

Town of Mukwonago
Joint Plan Commission and Town Board
Meeting Minutes
Wednesday, September 3, 2014

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

ROLL CALL PLAN COMMISSION:

Present: Chairman Dubey, Commissioners Clabault, Holtz, McNelly, Schuett, Yerke and Supervisor Topczewski. Kathy Karalewitz, Administrator/Clerk-Treasurer; John Macy, Attorney; Tim Schwecke, Planner; Scott Johnson, Building Inspector.

ROLL CALL TOWN BOARD:

Present: Chairman Dubey; Supervisors Hintz, Nicoson, Stefanowski and Topczewski; Kathy Karalewitz, Administrator/Clerk-Treasurer; John Macy, Attorney; Tim Schwecke, Planner; Scott Johnson, Building Inspector.

MINUTES FROM August 6, 2014

Supervisor Nicoson made the following corrections:

Page 1: Add the following to the 11th sentence under "Supervisor Nicoson made the following corrections" – Additional "traffic reports by the County are available for 2010 and 2013".

In the last sentence of that section change "and" to "are".

Page 2: Under "Action by Plan Commission" add 4(g) to read: "The number of gunsmithing transactions conducted under the federal firearms license is not restricted by this conditional use order, although no more than 2 transactions may involve customers coming to the subject property during any given day."

Page 3: 4th paragraph add "y" to "County's".

PLAN COMMISSION ACTION: Motion by Supervisor Topczewski, second by Commissioner McNelly to approve the minutes as corrected. All ayes; motion carried.

TOWN BOARD ACTION: Motion by Supervisor Topczewski, second by Supervisor Nicoson to approve the minutes as corrected. All ayes; motion carried.

ONE-LOT CERTIFIED SURVEY MAP MERGING TWO PARCELS (MUKT 1886988 AND MUKT 1886989) LOCATED OFF OF ROAD X IN SECTION 4, T5N, R18E; ERIK F. BUELL REVOCABLE TRUST, APPLICANT
Erik Buell, petitioner, spoke regarding his request. Tim Schwecke, Town Planner gave an overview of the request.

PLAN COMMISSION ACTION: Motion by Supervisor Topczewski, second by Commissioner McNelly to recommend to the Town Board the approval of the final certified survey map subject to the three (3) general and eight (8) specific conditions as stated in the planner's staff report dated August 28, 2014. All ayes; motion carried.

TOWN BOARD ACTION: Motion by Supervisor Stefanowski, second by Supervisor Nicoson to approve the final certified survey map as recommended by the Plan Commission. All ayes; motion carried.

RURAL BUILDING DETERMINATION FOR MULTIPLE STRUCTURES ON A PARCEL (CURRENTLY MUKT 1886988 AND MUKT 1886989 TO BE MERGED BY CERTIFIED SURVEY MAP) OFF OF ROAD X IN SECTION 4, T5N, R18E; ERIK F. BUELL REVOCABLE TRUST, APPLICANT

Discussion was held. Tim Schwecke, Town Planner gave an overview of the request.

PLAN COMMISSION ACTION: Motion by Supervisor Topczewski, second by Commissioner Holtz to recommend to the Town Board the approval of the four buildings as rural accessory buildings based on the finding that they meet the criteria established in the Town's zoning code, provided the property owner files deed restrictions as approved by the Town Planner within 6 months of this date, the Town Building Inspector determines that the buildings are currently structurally sound, and the collapsed building is removed and the site is restored to the satisfaction of the building inspector. All ayes; motion carried.

TOWN BOARD ACTION: Motion by Supervisor Stefanowski, second by Supervisor Hintz based on recommendation of the Plan Commission, to approve the four buildings as rural accessory buildings based on the finding that they meet the criteria established in the Town's zoning code, provided the property owner files deed restrictions as approved by the Town Planner within 6 months of this date, the Town Building Inspector determines that the buildings are currently structurally sound, and the collapsed building is removed and the sites are restored to the satisfaction of the building inspector. All ayes; motion carried.

CONDITIONAL USE AND SITE PLAN/PLAN OF OPERATION FOR A SCHOOL WITH DORMITORIES AND STAFF HOUSING AND OTHER SPECIFIED USES LOCATED AT TAX KEY MUKT 1943997 IN SW ¼, SECTION 18, T5N, R17E; NATURE'S CLASSROOM INSTITUTE PROPERTY INC (PROPERTY OWNER) AND NATURE'S CLASSROOM INSTITUTE OF WISCONSIN INC (OPERATOR) GEOFFREY BISHOP, AGENT
Joint Public Hearing held open from June 2, 2014 and July 2, 2014.

7:03 p.m. – Chairman Dubey asked if any members of Plan Commission or Town Board had questions of Mr. Bishop's new plan regarding driveway access. Mr. Bishop gave an overview of the new plan.

Plan Commission and Town Board stated they would like to see a timetable from start to finish of the project including buildings on a map; a list of the types of retreats and a restoration plan for the land.

Chairman Dubey asked if anyone from the public would like to speak. The following people spoke:

- Peter Bratz, W327S7623 Squire Ln, Mukwonago spoke regarding Land Division and Development for the Town; traffic issues if subdivision were to be developed on this land vs the school.
- Clifford Weingart, W336S8490 Country La, Mukwonago questioned what the affect would be on their property.
- Jackie Lewis, W34320 Highway NN, Eagle stated there are a lot of unknowns. Stated the conditional use should be very clear for future reference.

Chairman Dubey asked if anyone wished the public hearing to remain open. It was recommend the public hearing remain open as the Plan Commission and Town Board would like to have input from the engineer regarding the following:

- The impact of the proposed water system NR811, on the water table and surrounding properties and wetlands.
- What is the impact of the proposed septic system on the water table and surrounding wetlands and properties.
- What is the alternative residential density allowed on the property.
- What is the impact of the residential use on the septic system/water table.
- Are there any concerns on the stormwater management.

Mohammad Ali Khan, W2240 Beulah Heights Rd. East Troy, spoke in favor of Nature's Classroom development.

Vito Schwartz, W332S7534 CTH E asked if this is a non-profit entity and questioned the retreats and if they can make money on the retreats.

Chairman Dubey asked if there were any other comments. Motion by Commissioner Clabault, second by Supervisor Topczewski to hold the public hearing open to October 1, 2014 at 6:30 p.m. All ayes; motion carried.

AMENDMENT OF CHAPTER 34 OF THE MUNICIPAL CODE, ENTITLED "LAND DIVISION AND DEVELOPMENT CONTROL," WITH REGARD TO PRIOR REVIEW OF SALES OR EXCHANGES OF PARCELS BETWEEN ADJOINING LANDOWNERS, PLAN COMMISSION, APPLICANT

9:06 p.m. – Joint Public Hearing

Tim Schwecke, Town Planner gave an overview of the public hearing. Chairman Dubey asked if anyone wished to be heard. No persons wished to be heard and he declared the hearing closed at 9:07 p.m.

PLAN COMMISSION ACTION: Motion by Commissioner Yerke, second by Supervisor Topczewski to recommend to the Town Board adoption of Ordinance Amending Chapter 34 of the Municipal Code, Entitled "Land Division and Development Control" with Regard to Prior Review of Sales or Exchanges of Parcels Between Adjoining Landowners. All ayes; motion carried.

TOWN BOARD ACTION: Motion by Supervisor Nicoson, second by Supervisor Stefanowski to Adopt the Ordinance Amending Chapter 34 of the Municipal Code, Entitled "Land Division and Development Control" with Regard to Prior Review of Sales or Exchanges of Parcels Between Adjoining Landowners. All ayes; motion carried.

AMENDMENT OF CHAPTER 34 OF THE MUNICIPAL CODE, ENTITLED "LAND DIVISION AND DEVELOPMENT CONTROL," WITH REGARD TO FINANCIAL SECURITY FOR LAND DIVISIONS AND OTHER RELATED MATTERS, PLAN COMMISSION, APPLICANT

9:09 p.m. – Joint Public Hearing

Tim Schwecke, Town Planner gave an overview of the public hearing. Chairman Dubey asked if anyone wished to be heard. No persons wished to be heard and he declared the hearing closed at 9:10 p.m.

PLAN COMMISSION ACTION: Motion by Commissioner McNelly, second by Commissioner Schuett to recommend to the Town Board adoption of Ordinance Amending Chapter 34 of the Municipal Code, Entitled "Land Division and Development Control" with Regard to Financial Security for Land Divisions and Other Related Matters, as drafted. All ayes; motion carried.

TOWN BOARD ACTION: Motion by Supervisor Nicoson, second by Supervisor Hintz to Adopt the Ordinance Amending Chapter 34 of the Municipal Code, Entitled “Land Division and Development Control” with Regard to Financial Security for Land Divisions and Other Related Matters, as drafted. All ayes; motion carried.

INTERPRETATION OF HOME OCCUPATION REGULATIONS AS THEY RELATE TO A ONE-CHAIR SALON IN A SINGLE FAMILY RESIDENCE

Discussion was held regarding interpretation as to whether the request of a resident to do hair at her single family residence meets the definition of “Professional Office” or “Home Occupation”. It was the consensus of the Plan Commission that this use meets the definition of “Professional Office” as stated in Section 82-110(7) of the Municipal Code.

DISCUSSION RELATED TO DEFINITION OF “ATTACHED STRUCTURE” WITH REGARD TO CONNECTION WITH A DECK AND/OR A BREEZEWAY

This matter to be put on agenda for next meeting to discuss the definition.

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

Building Inspector stated few homes going up in the Shoreland Zoning District.

ADJOURNMENT

Motion by Supervisor Stefanowski, second by Supervisor Topczewski to adjourn at 9:32 p.m. All ayes; motion carried.

Respectfully submitted,

Kathy Karalewitz
Administrator/Clerk-Treasurer

Approved: 10-15-14