

TOWN OF MUKWONAGO  
JOINT PLAN COMMISSION AND TOWN BOARD  
MINUTES  
WEDNESDAY APRIL 4, 2018

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

**ROLL CALL**

**Plan Commission:** Commissioners Kurowski, Clabault, Gilboy, Yerke, Schuett, Supervisor Bratz, and Chairman Topczewski were present.

**Town Board:** Supervisors, Bratz, Boucher, Wrasman, Yerke and Chairman Topczewski were present.

Also present: John Macy, Town Attorney; Gail Obradovich, Deputy Clerk-Treasurer; Tim Schwecke, Town Planner; and Scott Johnson, Building Inspector. Sean Sullivan arrived later.

**MINUTES OF MARCH 7, 2018**

**Plan Commission Action:** Motion by Commissioner Yerke to approve the minutes of March 7, 2018 as corrected, second by Commissioner Schuett, all ayes; motion carried.

**Town Board Action:** Motion by Supervisor Wrasman to approve the minutes as corrected. Second by Supervisor Bratz, all ayes; motion carried.

**MINUTES OF FEBRUARY 28, 2018**

**Plan Commission Action:** Motion by Commissioner Schuett to approve the minutes of February 28, 2018, second by Commissioner Clabault, all ayes; motion carried.

**Town Board Action:** Motion by Supervisor Yerke to approve the minutes. Second by Supervisor Bratz, all ayes; motion carried.

**ANNUAL REVIEW OF HOBBY KENNEL LOCATED AT S66W27875 RIVER ROAD (MUKT2038994001); DANIEL KRUEGER, APPLICANT (APPLICATION 2018-09)**

Tim Schwecke, Town Planner, stated his staff report was in the packets, and there were no concerns.

Mr. Kruger spoke and stated he has the same four dogs and he continues to be involved in various activities with his dogs.

**Plan Commission action:** Motion Commissioner Clabault to approve a one-year renewal of the hobby kennel for 2018 for Daniel Krueger located at S66W27875 River Road, second by Commissioner Schuett. All ayes, motion carried.

**RURAL ACCESSORY BUILDING DETERMINATION FOR 3 FARM BUILDINGS LOCATED AT W335 S7921 CTH E (MUKT 1942999); JEAN HOLTZ TRUST, APPLICANT (MARCIA HOLTZ, ANDREW HOLTZ, MARY HOLTZ, AND DEB STEINER AS AGENTS); APPLICATION 2018-10**

Tim Schwecke gave an overview of his staff report dated March 22, 2018 with discussion following.

**Plan Commission action:** Motion by Commissioner Yerke to recommend to the Town Board the designation of buildings #3 through #5 in the application 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, and the Town's building inspector determines that the buildings are currently structurally sound. Second by Commissioner Schuett, all ayes, motion carried.

**Town Board action:** Motion by Supervisor Bratz to accept the Plan Commission's recommendation, second by Supervisor Yerke. All ayes, motion carried.

**RURAL ACCESSORY BUILDING DETERMINATION FOR 9 FARM BUILDINGS LOCATED AT W335 S7907 CTH E (MUKT 1942999); JEAN HOLTZ TRUST, APPLICANT (MARCIA HOLTZ, ANDREW HOLTZ, MARY HOLTZ, AND DEB STEINER AS AGENTS); APPLICATION 2018-11**

Tim Schwecke gave an overview of his staff report dated March 22, 2018 with discussion following.

Deb Steiner was in attendance to answer questions.

**Plan Commission action:** Motion by Commissioner Schuett to recommend to the Town Board the designation of buildings #3 through #11 in the application as rural accessory buildings based on the finding that they meet the criteria established in the Town's zoning code, provided the property owner removes building #12 and files deed restrictions as approved by the Town planner within 6 months of this date, and the Town's building inspector determines that the buildings are currently structurally sound. Second by Supervisor Bratz, all ayes, motion carried.

**Town Board Action:** Motion by Supervisor Wrasman to accept the Plan Commission's recommendation, second by Supervisor Bratz. All ayes, motion carried.

**FINAL CERTIFIED SURVEY MAP (CSM) FOR A ONE-LOT DIVISION LOCATED AT W322S9035 BEULAH ROAD; DIANE STEINKE, APPLICANT (APPLICATION 2018-02)**

Steve Styza was in attendance to answer questions.

Tim Schwecke gave an overview of his staff report dated March 30, 2018 with discussion following.

**Plan Commission action:** Motion by Commissioner Clabault to recommend to the Town Board the approval of the final CSM, subject to the following conditions of approval: General conditions 1-4 of the Staff Report dated March 30, 2018 as well as Specific Conditions 1 and 2.

Atty Macy noted the lot size excludes the 33ft strip dedicated to the Town and the 5.0046 acres excludes the right of way.

**Town Board Action:** Motion by Supervisor Wrasman to accept the Plan Commission's recommendation, second by Supervisor Boucher, all ayes, motion carried.

**SPECIAL EXCEPTION FOR SEPARATION TO ENVIRONMENTAL CORRIDOR (EC) ZONING DISTRICT PURSUANT TO S. 82-22(E) OF THE ZONING CODE FOR A DETACHED ACCESSORY BUILDING LOCATED AT S67W29147 SOUTH RIDGE PASS; KYLE AND MICHELLE ANDERSON, APPLICANT (APPLICATION 2018-13)**

The Planner gave an overview of his staff report dated March 30, 2018 and reviewed the 7 criteria to allow the special exception. Discussion followed.

Kyle Anderson was present to answer questions.

**Plan Commission Action:** Motion by Commissioner Schuett approve the special exception as proposed upon consideration of the factors enumerated in Section 82-25(e) of the zoning code, provided each of the following are met prior to issuance of the building permit:

1. The property owner must submit satisfactory documentation to the town planner that the Waukesha County Parks and Land Use Department has certified that the proposed building will not impact the existing septic system.
2. The property owner files a deed restriction as approved by the town planner with the Waukesha County register of deeds office within 6 months of this date.

Second by Commissioner Gilboy, all ayes; motion carried.

Mr. Anderson stated his timeline to plant trees according to plan provided to Scott Johnson and move the container is by June 30., The siding and roof on the storage container would be completed by 9/1/2018.

**Town Board Action:** Motion by Supervisor Bratz to extend the timelines as requested, second by Supervisor Boucher, all ayes, motion carried.

**REVIEW OF BUILDING PLANS FOR A NEW BUILDING HOUSING AN INDOOR CLIMBING WALL AT PHANTOM RANCH BIBLE CAMP LOCATED AT W309 S10910 CTH I (TAX KEY MUKT 2007988002, 2007988003, AND 2007999001); MIDWEST BIBLE CHURCH, APPLICANT (APPLICATION 2018-14)**

Tim Schwecke gave an overview of his staff report dated March 30, 2018, explaining The Plan Commission approved building plans in 2015, but the petitioner did not start the project. The proposed plans are different than the plans approved in 2015. Discussion followed.

Olen Johnson of Phantom Bible Camp spoke regarding the reduction in size of the proposed structure.

**Plan Commission Action:** Motion by Commissioner Yerke to approve the building as proposed, provided:

1. The building is depicted on the approved site plan and plan of operation.
2. The petitioner obtains a building permit from the Town's building inspector and any other approvals that may be required.
3. The work commences within 12 months of this date and continues in good faith to completion.

Motion seconded by Commissioner Schuett, all ayes; motion carried.

### **AMEND THE TEXT OF THE ZONING CODE (CHAPTER 82) WITH REGARD TO CONDITIONAL USES AND OTHER MATTERS (APPLICATION 2018-08)**

Chairman Topczewski opened the Public Hearing.

The Planner gave an overview of his staff report dated March 30, 2018. The Chairman explained the Town would be adding more specific criteria to many of the current Conditional Use permits.

#### Public Comments

Ryan Krause, S92W32635 COUNTY ROAD NN, was hoping to start a commercial stable and raise livestock. Also wanted to know the timeline to complete. Ryan appealed to the board to consider a commercial stable on less than 20 acres.

Larry Ellis, W309S10004 CTH I, expressed concern about waiting until new code is done.

Laura Ellis, W309S10004 CTH I, doesn't feel like the board is protecting the residents. She stated the Commission is making it so difficult to obtain a conditional use with all of the rules.

Mike Wendlandt, W310S10337 I, looking for clarification regarding parking commercial vehicles.

Olen Johnson, W309 S10910 Cnty Rd I, commented on the 20-acre requirement for a commercial stable and the size of signs.

Scott Kauster, 1223 CLAUSEN RD, BURLINGTON. Commented on the current zoning regulations for selling produce.

Larry Ellis, W309S10004 CTH I, asked for clarification between a commercial stable and a private stable or commercial livestock.

Joint discussion by the Plan Commission and Town Board followed.

Chairman Topczewski closed the Public Hearing.

Commissioner Schuett requested a timetable be set to complete the Zoning Code draft. All members committed a goal of 3 months.

**Plan Commission action:** Motion by Commissioner Clabault to recommend to the Town Board the adoption of the proposed ordinance based on the findings included in the ordinance subject to the review and approval of the Town Attorney with clarification relating to commercial stables in terms of minimum lot size. Second by Supervisor Bratz, Commissioners Kurowski, Clabault, Gilbooy, Yerke, and Chairman Topczewski in favor. Commissioner Schuett opposed. Motion carried.

**Town Board Action:** Motion by Supervisor Wrasman to adopt the recommendation of the Planning Commission, second by Chairman Topczewski; all ayes, motion carried.

**CONDITIONAL USE FOR A CONSERVATION SUBDIVISION WITH 15 RESIDENTIAL LOTS (FROSTY MEADOWS SUBDIVISION) LOCATED AT W322S9035 BEULAH ROAD (MUKT1949998); STEVE STYZA, AGENT (APPLICATION 2018-03)**

Chairman Topczewski reconvened the Public Hearing.

Mr. Styza gave an overview of the concept for the Frosty Meadows subdivision.

The Planner went over his staff report dated March 30, 2018.

Joint discussion by the Plan Commission and Town Board followed.

Sean Sullivan, the Town Engineer, stated he believed the new plan to be an improvement.

Chairman Topczewski asked if anyone from the audience wanted to speak. Hearing none, the Public Hearing was closed.

**Plan Commission action:** Motion by Chairman Topczewski to adjourn the public hearing to the meeting scheduled for May 2, 2018 at 6:30 pm. Second by Commissioner Clabault, all ayes; motion carried.

**RELEASE OF EXISTING STORMWATER EASEMENT ON LOT 1 OF CERTIFIED SURVEY MAP 8189 AND REDEDICATION (MUKT1887998003); JOHN WINKLER, APPLICANT (APPLICATION 2018-12)**

Ryan Cardinal of Cardinal Eng. spoke on behalf of Mr. Winkler and explained the reason for the placement of the proposed residence and removal of land.

Attorney Macy asked that the minutes include the statement the Town cannot allow any preserved rights to build any accessory structures at some point later.

Tim Schwecke went through the staff report, with discussion following.

**Plan Commission action:** Motion by Commissioner Yerke to authorize the Town Chairman to sign such documents as may be needed to release and rededicate the stormwater easement on the subject property as set forth in the petitioner's application materials and as represented at this meeting, subject to the following conditions:

1. The plan set is stamped by the petitioner's engineer.
2. Waukesha County agrees to the release and rededication, if they have such jurisdiction.

Second by Commissioner Schuett, Commissioners Kurowski, Clabault, Gilboy, Yerke, and Schuett in favor, Chairman Topczewski opposed. Motion carried.

**Town Board Action:** Motion by Supervisor Bratz to accept the recommendation of the Planning Commission including sub 1 & 2, second by Supervisor Boucher. Supervisors, Yerke, Wrasman, Boucher and Bratz in favor. Chairman Topczewski opposed. Motion carried.

**DISCUSSION RELATED TO AMENDMENT OF REVIEW CRITERIA FOR LAND TRANSFERS BETWEEN ADJOINING PROPERTIES.**

The Chairman expressed concern for moving too quickly and should investigate further before moving forward.

Mr. Schwecke gave an overview of his staff report dated March 30, 2018 with discussion following.

Plan Commission action: Motion by Commissioner Clabault to direct the town planner to draft an ordinance for the May 2, 2018 at 6:30pm and set the public hearing for June 6, 2018, 6:30pm. Second by Commissioner Gilboy. All ayes, motion carried.

**REPORT BY BUILDING INSPECTOR REGARDING ANY ALLEGED OR OUTSTANDING VIOLATION(S)**

Scott Johnson, building inspector, distributed his inspection report. Mr. Johnson stated the owners of Lakewood Farms property contacted the Fire Department about the possibility of a practice burn.

The property on Sugden Road will be on next month's agenda for a Public Hearing on May 2, 2018, 6:30pm.

**MISCELLANEOUS UPDATES**

There were none.

**ADJOURNMENT**

**Plan Commission action:** Motion by Commissioner Clabault, second by Commissioner Schuett to adjourn at 9:56 p.m. All ayes, motion carried.

**Town Board action:** Motion by Supervisor Yerke, second by Supervisor Wrasman to adjourn at 9:56 p.m. All ayes, motion carried.

Respectfully submitted,

Gail Obradovich Deputy/Clerk-Treasurer

APPROVED