

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 355/359  
THURSDAY, MARCH 17, 2016, 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 William Mitchell Robert Peregrine Gary Goodchild  
Richard Morris Keith Hammitt Robert Hamilton

Members Absent: William Maslowski

Staff

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

Guests Present: Michael Dekan: 4A Soli Deo Gloria, LLC  
Cyle Firnrrohr: 4A Soli Deo Gloria, LLC  
Geoffrey Bishop: SCU-1617 and PO-16-MUKT-01 Nature's Classroom  
Gary Heath: 4A Soli Deo Gloria, LLC  
Paul Phelps: SCU-1616 and PO-16-OCOT-01  
Sasha Snapp: CU-1614 and PO-16-OCOT-02  
Jason Darby: CU-1614 and PO-16-OCOT-02  
Wade Balson: 3A Johanssen Farms, LLC  
Ron Lostetter: 2A Carroll University  
Erin Hoppenworth: 2A Carroll University

**CORRESPONDENCE** None.

**MEETING APPROVAL** None.

**MINUTES** Approval of the February 25, 2016, Minutes.

*Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously for approval of the February 25, 2016, Minutes.*

**PUBLIC COMMENT** None.

**SCHEDULED MATTER**

- **1:00 p.m. Consideration of the Year 2016 Requests for Amendments to the Comprehensive Development Plan for Waukesha County**

1. In the Town of Delafield, the following request is being made:
  - A. *The Town of Delafield Board and Plan Commission*, W302 N1254 Maple Avenue, Delafield, WI 53018, requests property located at W304 N2455 Maple Avenue, more specifically, Lots 16, 17 and 18, Addition to Crystal Spring Park, Section 15, T7N, R18E, Town of Delafield (Tax Key No.'s DELT 0780.053.001\* and DELT 0780.053.002\*), be amended from the Governmental and Institutional category to the Low Density Residential

category (20,000 sq. ft. to 1.4 acres of area per dwelling unit) for future single-family residential use. (\*DELT 0780.053.001 and DELT 0780.053.002 are a division of DELT 0780.053 created 1/1/16)

Chairperson Siepmann stated that he would recuse himself from voting due to a conflict of interest regarding the property.

Mr. Mitchell asked if the Commission or audience had any questions or comments regarding the information provided at the public hearing for the request. There being none, the Commission was prepared to vote on the request.

***Mr. Peregrine moved, seconded by Mr. Hammitt and carried by a vote of 6 to 0 (Mr. Siepmann recused himself due to a conflict of interest) 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.***

2. In the Town of Genesee, the following request is being made:

- A. ***Carroll University***, 100 N. East Avenue, Waukesha, WI, requests property owned by Roger DeLong, 2205 Rivershore Drive, Racine, WI 53045, located at W305 S4533 Brookhill Road, in part of the SW ¼ of Section 22, T6N, R18E, Town of Genesee (Tax Key No. GNT 1527.989.003), be amended from the Rural Density and Other Agricultural Land category (5.0 to 34.9 acres of area per dwelling unit) to the Government and Institutional category, to expand Carroll University’s research center land holdings.

Chairperson Siepmann asked if the Commission or audience had any questions or comments regarding the request? There being none, the Commission was prepared to vote on the request.

***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.***

3. In the Town of Lisbon, the following request is being made:

- A. ***Johanssen Farms, LLC, Wade Balson, agent***, N51 W23563 Lisbon Road, Sussex, WI 53089, requests property located at N54 W23746 Northview Drive, in part of the NW ¼ of Section 35, T8N, R19E, Town of Lisbon, (Tax Key No. LSBT 0282.979), be amended from the Transportation, Communication and Utilities and Low Density Residential categories (20,000 sq. ft. to 1.4 acres of area per dwelling unit) to the Suburban 1 Density Residential category (1.5 to 2.9 acres of area per dwelling unit), to maintain the residential duplex and commercial storage buildings and to utilize a portion of the property for storm water management facilities for a proposed adjacent residential subdivision.

Chairperson Siepmann asked if there were any questions or comments from the Commission regarding the request? Mr. Hamilton referred to the outlot, which would be divided off and utilized for storm water retention for the proposed subdivision, and located in the Village of Sussex. He asked if it would present any issues with respect to future maintenance? Mr. Fruth replied that the matter is being reviewed by the Waukesha County Land Resources Division Staff. He noted this is a unique arrangement and that there has

been discussion that the Village of Sussex will have direct responsibility for the outlot/storm water facilities. Mr. Hamilton asked if the Planning and Zoning Staff would recommend fractional ownership of the outlot by the subdivision property owners? Mr. Fruth indicated that fractional ownership is typical, but that the Village may be the owner of this outlot with maintenance responsibility falling to individual lot owners.

Chairperson Siepmann asked if the Commission or audience had any questions or comments regarding the request? There being none, the Commission was prepared to vote on the request.

***Mr. Hamilton moved, seconded by Mr. Morris 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.***

4. In the Town of Ottawa, the following request is being made:

- A. ***Soli Deo Gloria, LLC, c/o Petra Dekan***, P.O. Box 279, Wales, WI 53183-0279, requests property located at W349 S1766 Waterville Road, in part of the SW ¼ of Section 1, T6N, R17E, Town of Ottawa, (Tax Key No. OTWT 1587.998), be amended from the Governmental and Institutional category to the Rural Density and Other Agricultural Lands category (5.0 to 34.9 acres of area per dwelling unit), to bring the property into a plan category that is consistent with the surrounding property plan classifications and allow for future single-family residential use.

Chairperson Siepmann asked there were any questions or comments from the Commission or audience regarding the request?

Mr. Dekan, property owner, introduced himself to the Commission. He indicated when he purchased the property (for hunting) he was not informed that Lad Lake (former owner) allowed users of Ice Age Trail to go through the east portion of the property. He added that there is nothing on the deed or title of his property stating this fact and expressed concerns since he wanted to use the land for hunting.

Mr. Mitchell explained, at the public hearing, the Town and the Ice Age Trail users would prefer to use the property rather than being diverted to Waterville Road, however, there was not a formal deed restriction or recorded easement on the property allowing them to do so. He further explained to Mr. Dekan, that this part of the process is the amendment to the Comprehensive Development Plan for the use of the property and the trail is not part of this request but may be part of the rezoning of the property. Mr. Hamilton clarified that the Development Plan needs to be amended before a rezone can be entertained. Mr. Dekan said as he understood it, he would not be able to rezone the property if he doesn't let the trail go through. Mr. Goodchild said the trail matter was discussed at the Town of Ottawa Plan Commission. He added that the Ice Age Trail representatives were in attendance and the Town encouraged communication between the two parties but the Town could not force the issue. The Commission clarified that the pending action did not involve the trail in any way. Mr. Siepmann encouraged Mr. Dekan to have discussions with the Ice Age Trail representatives and added that the trail runs through some of the more exclusive subdivisions in Ottawa and it has not been harmful to the value of the homes. However, he acknowledged that it is the petitioner's land and he has the right to control what happens on it.

Chairperson Siepmann asked if the Commission or audience had any questions or comments regarding the request? There being none, the Commission was prepared to vote on the request.

*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.*

- **SZT-1821 (Carroll University) Town of Genesee, Section 22**

Mr. Fruth pointed out the location of the property in part of the SW ¼ of Section 22 in the Town of Genesee on the aerial photograph. He indicated the request is to rezone the property from the A-2 Rural Home District (County) and the A-5 Mini Farm District (Town) to the P-I Public and Institutional District (County and Town).

Mr. Fruth indicated the proposed rezone request is related to the Comprehensive Development Plan amendment request. The property is located at the northwest corner of Brookhill Road and S.T.H. 59 and is east of Carroll University’s field research center holdings. At the public hearing for the Comprehensive Development Plan amendment, there was a question regarding ownership of a small parcel to the south near S.T.H. 59. He explained that the Land Information Division is currently researching the ownership.

*After discussion, Mr. Peregrine moved, seconded by Mr. Goodchild 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.*

- **SZ-1827 (Waukesha County Park and Planning Commission/Nature's Classroom Institute Property, Inc.) Town of Mukwonago, Section 18**

Mr. Fruth pointed out the location of the property in part of the NE ¼ and NW ¼ of the SW ¼ of Section 18 in the Town of Mukwonago on the aerial photograph. He indicated the request is to rezone lands newly subject to the Waukesha County Shoreland and Floodland Protection Ordinance to the A-1 Agricultural, E-C Environmental Corridor and C-1 Conservancy Districts.

Mr. Fruth indicated the proposed request would accommodate the relocation of a nature based school facility. The lands were recently added to the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance because a DNR navigability determination confirmed that a pond and stream were navigable and ultimately connect to Jericho Creek.

*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.*

- **ZT-1829 (Mukwonago School District) Town of Mukwonago, Section 22**

Mr. Fruth pointed out the location of the property at S93 W30575 County Road NN in the Town of Mukwonago on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agricultural District to the P-1 Public District.

Mr. Fruth indicated the school district acquired the lands and is proposing to use several existing outbuildings for salt storage and other equipment. Mr. Mitchell asked if there were controls regarding the salt storage? Mr. Fruth responded that the Ordinance does not have specific provisions relative to salt storage and it is usually handled on a case by case basis through a Site Plan/Plan of Operation. The property is located solely in the Town of Mukwonago’s jurisdiction, however, he would be willing to pass the concern onto the Town.

*After discussion, Mr. Mitchell moved, seconded by Mr. Hamilton 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-1616 (Paul and Laura Phelps) Town of Oconomowoc, Section 9**

Mr. Fruth pointed out the location of the property at N87 W37001 Mapleton Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is to allow special events in an existing barn, agricultural tours and education events throughout the grounds.

Mr. Fruth indicated that in the past the petitioner has held agricultural education events in the barn and on the grounds. The petitioner would like to expand the uses to host weddings, receptions, charity events, etc. The property is approximately 120 acres in size, located south of C.T.H. “CW”. He pointed out on the aerial photograph the location of the existing buildings on the property (dairy barn, milkhouse, etc.) No permanent restrooms are being proposed and portable facilities and a portable hand washing sink would be utilized. He noted that the Planning and Zoning Division Staff recommended a condition stating that the Waukesha County Environmental Health Division Staff review and approve the specific portable sink to be brought on site to ensure proper sanitation. He presented a Site Plan showing a limited number of parking stalls located south of the barn. He also pointed out the location of several ADA parking stalls with the balance of the parking occurring off-site. Off-site parking would be located at Monterey Park or other sites that will be contracted by the petitioner. The petitioner is interested in allowing people to enjoy the beauty and atmosphere of a farm.

Mr. Fruth indicated that amplified and live music is proposed within the building and acoustic music is proposed outside. He noted that the closest residence is approximately 700 ft. away. The existing driveway is substandard, relative to sight distance and width at the opening and there are guard rails and a wetland within the area which could cause constraints relative to any needed improvements. The petitioner will need to continue to work with the Department of Public Works on these issues, however, the wetland boundaries may, in part, dictate what is, or is not required. Another condition of note is that the approval is based on a two (2) year trial period.

Mr. Morris asked how close the ADA parking is to the barn? Mr. Fruth responded that it appears as though it is a little less than 200’ away. He noted that ADA parking is supposed to be as close to a building opening as possible. Mr. Mitchell cautioned the petitioner that it could be a risk making improvements since there is a two (2) year trial period for the operation. Chairperson Siepmann asked what the hours of operation were, to which Mr. Fruth responded, 10:00 a.m. to 12:00 a.m. and would include set-up and clean up. Mr. Morris asked if the second floor of the barn would be utilized? Mr. Fruth replied that there is an exposure, however, the exposed lower level is not proposed to be used and the main level of the barn would be used for events. Mr. Morris asked if there was a ramp to enter the main level of the barn? Mr. Fruth responded that the Building Inspector commented that the ramp may be too steep for proper ADA access. He added there may potentially be some modifications needed to the ramp and sliding type barn doors to comply with building codes.

*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.*

- **PO-16-OCOT-01 (Paul and Laura Phelps) Town of Oconomowoc, Section 9**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-1616) listed above.

Mr. Fruth suggested a condition be added to allow for the Planning and Zoning Division Staff to work with the petitioner to identify at least one ADA parking stall closer to the building. The Commission agreed.

*After a brief discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with an added condition stated below:*

- *The petitioner must work with the Planning and Zoning Division Staff to analyze whether a feasible location closer to the barn exists for at least one (1) ADA accessible parking stall.*

*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-1614 (Jason Darby and Sasha Snapp) Town of Oconomowoc, Section 2**

Mr. Fruth pointed out the location of the property at W359 N9370 Brown Street in the Town of Oconomowoc on the aerial photograph. He indicated the request is for an unspecified Conditional Use for special events in an existing barn.

Mr. Fruth indicated the property is approximately five (5) acres in size and was most recently utilized as a small orchard and mini horse operation. There are a number of outbuildings located on the site besides the barn, one of which would be utilized as a changing building for wedding party participants. The proposed site layout includes on-site parking with accommodations for approximately 60 vehicles on the northeast corner of the property. Agricultural fields are located to the north and east. The Land Resources Division (LRD) Staff indicated that some type of storm water facilities would be required because the project will generate more than a half-acre of new impervious surface and LDR Staff believes there is adequate room onsite to accomplish this.

Mr. Fruth pointed out that confirmation has been received from the Department of Public Works (DPW) Staff regarding a speed study done at the request of the petitioner to see if the speed limit on C.T.H. “P” could be lowered from 55 mph to 45 mph. The DPW Staff has determined that the speed limit must stay at 55 mph. In addition, the DPW has determined that the existing driveway does not meet the required site distance on C.T.H. “P” and the Department of Public Works will require that the driveway be moved to the south end of the property to meet site distance requirements. At the public hearing, a neighbor expressed concerns regarding the location of the existing driveway, site distance and safety concerns along the road.

Mr. Fruth pointed out that the main and upper loft areas of the barn would be utilized for events. Restrooms and catering facilities would be located on the lower level. He presented site plans of the barn showing the configuration. New stairwells are proposed to the lower and loft levels and a 16’ x 25’ deck is also being proposed. He noted the closest residence is located 400’ away across C.T.H. “P”. A two (2) year trial period is being proposed for the operation. Music would be allowed until 9:30 p.m. during the week and 11:00 p.m. on weekends.

Chairperson Siepmann asked if ADA requires a restroom on the first floor? Mr. Fruth replied that he was unsure, however, the Building Inspector or State would be able to answer the question. Ms. Snapp, petitioner, explained that the lower level of the barn is at grade from the parking lot and the Building Inspector felt the proposed ramp would be sufficient as long as it was constructed at the right slope. Mr. Mitchell cautioned the petitioner on the risk of the large investment, specifically because there is a two (2) year trial period for the operation. Mr. Peregrine said the Town anticipates that substantial road improvements would need to be made to C.T.H. "P" and suggested that language be added to Condition No. 11 stating that any road improvements shall be at the expense of the petitioners.

*After discussion, Mr. Peregrine moved, seconded by Mr. Hammitt and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with an amendment to Condition No. 11 which will now read:*

- 11. The location of the driveway serving the facility must be approved by the Waukesha County Department of Public Works (DPW) and a driveway permit must be obtained prior to the issuance of a Conditional Use Permit. Any required highway improvements must be completed prior to the first event being held at the facility. DPW has indicated that tapers will be required adjacent to the driveway opening. The road improvements to Brown Street (C.T.H. "P") shall be the responsibility of the 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.*

- **PO-16-OCOT-02 (Jason Darby and Sasha Snapp) Town of Oconomowoc, Section 2**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-1614) listed above.

*After a brief discussion, Mr. Peregrine moved, seconded by Mr. Hammitt and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with an amendment to Condition No. 11 which will now read:*

- 12. The location of the driveway serving the facility must be approved by the Waukesha County Department of Public Works (DPW) and a driveway permit must be obtained prior to the issuance of a Conditional Use Permit. Any required highway improvements must be completed prior to the first event being held at the facility. DPW has indicated that tapers will be required adjacent to the driveway opening. The road improvements to Brown Street (C.T.H. "P") shall be the responsibility of the 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.*

- **SCU-1617 (Waukesha County Park and Planning Commission/Nature's Classroom Institute Property, Inc.) Town of Mukwonago, Section 18**

Mr. Fruth pointed out the location of the property at W335 S8301 C.T.H. "E" in the Town of Mukwonago on the aerial photograph. He indicated the request is for an environmental education and Montessori school and land altering activities associated with the construction of a wildlife pond.

Mr. Fruth indicated that in 2014, the petitioner originally applied for and received approval by the Town of Mukwonago for a Conditional Use and Site Plan/Plan of Operation to operate an Environmental Education and Montessori School prior to the Waukesha County shoreland jurisdiction being established on the property. At that time, the Waukesha County Planning and Zoning Division Staff approved a Site Plan/Plan of Operation and requested the petitioner submit a navigability determination request to the Wisconsin Department of Natural Resources for the tributary of Jericho Creek that runs through the property. The navigability determination has since been completed which causes the site to now be subject to the Waukesha County Shoreland and Floodland Protection Ordinance. Since the petitioner is requesting changes to the Town's Conditional Use and the County now has jurisdiction, a County Conditional Use is now needed.

Mr. Fruth stated that the petitioners are now proposing an approximate 11,000 sq. ft. gymnasium and a pond. The operation includes a day school which operates Monday through Friday and environmental education which includes housing for teachers and possibly students in the future. Mr. Morris asked where the pond would be located, to which Mr. Fruth pointed out the location on the aerial photo and explained it would be located east of stream corridor. When the pond is dug, the fill will be used for the driveway. The pond will be used as an educational opportunity for students. The petitioner is proposing to fill the pond through exposing groundwater and/or directing roof runoff. Mr. Fruth suggested adding language to Condition No. 14 which would allow the use of a well to supplement the pond if it is not filling properly as long as County Staff can review and comment to ensure the wetlands are not being drawn down by well use. Mr. Mitchell commented that the well would be used as a backup source only. Mr. Goodchild asked how large the pond was to which Mr. Fruth responded, approximately one acre.

*After discussion, Mr. Mitchell moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with an amendment to Condition No. 14 which will now read:*

- 14. The pond shall be fed by exposed groundwater and storm water runoff only. A soil test shall be submitted to the Waukesha County Land Resources Division and Planning and Zoning Division indicating that groundwater is near the surface. A well may be used as a backup source for filling the pond. If soil tests reveal that ground water is not sufficient to fill the pond, use of a well to fill the pond would be subject to the review and approval of the Waukesha County Department of Parks and Land Use.*

*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-16-MUKT-01 (Waukesha County Park and Planning Commission/Nature's Classroom Institute Property, Inc.) Town of Mukwonago, Section 18**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-1617) listed above.

*After discussion, Mr. Peregrine moved, seconded by Mr. Hammitt and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with an amendment to Condition No. 14 which will now read:*

- 14. The pond shall be fed by exposed groundwater and storm water runoff only. A soil test shall be submitted to the Waukesha County Land Resources Division and Planning and Zoning Division*

*indicating that groundwater is near the surface. A well may be used as a backup source for filling the pond. If soil tests reveal that ground water is not sufficient to fill the pond, use of a well to fill the pond would be subject to the review and approval of the Waukesha County Department of Parks and Land Use.*

*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. Morris to adjourn at 1:59 p.m.*

Respectfully submitted,

*Gary Goodchild*

Gary Goodchild  
Secretary

GG:kb

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

NAME	ADDRESS	PHONE NUMBER	IN ATTENDANCE FOR THE MATTER OF:	RELATIONSHIP TO PETITIONER
Michael DeKan	N349 S1766 Waterville Rd	262-470-6312	Rezoning	Owner
Coeffrey Bishop	P.O. Box 660 Mukwonago WI 53149	262-363-6920	Cond Use	Owner
CYLE FIRNROHR	W354N5800 LISBON RD. Oconomowoc WI 53066	262-470-6090	REZONING	DAUGHTER OF Owner
Bary Neuber	W350S. 1951 Waterville Rd	414-322-9944	Rezoning	Adjoining property owner
Erin Hoppenworth	1116 Chapman Dr.	262-524-7316	Rezoning	
Paul Phelps	1825 W37001 Mapleton Rd	414-531-4573	Conditional Use	owner
Sasha Snapp / Jason Darby	W359 N9370 Brown St. Oconomowoc	630-712-2817	conditional Use	owner
WADE BALSAN	W2205 58146 Pasadena Dr MUSKEGON	262-617-5851	Rezon	owner
Ron Feltner	145 S Charles ST, Waukesha	262-524-7200	Conditional Use	