

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, JUNE 15, 2017, 1:00 P.M.**

CALL TO ORDER

Mr. Morris, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Richard Morris James Siepmann William Maslowski
 William Mitchell Robert Peregrine

Members Absent: Keith Hammitt

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Kathy Brady, Support Staff Supervisor
 Amy Barrows, Senior Planner

Guests Present: George Sieracki: SCU-0010D and PO-17-OTWT-1 Badger Kart Club

CORRESPONDENCE: None.

MEETING APPROVAL: None.

MINUTES: Approval of the May 18, 2017, Minutes.

Mr. Peregrine moved, seconded by Mr. Maslowski and carried unanimously for approval of the May 18, 2017, Minutes.

PUBLIC COMMENT: None.

SCHEDULED MATTER:

- **1:00 p.m. Public Hearing - 2017 Amendment to the Comprehensive Development Plan for Waukesha County**

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

- A. *The Town of Lisbon Board*, W234 N8676 Woodside Road, Lisbon, WI 53089, requests property owned by the Town of Lisbon, located in part of the N ½ of the NE ¼ of Section 25, T8N, R19E, Town of Lisbon (Tax Key No. LSBT 0241.999), be amended from the Commercial and Industrial categories to the Mixed Use category, to accommodate a future Mixed Use development.

Ms. Barrows, Senior Planner, indicated the property is located in the Town of Lisbon with the Village of Sussex bordering the west lot line and the Village of Menomonee Falls being located to the east. She explained that the property is the former Lied's Landscaping Company. A new residential subdivision to the east is located in the Village of Menomonee Falls. The property may be split by Certified Survey Map with a proposed new intermediate middle school being located on the southwestern half of the property and the northern portion of the property would be retained by the Town. A referendum will be held next spring for funding of the new middle school. The northern portion of the property may be sold to a developer in the future for possible retail, mixed-use housing and/or senior assisted living uses, gas station, etc.

Ms. Barrows noted that the Town and County Land Use Plans indicate the west side of the property is designated in the Industrial and Other Open Lands to be Preserved categories, while the east side of the property is located in the Commercial and Office Park category. The Town also has a Special Use District, which is an agreement between the Town and the Village of Sussex that any, and all uses in that area, need approval from both the Town and Village Boards. She also indicated that the Village of Sussex has extra territorial land use authority on the property and they have it designated as Industrial on the west side, Commercial on the northeast corner and Single and Two Family Residential to the south. The Village of Menomonee Falls also has extra territorial land use authority and they have most of the property designated as Industrial with a small portion in the Commercial category. She further explained there is a boundary agreement between the Town of Lisbon and the Village of Sussex, which shows that the area is not planned to go into the Village but is part of a joint planning area. As part of the joint planning area, the Town's Land Use Plan must be as restrictive as the County's Land Use Plan. There is also an area designated for future sewer service and the property is included in that jurisdiction but there are also land uses that have to be followed in order to get sewer services. The Town would need to work with both Villages to make sure all of the different maps are consistent with each other and accommodate a use that everyone can agree with. The County has offered to assist in facilitating a meeting with all of the jurisdictions in order to find ways to proceed in an efficient way.

In addition, Ms. Barrows noted that the Town of Lisbon would like to act on the Land Use Plan Amendment before the matter is considered by the Villages. She mentioned that the Mixed Use category is very appropriate for this property. In addition to the Land Use category amendment, a zoning amendment would also be required. She pointed out a small residential property to the southeast of the property and noted that it is designated in the Commercial category on the County's Land Use Plan. She explained that highway improvements may be required and a traffic impact analysis would be required and that currently, the turning movements at the abutting intersection are significant. The intersection may need to be re-located to the south because of the railroad tracks to the north, which are a constraint if additional turning lanes need to be added.

Ms. Barrows stated that the Town (which currently owns the property) will begin a cleanup effort on the site taking care of the landscape materials and other equipment on the site. There may be some potential contamination on the northeast corner of the property due to a former vehicle wash and materials storage site including fuel tanks. In addition, she mentioned there are flooding concerns in a nearby subdivision that is downstream. The Waukesha County Land Resources Division will be looking at this very carefully to ensure that additional runoff does not increase flooding issues.

Chairperson Morris asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 1:20 p.m.

• **ZT-1849 (Bill Zach - Iron Pipe Development LLC.) Town of Delafield, Section 31**

Mr. Fruth pointed out the location of the property at S13 W33650 Summit Avenue in the Town of Delafield on the aerial photograph. He indicated the request is to rezone the property from the A-2 Rural Home District to the A-1 Agricultural District.

Mr. Fruth indicated the area to be rezoned is on the north side of Scuppernong Creek. The property contains approximately 140 acres. He explained the A-1 District in the Town of Delafield allows 2.75 acres per dwelling unit. Two (2) Planned Unit Development PUD layouts were submitted both containing substantial open space along Cushing Park Road and Abitz Road. The concept plan shows a trail connection to the Sandgren bike path along Cushing Park Road. An Isolated Natural Resource Area is located on the property

with the vast majority being proposed to be in open space. The development is being proposed as a Planned Unit Development containing 35 lots.

Mr. Siepmann asked if a Certified Survey Map (CSM) existed for the two (2) parcels to the south, which are planned to be retained? Mr. Fruth replied, “No”, however, a proposed CSM will likely be presented. Mr. Maslowski clarified that the developer is entitled to more density than what he has applied for. He asked, if the rezone is approved would the developer be able to appeal for the higher density? Mr. Fruth replied, the Park and Planning Commission’s action is to change the zoning district. The developer may add or remove lots and the design details will happen at a different phase. Mr. Maslowski asked if the Commission could place a restriction on the rezone stating that the developer does not exceed the density, which is being proposed? Mr. Siepmann replied that this rezone was very controversial at the town level. He stated that over 60 people were in attendance at the public hearing. He stated that most Towns want less density and he has not observed projects increasing in density after the time of zoning approvals.

After discussion, 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.

• **SCU-0010D (Badger Kart Club) Town of Ottawa, Sections 4 and 5**

Mr. Fruth pointed out the location of the property at W377 S1851 Gramling Lane in the Town of Ottawa on the aerial photograph. He indicated the request is to amend the existing Conditional Use for the go-kart racing club regarding the hours of engine operation and that all future amendments relative to the hours of operation be requested through a Site Plan/Plan of Operation.

Mr. Fruth indicated the property in question is located south of the Village of Dousman/Town of Ottawa border. He noted that the petitioners have been operating under an existing Conditional Use. The petitioner is proposing to change the current approved/permitted engine hours for the go-kart club as follows:

- Practice days: 10:00 a.m. to 7:00 p.m.
- Regular race weekends: 9:00 a.m. to 6:00 p.m.
- Special race weekends: 8:00 a.m. to 6:00 p.m.

The petitioner is also requesting that all future amendments relative to the hours of operation be allowed through a Site Plan/ Plan of Operation.

After a brief discussion, Mr. Siepmann 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-17-OTWT-1 (Badger Kart Club) Town of Ottawa, Sections 4 and 5**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-0010D) 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 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.

• **PPC17 006 (Phyllis Piagentini Revocable Trust) Town of Mukwonago, Section 19**

Mr. Fruth pointed out the location of the property at S87 W33361 Short Drive in the Town of Mukwonago on the aerial photograph. He indicated the request is to approve a remnant parcel not shown on the Certified Survey Map and a lot not abutting a public road.

Mr. Fruth indicated the parcel is located east of C.T.H. “E”. The proposed request is to divide an approximate 89 acre parcel into two (2) lots. The lot located on the northern portion of the property contains a residence, detached garage and multiple sheds and the southern lot will most likely be utilized for agricultural uses until it is developed as a subdivision. Because the remnant parcel is short of the 200’ width required by the zoning district in order to be conforming, it also falls under the “lot not abutting a public road” provisions of the code. Mr. Fruth noted that the Planning and Zoning Division Staff has communicated with the Town to encourage a future developer to work with adjacent property owners that are served by a very long shared driveway to the east.

After discussion, Mr. Peregrine moved, seconded by Mr. Maslowski 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-1048D (Anthony Foss - Okauchee Mystery Bar, LLC.) Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth pointed out the location of the property on West Lake Drive near its intersection with Road B in the Town of Oconomowoc on the aerial photograph. He indicated the request is to amend the existing Conditional Use to include the sale of gasoline for boats and other watercraft.

Mr. Fruth indicated the bar/restaurant has an authorized marina on Okauchee Lake. The petitioner is proposing to add a fuel tank and the ability to provide fuel to watercraft. The fuel tank would be located at the southeast corner of the parking lot. Bollards are being proposed to prevent vehicles in the parking lot from hitting the tank. No parking is being lost due to the location of the fuel tank. There would be four (4) different spots where boats could tie up to in order to be refueled. A bridge and channel are located nearby to access the western portion of Okauchee Lake. Correspondence was received from the Okauchee Lake Management District expressing concern regarding navigation in the channel and where boats, which were waiting to refuel, would go without impeding traffic under the bridge. Chairperson Morris stated if the fourth tie up located closest to the bridge was removed, there should not be any issues with boat traffic in the channel. Mr. Maslowski asked if the fuel tank would be an aboveground tank, to which Mr. Fruth replied “Yes.” Mr. Maslowski asked if the approval of the operation could be reversed if it becomes a public nuisance? Mr. Peregrine replied that he lives on a lake and traversing the area by the bridge is no different than coming to an uncontrolled intersection and you would just wait your turn until it is clear to pass under. He does not see any issues regarding the channel. He said that the residents who live on the lake would not be refueling on the weekends they would do it during the week. He also stated that there is a company, which delivers fuel to the lake residents by barge. Mr. Siepmann said the Conditional Use is conditioned to an annual review. He felt it is a good use on the lake, which give boaters an alternative to refuel and less chance for spilling of fuel. Mr. Mitchell asked if the four (4) specific refueling boat spots are marked so no one else can park there and would

there be an employee at the pump at all times? Mr. Fruth responded, that there would be an attendant on duty and the County added a condition stating that two designated fueling spots be clearly marked.

After discussion, Mr. Maslowski moved, seconded by Mr. Siepmann 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-17-OCOT-07 (Anthony Foss - Okauchee Mystery Bar, LLC.) Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-1048D) listed above.

After a brief 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.

- **Appointment of Nominating Committee for Officers**

It was decided that the Commission would follow the State Statutes regarding the Chairman’s position being a two (2) year term. Since the Mr. Morris (current Chairman) has completed one year, he agreed to stay in the position for another year. The Commission decided to place the “Election of Officers” on the next scheduled Park and Planning Commission meeting agenda.

ADJOURNMENT

With no further business to come before the Commission, Mr. Siepmann moved, seconded by Mr. Peregrine to adjourn at 2:08 p.m.

Respectfully submitted,

William Mitchell

William Mitchell
Secretary

WM:kb

