

PLAN COMMISSION MEETING
Tuesday, September 6, 2016

Members present: T. Oberhaus, L. Krause, E. Kranick, K. Fitzgerald, P. Kanter, G. Reich
Also present: T. Barbeau, *Town Engineer*, 6 citizens

First order of business: Call to Order and Pledge of Allegiance

Chairman Oberhaus called the meeting to order at 7:00 p.m. and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of August 2, 2016

**MOTION BY MR. REICH, SECONDED BY MR. KRAUSE, TO APPROVE THE MINUTES OF THE AUGUST 2, 2016 MEETING.
MOTION CARRIED.**

Third order of business: Communications (for discussion and possible action):

- A. Waukesha County Dept. of Parks and Land Use (8/8/16) Review team comments for single family subdivision on the Riemer/Sheets property, Cushing Park Road.

Fourth Order of business: Unfinished Business: None

Fifth order of business: New Business:

- A. Wallace and Ann Burt, W282 N3398 Taylors Woods Road
Re: Consideration and possible action on a Certified Survey Map to combine two properties into one property at W282 N3398 Taylors Woods Road.

Attorney Kathy Gutenkunst represented the owners.

Engineer Barbeau explained that the Burt's currently own two adjacent lots and are proposing to remove the house on one of the lots and combine both lots into one lot. In order to meet County Shoreland requirements, the Town Clerk will not be allowed to record the CSM until the second house is removed so that there is one principal residence and one boathouse on the resulting property.

**MOTION BY MR. REICH, SECONDED BY MR. KANTER, TO RECOMMEND TO THE TOWN BOARD THE APPROVAL OF A CERTIFIED SURVEY MAP (DATED 8/26/2016) TO COMBINE TWO PROPERTIES INTO ONE PROPERTY AT W282N3398 TAYLORS WOODS ROAD.
MOTION CARRIED.**

- B. Jim and Jodi Anderson, N20 W29857 Glen Cove Road
Re: Consideration and possible action on a Certified Survey Map to combine two properties into one property at N20 W29857 Glen Cove Road.

Engineer Barbeau stated that combining the two lots creates a new lot which is more conforming to Waukesha County zoning requirements and eliminates a lot line through the center of the house. His technical comments have been addressed and the corrections have been made. County approval is still needed so any approval should be subject to incorporation of comments from the County.

**MOTION BY MR. REICH, SECONDED BY MR. KANTER, TO RECOMMEND TO THE TOWN BOARD THE APPROVAL OF A CERTIFIED SURVEY MAP (DATED 9/6/2016) TO COMBINE TWO PROPERTIES INTO ONE PROPERTY AT N20W29857 GLEN COVE ROAD SUBJECT TO THE INCORPORATION OF COMMENTS BY WAUKESHA COUNTY.
MOTION CARRIED.**

- C. Plan Commission review of Conditional Use Permit granted to Del & Debbie Molkentin, for a hobby kennel at W316 N895 STH 83.

Engineer Barbeau explained that the Molkentins hold a Conditional Use Permit for the operation of a Hobby Kennel at their residence. The latest version of the CUP was granted October 12, 1999 and recorded with the Register of Deeds on January 11, 2000. On June 28, 2016, he made a site visit and went through the conditions with Del Molkentin.

The CUP requires an annual review which has been done in the past but hasn't been done recently. Although the Town tries to review the CUPs periodically, the Town Attorney says there is no legal requirement to review CUPs annually. The Town relies on neighbors and neighborhoods to report concerns.

Historically, the Molkentins were in a land dispute with their neighbors to the northeast and to the north of their property. CSM11239 was created by the Showers to resolve the land dispute with the Molkentins and the Maeglis. As a result, the Molkentins lost 11 ft. of their land on the east side. The Showers are concerned that the Molkentins are not in compliance with their CUP. The Town received a complaint involving dogs getting out and that the legal description of the property in the CUP is not correct according to today's legal description of the property. This the only complaint Engineer Barbeau has received regarding the Hobby Kennel.

In accordance with Condition J in the CUP, any change in the land is considered substantial and requires a new Conditional Use permit. Engineer Barbeau recommended that the Molkentin's should be required to proceed through the process for a new conditional use permit. He said the legal description has changed resulting in a slightly smaller lot area (3 acres vs. 2.95 acres currently), however, the CUP does not exempt the process if it is an insignificant change.

**MOTION BY MR. KANTER, SECONDED BY MR. KRANICK, THAT THE TOWN ENGINEER/ZONING ADMINISTRATOR BE DIRECTED TO SEND A LETTER TO THE MOLKENTINS ON BEHALF OF THE TOWN NOTING THIS PARTICULAR PROVISION OF PARAGRAPH J, AND NOTING THAT IT HAS COME TO OUR ATTENTION THAT A CHANGE HAS OCCURRED IN THE SIZE AND DIMENSIONS OF THE LOT (THE PHYSICAL PREMISES) AND THAT PURSUANT TO THE CONDITIONAL USE PERMIT A HEARING MUST BE HELD. THE MOLKENTINS SHOULD BE GIVEN 30 DAYS UPON RECEIPT TO MAKE THE APPLICATION FOR THE HEARING. THE LETTER SHOULD BE SENT REGISTERED MAIL
MOTION CARRIED.**

- D. James Cadd, Watercrest Investments, LLC, d/b/a/ Lake Country Automotive, N47 W28229 Lynndale Road
Re: Review of Conditional Use Permit, consideration of request to modify Condition E related to hours of operation for service at the facility and consideration of an updated plan of operation.

RJ Manders, general manager for Lake Country Automotive and representing James Cadd, requested this review of the CUP as required and provided a new list of hours of operation dated 9/6/2016. Mr. Manders stated he owned Auto Connections in Oconomowoc and is a lake country area resident. He wants this business to be representative of the Town. Vehicles for sale are late model with low mileage. He has been working to improve the property over the last 30 days. He wants to develop a good reputation with the Plan Commission and hopes that the annual review requirement can be changed in the future.

Engineer Barbeau explained the yearly review requirement for this property. He said the CUP is considered in compliance and recommends approval of the change in service hours and the Plan of Operation. The proposed hours are in line with other vehicle service facilities.

MOTION BY MR. KANTER, SECONDED BY MR. KRANICK, TO CONSIDER THE CUP TO BE IN COMPLIANCE, TO APPROVE THE MODIFICATION OF THE HOURS OF OPERATION DATED 9/6/2016, AND TO APPROVE THE PLAN OF OPERATION DATED 9/6/2016. MOTION CARRIED.

Sixth order of business: Discussion:

- A. James Cadd, Watercrest Investments, LLC, owner by James Szaniawski, Lake Country Mulch
Re: Discussion regarding allowance of a mulch sales and storage business adjacent to Lake Country Automotive located at N47 W28229 Lynndale Road.

Jim Szaniawski explained that he would like to operate a small mulch operation on the same property as Lake Country Automotive. He has been helping with the maintenance of the property. People in the area have encouraged him to operate a mulch business in this location which would include mulch pick-up and delivery, and some plant starters. He estimates that there will be truck deliveries of mulch to the property once or twice per week and that half of the day will be his trucks going out to deliver mulch. Mr. Manders will oversee the look of the total property. Landscapers and private individuals will use this service. It will be designed for easy access for trailers and occupy under a half-acre of the property. Each mulch bin will hold approximately 90 yds. of mulch (1 semi-full). He believes the two businesses will work well together on the property.

Plan Commission members expressed concern that this business be maintained in a well-groomed fashion. They preferred a small office space inside of the building be used instead of a trailer. A nice looking, barn-type structure outside near the mulch and behind the fence could also be an option for the office. Plan Commission members suggested that the equipment should be parked behind the fence at night and that there be no night-time operation. There should be no lighting. There was not a positive response to the proposal of a temporary sign for this seasonable business – they want something more permanent. They questioned if there any wetland area run-off issues. Noise from delivery trucks should be minimal since the freeway noise is also in this area. Most of the traffic associated should be deliveries going out to customers. This is perceived as a needed service in the area.

Engineer Barbeau explained this is a permitted use for this property. There has been a landscape business on this property in the past. The next step would be a plan of operation, site plan, etc.

Seventh order of business: Announcements and Planning Items:

Next meeting - Tuesday, October 4, 2016

Eighth order of business: Adjournment

**MOTION BY MR. KANTER, SECONDED BY MR. REICH, TO ADJOURN AT 7:43 P.M.
MOTION CARRIED.**

Respectfully submitted,

Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: October 4, 2016