

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

Members Absent: Keith Hammitt

Staff

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

Guests Present: Ryan Manske: CU-120B & PO-15-VNT-03
Debbie Greenwaldt: CU-120B & PO-15-VNT-03
Peter Jensen: PPC15_014 Eagle Spring Lake Management District
Nick Wimmer: Poplar Creek Club, LLC.
Eddrie Johnson: CU-1558A and PO-15-OTWT-3

CORRESPONDENCE None.

MEETING APPROVAL None.

MINUTES Approval of the October 15, 2015, Minutes.

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

PUBLIC COMMENT None.

• **ZT-1820 (Circle C-Z Plaza, LLC) Town of Genesee, Section 27**

Mr. Fruth pointed out the location of the property at the northwest corner of the intersection of Commercial Drive and Executive Drive in the Town of Genesee on the aerial photograph. He indicated the request is to rezone the property from the B-2 Local Business District to the B-3 General Business District.

Mr. Fruth indicated the proposed request includes two (2) adjacent parcels to be rezoned and combined by a Certified Survey Map to accommodate Midwest Industries, which is relocating their company from Delafield. The company specializes in tactical weapons accessories, retail and online sales.

Mr. Fruth mentioned there are references to Waukesha County Site Plan approvals within the Town of Genesee's rezone Ordinance which he felt was an oversight on the part of the Town. He clarified that the business would only need to seek Town of Genesee approval for a Site Plan/Plan of Operation.

Mr. Mitchell asked if there would be manufacturing of weapons/accessories on the site to which Mr. Fruth replied “No.” Mr. Mitchell asked if the references to Waukesha County approvals in the Town’s Ordinance need to be removed? Mr. Fruth responded that he felt the effect of the adopted Town Ordinance trumps the conditions.

After discussion, Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously for approval, in accordance with the “Staff 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-1558A (Shelley Clarkson) Town of Ottawa, Section 1**

Mr. Fruth pointed out the location of the property at W349 S2280 Waterville Road in the Town of Ottawa on the aerial photograph. He indicated the request is to revise the existing Conditional Use Permit to increase the number of horses in the horse boarding operation.

Mr. Fruth indicated the parcel is located on the east side of Waterville Road near Parry Road in the Town of Ottawa. The existing boarding operation allows for up to seven (7) horses. During the annual Conditional Use review it was noted there were eleven (11) horses on the site which prompted the modification of the existing Conditional Use Permit. Mr. Fruth described the site as containing a large barn along with a riding arena which serves as a shelter location for the horses.

Mr. Goodchild noted that quite a few of the residences in that area have horses. He asked Ms. Johnson (representing the petitioner) if she understood all of the conditions? She replied “Yes.” Mr. Goodchild also mentioned the Town has not received any complaints regarding the boarding operation.

After discussion, Mr. Goodchild moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned, in accordance with the “Staff Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PO-15-OTWT-03 (Shelly Clarkson) Town of Ottawa, Section 1**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-1558A) 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 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-120B (Debbie Greenwaldt, d/b/a Shadow's Pet Grooming) Town of Vernon, Section 17**

Mr. Fruth pointed out the location of the property at S82 W26355 National Avenue in the Town of Vernon on the aerial photograph. He indicated the request is to amend the existing Conditional Use for the commercial pet grooming, day care and kennel use to apply only to Lot 1 of Certified Survey Map No. 5283.

Mr. Fruth indicated the request involves two (2) parcels split by Certified Survey Map years ago. The property owner's son would like to construct a residence on the southeast parcel (Lot 2) and the parcel located along C.T.H. "ES" (Lot 1) contains the commercial use for a variety of animal related uses. The request is to amend the existing Conditional Use for the commercial pet grooming, day care and kennel use to apply solely to Lot 1. Approximately 10 years ago, there was a proposal to expand the commercial operation utilizing the parcel to the south, which never materialized.

Mr. Fruth advised that more details/information are needed from the petitioner such as a providing a current site plan showing how the interior of the structure is configured. The Town's conditions continued to reference a veterinary clinic as a use, he asked if this use was still occurring or being proposed? Ms. Greenwaldt responded, "No." Mr. Fruth suggested that the wording "the operation of a veterinarian clinic" be removed from Condition No. 2. The Commission agreed. Mr. Peregrine noted that the Staff Recommendation refers to eight (80) dogs and wondered which number was correct. Mr. Fruth replied, that it should read eighty (80) dogs and noted the correction would be made. Mr. Morris asked if the business contained a residence? Mr. Fruth asked the petitioner if there were any residential quarters within the building? Mr. Manske replied, that he stays there now, and at one time there was an apartment, but going forward no one would live there as he intends to build a residence on the parcel to the south.

After discussion, Mr. Peregrine moved, seconded by Mr. Maslowski and carried unanimously for approval, as conditioned, in accordance with the "Staff Recommendation" with a revision to Condition No. 2 which will now read:

- 2. The Conditional Use approval is limited to Deborah Greenwaldt (d.b.a. Shadow's Pet Grooming) consisting of dog and cat grooming; sale of dog and cat pet supplies; boarding kennels for up to forty (40) dogs, two (2) cat condos, two (2) dog condos for the "pampered pooch"; elderly pet daycare; pet photography; all as further defined in the Plan of Operation. The Conditional Use approval also allows for the construction and use of a single family residence for Ryan Manske.*

In addition, on Page 2, Paragraph 3, of the "Staff Report and Recommendation" change the word "eight" to "eighty".

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-VNT-03 (Debbie Greenwaldt, d/b/a Shadow's Pet Grooming) Town of Vernon, Section 17**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-120B) listed above.

Ms. Greenwaldt asked when she would be able to get the Zoning Permit for the residence? Mr. Fruth responded that a decision letter would be mailed to her indicating which conditions would require action on her part prior to the Conditional Use and Site Plan/Plan of Operation permits being issued. Once those permits are issued then the Zoning Permit can be issued.

After a brief discussion, Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned, in accordance with the “Staff Recommendation” with a revision to Condition No. 2 which will now read:

2. *The Conditional Use approval is limited to Deborah Greenwaldt (d.b.a. Shadow’s Pet Grooming) consisting of dog and cat grooming; sale of dog and cat pet supplies; boarding kennels for up to forty (40) dogs, two (2) cat condos, two (2) dog condos for the “pampered pooch”; elderly pet daycare; pet photography; all as further defined in the Plan of Operation. The Conditional Use approval also allows for the construction and use of a single family residence for Ryan Manske.*

In addition, on Page 2, Paragraph 3, of the “Staff Report and Recommendation” change the word “eight” to “eighty”.

The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PPC15 013 (Dean Kincaid, Inc.) Town of Ottawa, Section 7**

Mr. Fruth pointed out the location of the property in part of the SE ¼ of Section 7 of the Town of Ottawa on the aerial photograph. He indicated the request is for approval of an accessory farm building on a parcel without a principal residence.

Mr. Fruth indicated the Zoning Code allows accessory farm buildings without a principal residence on properties as long as the property is 35 acres in size. He said this building would be utilized for agricultural and other storage purposes. It was discovered that the existing concrete pad of the building was located within the required 75’ wetland setback and the petitioner moved the location of the proposed building approximately 130’ from the wetland. He noted the Town of Ottawa has approved the request.

After discussion, Mr. Maslowski moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PPC15 014 (Eagle Spring Lake Management District) Town of Eagle, Section 36**

Mr. Fruth pointed out the location of the property in part of the NE ¼ of the NW ¼ of Section 36 in the Town of Eagle on the aerial photograph. He indicated the request is for a Certified Survey Map (CSM) waiver.

Mr. Fruth indicated the Wisconsin Department of Natural Resources (DNR) requires the responsible party for dams to own the physical dam and its surroundings. The DNR notified the Eagle Spring Lake Management District and required them to acquire the real estate that comprised the dam, spillway and its surrounds. He referred to Exhibit “A” showing the three (3) different parcels involved. In order to accomplish acquisition of small parts of three (3) parcels, the surveyor and district felt that a CSM would be very difficult. In dividing the lands, the remnant parcels will not comply with the minimum lake frontage requirements of the Waukesha County Shoreland and Floodland Protection Ordinance. The district will also seek variances from the Waukesha County

Board of Adjustment at a future meeting. He explained that the Commission is being asked to accept the proposal to allow the division to occur outside of a conventional CSM process.

Mr. Peregrine asked if the Commission was approving this request or recommending approval to the Board of Adjustment? Mr. Fruth responded “Approving the request.” Mr. Mitchell asked if the DNR has the power to direct someone to purchase land as in this request? Mr. Fruth replied that the DNR has substantial powers when it comes to ordering dam maintenance/ownership. Mr. Jensen from the Eagle Spring Management District introduced himself and explained that the DNR cannot order them to purchase the lands, however, since they control the permit for the dam they could revoke the permit for the operation of the dam. He indicated the land owners are eager to transfer the lands to the Eagle Spring Lake Management District because under current state law, they would be liable for any washouts or any public liability associated with the dam all the way down to Mukwonago. The transfer of lands simplifies the maintenance of the dam by the District not having to get rights of entry and dividing up engineering costs, etc. In approving the request, the lake and people downstream are protected and it makes sense to have the dam under one owner.

After discussion, Mr. Peregrine moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **(Poplar Creek Club, LLC) Town of Brookfield, Section, 29**

Mr. Fruth pointed out the location of the property on the north side of Bluemound Road, east of Barker Road in the Town of Brookfield on the aerial photograph. He indicated the request is to clarify the conditions relative to SCU-1612 and PO-15-BKFT-03 (September 17, 2015, Commission meeting).

Mr. Fruth indicated this matter was on the September 17, 2015, Commission meeting agenda. There were questions from the developer regarding the phrasing of the conditions relative to the public/private status of Jennifer Drive (existing private drive) which would service the development. The developer intends to provide the Town with a public road reservation, so in the future if the Elite Fitness Club property to the northwest ever redevelops they would have the option of a public roadway. Until such time, the road will stay private, however, visitors may utilize the road. The Developer’s Attorney expressed concerns regarding the language in Conditions No. 6 and 16 which will be changed to read as follows:

6. A park area that is substantially consistent with the size and layout as depicted on the Site Grading Plan with a date of July 2, 2015 must be provided. Said park area must be open to owners within the subject mixed use development, owners’ guests and invitees.

16. A road reservation shall be provided to the Town of Brookfield for the entire planned extent of Jennifer Drive (Poplar Creek Parkway) to allow for the roadway to become a public right-of-way in the future. The initial planned private roadway shall be open to owners within the subject mixed use development, owners’ guests and invitees. In the event that the roadway becomes public in the future, any exclusive use parking stalls shall be subject to the approval of the Town of Brookfield.

After discussion, Mr. Maslowski moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this

request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **(Carolyn Hewitt/Barn at Trinity Peak) 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 for an annual review and to amend the operational terms of the Unspecified Conditional Use (SCU-1590) allowing special events held in the existing barn.

Mr. Fruth indicated the barn on the property is utilized as a “wedding barn” previously approved by the Commission. The Town of Oconomowoc staff indicates that there have been no noise or any types of complaints regarding the business. Since the facility is not climate controlled and is only used seasonally, the first season has concluded and the petitioner is requesting the annual review be conducted now to allow for booking 2016 events. In addition, the petitioner is requesting to increase the number of events from 35 to 79, allow music until 12:00 a.m. on Fridays and Saturdays, allow events to operate until 12:00 a.m. on Fridays and Saturdays, allow music until 11:00 p.m. on Sundays, allow events to operate until 11:00 p.m. on Sundays, end the one year trial period and a one-time authorization for a tent and event hosting more than 200 persons for her niece. Mr. Peregrine confirmed that there have been no complaints regarding this operation. Mr. Maslowski asked, if the one-time authorization is approved for a larger event would it open the door for more of the same? He suggested the petitioner come back to Staff and obtain a permit each time she wanted to exceed the event limits. Mr. Peregrine clarified that the one-time authorization is for a relative of hers and the tent would not be permanent. Mr. Mitchell added that in the Conditional Use conditions it states that no tents are allowed without Town and County approval. Mr. Fruth said if too many requests are being made for tents and larger events, he would suggest that the petitioner amend the Conditional Use.

After discussion, Mr. Peregrine moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Mitchell to adjourn at 1:45 p.m.

Respectfully submitted,

Gary Goodchild

Gary Goodchild
Secretary

GG:kb

