

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, MAY 19, 2016, 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 Maslowski

Members Absent: William Mitchell Keith Hammitt

Staff

Members Present: Jason Fruth, Planning and Zoning Manager  
Kathy Brady, Support Staff Supervisor  
Amy Barrows, Senior Planner  
Mike Radomski, Environmental Health Supervisor  
Kayla Reithmeyer, Land Use Specialist

Guests Present: Tom Kelenic: ZT-1832 Five Diamonds  
John Marek: SZ-1830, SCU-1618, PO-16-WAKT-01  
Steven Koch: SZ-1823 Koch Rezone

**CORRESPONDENCE** None.

**MEETING APPROVAL** None.

**MINUTES** Approval of the April 21, 2016, Minutes.

*Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously for approval of the April 21, 2016, Minutes.*

**PUBLIC COMMENT** None.

**SCHEDULED MATTER**

- **1:00 p.m. Public Hearing for SZ-1831 (Thomas Koepp) Town of Lisbon, Sections 16, 17, 18, 20 and 21**

Amend the list of Official Maps within the Waukesha County Shoreland and Floodland Protection Ordinance to reference revised DNR Flood Storage Maps.

Ms. Barrows, Senior Planner, described the proposed request as an amendment to the Official Map section of the Waukesha County Shoreland and Floodland Protection Ordinance. She pointed out on the aerial photograph the Koepp property, and noted the request would amend a panel of the Official DNR Storage Maps which covers a good portion of the property. She explained that in 2013, the County was working on the Bugline Trail project and in order to make improvements to the trail, the County hired SEH as an engineer to study the floodplain boundary to determine whether it was accurate. The study resulted in the floodplain being significantly lower than it was mapped and the DNR approved the modification. As part of the trail improvements, the storage portion of the map was not amended because there were no structural components proposed other than widening the trail.

Ms. Barrows indicated that the petitioner is proposing to construct a residence on the property and in order to do so, the storage maps must be modified. The petitioner hired SEH as well, to show that the storage area could also be reduced to the boundary of the actual floodplain (from 300 acres to 102.5 acres). Reducing the boundary significantly has no impact on the floodplain elevation of the Bark River.

Mr. Koepf introduced himself and noted that during the 2008 flood event, none of his property was underwater. Ms. Barrows added the request does not mean that the petitioner does not have wetland or high groundwater, it is simply a reduction in flood storage for the tributary of the Bark River.

There were no questions from the Commission and no public comment. The public hearing was closed at 1:10 p.m.

- **SZ-1831 (Thomas Koepf) Town of Lisbon, Sections 16, 17, 18, 20 and 21**

Mr. Fruth pointed out that the request is to amend the list of Official Maps within the Waukesha County Shoreland and Floodland Protection Ordinance to reference revised DNR flood storage maps.

Mr. Fruth indicated the request is related to the public hearing heard earlier in the meeting.

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

- **SZ-1823 (Steven Koch and Christine Szopinski) Town of Genesee, Section 25**

Mr. Fruth pointed out the location of the property in part of the SE ¼ of the SW ¼ of Section 25, T6N, R18E, Town of Genesee on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agricultural District to the R-1 Residential District.

Mr. Fruth indicated the proposal would allow for a one (1) acre lot to be created from the existing 13-acre parcel. He noted the lands are adjacent to Genesee Creek, south of Saylesville Pond. The one (1) acre parcel would contain the existing residence, detached garage and shed. The petitioner plans to build a single family residence and barn on the 12-acre parcel. An existing barn will be retained on the 12-acre parcel. In addition, there is a greenhouse which will be removed. A Deed Restriction would be required for the 12-acre parcel containing the existing barn without a residence. The Town recommended conditions including that a Certified Survey Map be prepared for the land division, the drainage be reviewed, and that the Department of Public Works approve the access to the property.

*After discussion, Mr. Maslowski 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.*

- **SZ-1830 (Waukesha County Park and Planning Commission/59 Acquisition, LLC) Town of Waukesha, Section 1**

Mr. Fruth pointed out the location of the property, west of Springdale Road and north of S.T.H. 59 in the Town of Waukesha 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 R-3 Residential, E-C Environmental Corridor and C-1 Conservancy Districts.

Mr. Fruth indicated that due to a recent navigability determination which identified a stream on the property,

Shoreland Zoning needs to be established for a portion of the property. He explained that there is a Conditional Use request for a multi-family residential development on the property. The rezoning would match the Town's zoning designation (R-3 Residential). He further explained there is an isolated natural resource area in the northwest corner of the property. The upland area on the site will be zoned E-C Environmental Corridor and the wetland will be zoned C-1 Conservancy.

Mr. Morris asked if the upland area has light tree cover? Mr. Fruth replied that it contains a thick tree canopy but that it is fairly recent growth. He added that the petitioner plans to preserve as much of it as possible and that the north one third of the site would be untouched.

*After discussion, Mr. Peregrine moved, seconded by Mr. Goodchild 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-1618 (59 Acquisition LLC) Town of Waukesha, Section 1**

Mr. Fruth pointed out the location of the property, west of Springdale Road and north of S.T.H. 59 in the Town of Waukesha on the aerial photograph. He indicated the request is for Conditional Use approval for a multi-family residential development.

Mr. Fruth indicated the Site Plan for the proposed development shows 42 residential dwelling units. There would be two units per building with a mixture of one and two story buildings. The ranch style units would be approximately 1,245 sq. ft. in size and the two story units would be approximately 1,565 sq. ft. in size. Each unit would have a two car garage with no basements are being proposed. There would be one single access point via S.T.H. 59 to the development, which has been reviewed and approved by the WDOT. The storm water management and siting for the septic systems on the site is ongoing. The proposed density is compliant with the Waukesha County Comprehensive Development Plan (Medium Density Residential category), which is approximately one dwelling unit per 24,000 sq. ft. of land area.

Mr. Radomski, Waukesha County Environmental Health Supervisor introduced himself and stated he recently received an update on the proposed development. He explained that every two buildings containing 4 units would be served by one mound system. He noted that since the petitioner, Mr. Marek, owns the property, he would be responsible for the ongoing maintenance and the 3 yr. notification that maintenance of the septic systems is being completed. He pointed out the location of the mound systems on the Site Plan and noted that there may be slight modifications as the Site Plan process evolves. The design will be completed by a plumber taking into consideration tank layout, the location of wells which will serve the units and verifying that they meet minimum isolation distances to each other. Soil tests have been completed throughout the site and the County is confident from the results of the tests that the soils are suitable for mound type septic systems.

Mr. Peregrine asked where the mound systems are located for the units on the west site of the development? Mr. Radomski replied there is a hatched area on the Site Plan where it is proposed to be located, however, more soil testing needs to be done before the area is verified to be suitable for a mound system. He further explained that the waste for all of the units in that area would have to be pumped to the mound system. Mr. Morris asked how many wells would serve the total number of units? Mr. Marek, petitioner, introduced himself to the Commission and responded that there would be six (6) wells, four (4) buildings per well.

Mr. Maslowski commented with essentially 42 homes he was surprised there was only one entrance to the development. He expressed concerns regarding safety and fire safety and asked if the site would be served by tank and water in case of fire? Mr. Marek replied "Yes", however there is a hydrant nearby from the City of Waukesha. He added there are no other entrances/exits available because the Town of Brookfield would not allow a connection to Cherokee Drive to the north and the wetlands and a navigable waterway would have to be crossed. In addition, the City of New Berlin felt it would not be safe to have an access point to Springdale Road. Chairperson Siepmann asked if a Boulevard Road into the development was looked into for safety? Mr. Marek replied that the WDOT specifically chose the entrance to the development and they indicated that is it, and would not change from any standpoint. He added that only 10 acres of the total 26 acres is being utilized for the development.

Mr. Maslowski asked what recourse the Commission has if the mound systems do not work on the site or if there is not enough capacity? Mr. Fruth replied if the petitioner cannot find enough space to serve all of the units, some of the units would have to be eliminated. Mr. Maslowski asked if the Commission approves the Conditional Use based upon the lack of definitive information and it doesn't work out who would be responsible? Chairperson Siepmann replied that the County would approve everything before construction begins. Mr. Fruth added that there are Town and County conditions addressing storm water and septic requirements. Mr. Goodchild said there are other layouts similar to this with mounds and multiple buildings/condominiums in Waukesha County. He suggested that Mr. Marek consider being a member of Digger's Hotline even though he is the owner of the property. He noted that there are many other entities that will be digging on this property from utilities, service apps, phone, cable, electric, landscape, etc. Since the petitioner is the owner, storm sewers, water pipes, sewer lines, etc. tend to get hit by the above entities and it becomes the owner's responsibility for repairs and cleanup. Mr. Marek indicated he would have tracers on some of the lines. Mr. Peregrine asked if the septic pipes from the units would be straight lines, curved or under the units, and cautioned that pipes do fail overtime. Mr. Marek explained there is a septic designer, and he would like to primarily stay away from going under roads and buildings. He thought the road was only crossed twice and added that the actual pipe would be surrounded by a protective pipe. Mr. Peregrine expressed concerns that some of the pipes would have to go underneath or alongside one of the buildings. Mr. Marek said with the current design, they would not be under the buildings and only cross the road twice. He said with respect to the cul-de-sac and entrances, that the Town of Waukesha has an ordinance that requires cul-de-sac's to be less than 1,320 sq. ft. He stated the longest cul-de-sac in the development was 897 sq. ft.

There was a lengthy discussion regarding access concerns for the development. Specifically, the access location, acceleration/deceleration lanes, possible widening to allow for a boulevard type road roadway to help with congestion. Mr. Marek said the WDOT was very stringent about what is there and what is to remain. He asked them if there could be a secondary entrance/exit moved to where the median cut is and his request was refused. He also noted that the WDOT preferred right turn in/right turn out for the development.

Mr. Maslowski asked Mr. Fruth if there was anyone he could speak with to support the petitioner's request for a different access location for the development? Mr. Fruth replied that more questions could be asked. However, he compared a 42 lot subdivision to the 42-unit development, and noted that the number of dwelling units is relatively small from a traffic generation standpoint. He stated that traffic signals are not typically required for such developments. He reminded the Commission that S.T.H. 59 is the State's jurisdiction and they are the decision makers on this particular issue. The County's role on the project is to consider the density, layout, septic, storm water facilities for the project. He would be willing to reach out to WDOT and Fire Department Staff to get more information. Mr. Maslowski said he was not comfortable

with the amount of traffic and only one entrance. Mr. Fruth asked if the petitioner was open to altering the entrance? Mr. Marek responded that he would be happy to contact the WDOT again and ask what potential remedies there would be. He did mention that he worked with them for a number of months regarding the access point and they were dead set against having it located at the median crossing.

*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 Commission asked that the Planning and Zoning Division Staff and the petitioner make inquiries with the WDOT to address the access concerns (location, acceleration/deceleration lanes, possible widening to allow for a boulevard type roadway) to the development. 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-WAKT-01 (59 Acquisition, LLC) Town of Waukesha, Section 1**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-1618) listed above.

*After discussion, Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The Commission asked that the Planning and Zoning Division Staff and the petitioner make inquiries with the WDOT to address the access concerns (location, acceleration/deceleration lanes, possible widening to allow for a boulevard type roadway) to the development. 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-1832 (Five Diamonds/Kuenzi Properties, LLC.) Town of Waukesha, Section 27**

Mr. Fruth pointed out the location of the property at approximately S52 W24082 Glendale Road in the Town of Waukesha on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agricultural District to the B-2 Local Business District.

Mr. Fruth indicated there are currently a couple of commercial structures on the property (a former pet supply warehouse and veterinary clinic). The proposed rezone is for the acreage to the north of those buildings. Access would be via extending a private roadway to facilitate access to the proposed building. The proposed building would be approximately one acre in size. The proposed indoor training facility would contain batting cages and training fields. Eighty-four parking stalls are being proposed and are to be located on the north and east sides of the building. Mr. Peregrine asked who would potentially use this facility? Mr. Kelenick, petitioner, replied a company that currently resides in Oconomowoc called STIKS. He stated that 90% of the clientele will be little league to high schoolers. Most kids are not able to drive and would be dropped off. Chairperson Siepmann asked if there was any work done on the storm water, to which Mr. Kelenick responded, yes. Chairperson Siepmann asked what the green space was on the site to which Mr. Kelenick replied, approximately ½ acre out of a total of three (3) acres.

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

- **PPC16 006 (Hans Juech) Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth pointed out the location of the property at N50 W35248 Wisconsin Avenue in the Town of Oconomowoc on the aerial photograph. He indicated the request is for retaining walls located within 5' of a property line.

Ms. Reithmeyer, Land Use Specialist, indicated the petitioner is requesting on behalf of himself and the property owner to the west for the replacement of the retaining wall. The proposal would accommodate a new driveway and parking area. The property contains extreme slopes to Okauchee Lake from Wisconsin Avenue. The proposed retaining wall would be approximately six (6) ft. in height tapering down to three (3) to four (4) feet in certain areas. She presented photographs of the property showing the existing timber retaining wall and the walkway area to the house. Mr. Peregrine said he visited the site and indicated that it is very steep and what is being retained is essentially, Wisconsin Avenue. He noted the wall needed to be replaced because it is a safety hazard.

*After discussion, Mr. Peregrine moved, seconded by Mr. Maslowski and carried unanimously for approval, 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.*

- **Shoreland Zoning Advisory Committee Update.**

Mr. Fruth indicated the Planning and Zoning Division Staff has been working with an Advisory Committee over the past four (4) months to create the groundwork for a major update to the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code. He made a presentation highlighting the Committee's conclusions:

The project objectives were as follows:

- Implement revised State shoreland rules (NR 115)
- Comply with revised State Law
- Improve and modernize County Zoning provisions.

Core issues:

- **Impervious surface:** State law requires the County to regulate, maximum percentage of coverage.
  - General Standards: 15% maximum without mitigation, 30% maximum with mitigation.
  - Highly Developed Shoreline: Use in urban census tracts/clusters and several additional qualifying areas. Up to 30% residential use without mitigation, up to 40% residential use with mitigation. Up to 40% commercial/industrial use without mitigation, up to 60% commercial/industrial use with mitigation.
- **Building Bulk:** Replace floor area ratio and open space, introduce building footprint, amend height regulations.
  - Residential districts-17.5% maximum footprint, non-residential districts-existing FAR % limits become footprint % limits, accessory building footprint-lots less than 14,000 sq. ft. = 600 sq. ft., lots greater than 14,000 sq. ft. = 750 sq. ft. or 2% of lot area.
  - Height limits – 35 ft. within 75 ft. of shore or lots less than 65 ft. wide, 42 ft. beyond 75 ft. and lots greater than 65' wide, accessory building sidewalls 10-15' within 75' of shore.
  - Boathouses: Remove lot size eligibility requirements, set maximum size 450 sq. ft., must be located within view corridor, no plumbing and wall height limits.

- Non-conforming structures: State's new rule eases regulations for use and improvement of non-conforming structures. Vertical and horizontal expansions of principal structures within setback, no mitigation for vertical expansions must allow vertical expansions up to 35' tall. The Committee supported tiered relief relative to other required setbacks and offsets.
- Mitigation: Required when impervious surface standards are exceeded, replacement or relocation of certain structures within the shore setback and certain horizontal expansions. Types of mitigation include: Vegetative buffers, remove/screen retaining walls, increased shore setback, remove non-conforming structures.
- Shoreland Zoning Matters: Substandard lots, vegetative cutting, offsets, lot definition and accessory building footprint.

Mr. Fruth noted that a Public Information Meeting will be held on June 23, 2016.

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Goodchild to adjourn at 2:00 p.m.*

Respectfully submitted,

*Gary Goodchild*

Gary Goodchild  
Secretary

GG:kb

