

TOWN OF MUKWONAGO
JOINT PLAN COMMISSION AND TOWN BOARD
WEDNESDAY MARCH 2, 2022

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

ROLL CALL

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

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

Also present: John Macy, Town Attorney; Gail Obradovich, Deputy Clerk-Treasurer; and Tim Schwecke, Town Planner.

Please note: Some topics for discussion/action may not have been presented in the same order as prepared on the agenda.

Meeting minutes of February 9, 2022

Plan Commission Action: Motion by Commissioner Bratz to approve the minutes of February 9, 2022 as presented, second by Chairman Topczewski, all ayes; motion passed.

Town Board Action: Motion by Supervisor Wrasman to approve the minutes of February 9, 2022 as presented, second by Chairman Topczewski, all ayes; motion passed.

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

The Building Inspector was not present but had reported that he had no new violations.

6. Amend the text of the zoning code relating to PDD-14 in Appendix D (second submittal); Ryan Janssen and others, applicant (application 2021-34)

Tim Schwecke, Town Planner, summarized his staff report dated Feb 25, 2022. Mr. Janssen was in attendance and explained they had gathered most of the votes from residents of Lakewood Farms.

Chairman Topczewski continued the Public Hearing tabled Nov 3, 2021, and asked if anyone wished to speak.

RYAN R SCHIERTS, S99W33125 GENEVIEVE. Stated he was against accessory structures.

NANCY HILLMER - S100W33100 GENEVIEVE DR. Stated she was also against accessory structures.

PEGGY ELLEFSON - W330S10080 GENEVIEVE DR. Does not want outbuildings allowed

JIM SIDDEES - W333S10075 GENEVIEVE DR. Vice President of the HOA, asked to tally votes. They sent out 2 requests with dates to respond by. 12 yes 13 no 6 no response. Also included in the letter were standards for outbuildings that could be added to the bylaws. He believes they would need 60% in favor to change the HOA bylaws.

Commissioner Yerke commented there had been no outbuildings in Lakewood Farms. Why was that?

HOLLY ARCHER COGSWELL S99W33255 GENEVIEVE DR – President of Lakewood Farms HOA Responded with the explanation that people who had bought from the developer were aware outbuildings were not allowed. She also explained the HOA vote process.

Chairman Topczewski read the email received from the HOA regarding the vote count.

Atty Macy asked for the exact wording for pool cabanas.

Mr. Schwecke displayed ordinance 21-O-55 and read it aloud. *“Accessory buildings are not allowed except for one pool cabana, accessory to inground pools, and one gazebo provided they are placed in the building envelope of the lot and within 100 feet of the main residence. The footprint of the same shall be no more than 160 square feet. Accessory structures as specified in this part are included towards the impervious surface and floor area calculations.”*

RYAN JANSSEN - S98W33270 GENEVIEVE DR Offered to read the HOA bylaws section regarding pool houses, but failed to read the correct section asked for.

Per the request of the Chairman the actual wording from the HOA CCR's follows:

“Pool cabanas, accessory to in-ground pools, and gazebos shall be allowed on any lot, only with approval of the ACC, which shall not be unreasonably withheld. Pool cabanas and gazebos must be placed in the building envelope of the lot as depicted on the plat. Pool cabanas and gazebos must be placed within 100 feet of the dwelling. The footprint of the pool cabana or gazebo shall not be more than 160 square feet. Such square footage shall count towards the floor area, open space, and impervious surface calculations of section 6.4(c).”

The Chairman asked if Mr. Janssen if he had any final comments.

RYAN JANSSEN Asked again why weren't they informed about the PH for the code change?

Ryan read a portion of the letter his atty submitted. Again, complained about the Board doing whatever they want.

The Planner added June 10 2021 an email was sent to Mr. Janssen and the HOA email informing them of the Public Hearing for the text amendment. Included was a copy of the text amendment, the staff report and the agenda.

PETER D SZAUKELLIS S94W32580 HICKORYWOOD TRL Said he wanted to ask a question. He was reminded this was for Public Comment only.

JIM SIDDEERS - W333S10075 GENEVIEVE DR commented the restrictions are listed in in the HOA bylaws but differ slightly from the CU.

DANIEL THOMPSON - W325S9841 BEULAH RD commented he was concerned that changes could be made without letting neighbors know.

The chairman stated all Public Hearing are published

Several other comments were made but they did not identify themselves.

The Chairman asked for any further comment. Mr. Janssen repeated earlier comments.

Chairman Topczewski closed the Public Hearing

The Chairman gave a recap the previous proceedings. There was no clear consensus from the HOA. If the language was changed as requested it would default to Town Zoning Code for accessory structures.

Plan Commission action: Motion by Chairman Topczewski to recommend to the Town Board that they deny the request for the text amendment. Second by Commissioner Usarek. Commissioner Yerke commented on his recollection of no outbuildings being the original intent. Supervisor Clabault comment that the whole Zoning Code rewrite has been years in the making. There were several Public Hearing, all were posted on the website, at the town hall – inside and outside. All in favor; motion passed.

Town Board Action: Motion by Chairman Topczewski to table the final decision until the March 16th, 2022 meeting to discuss detailed findings for the denial. Second by Supervisor Clabault, all in favor; motion passed.

7. Conditional use for parking of a commercial vehicle on a residential property located at S100W31420 CTH LO (MUKT1981997004); Robert and Melissa Sund, applicant (application 2022-05)

Mr. Schwecke gave an overview of his staff report dated 2/2522 along with the requirements for commercial truck parking. Mr. Sund was online to answer any questions. The building is to house his truck when it is at the residence.

The Chairman asked if there was any public comment. There were none.

Discussion followed.

Deliberations began and the Plan Commission went through the Conditional Use Worksheet in detail and found that substantial evidence was presented regarding all of the requirements and conditions.

Plan Commission action: Motion by Chairman Topczewski to recommend to the Town Board the approval of the conditional use subject to the terms and conditions in the draft conditional use order dated February 25, 2022. Second by Commissioner Bratz, all in favor; motion passed.

Town Board Action: Motion by Supervisor Boucher to accept the recommendation from the Plan Commission to approve, second by Chairman Topczewski; all in favor; motion passed.

8. Site plan for parking of a commercial vehicle on a residential property located at S100W31420 CTH LO (MUKT1981997004); Robert and Melissa Sund, applicant (application 2022-12)

Mr. Schwecke gave an overview of the application. Discussion followed.

Plan Commission action: Motion by Commissioner Bratz to approve the location of the truck parking as proposed. Second by Commissioner Usarek, all in favor; motion passed.

9. Special exception to exceed standard floor area of a detached accessory building for property located at S100W31420 CTH LO (MUKT1981997004) pursuant to Section 36-719 of the zoning code; Robert and Melissa Sund, applicant (application 2022-06)

Mr. Schwecke gave summary of the proposal. Discussion followed. Each of the terms and conditions were discussed.

Plan Commission action: Motion by Chairman Topczewski to recommend to the Town Board the approval of the petitioner's request for additional floor area based on the specific findings and the terms and conditions listed below.

Specific Findings: (1) The architecture of the accessory building is compatible with the dwelling unit. (2) The accessory building will not be adverse to the public health, safety or welfare. (3) The accessory building will not be in conflict with the spirit or intent of this chapter. (4) The accessory building will not otherwise be detrimental to the Town or the immediate neighborhood where the structure would be located.

Conditions:

- (1) The proposed building must comply with all applicable requirements of the Town's zoning regulations.
- (2) The property owner must obtain a zoning permit within 6 months of this date.
- (3) The property owner must obtain a building permit for the approved building within 9 months of this date and complete the authorized work within one year of obtaining the permit.
- (4) Prior to issuance of a building permit, the property owner must record a deed restriction as approved by the town indicating the use of the building is limited to non-commercial uses.

Second by Commissioner Yerke, all in favor; motion passed.

Town Board Action: Motion by Chairman Topczewski to accept the recommendation from the Plan Commission, second by Supervisor Yerke; all in favor; motion passed.

10. Special exception for height of accessory building for property located at S100W31420 CTH LO (MUKT1981997004) pursuant to Appendix C (footnote 14) of the zoning code; Robert and Melissa Sund, applicant (application 2022-07)

The Planner gave an overview of the application. Discussion followed. Each of the terms and conditions were discussed.

Plan Commission action: Motion by Chairman Topczewski to recommend to the Town Board the approval of 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 terms and conditions listed below.

- (1) The proposed building must comply with all applicable requirements of the Town's zoning regulations.
- (2) The property owner must obtain a zoning permit within 6 months of this date.
- (3) The property owner must obtain a building permit for the approved building within 9 months of this date and complete the authorized work within one year of obtaining the permit.

Second by Commissioner Yerke, all in favor; motion passed.

Town Board Action: Motion by Chairman Topczewski to accept the recommendation from the Plan Commission, second by Supervisor Clabault; all in favor; motion passed.

11. Special exception for placement of detached accessory building in front of principal dwelling for property located at S100W31420 CTH LO MUKT1981997004) pursuant to Section 36-733 of the zoning code; Robert and Melissa Sund, applicant (Application 2022-08)

The Town Planner summarized his staff report dated February 25, 2022. Discussion followed. Each of the terms and conditions were discussed.

Plan Commission action: Motion by Chairman Topczewski to recommend to the Town Board the approval of the petitioner's request, subject to the terms and conditions listed below.

- (1) The proposed building must comply with all applicable requirements of the Town's zoning regulations.
- (2) The property owner must obtain a zoning permit within 6 months of this date.
- (3) The property owner must obtain a building permit for the approved building within 9 months of this date and complete the authorized work within one year of obtaining the permit.
- (4) Prior to issuance of a building permit, the petitioner must file a deed restriction in the office of the county register of deeds, as approved by the Town Attorney, setting forth the nature of the approval and any conditions that may be imposed.

Second by Commissioner Bratz, all in favor; motion passed.

Town Board Action: Motion by Chairman Topczewski to accept the recommendation from the Plan Commission, second by Supervisor Yerke; all in favor; motion passed.

12. Special exception for separation to EC zoning district for property located at S100W31420 CTH LO (MUKT1981997004) pursuant to Section 36-726(b) of the zoning code; Robert and Melissa Sund, applicant (Application 2022-09)

Mr. Schwecke gave a summary of the staff report dated February 25, 2022. Discussion followed. The Chairman read through all of the terms and conditions; no issues were expressed.

Plan Commission action: Motion by Chairman Topczewski to recommend to the Town Board the approval of the petitioner's request, subject to the terms and conditions listed below.

- (1) The proposed building must comply with all applicable requirements of the Town's zoning regulations.
- (2) The petitioner must restore the site within 20 feet of the EC boundary to a condition that existed prior to the land-disturbing work.
- (3) The property owner must obtain a zoning permit within 6 months of this date.
- (4) The property owner must obtain a building permit for the approved building within 9 months of this date and complete the authorized work within one year of obtaining the permit.
- (5) Prior to issuance of a building permit, the petitioner must file a deed restriction in the office of the county register of deeds, as approved by the Town Attorney, setting forth the nature of the approval and any conditions that may be imposed.

Second by Commissioner Bratz, all in favor; motion passed.

Town Board Action: Motion by Supervisor Boucher to accept the recommendation from the Plan Commission, second by Supervisor Wrasman; all in favor; motion passed.

13. Annual review of the traffic and parking plan for Schuett Farm's conditional use located at W299S6370 STH 83

Chairman Topczewski gave an overview of the staff report dated February 21, 2022. The Planner stated there had been no issues reported to the Police Dept.

Plan Commission action: Motion by Chairman Topczewski to approve the 2013 traffic and parking plan for use in 2022. Second by Supervisor Clabault, all in favor; motion passed.

Miscellaneous updates (if any)

A. Phantom Lake Management District

B. Fox River Commission - Katelin Bratz spoke about state grants are available. If anyone has projects to suggest, please contact her.

Adjournment

Plan Commission action: Motion by Chairman Topczewski, second by Commissioner Bratz to adjourn at 9:06 p.m. All ayes, motion passed.

TOWN BOARD

Amend the zoning code with regard to ground-mounted solar arrays and other matters (Ordinance 2022-O-57)

Chairman Topczewski summarized the prior meetings discussion of the draft document.

Town Board Action: Motion by Chairman Topczewski to approve the draft Ordinance 22022-O-57 to amend Chapter 36 of the Municipal Code and adopt the regulations for Mounted Solar Arrays. Second by Supervisor Boucher, all in favor; motion passed.

Adjournment

Motion by Chairman Topczewski to adjourn the meeting at 9:15pm, second by Supervisor Yerke; all in favor; motion passed.

Respectfully submitted,

Gail Obradovich Deputy/Clerk-Treasurer
APPROVED 4/6/22