

Town of Mukwonago
Joint Plan Commission and Town Board
Meeting Minutes
Wednesday, April 1, 2015

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

ROLL CALL

PLAN COMMISSION: Present: Chairman Dubey; Supervisor Topczewski; Commissioners Clabault, Holtz, McNelly-Bell, Schuett and Yerke were present. Kathy Karalewitz, Administrator/Clerk-Treasurer; John Macy, Attorney; Tim Schwecke, Planner; Scott Johnson, Building Inspector.

TOWN BOARD: Present: Chairman Dubey; Supervisors Hintz, Nicoson, Stefanowski and Topczewski. Kathy Karalewitz, Administrator/Clerk-Treasurer; John Macy, Attorney; Tim Schwecke, Planner; Scott Johnson, Building Inspector.

MINUTES OF MARCH 4, 2015

Supervisor Nicoson made the following corrections to the minutes:

Page 3, first comment from Natasha Nicholson cross off "a".

Page 3, second sentence after the public hearing was closed add "was directed" after Town Planner.

Page 5, last paragraph, add that the meeting was postponed.

PLAN COMMISSION ACTION: Motion by Commissioner Yerke, second by Commissioner Schuett to approve the minutes as corrected. All ayes; motion carried.

TOWN BOARD ACTION: Motion by Supervisor Nicoson, second by Supervisor Hintz to approve the minutes as corrected. All ayes; motion carried.

Chairman Dubey stated the Town Board would take up action on items #20 and #21 first.

APPROVAL OF VOUCHER TO VFW POST 7221 FOR OFFICERS TO ATTEND A RECOGNITION/AWARD DINNER FOR SGT SCHMIDT

Motion by Supervisor Stefanowski, second by Chairman Dubey to approve the voucher to VFW Post 7221 for Officers to attend a recognition/Award dinner for Sgt. Schmidt. All ayes; motion carried.

APPROVAL OF STATE SALT CONTRACT

Motion by Supervisor Stefanowski, second by Supervisor Nicoson to approve the 2015/2016 State Contract for 1800 tons of salt for 2016. All ayes; motion carried.

CONDITIONAL USE FOR A COMMERCIAL KENNEL AND RELATED BUSINESS SIGNAGE AT W308 S7010 CTH I (TAX KEY MUKT 1883-994-001); WOOF LODGE LLC (Natasha Nicholson) AND HIGH MEADOW ACRES LLC (Brent and Margaret Nicholson) APPLICANTS (application 2015-02)

This matter was tabled at the March 4, 2015 meeting.

PLAN COMMISSION ACTION: Motion by Commissioner Schuett, second by Commissioner Clabault to recommend to the Town Board denial of the Conditional Use Application based on the findings set forth in the draft decision letter. All ayes; motion carried.

TOWN BOARD ACTION: Motion by Supervisor Nicoson, second by Supervisor Topczewski to accept the recommendation of the Plan Commission to deny the conditional use application. All ayes; motion carried.

SITE PLAN/PLAN OF OPERATION FOR A COMMERCIAL KENNEL AND RELATED BUSINESS SIGNAGE AT W308 S7010 CTH I (TAX KEY MUKT 1883-994-001); WOOF LODGE LLC (Natasha Nicholson) AND HIGH MEADOW ACRES LLC (Brent and Margaret Nicholson) APPLICANTS (application 2015-03)

This item was tabled at the March 4, 2015 meeting.

PLAN COMMISSION: Motion by Supervisor Topczewski, second by Commissioner Schuett to deny the Site Plan/Plan of Operation in that the Town Board had denied the conditional use application. All ayes; motion carried.

PROPOSED AMENDMENT OF SECTION 82-131(1) OF THE ZONING CODE AS IT RELATES TO KEEPING OF LIVESTOCK IN THE A-1 ZONING DISTRICT; JEAN HOLTZ TRUST, APPLICANT (Marcia Holtz, Andrew Holtz, Mary Holtz and Deb Steiner, agents)

Commissioner Holtz abstained from this item and stepped down from the board.

Chairman Dubey called the Joint Public Hearing at 6:50 p.m. and asked if anyone wished to speak.

- ✓ Supervisor Nicoson questioned whether the Ordinance could be used the other way around.
- ✓ Commissioner Yerke questioned if C-1 has limitations on animals and also C-1 cannot be counted in when using conservancy to boost density for animals.
- ✓ Commissioner McNelly-Bell stated that grazing of animals is good for the wetlands.
- ✓ Marcia Holtz, who resides in Madison, Wisconsin spoke in favor of this Ordinance.
- ✓ Barb Holtz, W334S7825 CTH E, explained the reason for petitioning for the proposed amendment and spoke in favor of this Ordinance.
- ✓ Supervisor Stefanowski stated concerns of this Ordinance and will the Town be able to control and/or regulate it.
- ✓ Supervisor Topczewski stated the boards should be careful not to be too strict and each issue will be handled on a case-by-case basis. He stated the rural character is important.
- ✓ Commissioner Clabault questioned if this is just A-1. Chairman stated residents can petition the Plan Commission for approval.

Chairman Dubey asked if there was anyone else who wished to speak. No other persons wished to speak and he declared the hearing closed at 7:19 p.m.

Discussion was held.

PLAN COMMISSION ACTION: Motion by Commissioner Schuett, second by Supervisor Topczewski to recommend to the Town Board approval of the Amendment of Section 820131(1) of the Zoning Code as it relates to keeping of livestock in the A-1 Zoning District based on the Town Planner's staff report. Commissioners Clabault and Yerke voted "no". Commissioner Holtz abstained. The rest, four (4) in all voted "aye". The motion carried.

TOWN BOARD ACTION: Motion by Supervisor Topczewski, second by Chairman Dubey to approve the recommendation of the Plan Commission. Supervisor Stefanowski voted "no". The rest, four (4) in all voted "aye". The motion carried.

PROPOSED AMENDMENT OF THE TOWN'S ZONING MAP FOR PROPERTY LOCATED OFF OF CTH E BY CHANGING THAT PART OF THE SUBJECT PROPERTY INCLUDED IN THE PROPOSED TWO-LOT CERTIFIED SURVEY MAP FROM AP TO A-1; JEAN HOLTZ TRUST APPLICANT (Marcia Holtz, Andrew Holtz, Mary Holtz and Deb Steiner, agents)

The Joint Public Hearing was tabled at the March 4 meeting.

Chairman Dubey called the Joint Public Hearing at 7:28 p.m. and asked if anyone wished to speak. No one wished to speak and the hearing was closed at 7:28 p.m. It was noted that it has been the long standing practice of the Town to rezone AP lands to A-1 if the property owner's requested the same.

TOWN BOARD ACTION: Motion by Supervisor Nicoson, second by Supervisor Hintz to adopt Ordinance 2015-O-24, dated March 27, 2015 based on the Plan Commission recommendation and the findings contained therein. All ayes; motion carried.

RURAL BUILDING DETERMINATION FOR PROPERTY LOCATED AT W335S7907 CTH E, TAX KEY MUKT1942999; JEAN HOLTZ TRUST APPLICANT (Marcia Holtz, Andrew Holtz, Mary Holtz and Deb Steiner, agents)

Commissioner Holtz abstained from this item and stepped down from the board.

PLAN COMMISSION ACTION: Motion by Commissioner Schuett, second by Commissioner Yerke 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. Commissioner Holtz abstained. The rest, six (6) in all voted aye; motion carried.

TOWN BOARD ACTION: Motion by Supervisor Nicoson, second by Supervisor Hintz to approve the recommendation by the Plan Commission. All ayes; motion carried.

RURAL BUILDING DETERMINATION FOR PROPERTY LOCATED AT W335S7921 CTH E, TAX KEY MUKT1942999; JEAN HOLTZ TRUST APPLICANT (Marcia Holtz, Andrew Holtz, Mary Holtz and Deb Steiner, agents)

Commissioner Holtz abstained from this item and stepped down from the board.

Clarification was made on the application that the corn crib is 16 ft not 8 ft. The applicants agreed. Scott Johnson, Building Inspector verified the structures are structurally sound.

PLAN COMMISSION ACTION: Motion by Commissioner Yerke, second by Commissioner Schuett to grant rural structure for Lot 2 and approve 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 six (6) months of this date. Commissioner Holtz abstained. The rest, six (6) in all voted "aye". The motion carried.

TOWN BOARD ACTION: Supervisor Stefanowski asked for clarification that the one structure is not a fuel tank. The planner stated it is not. Motion by Supervisor Nicoson, second by Supervisor Hintz to accept the Plan Commission's recommendation. All ayes; motion carried.

PROPOSED AMENDMENT OF OFFICIAL MAP ON WEST SIDE OF CTH E IN SECTION 7 AND 18, T5N, R1E; JEAN HOLTZ TRUST, APPLICANT (Marcia Holtz, Andrew Holtz, Mary Holtz and Deb Steiner, agents)

Commissioner Holtz abstained from this item and stepped down from the board.

JOINT PUBLIC HEARING

Chairman Dubey called the Joint Public Hearing at 7:41 p.m. and asked if anyone wished to speak.

- ✓ Marcia Holtz, of Madison, Wisconsin spoke regarding the map amendment. She was going to meet with Waukesha County, but the meeting was changed and does not have an official opinion from the County yet. She stated the current property owner, Andrew Holtz is aware of the proposed change and supports the amendment.

Chairman Dubey asked if there were any other comments from the public. No one wished to be heard and Chairman Dubey closed the meeting at 7:49 p.m.

PLAN COMMISSION ACTION: Motion by Commissioner Schuett, second by Commissioner Yerke to recommend to the Town Board approval of the proposed resolution dated March 26, 2015. Commissioner Holtz abstained. The rest, six (6) in all voted “aye”. The motion carried.

TOWN BOARD ACTION: Motion by Supervisor Nicoson, second by Supervisor Hintz to approve the recommendation of the Plan Commission. All ayes; motion carried.

Commissioner Holtz returned to the board.

ANNUAL REVIEW OF HOBBY KENNEL APPROVAL FOR PROPERTY AT S66W27875 RIVER ROAD; DAN KRUEGER, APPLICANT

Chairman Dubey asked the applicant if he read the report by the police department. He stated it was correct.

PLAN COMMISSION ACTION: Motion by Supervisor Topczewski, second by Commissioner Holtz to approve a one-year renewal of the hobby kennel for Daniel Krueger located at S66W27875 River Rd. All ayes; motion carried.

REVIEW OF SPECIAL EVENT AT MONTESSORI SCHOOL PROPERTY OFF OF CTH E (TAX KEY NO MUKT1943997) ON APRIL 18, 2015; NATURE’S CLASSROOM, APPLICANT
Commissioner Holtz abstained and stepped down from the board.

PLAN COMMISSION ACTION: Motion by Commissioner Schuett, second by Commissioner McNelly-Bell to recommend to the Town Board approval of the special event on April 18, 2015 as described, subject to the three conditions as stated in the staff report dated April 1, 2015 and a fourth condition be added to include any other permits as required. Commissioner Holtz abstained. The rest, six (6) in all voted “aye”. The motion carried.

TOWN BOARD ACTION: Motion by Supervisor Nicoson, second by Supervisor Stefanowski to approve the recommendation of the Plan Commission. All ayes; motion carried.

UPDATE ON SURVEY IN THE PARKS AND RECREATION FLYER

The survey/notice was put in the flyer and the flyer is currently at the printer.

POTENTIAL TOWNWIDE ORDINANCE FOR REGULATING CONDOMINIUMS, SHORT-TERM RENTALS, TIME-SHARE PROPERTIES, AND TOURIST ROOMING HOUSES (REVIEW SECOND DRAFT DATED MARCH 23, 2015)

Discussion was held regarding the governing of this Ordinance.

Motion by Supervisor Stefanowski to table this matter for later discussion. Motion failed for lack of second.

Chairman Dubey stated the Joint Plan Commission and Town Board could look at including this later on when working on the Omnibus. No action was taken at this time.

POTENTIAL AMENDMENT OF THE TOWN'S ZONING REGULATIONS WITH REGARD TO TYPE OF MAILED NOTICE TO LAND OWNERS (I.E., REGULAR MAIL OR CERTIFIED MAIL) AND NOTICE TO LANDOWNERS IN A SUBDIVISION WHEN AN OUTLOT IS WITHIN 300 FEET OF THE SUBJECT PROPERTY, AND THE OUTLOT IS OWNED BY ONE ENTITY AND NOT ALL PROPERTY OWNERS

Supervisor Stefanowski and Commissioner Clabault ask that the Affidavit of Mailing be in the Ordinance. Also, strike "up to a maximum of 1,000 feet from the subject property".

Motion by Commissioner Yerke, second by Supervisor Nicoson to change the notification process to regular mail and include the two changes as stated above. All ayes; motion carried.

OMNIBUS ZONING CODE

The Town Planner has stated it is his suggestion we consider reorganization of the code as outlined in his staff report dated April 1, 2015.

This matter to be discussed further at the next meeting and possible creation of a sub-committee to work on the code.

BUILDING INSPECTOR AND TOWN PLANNER REPORT OF PROJECTS IN WAUKESHA COUNTY'S SHORELAND ZONING JURISDICTION.

There are none at this time.

RECOMMENDATIONS FOR FUTURE AGENDA

There was nothing stated.

ADJOURNMENT

PLAN COMMISSION ACTION: Motion by Commissioner Schuett, second by Commissioner Clabault to adjourn at 8:33 p.m. All ayes; motion carried.

TOWN BOARD ACTION: Motion by Supervisor Nicoson, second by Supervisor Stefanowski to adjourn at 8:33 p.m. All ayes; motion carried.

Respectfully submitted,

Kathy Karalewitz
Administrator/Clerk-Treasurer

Approved:5-6-15