



TOWN OF EAGLE
P.O. Box 327
Eagle, Wisconsin 53119

TOWN OF EAGLE
Planning & Zoning Commission
Held Jointly with the Town Board
March 7, 2016
Unapproved Minutes

Chairman Kwiatkowski called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

Present: Chairman Kwiatkowski; Supervisors Davis, Malek, Rasmussen and West; Commissioners Anderson, Lewis, Mann, and Samuels. Also present: Town Planner Schwecke.

Approval of Agenda – A motion was made by Supervisor Malek, seconded by Supervisor Davis to approve the agenda. Upon voice vote, motion carried.

Minutes – A motion was made by Supervisor Malek, seconded by Commissioner Lewis to approve the minutes of February 1, 2016. Upon voice vote, motion carried. A motion was made by Supervisor Rasmussen, seconded by Supervisor West to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to approve the Town Board Only portion of the February 1, 2016 minutes. Upon voice vote, motion carried.

Dopke - Request to Amend the Approval of the Connection of the Two (2) Outbuildings; Larry and Jennifer Dopke, Applicants – Planner Schwecke explained that his staff report of March 3, 2016 shows the connection of the two (2) buildings. Planner Schwecke stated that Building Inspector Montoya has determined that the proposed construction meets all applicable building codes.

A motion was made by Commissioner Anderson, seconded by Commissioner Samuels to approve the Dopke's request for the connection of their two (2) outbuildings. Upon voice vote, motion carried. A motion was made by Supervisor Davis, seconded by Supervisor West to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Dan Scheibe - Roof Height Extension Request for the property located at Tax Key # EGLT 1851003, Eagle – Planner Schwecke referred to his staff report dated March 2, 2016. Planner Schwecke stated that the applicant would like to build an accessory building on his property with an average height of seventeen (17) feet six (6) inches.

A motion was made by Commissioner Samuels, seconded by Commissioner Mann to approve the request for a rood height extension to 17'6", subject to the draft conditions as follows:

- 1) Site Plan. The site plan submitted with the application and on file with the Town Clerk's office is approved.
- 2) Number of Accessory Buildings. No more than two accessory buildings may be located on

the subject property.

- 3) Building Height. The average roof height of the proposed accessory building shall not exceed 17' 6" in accordance with the construction drawings submitted.
- 4) Building Restricted. The building shall not be used for commercial purposes. This approval is granted for the express conditions listed herein. Any change in the use will require owner to return to the Plan Commission for review and approval.
- 5) Exterior Housekeeping. The applicant/owner will keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring properties.
- 6) Building Inspection. The Town Building Inspector shall inspect the premises for code compliance prior to construction or issuance of an occupancy permit.
- 7) Other Regulations. The applicant/owner agrees to abide by any private deed restrictions affecting the subject property, and any other state, federal, or local regulations.
- 8) Fees and Expenses. The petitioner is required to reimburse the Town for any and all fees paid by the Town for technical assistance in reviewing and enforcing this approval. Said payments shall be paid upon request of the Town. The Town Clerk's office shall provide owner/applicant with itemized invoices.

Upon voice vote, motion carried. Chairman Kwiatkowski suggested that as part of the conditions, the motion should state that the applicant cannot build the accessory structure until residence is under construction.

A motion was made by Supervisor Malek, seconded by Commissioner Mann to amend the motion to include language which states that the accessory structure cannot be constructed until the primary residence is under construction. Upon voice vote, motion carried. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Peterson - Site Plan/Plan of Operations for Phase II of the self-storage facility consisting of two (2) additional buildings with eight (8) units in each at EGLT 1818-999-047 – Bob Peterson Jr. reported that the current buildings are fairly full and would like approval to add on ten (10) more units onto each of the two (2) current buildings. Mr. Peterson Jr stated that the staff report regarding landscaping. Mr. Peterson Jr. stated that if they need to continue the landscaping they certainly will however it has not been drawn on their site plan. In response to Commissioner Lewis, Mr. Peterson Jr. explained that the separation wall will be a fire wall.

Planner Schwecke explained that the build out for these storage units will be in three (3) phases. Only Phase Two is before the Planning & Zoning Commission and Town Board this evening.

In response to Chairman Kwiatkowski, Mr. Peterson Jr. stated that the crosshatched area on the site plan is for the future Phase Three.

Planner Schwecke stated that a proposed motion has been included in his staff report. Planner Schwecke explained that landscaping was addressed on the first phase. The purpose of the landscaping is to create a buffer. The landscaping should continue to the end of Phase Two. When Phase Three is built, the landscaping will need to continue. Commissioner Lewis added that the additional decorative facing replaced some of the landscaping normally required on the sides of the building.

A motion was made by Chairman Kwiatkowski to approve the site plan for Phase Two consisting of ten (10) storage units in each of the two (2) buildings subject to the following conditions:

- 1) Sheet L1 shall be revised to show additional landscaping on the north and south property boundary lines to the same extent depicted for Phase One.
- 2) Storage of any materials out-of-doors is strictly prohibited.
- 3) Prior to issuance of any building permits, the Town Engineer shall verify that all required

stormwater management requirements have been met.

- 4) Prior to issuance of any building permits, the applicant shall obtain the approval of the Town Engineer for erosion control, if required.
- 5) The applicant shall satisfy all concerns of the Town Engineer to his satisfaction.
- 6) Any expansion of the buildings (i.e., more units) will require review and approval as set forth in the Town's zoning regulations in effect at the time of submittal.

All other aspects of prior approvals will remain unchanged.

In response to Supervisor Malek, the point system that has been discussed at previous meetings is not in the current zoning code. Upon voice vote, motion carried. A motion was made by Supervisor Davis, seconded by Supervisor Malek to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Winzenried Certified Survey Map Request– Marie Winzenried for the property located at Tax Key # EGLT 1770-999-002 – Randy and Cheryl Tersen, 4520 S. Hillview Drive, New Berlin, WI introduced themselves as the prospective buyers of proposed Lot 2. Planner Schwecke referred to his staff report dated March 3, 2016. Planner Schwecke explained that the property is zoned Upland Conservancy and A-3. The proposed division of the property complies with the minimum lot sizes. Approval would be subject to conditions. Planner Schwecke stated that the Town Engineer has stated that any minor corrections that might be needed would fall under condition #1.

A motion was made by Commissioner Samuels, seconded by Commissioner Anderson to approve the Certified Survey Map, subject to the following general and specific conditions:

General Conditions:

- 1) Staff and Governmental Approval. Prior to the Town signing the final CSM, the commencement of any construction of any improvement, whether public or private, or any site development, the developer shall satisfy all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Administration per ch. 236, Wisconsin Statutes and ch. Comm. 85, Wisconsin Administrative Code; Wisconsin Department of Administration per ch. 236, Wisconsin Statutes; and Waukesha County Parks and Land Use Department.
- 2) Professional Fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this approval due to a violation of these conditions.
- 3) Payment of Charges. Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.
- 4) Surveyor's responsibility. Although the Town of Eagle has reviewed the subdivision plat/certified survey map, the surveyor is entirely responsible for the thoroughness and accuracy of the survey and related matters and compliance with all state and local codes, ordinances, and procedures. Modifications to the survey may be required should errors or changed conditions be found at a future date; and

Specific conditions:

- 1) The Town Engineer shall review the CSM and approve of the same.

- 2) The Town's road supervisor or the Town engineer shall review the proposed access locations on Wilton Road and approve of the same. If required, the access points for lots 1 and 2 should be depicted on the face of the CSM.
- 3) The petitioner must obtain all necessary approvals as specified in s. 236.34(1), Wis. Stats.
- 4) The exterior property boundary line must be a solid heavy (thick) line to make it stand out more.
- 5) Remove the signature block for the Town of Eagle Plan Commission Approval on Sheet 3 of 3. (The Plan Commission is advisory to the Town Board.)
- 6) Remove the section on sheet 3 of 3 describing the Primary Environmental Corridor restrictions. This is language required by Waukesha County, not the Town.
- 7) If the property is currently mortgaged include a consent of mortgage certificate.
- 8) Include the following note(s) on the face of the CSM substantially as follows:
 - This certified survey map includes information relating to the zoning district(s) in which the subject property is located along with corresponding setbacks and offsets. Such information is included for informational purposes only and is subject to change.
 - The boundary of the EC and A-3 zoning district is based on Waukesha County's GIS online map accessed on _____ date _____, 2016.
- 9) The survey must be performed by a Wisconsin professional land surveyor per s. 236.34(1m)(a), Wis. Stats. Any reference to a registered land surveyor (RLS) should be changed, if appropriate. (See surveyor's certificate in particular.)
- 10) The surveyor's seal, signature, and date must appear on all sheets of the final CSM. The same revision date must also be noted on each sheet.

Upon voice vote, motion carried. A motion was made by Supervisor Rasmussen, seconded by Supervisor Malek to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Nature Conservancy Freshwater Strategy Manager Sarah Gatzke Introduction – Nature Conservancy Freshwater Strategy Manager Sarah Gatzke explained that she was hired in late August to replace Pat Morton and to take on additional responsibilities. She invited anyone to contact her with any questions or concerns. Ms. Gatzke reported that the Nature Conservancy hopes to be a good partner for the Town of Eagle. The following is a list of some of the work The Nature Conservancy hopes to accomplish on the preserve:

- The Nature Conservancy plans to conduct prescribed burns on 215 acres of restored prairies. Plans for these burns are on file and have been reviewed by the Eagle Fire Department. The prairie restoration has been important not only in providing needed habitat for birds and mammals, but also in protecting the headwaters of the Mukwonago River, a major portion of which begin on this preserve.
- Work is under way to restore several rare oak savanna remnants on the eastern end of the preserve. We will remove invasive plant species that prevent the regeneration of bur and white oaks.
- We are in our sixth year of removing invasive plants such as garlic mustard, buckthorn, honeysuckle, Asian bittersweet and sweet clover. We've had great success in knocking back these species, especially garlic mustard, which formerly blanketed the woodlands.
- Funding from the Wisconsin Department of Natural Resources Aquatic Invasive Species Grant Program has allowed the Conservancy to tackle invasive species in the wetlands too. Those species include Phragmites, reed canary grass and non-native cattails. This work will continue through the middle of 2018.
- A researcher has been hired to survey the halfmile stretch of the Mukwonago River from Betts Road to the upper wetlands on the Meyer Nature Preserve to inventory the native mussel population this summer and early in summer of 2017.
- The Conservancy, in cooperation with the U.S. Geological Survey and the Wisconsin

Geological & Natural History Survey, will be monitoring groundwater levels at the eastern end of the preserve as part of a groundwater modeling project.

- Water quality sampling will continue in the upper reaches of the Mukwonago River to gauge nitrates, phosphates, chloride and turbidity. This work began in 2015 and is expected to be ongoing.

Ms. Gatzke stated that if anyone would like additional information about their work, they should call The Nature Conservancy at 262-642-7276.

Update on certification of farmland zoning ordinance – Planner Schwecke reported that the state has certified the Town of Eagle’s code for farmland preservation. Once the Town Attorney has completed his review, the Town will need to hold a public hearing to adopt the code.

Update on Waukesha County Shoreland Zoning Advisory Committee – Planner Schwecke explained that in regards to impervious surfaces, there are three (3) options that the committee is looking at. The first option is to only allow a maximum of 15% impervious surface. The second and third options would involve employing the optional Highly Developed Shoreline provisions. Planner Schwecke explained that everyone recognizes that when impervious surface exceeds 30%, the water quality will decline.

In response to Commissioner Mann, Commissioner Lewis explained that the Town hasn’t had impervious surface standards. Commissioner Lewis asked if it would be appropriate for the Town to adopt and send a resolution to Waukesha County, asking that they adopt the 15% standard to protect our water quality.

Lake Management District Chairman Tom Day stated that an environmentalist is on the agenda for Thursday to discuss impervious surface. Lake District Chairman Day added that floor area ration is part of impervious surface.

Discussion ensued regarding individually sending Jason Fruth an e-mail to voice everyone’s individual opinions.

Mukwonago River Initiative – No report.

Chairman’s Report – Chairman Kwiatkowski reported that it has been reported that there is potentially a commercial trucking business being run out of the home off of Shearer Road. In regards to the Miller case, Chairman Kwiatkowski stated that the Town is waiting for Mr. Miller’s attorney to contact him. Supervisor Malek reported that the Miller property was once again being used as a racetrack. Multiple vehicles were out there last Saturday and the Saturday prior. Chairman Kwiatkowski stated that he will contact the Town Attorney.

Recommendation for Future Agendas – Impervious surface topic will be added to the next meeting agenda.

Citizen Comments – Tom Day, Highview Road explained that anything over 8% - 12% already adversely affects ecology such as rivers, streams, and lakes.

A motion was made by Supervisor Malek, seconded by Commissioner Mann to adjourn the meeting at 7:55 P.M. Upon voice vote, motion carried.

Lynn M. Pepper, Eagle Town Clerk