

TOWN OF MUKWONAGO
PLAN COMMISSION MINUTES
WEDNESDAY, AUGUST 1, 2012 – 6:30 PM.

Chairman Dubey called the meeting to order at 6:34 pm.

Present: Chairman Dubey; Commissioner Hintz, Holz, McNelly, Schuett, Yerke and Topczewski. Also present: Supervisor Boucher, Nicoson and Stefanowski; Christine Makovec, Deputy Clerk; Tim Schwecke, Town Planner; J. Macy, Town Attorney; Scott Johnson, Building Inspector.

MINUTES

Motion by Yerke, second by Schuett to approve the minutes of May 2, 2012. All ayes; motion carried.

Motion by McNelly, second by Hintz to approve the minutes of June 6, 2012 with correction of the “no overnight parking” be changed to “no overnight use between 2 am to 5 am” on the new Conditional Use for William and Christine Bruss. All ayes; motion carried.

Motion by Schuett, second by Topczewski to approve the minutes of June 6, 2012 with correct spelling of Rick Peterson’s last name from Peters to Peterson. All ayes; motion carried.

JOINT PUBLIC HEARING

CONDITIONAL USE FOR EXISTING TWO-FAMILY BUILDING AND OTHER SPECIFIED ACCESSORY USES AT S78W29126 FROG ALLEY ROAD PURSUANT TO SECTION 82.21(D)(19) OF THE TOWN’S ZONING CODE; MARK AND NICOLE BALZER, APPLICANT (APPLICATION 2012-17)

6:30 pm. – Chairman Dubey opened the Joint Public Hearing.

Neighboring residents gave positive feedback with regards to Balzer’s Conditional Use application.

The Planning Commission brought up the following issues:

- 50% rule
- Outside storage
- Division of property
- Owner occupying one unit
- Owner of horses occupying one unit
- General nuisance law
- Number of horses allowed
- Allowed A-1 / C-1 uses

Joint public hearing closed at 7:08 pm.

Motion by McNelly, second by Yerke to recommend approval of Conditional Use for an existing two-family building and other specified accessory uses at S78W29126 Frog Alley Rd. pursuant to Section 82-21(D)(19) of the Town's Zoning Code; Mark and Nicole Balzer, applicants (Application 2012-17), subject to the following conditions; 50% rule will not apply, property owner cannot change the size or shape of property without Town Board approval and the owners of the property must reside in one of the units on the property. All ayes; motion carried.

**AMENDMENT OF CHAPTER 82 OF THE MUNICIPAL CODE, TITLED "ZONING"
(APPLICATION 2012-15)**

8:48 pm. - Joint Public Hearing by Plan Commission and Town Board to obtain public comment on proposed amendment of Chapter 82, carried over from June 6, 2012 meeting.

Chairman Dubey asked if anyone wished to speak on this matter.

There still are questions with regards to the letter from Jason Fruth, Waukesha County Department of Parks & Land Use. Atty. Macy also brought up the issue of the County only having shoreline authority, whereas in the past, the County and Town both had jurisdiction and now the Town may only have control over use.

An issue was brought up with regard to an in-law suite in a detached structure. Commission members were not in favor of changing our current code to allow that.

There was also discussion about the following:

- AP Zoning
- Accessory buildings
- Principle structures

Motion by Nicoson, second by Schuett to hold the public hearing open to October 3, 2012. All ayes; motion carried.

PROPOSED AMENDMENT TO THE TOWN'S ZONING CODE, SECTION 82-110(11), REGARDING PERMITTED USES IN THE R-H RURAL HOME DISTRICT THAT WOULD PROVIDE AN EXCEPTION TO THE LIMITATION ON THE NUMBER OF PERMITTED HORSES AT A PRIVATE STABLE

It was decided that foals should not be counted differently from horses. All horses are considered horses no matter what the age.

Motion by McNelly, second by Topczewski to deny proposed amendment to the town's zoning code, section 82-110(11), regarding permitted uses in the R-H rural home district that would provide an exception to the limitation on the number of permitted horses at a private stable. All ayes; motion carried.

GRANT FROM THE KNOWLES-NELSON STEWARDSHIP PROGRAM
TENTATIVELY AWARDED TO SUPPORT THE ACQUISITION OF 54 ACRES OF
LAND LOCATED IN THE TOWN OF MUKWONAGO BY THE WAUKESHA
COUNTY LAND CONSERVANCY INC. FOR CONSERVATION AND PUBLIC
RECREATIONAL PURPOSES

Motion by Schuett, second by Yerke to send a letter to the State with a decision. Motion failed.

Motion by Topczewski, second by McNelly to send a letter to the State saying the Town supports the acquisition of land by the Knowles-Nelson Stewardship Program in general; however, in this case, the Board does not have enough information to make a recommendation, positively or negatively since the board did not know the location of the property in question. All ayes, motion carried.

Tim Schwecke and Kathy Karalewitz will prepare a letter to send to the State.

NEXT MEETING DATE

The next Plan Commission meeting to be held September 5, 2012 at 6:30 pm.

ADJOURNMENT

Motion by Schuett, second by McNelly to adjourn at 9:28 pm.

Respectfully submitted,

Christine Makovec
Deputy Clerk

Approved: 10-3-12