

TOWN OF MUKWONAGO
JOINT PLAN COMMISSION AND TOWN BOARD
MINUTES
WEDNESDAY NOVEMBER 6, 2019

Chairman Topczewski called the meeting to order at 6:31 p.m. and stated the meeting had been appropriately noticed.

ROLL CALL

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

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

Also present: John Macy, Town Attorney; Gail Obradovich, Deputy Clerk-Treasurer; Tim Schwecke, Town Planner; Rebekah Leto, AICP Senior Land Use Specialist, Waukesha County.

Meeting minutes of October 2, 2019

Plan Commission Action: Motion by Commissioner Schuett to approve the minutes of October 2, 2019 as corrected, second by Commissioner Bratz, all ayes; motion carried.

Town Board Action: Motion by Supervisor Wrasman to approve the minutes of October 2, 2019 as corrected, second by Chairman Topczewski, all ayes; motion carried.
Corrections noted in bold on minutes posted.

Report by Building Inspector regarding any alleged or outstanding violation(s)
Tabled

Special use permit for roof-top solar panels located at S93W33150 Agape Court (MUKT1948004); Andrew and Angela Pawluczek, applicant (Justin Van Camp, agent)

Tim Schwecke, Town Planner, gave an overview of his Staff Report dated October 31, 2019. Discussion followed.

Angie Cohanski (Arch Electric) was present as a representative of the Petitioner to answer questions.

Motion for Town Board: Motion by Supervisor Wrasman to approve the special use permit for the solar panels at S93W33150 Agape Court as requested, subject to the following conditions:

1. The proposed work commences within nine months of this date and continues in good faith to completion.
2. The applicant obtains a building permit from the Town's building inspector.
3. The applicant obtains all other approvals as may be required.

Second by Chairman Topczewski, all ayes, motion carried.

Special use permit for roof-top solar panels located at S63W31459 Valley Lane (MUKT1885013); Brad and Corrine Doblal, applicant

Tim Schwecke, Town Planner, gave a summary of the Staff Report dated October 31, 2019. Discussion followed.

No one was in attendance to represent the Applicants.

Motion for Town Board: Motion by Supervisor Boucher to approve the special use permit for the solar panels at S63W31459 Valley Lane as requested, subject to the following conditions:

1. The proposed work commences within nine months of this date and continues in good faith to completion.
2. The applicant obtains a building permit from the Town's building inspector.
3. The applicant obtains all other approvals as may be required.

Second by Supervisor Wrasman, all ayes, motion carried.

One-lot certified survey map merging two adjoining parcels in same ownership located off of Shady Lane (MUKT2005250 and MUKT2005248), Tyler and Olivia Sadowske, applicant

The Planner gave a summary of his Staff Report dated 10/31/19. The two lots are required to be merged. Rebekah Leto has asked that two of the notes* on the survey being removed. The petitioner, Tyler Sadowske was asked if he had any knowledge if the notes were required by his lender or surveyor. He did not know, therefore Atty Macy asked him to contact his lender and surveyor to ask if they required those notes. Mr Schwecke confirmed the Town did not require these notes.

*

Various buildings and other improvements existed on the subject property on the date of the survey which may or may not comply with the Town's zoning regulations in effect on the date the Town Board approved this certified survey map. Approval of this certified survey map does not waive any zoning requirement. Therefore, all buildings, improvements and uses are subject to applicable zoning regulations that are in effect.

Lot 1 is a substandard lot and was approved by the Town of Mukwonago under authority of S.34-50 of the Municipal Code. Such parcel shall comply with all applicable regulations relating to legal nonconforming lots, which may now exist or which may be established by the Town of Mukwonago.

Plan Commission Action: Motion by Commissioner Yerke to recommend to the Town Board the approval of the one-lot certified survey map, subject to the General Conditions and Specific conditions listed in the Town Planners staff report dated October 31, 2019. Second by Commissioner Schuette. All ayes, motion carried.

Town Board Action: Motion by Supervisor Clabault to approve the certified survey map as recommended by the Plan Commission. Second by Chairman Topczewski. All ayes, motion carried.

Certified survey map with one lot (in Town of Genesee) and one outlot (in Town of Mukwonago) S62W30775 Road X (in Town of Genesee) (MUKT1882999) Susan Kincaid and Brent and Jillette Zylka, applicant (application 2019-20)

The Planner summarized his Staff Report dated October 31, 2019. Neither party were in attendance to answer questions. Discussion followed. It was suggested to table to the next meeting so the Petitioners could be present. Atty Macy inquired about the gaps on 3 sides of the property. The County will check into this matter.

Plan Commission Action: Motion by Commissioner Bratz to table this item to the December 4, 2019 meeting at 6:30pm. Second by Chairman Topczewski, all ayes; motion carried.

Waiver request to not include remnant parcel in survey for proposed certified survey map with one lot (in Town of Genesee) and one outlot (in Town of Mukwonago) S62W30775 Road X (in Town of Genesee) (MUKT1882999) Susan Kincaid and Brent and Jillette Zylka, applicant (application 2019-27)

This item was also tabled.

Special exception for height of accessory structure pursuant to s. 82-23(d) of the zoning code located at W306S8399 Chestnut Drive (MUKT1931081); David and Diana Coates Revocable Trust, applicant (William Corrao, agent) (application 2019-22)

The Planner reviewed the Staff Report dated October 31, 2019. The Petitioners were in attendance. They are asking for an additional 2ft in height for an accessory building. Discussion followed.

Plan Commission Action: Motion by Supervisor Bratz to approve the special exception for building height based on a finding that the proposed location complies with the more stringent setback and offset requirements provided 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.. Second by Commissioner Schuett, all ayes; motion carried.

Establishment of a building envelope in the Environmental Corridor (EC) zoning district pursuant to s. 82-125(d) of the zoning code for property located at S86W28345 Lookout Lane (MUKT1924997008); Justin Treder, applicant (application 2019-25)

Mr Schwecki explained his Staff Report of October 31, 2019. Discussion followed. Kelsey Leasure and Justin Treder were in attendance to answer questions. They stated the property is very secluded.

Town Board Action: Motion by Boucher to approve the building envelope for the proposed accessory building (with a 20-foot buffer) consistent with the representations made at the meeting on November 6, 2019 and subject to the following conditions:

1. The location of the building envelope shall be shown on the face of the certified survey map as approved by the Town of Mukwonago.

2. Include an explanatory note on the certified survey map substantially as follows:

This building envelope/area of disturbance was established pursuant to Section 82-125(d) of the Town of Mukwonago zoning code for the purpose of defining where future development may occur within the Environmental Corridor (EC) zoning district. Upon petition by the property owner, the Town Board with recommendation of the Plan Commission may modify the extent of the envelope without

the necessity of preparing a new CSM as approved by the Town Planner, is recorded against the property setting forth the nature of the approval.

3. This approval is null and void if a certified survey map is not filed with the Waukesha County register of deeds within 9 months of this decision.

Second by Chairman Topczewski, all planning Commission members voted aye except Supervisor Clabault voted Nay. Motion carried.

Ms Leto stated the County would also need a copy of the CSM

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 property located at S86W28345 Lookout Lane (MUKT1924997008); Justin Treder, applicant (application 2019-18).

The Planner summarized his Staff Report dated November 1, 2019. Discussion followed.

Plan Commission Action: Motion by Commissioner Bratz to approve the special exception for building height based on a finding that the location will comply with the more stringent setback and offset requirements provided 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. Second by Commissioner Schuett, all planning Commission members voted aye except Supervisor Clabault voted Nay. Motion carried.

Plan Commission Action: Motion by Commissioner Bratz to approve the floor area special exception based on the findings and conditions of approval listed below.

Findings: The accessory structure (1) will not be adverse to the public health, safety or welfare; (2) will not be in conflict with the spirit or intent of this chapter; and (3) will not otherwise be detrimental to the town or the immediate neighborhood where the structure would be located.

Conditions:

1. Before obtaining the building permit for the approved building, the property owner must remove both of the existing accessory buildings or provide sufficient assurances to the building inspector and 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.

Second by Commissioner Schuett, all planning Commission members voted aye except Supervisor Clabault voted Nay. Motion carried.

Amendment of the conditional use approval for West Pointe Estates subdivision (PUD) by allowing detached accessory buildings; West Pointe Estates property owners, applicant.

The Planner gave a summary of his Staff Report dated October 31, 2019. Mr Schwecke also distributed a handout detailing ways to calculate accessory building sizes. The original PUD did not allow for out buildings. West Pointe Estates is asking for 1300sq ft. The County did state for the record that she did receive 3 phone calls from residents that had received the public hearing notice that were asking questions. Ms. Leto cited the sizes that the County would allow.

Rebekah Leto opened the Joint Public Hearing.

PUBLIC COMMENT

Steve Neder, S101W32805 Patten Dr, stated potential buyers have passed on purchasing his home because of no accessory buildings allowed

Brek Zortman, S101W32890 W Pointe stated he was representing the subdivision and would answer questions. Residents put together a draft deed restriction requiring architectural approval. All 13 unanimously agreed to buildings and approval. Buildings are to match the existing homes.

John Woerzbicki, S101W32780 Patten Dr, stated 1300sf is larger than he would need but others might want that. He is in favor of the buildings

Mr Zortman spoke again and said like others stated earlier in the meeting, they would also like to be able to store their "toys" inside as opposed to sitting outside.

Hearing no more comments, Chairman Topczewski closed the Public Hearing. Discussion followed. The Chairman polled the Commission and Board and it was determined the maximum square feet allowed would be 1100.

Plan Commission action: Motion by Commissioner Schuett to recommend to the Town Board the approval of the proposed amendment with a maximum of two outbuildings totaling no more than 1100sq ft. Second by Commissioner Bratz, all ayes; motion carried.

Town Board Action: Motion by Supervisor Boucher to approve recommendation by the Plan Commission. Second by Commissioner Yerke. All ayes, motion carried.

Proposed amendment of the Town's comprehensive plan with regard to four properties MUKT1937999, MUKT1937999, MUKT1935998, and MUKT1954997; Miller Marriott Construction (Chris Miller, agent), applicant (application 2019-19)

The Town Planner summarized his Staff Report of October 31, 2019. Discussion followed. Chris Miller, agent, was in attendance as well as Josh Pudelko, President of Trio Engineering. They presented their ideas for a Conservation Subdivision for parcel A. They are asking for ¾ min acre lots. There were concerns about flooding and what land was being donated, where it was and what uses the Town could use it for. After much discussion the Chairman polled the Commission and Board. Several wanted to keep the 3.2-acre min, several were for 1.5-1.75 acre lots, and the remainder were ok with what was being asked for. After much discussion it was decided to table this item for everyone to think about what was acceptable and the developer to take another look at their plan, therefore this item was tabled.

Plan Commission action: Motion by Chairman Topczewski to table this item until December 4, 2019 at 6:30pm. Second by Supervisor Clabault, all in favor, motion carried.

Review of proposed zoning code including transfer of development rights for residential developments.

Mr Schwecke gave a brief summary of the status of the updated version of the Zoning Code. This item will be on the December 4, 2020 so the Commissioners and Board have

time review this draft. The transfer of development rights will be removed from this draft.

Plan Commission action: Motion by Chairman Topczewski to direct Staff to move forward to prepare a final draft for a Public Hearing on January 8, 2020 at 6:30pm. Second by Supervisor Clabault, all in favor, motion carried.

Reconsideration of decision for banquet facility (with maximum seating capacity of 200) located at S100W31244 CTH LO (MUKT1981997003), Greenwald Family Foundation, applicant.

A brief discussion regarding what is expected of the Commission for the December meeting to vote.

No miscellaneous updates.

Next meeting dates December 4, 2019 6:30pm and January 8, 2020 6:30pm.

Plan Commission action: Motion to adjourn at 10:01pm by Supervisor Clabault, second by Commissioner Schuett. All ayes, Motion carried.

Town Board action: Motion to adjourn at 10:01pm by Supervisor Clabault, second by Supervisor Yerke. All ayes, Motion carried.

Respectfully submitted,

Gail Obradovich Deputy/Clerk-Treasurer

APPROVED 12/4/19