

TOWN OF MUKWONAGO
JOINT PLAN COMMISSION AND TOWN BOARD
MINUTES
WEDNESDAY DECEMBER 4, 2019
CORRECTED

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

ROLL CALL

Plan Commission: Chairman Topczewski, Commissioners Kurowski, Yerke, Schuett, and Supervisor Clabault were present. Commissioner Gilboy was absent.

Town Board: Chairman Topczewski, Supervisors Wrasman, Clabault, Boucher were present. Supervisor Yerke was absent.

Also present: John Macy, Town Attorney; Kathy Karalewitz, Admin-Clerk-Tres; Gail Obradovich, Deputy Clerk-Treasurer; Tim Schwecke, Town Planner; Scott Johnson, Building Inspector.

Meeting minutes of November 6, 2019

Plan Commission Action: Motion by Commissioner Bratz to approve the minutes of November 6, 2019 as drafted, second by Commissioner Schuett, all ayes; motion carried.

Town Board Action: Motion by Supervisor Wrasman to approve the minutes of November 6, 2019 as drafted, second by Supervisor Boucher, all ayes; motion carried.

The Chairman read the Announcement of Closed Session.

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

Scott Johnson, the Building Inspector stated he had no unresolved violations.

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 a property located at W290S6459 Holiday Road (MUKT1877999011); Cory and Kelsey Campbell, applicant (application 2019-29)

(1) SPECIAL EXCEPTION FOR HEIGHT OF DETACHED ACCESSORY BUILDING

Mr Schwecke gave an overview of his staff report dated 11/26/19.

Discussion followed. Cory Campbell was present and answered questions.

Plan Commission action: Motion by Commissioner Yerke 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 Bratz, all ayes; motion carried.

(2) SPECIAL EXCEPTION FOR FLOOR AREA OF DETACHED ACCESSORY BUILDING

Atty Macy asked that the findings be read into the record, which Chairman Topczewski did. Atty Macy reiterated the outbuildings must be removed before constructing the new building.

Cory Campbell spoke as to his plan to build new building and to move items from the old building into the new one and then tear down old building. Mr Johnson said he will look at the building and determine the cost for the Town to remove the building if need be. Letter will be issued stating he has 90 days for the old building to be removed after completion of the new one.

Plan Commission action: Motion by Chairman Topczewski to approve the 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 the existing accessory building 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 Yerke, all ayes: motion carried.

Special exception for building height pursuant to s. 82-23(d) of the zoning code for a property at S67W27995 River Road (MUKT203998001); Tim and Tracy Sadowske; applicant (application 2019-30)

Mr Schwecke reviewed his staff report dated October 31, 2019. Discussion followed. Tim and Tracy Sadowske were both in attendance to answer questions.

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 subject to the following conditions:

1. 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.

Certified survey map with one lot (in Town of Genesee) and one outlet (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 gave a brief summary of the petitioner's request for items A and B. Discussion followed. The remnant parcel will have conditions not allowing separate sales. Must be sold together so a land locked parcel isn't sitting unclaimed. A new CSM is not required on the remnant land.

Plan Commission action: Motion by Commissioner Bratz to recommend to the Town Board the approval of the proposed certified survey map, subject to the conditions stated in the staff report dated October 31, 2019. Second by Commissioner Schuett, all ayes: motion carried.

Town Board action: Motion by Supervisor Boucher to approve the certified survey map as recommended by the Plan Commission. Second by Commissioner Clabault, 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 outlet (in Town of Mukwonago) S62W30775 Road X (in Town of Genesee) (MUKT1882999) Susan Kincaid and Brent and Jillette Zylka, applicant Application 2019-27

Town Board action: Motion by Supervisor Boucher to approve the petitioner's request to not include the remnant part of MUKT1882999 in the certified survey map. Second by Supervisor Wrasman, all ayes; motion carried.

Special exception for (1) separation to the Environmental Corridor (EC) district pursuant to s. 82-22(e); (2) building height pursuant to s. 82-23(d); and (3) floor area of detached accessory building pursuant to s. 82-25(b)(3) for the property located at W323S9624 Beulah Road (MUKT1985998002) Rand Pohl, applicant

Mr Schwecke stated this item had been tabled from the October 2, 2019 meeting and summarized the staff report dated November 27, 2019. Mr Pohl was in attendance for discussion.

Plan Commission action: Motion by Commissioner Yerke to approve the 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 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 ayes; motion carried.

Amendment of the Town's official map by eliminating the through road connection between the terminus of Frosty Meadow Lane and Beulah Road; Land & Home LLC applicant (Steve Styza, agent); (application 2019-31)

The Planner summarized the first two amendments and reviewed comments from the Staff Report dated November 27, 2019.

Mr Styza, 37948 Meadow La, Oconomowoc was in attendance. He presented his plan, responded to the staff report and answered questions.

Chairman Topczewski opened the Public Hearing.

Steve Styza stated he can make the cul de sac 150' longer if required.

There were no public comments therefore the Chairman closed the Public Hearing.

Discussion resumed. After hearing comments from the Commissioners, Mr Styza withdrew his request and will return with a revised plan. No further action was necessary.

Ordinance relating to impact fees which includes an amendment of the land division regulations (Ch. 34 of the municipal code) regarding open space requirements

Mr Schwecke reviewed the Staff report dated November 26, 2019. Discussion followed. Atty Macy also explained and gave some history regarding Impact Fees.

Plan Commission Action: Motion by Chairman Topczewski **to recommend** the Town Board to adopt the Ordinance relating to impact fees. Second Commissioner Bratz, all ayes; motion carried.

Chairman Topczewski opened the Public Hearing

Kathy Karalewitz, Administrator went over the Impact Fee Study. Discussion followed.

Chris Miller of Miller Marriott Construction spoke about his concerns of future development with such a large increase in impact fees.

Town Board Action: Motion by Supervisor Clabault to adjourn the Public Hearing to December 18, 2019 at 6:30pm for the consultant to be present to answer questions. Second by Chairman Topczewski, 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)

Note: The petitioner has requested this matter be tabled to the next meeting (January 8, 2020).

Plan Commission/Town Board Action: Motion by Chairman Topczewski to table the Proposed amendment of the Town's comprehensive plan at the request of the petitioner, second by Supervisor Clabault. All in favor, motion carried.

The Chairman read the announcement to go into closed session:

Plan Commission Action: Motion by Commissioner Bratz to go into closed session, second by Commissioner Schuett. Ayes, Commissioners Bratz, Schuett, Kurowski, Supervisor Clabault and Chairman Topczewski. Nay Commissioner Yerke; motion carried.

Town Board Action: Motion by Supervisor Wrasman to go into closed session, second by Supervisor Boucher, all ayes; motion carried.

Plan Commission/Town Board Action: Motion by Chairman Topczewski to reconvene into open session, second by Supervisor Clabault, all ayes; motion carried.

The Chairman stated we were again in open session.

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

Mr Schwecke suggested having a workshop to have a final review of the code including transfer of development rights. It was agreed to have a workshop/meeting on January 22, 2020 at 6:30pm.

Reconsideration of decision for banquet facility (with maximum seating capacity of 200) located at S100W31244 CTH LO (MUKT1981997003), Greenwald Family Foundation, applicant (application 2018-15)

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

Plan Commission Action: Motion by Chairman Topczewski to recommend the Town Board to make a determination that when we created an Event Venue Condition Use it was not contemplated to have group garden tours, therefore we are excluding any further consideration of this use. Second by Supervisor Clabault. Discussion followed. The vote: ayes Commissioners Bratz, Schuett, Kurowski, Supervisor Clabault and Chairman Topczewski. Nay Commissioner Yerke, motion carried.

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

Mr Schwecke gave an overview of the staff report worksheet included from August 30, 2018. He reviewed the 34 conditions.

Chairman Topczewski suggested more time was needed for everyone to review the worksheet. It was decided this item would be adjourned to December 18, 2019, 6:30pm immediately following the Town Board Meeting.

Status update regarding Fire Dept. Study with RW Management Group

The Town Administrator talked about the Fire Dept Study. The Fire Dept is looking for two Board members to be part of the committee. Supervisors Boucher and Yerke will be the Town representatives.

Miscellaneous updates (if any) NONE

- A. Phantom Lake Management District
- B. Fox River Commission

Next regular meeting date

January 8, 2020

Adjournment

Plan Commission action: Motion by Supervisor Clabault, second by Commissioner Yerke to adjourn at 9:08 p.m. All ayes, motion carried.

Town Board action: Motion by Supervisor Clabault, second by Supervisor Boucher to adjourn at 9:08 p.m. All ayes, motion carried.

Respectfully submitted,

Gail Obradovich Deputy/Clerk-Treasurer

APPROVED 1/8/20