vernon currently operates via a Conditional Use Permit (SCU-1259A). The owner’s attorney has requested that the County terminate the Conditional Use, as the property is proposed to be sold to a new owner and re-developed for light industrial uses in the future. The golf business will close later this fall. Accordingly, the owner is requesting termination. The ordinance requires both Town and County acceptance of said voluntary termination. Mr. Fruth added that because the property has not been sold yet the termination is being conditioned upon the sale of the property or January 1, 2016, whichever occurs first and the Town of Vernon must authorize the termination of the Conditional Use for the termination to be finally effective.

After 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.

ADJOURNMENT

With no further business to come before the Commission, Mr. Mitchell moved, seconded by Mr. Peregrine to adjourn at 3:45a p.m.

Respectfully submitted,

Jim Siepmann

Jim Siepmann, Acting Secretary

JS:es

(PLEASE FILL OUT COMPLETELY AND PLEASE PRINT. THANK YOU.)

| NAME | ADDRESS | PHONE NUMBER | IN ATTENDANCE FOR THE MATTER OF: | RELATIONSHIP TO PETITIONER |
|--------------------|---|--------------|----------------------------------|----------------------------|
| John Fischer | 115 N Janacek Road 53045 | 414-573-6249 | Land Use | |
| Michael Hagbee | Okauchee Lions Park | 262-893-4546 | cond permit / lights | President of Club |
| Bob Buchta | Oliver Construction 1770 Executive Dr Ocon. | 262-567-6677 | AFW Re-zone | Agent |
| TERRY SIEWERT | N87W36869 MAPLETON RD OCONOMOWOC | 262-490-5272 | DEVIN ANDERSON | NEIGHBOR |
| Mike Schick | W340 N4931 Road O, Nashotah, WI 53058 | 262-567-2725 | Okauchee Lions Park | Treasurer - Lions |
| Sandy Schuck | W340 N4931 Road O, Nashotah, WI 53058 | 262-567-2725 | Okauchee Lions Park | Community Member |
| Ken Marshall | W347 N6119 Rd I, Ocon | 262-227-3466 | | |
| Ryan Bilyk | Waukesha Freeman / Oconom Interpse | 262-513-2601 | DEVIN / Lions | none |
| Park Wimmer | 5300 S 108th Wales Corner | 414 529 3100 | Poplar Creek | |
| Cindy Rick Russell | W367 S4780 Stater Rd 67 Oousman | 414-559-8626 | Okauchee Lions Park | Secretary Lions community |
| Mike Schaber | 2835 S Moorland New Berlin | 262 785 1820 | Marshall | atly |
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