

Town of Mukwonago
Joint Plan Commission and Town Board
Meeting Minutes **CORRECTED**
Wednesday, October 2, 2019

Chairman Topczewski called the meeting to order at 6:30 p.m.

Roll Call

PLAN COMMISSION: Chairman Topczewski; Commissioners Bratz, Kurowski, Schuett, and Yerke. Commissioner Gilboy and Supervisor Clabault were absent.

TOWN BOARD: Chairman Topczewski; Supervisors Boucher and Yerke. Supervisors Clabault and Wrasman were absent.

Also present, Administrator Clerk-Treasurer Karalewitz; Attorney Macy; Planner Schwecke; Building Inspector Johnson.

ANNOUNCEMENT OF CLOSED SESSION

Chairman Topczewski stated the Joint Plan Commission and Town Board may convene into closed session pursuant to Wis. Stats. 19.85(1)(g); Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved more specifically the Decision and Order regarding The Greenwald Family Foundation v. Town of Mukwonago. Included in closed session are Town Board Members, Plan Commission Members, Town Attorney, Insurance Counsel, Town Planner, Building Inspector and the Town Clerk/Treasurer and Deputy Town Clerk/Treasurer.

Chairman Topczewski stated they **will move the Closed Session (#12) on the agenda to first.**

6:34 p.m. Closed Session

Motion by Commissioner Bratz, second by Commissioner Schuett to convene into closed session pursuant to Wis. Stats. 19.85(1)(g); Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved more specifically the Decision and Order regarding The Greenwald Family Foundation v. Town of Mukwonago. Included in closed session are Town Board Members, Plan Commission Members, Town Attorney, Insurance Counsel, Town Planner, Building Inspector and the Town Clerk/Treasurer ~~and Deputy Town Clerk/Treasurer~~. Motion carried unanimously by roll call vote.

The Joint Plan Commission/Town Board convened into open session for possible discussion and/or action concerning any matter discussed in closed session and/or any unfinished item remaining on the agenda.

MINUTES

Motion by Commissioner Yerke, second by Commissioner Schuett to approve the minutes of September 4, 2019. All ayes; motion carried.

Motion by Supervisor Yerke, second by Supervisor Boucher to approve the minutes of September 4, 2019. All ayes; motion carried.

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

The building Inspector had no updates regarding outstanding violation(s).

SPECIAL EXCEPTION FOR (1) SEPARATION TO THE ENVIRONMENTAL CORRIDOR (EC) DISTRICT PURSUANT TO S. 82-22(e); FOR THE PROPERTY LOCATED AT W323S9624 BEULAH RD (MUKT1985998002) RAND POHL, APPLICANT

The petitioner, Rand Pohl was present and gave an overview of what he was planning to build. The petitioner stated the property is 8 acres, and wooded.

Discussion was held **regarding** the building location and the setback from the EC district.

Commissioner Bratz questioned if the building was going to be in the EC. Petitioner stated it will not be in the EC, however the EC surrounds the home and some of the land that is not in the EC is not practical to build on. The land is very steep.

Commissioner Kurowski questioned if petitioner will have to cut down trees and are there any oaks. Petitioner stated he will have to cut down trees, however they are not within the EC, and most are buckthorn. There are no oaks in the area.

Commissioner Yerke asked what the intended use of the building will be. The petitioner stated the intended use is storage and workshop area. He stated he is retiring and would like to get a motorhome and park indoors on the property. The workshop area would be for woodworking.

The petitioner stated there is little if any impact on the one neighbor, due to the **terrain** and wooded lot. You can only see the neighbor come winter when leaves have fallen from the trees. The neighbor is supportive of the building.

Supervisor Boucher asked what type and size of building was anticipated to be built. The petitioner stated the plans that are included in the packet are from Menards. Petitioner is planning to look at a professional building something similar in size to what is on the drawing from Menards.

Motion by Commissioner Yerke, second by Commissioner Bratz to 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:

1. Before obtaining the building permit for the approved building, the property owner must file a deed restriction as approved by the Town Planner with the Waukesha County Register of Deeds Office.
2. The property owner obtains a building permit for the approved building within 9 months of this date and completes the authorized work within one year of obtaining the permit.

All ayes; motion carried.

SPECIAL EXCEPTION FOR BUILDING HEIGHT PURSUANT TO S. 82-23(d) FOR THE PROPERTY LOCATED AT W323S9624 BEULAH RD (MUKT1985998002) RAND POHL, APPLICANT

Petitioner stated he needed the 16' tall garage door for potential clearance of future vehicle. He stated he intends to purchase a motorhome which will require the additional height in order to store in building.

Commissioner Kurowski questioned how many sq ft of the building was going to be for the woodworking. Petitioner stated he was not sure as of yet.

Commissioner Yerke asked that **the height of the building** not exceed 22 feet.

Chairman Topczewski questioned what type of siding was going to be put on the building. The petitioner stated he wasn't there yet; he was first waiting to see if the actions on the agenda were approved. Petitioner stated it would be possibly a wood look, but doesn't quite know yet.

Supervisor Yerke questioned how often does the Plan Commission or Town Board approve something without looking at the actual renderings. Most presentations include the final specs. The petitioner stated he did not go out and get the actual drawing or layout until it has been approved. Petitioner stated it would be lap siding.

Motion by Chairman Topczewski, second by Commissioner Yerke to hold this item over until final specifications are available. All ayes; motion carried.

(3) FLOOR AREA OF DETACHED ACCESSORY BUILDING PURSUANT TO S. 82-25(b)(3) FOR THE PROPERTY LOCATED AT W323S9624 BEULAH RD (MUKT1985998002) RAND POHL, APPLICANT

Motion by Chairman Topczewski, second by Supervisor Yerke to table this matter until a final design is available to review. All ayes; motion carried.

SPECIAL EXCEPTION FOR BUILDING HEIGHT PURSUANT TO S. 82.23(d) AND FLOOR AREA OF DETACHED ACCESSORY BUILDING PURSUANT TO S. 82-25(b)(3) FOR THE PROPERTY LOCATED AT S86W28345 LOOKOUT LANE (MUKT1924997008) JUSTIN TREDER, APPLICANT

Per the request of the petitioner, motion by Chairman Topczewski, second by Commissioner Kurowski to table this matter pending submittal of a different site plan. All ayes; motion carried.

PROPOSED AMENDMENT TO TOWN'S COMPREHENSIVE PLAN WITH REGARD TO FOUR PROPERTIES MUKT1937999; MUKT1937998 AND MUKT1954997; MILLER MARRIOTT CONSTRUCTION (CHRIS MILLER AGENT).

Planner Schwecke gave an overview regarding the above matter.

Chris Miller of Miller Marriott Construction, gave overview of Plans A & B and C & D. He noted these plans are very conceptual. He questioned if the town had **a transfer of** development rights? He stated A & B would be approximately 70 lots. He stated that is premature as he has to do some testing of soil and water tables. He stated he may not be able to get 70 lots.

Plans C & D would be approximately 40 lots. However, the plans are very preliminary.

The proposed change would be to remove the Agricultural Preservation Overlay and change from Agricultural Residential which is 3.2 ac to Low Density Residential which would be 1 ac.

Discussion was held regarding the conceptual plans.

Commissioner Bratz questioned what impact this will have on the flooding already on these parcels. Petitioner stated it makes it better in that location because they would be able to direct the water flow and create the ponds in the corners of the development.

Commissioner Yerke looking for more topography showing wetlands.

There is no formal action to be taken on this item.

POTENTIAL REVISIONS TO THE TOWN'S ZONING CODE AND LAND DIVISION REGULATIONS TO ALLOW TRANSFER OF DEVELOPMENT RIGHTS FOR RESIDENTIAL DEVELOPMENTS IN CERTAIN CIRCUMSTANCES
Discussion was held, but no formal action was taken.

MISCELLANEOUS UPDATES
PHANTOM LAKES MANAGEMENT DISTRICT
No updates given.

FOX RIVER COMMISSION
No updates given.

POTENTIAL BOUNDARY AGREEMENT BETWEEN THE VILLAGE OF MUKWONAGO AND THE TOWN OF VERNON
There is no longer a need to keep this item on the agenda. No further updates will be given.

ADJOURNMENT
PLAN COMMISSION: Motion by Commissioner Bratz, second by Chairman Topczewski to adjourn; all ayes.
TOWN BOARD: Motion by Supervisor Boucher, second by Supervisor Yerke to adjourn; all ayes.

Respectfully submitted,

Kathy Karalewitz
Administrator/Clerk-Treasurer

Approved 11/6/19