

Town of Mukwonago
Plan Commission Meeting Minutes
Wednesday, February 5, 2014

Chairman Dubey called the meeting to order at 6:30 p.m. and stated the meeting was noticed.

Present: Chairman Dubey; Commissioners Clabault, Holtz, Schuett and Yerke; Supervisor Topczewski. Commissioner McNelly was absent. Also present; Kathy Karalewitz, Administrator/Clerk-Treasurer; Attorney John Macy; Tim Schwecke, Town Planner; Scott Johnson, Building Inspector; Supervisors Hintz, Nicoson and Stefanowski.

MINUTES

Motion by Supervisor Topczewski, second by Commissioner Holtz to table the minutes to March 5, 2014 Plan Commission meeting. All ayes; motion carried.

CONCEPTUAL AND FINAL CERTIFIED SURVEY MAP (CSM) MERGING TWO LOTS ON PROPERTY LOCATED OFF OF PHANTOM WOODS ROAD IN SECTION 35, T5N, R18E, BRIAN AND CYNTHIA DOBBERKE LIVING TRUST, APPLICANT (APPLICATION 2013-36)

Motion by Commission Clabault, second by Commissioner Yerke to recommend to the Town Board approval of the Certified Survey Map merging two adjoining parcels off of Phantom Woods Road in Section 35, T5N, R18E, (MUKT2005237 AND MUKT2011005001) Brian and Cynthia Dobberke Living Trust Applicant subject to following notation being made on the Certified Survey Map: "Refer to Deed Restriction which was filed as part of R-3 Zoning" and subject to the three (3) General Conditions and five (5) Special Conditions as stated in town planner's staff report dated January 31, 2014. All ayes; motion carried.

RURAL STRUCTURE DETERMINATION FOR VARIOUS AGRICULTURAL STRUCTURES LOCATED AT S92W32635 CTH NN (MUKT1951999002) ROBERT HARBOLD, APPLICANT (APPLICATION 2013-35)

Chairman Dubey asked applicant why they are keeping the existing structures and if they have plans to use them. Applicant stated there are no plans to use the structures; they just do not want to tear them down.

Motion by Commissioner Schuett, second by Commissioner Holtz to recommend to the Town Board the designation of the ten (10) agricultural structures as rural accessory structures based on the required findings enumerated in Section 82-25(a)(2)(b) and Section 82-25(c)(2) of the Town of Mukwonago Zoning Code, provided the petitioner records a deed restriction with the Waukesha County Register of Deed's Office, as approved by Town Planner, within six (6) months of the date of the Town Board's approval. In addition to the standard provisions typically included in the deed restriction, there must be a provision indicating that additional accessory structures may only be built with Town Board approval and there shall be no commercial use of the buildings. All ayes; motion carried.

CONCEPTUAL CERTIFIED SURVEY MAP (CSM) CREATING TWO LOTS ON PROPERTY LOCATED AT S92W32635 CTH NN IN SECTION 20, T5N, R18E, (MUKT1941999002) ROBERT HARBOLD, APPLICANT (APPLICATION 2013-35)

Tim Schwecke, Town Planner gave overview of this request. He stated he looked back at the 1995 minutes and nothing could be found that this lot could not be sub-divided.

Tim Schwecke, Town Planner to check in the zoning code the differences between S-E, R-H and A-1 zoning regarding multiple buildings and to see whether there would be an advantage to putting conditions on the Certified Survey Map.

Chairman polled the Plan Commission as to how many would be in agreement with the Conceptual Certified Survey Map. Majority stated "yes" with some restrictions and safeguards.

This matter to come back to the Plan Commission in March for Certified Survey Map approval.

Chairman Dubey stated the Plan Commission to take up item #10

BUILDING INSPECTOR AND TOWN PLANNER REPORT OF PROJECTS IN WAUKESHA COUNTY'S SHORELAND ZONING JURISDICTION

Tim Schwecke, Town Planner reported there was only one pending project in the County's shoreland zoning jurisdiction.

Jim and Karen McNelly submitted a variance application to the County for the construction of a detached garage on their property at W312S6550 Willow Spring Drive.

Scott Johnson, Building Inspector has reviewed the proposed project and has determined that it complies with the regulations in effect in 1970. Supervisor Topczewski stated he sees no reason to look into this any further. Building Inspector to proceed with issuance of permit to McNelly's.

AMEND THE TEXT OF THE ZONING CODE TO ALLOW THE EXPANSION OF LEGAL NONCONFORMING BUILDINGS IN OFFSET AREAS; TOWN OF MUKWONAGO PLAN COMMISSION, APPLICANT (APPLICATION 2013-30)

Tim Schwecke, Town Planner gave an overview of the draft ordinance. On page 82-16 "addition is not within the area of a shore setback" and the word "yard" shall be deleted.

Motion by Commissioner Yerke, second by Commissioner Clabault to recommend to the Town Board adoption of the Zoning Ordinance Chapter 82 text amendment subject to the change as stated. All ayes; motion carried.

REVISIONS TO TOWN'S ZONING CODE REGARDING REASONABLE ACCOMMODATIONS

7:49 P.M. PUBLIC HEARING

Chairman Dubey opened the public hearing regarding Revisions to town's zoning code regarding reasonable accommodations under the Americans with Disability Act, the Fair Housing Act, and other federal laws; Town of Mukwonago Plan Commission, applicant.

Chairman Dubey asked if anyone wished to be heard. No persons wished to be heard and he declared the hearing closed at 7:51 p.m.

Motion by Commissioner Schuett, second by Commissioner Clabault to recommend to the Town Board adoption of Ordinance to Amend Chapter 82 of the Town of Mukwonago Municipal Code with Regard to Reasonable Accommodations Under Applicable Federal Laws. All ayes; motion carried.

RECOMMENDATIONS FOR FUTURE AGENDA ITEMS

Commissioner Holtz would like to have discussion of invasive species control in the environmental corridor.

ADJOURNMENT

Motion by Supervisor Topczewski, second by Commissioner Clabault to adjourn at 7:53 p.m. All ayes; motion carried.

Respectfully submitted,

Kathy Karalewitz
Administrator/Clerk-Treasurer

Approved 3-5-14