



TOWN OF EAGLE
Planning & Zoning Commission
Held Jointly with the Town Board
September 6, 2016
Approved 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 Lewis, Mann, and Samuels. Commissioner Anderson was excused. 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 Supervisor Davis to approve the minutes of August 1, 2016. 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.

Public Comment – Chairman Kwiatkowski explained that the public comment section of the meeting is different than a public hearing, which is held separately.

Mr. Steve Muth, S105 W37110 Estates Drive stated that there are more televisions out at the road, one being Estates Drive that do not have stickers on them from John's Disposal.

Cornerstone Mechanical – Site Plan/Plan of Operation Approval Request- Town Planner Schwecke referred to his staff report dated August 31, 2016. Planer Schwecke stated that business owner, Greg Wallace has submitted a site plan/plan of operation for the property located at W356 S9050 Godfrey Lane, Unit E. The business includes a general office related to HVAC and plumbing equipment sales. All materials and equipment will be kept indoors. In response to Commissioner Lewis, there won't be any hazardous materials.

A motion was made by Commissioner Samuels, seconded by Commissioner Mann to approve the site plan/plan of operation, as submitted for Cornerstone Mechanical Sales LLC located at W356 S9050 (Unit E) Godfrey Lane and to terminate any previously approve site plan/plan of operation for the same unit on the subject property. 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.

Public Hearing – Eschenburg, Carolyn & Michael – Conditional Use Request for a Home Office – Chairman Kwiatkowski opened the public hearing at 7:07 P.M.

Jean Weedman, W343 S9768 Red Brae Drive questioned if the proposed use would alter the character of the property. Property owner, Carolyn Eschenburg stated that the proposed business will be located in the lower level of her home. The web based business holds virtual clothing parties. In regards to Ms. Weedman's question concerning shipments, Ms. Eschenburg stated that she would be receiving two (2) shipments per month via UPS. As far as outgoing shipments, she stated she would be using her own vehicle. In response to Chairman Kwiatkowski, Ms. Eschenburg stated that she has a closed facebook page. In response to Chairman Kwiatkowski, she stated that there won't be any business signs on their property.

After hearing no other comments, a motion was made by Supervisor Davis, seconded by Supervisor Malek to close the public hearing at 7:11 P.M. Upon voice vote, motion carried.

Planner Schwecke referred to his staff report dated August 29, 2016. Planner Schwecke stated that the subject property is located in the A-3 zoning district. The public hearing was noticed as a class II notice and notices were sent to all neighbors within three-hundred (300) feet. As part of the deliberations, the Planning & Zoning Commission and Town Board need to consider six (6) factors as part of the process.

In response to Chairman Kwiatkowski, Planner Schwecke explained that as far as monitoring conditional uses, once a conditional use is approved, a conditional use order is signed and recorded at the Waukesha County Register of Deeds Office. The conditional use will be verified periodically through self-certification. If a complaint is filed, the conditional use will be investigated. Planner Schwecke stated that the conditional use is personal to the property owner.

Chairman Kwiatkowski stated that should the applicant want to expand the conditional use, the applicant will need to apply for an amendment to their conditional use.

A motion was made by Commissioner Samuels, seconded by Supervisor Malek to recommend approval of the home occupation as a conditional use based on the findings in sec. 3.08(1) of the zoning code, subject to the conditional use order dated August 29, 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.

Eschenburg, Carolyn & Michael – Sire Plan Approval Request for their Home Office – Planner Schwecke restated that the business will be held inside the home and there won't be any employees.

A motion was made by Supervisor Davis, seconded by Commissioner Lewis to recommend approval of the existing premises without any expansion related to the home occupation. Upon voice vote, motion carried. A motion was made by Supervisor West, seconded by Supervisor Rasmussen to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Public Hearing – Suhm, William & Janice – Conditional Use Amendment Request – Katelyn (Katie) Suhm, operator of the Commercial Stable explained that the operation of the boarding facilities will not change. She stated that she would like to give riding lessons to teach kids some responsibility and compassion. Katie Suhm explained that along with the riding lessons, she would also like to conduct a few summer camps. Katie stated that she held three (3) fundraisers last year. One-hundred percent (100%) of the proceeds went to the Eagle Food Pantry, Lakeland Animal Shelter, and to the troops. Another event that she held last year to get families together was an Easter Egg Hunt. Katie Suhm explained that all of the parking for these events were contained on the premises; there was no on-street parking.

At this time, Chairman Kwiatkowski opened the public hearing at 7:22 P.M.

Bill Zell, W360 S9780 Markham Road stated that his property is located to the north of Suhm's property. Mr. Zell stated that he does not see how Katie Suhm can do what she is requesting with the current facilities. Mr. Zell stated that the pony rides, parties, and the egg hunt are okay. Mr. Zell questioned the parking for the summer camps as well as the traffic coming in and out. Mr. Zell stated that he believes that there are many issues that need to be addressed. The property does not look like what was approved years ago.

Mark Cloutier, W360 S9990 Markham Road stated that he is present to support Katie Suhm's request. He stated that he can look out and see what happens on the Suhm's property and he does not see any problems with the request. Mr. Cloutier added that the summer camps that Katie Suhm speaks of are only for four (4) days.

Dave Prohaske, W360 S9794 Markham Road expressed concern over the increased traffic and the definition of "commercial". Mr. Prohaske added that their bedroom faces to the south.

Dawn-Marie Latinovich, W360 S9980 Markham Road explained that her property is located to the south of the Suhm's. Ms. Latinovich stated that she would like to see more detail on the summer camp proposal since what was submitted was, in her opinion, too vague. Ms. Latinovich questioned what the bathroom facilities would be. Ms. Latinovich stated that she has lived on her property for twenty-three (23) years and it is much noisier now than in the past. In regards to the smell, Ms. Latinovich stated that she can smell the manure and urine coming from the Suhm's property Ms. Latinovich stated that if she were to decide to sell her property, these issues could be a detriment.

Jean Weedman, W343 S9768 Red Brae Drive stated that her brother purchased a home on Markham Road. She stated that the increased traffic could be a problem. She stated that she can't speak to the noise or the smells.

Property owner Bill Suhm, W360 S9812 Markham Road, stated that he has resided here for twenty-five (25) years. Mr. Suhm explained that Katie is talking about five (5) or six (6) kids. In regards to the smell, the smell could be coming from the horse's right across the street from Ms. Latinovich's property. Mr. Suhm explained that he has his compost pile at the end of his property. Mr. Suhm added that the building that he has is a commercial building.

Property owner Janis Suhm, W360 S9812 Markham Road stated that the existing barn was there when they bought the property in 1998. At that time, the manure was up to the ceiling. Janis Suhm stated that they have improved the property and it is a very clean facility. Janis Suhm explained that they thought that they were allowed to teach riding lessons, as part of their current conditional use for boarding. She explained that there have been some events held on the property. She explained that the day camp is for two (2) to five (5) kids between the ages of five (5) and thirteen (13). In regards to the noise issue, horses don't make much noise.

Ms. Latinovich replied that the manure smell is not coming from the property across the street because the smell is traveling from east to west. The noise that she hears is from wood and/or hay operations.

Carol Thomas, W360 S9794 Markham Road stated that she believes the noise is from large dump trucks scraping gravel. Some of the noise is from extra dogs barking.

Operator Katie Suhm stated that the noise could be from wood cutting, as they are trying to better the facility/property. She explained that the residential farm property takes a bit to keep it maintained. In regards to the number of children, Katie Suhm stated that her insurance will not allow her to have more than five (5) children at a time. In regards to some of the traffic, Katie Suhm stated that she has a large family and they have a lot of get-togethers. Some of the traffic is due to these get-togethers. Katie Suhm stated that she held four (4) main events last year. She added that she does not want to upset anyone. In regards to odors, Katie Suhm stated that there are also farms behind their property. In regards to cleanliness, Katie Suhm stated that she is a neat freak and always cleans and contains the areas. In regards to the manure, Katie Suhm explained that people come in and out to pick up manure for their gardens.

In response to Chairman Kwiatkowski, Planner Schwecke stated that Building Inspector Montoya conducted a site inspection for the Suhm's current conditional use. Planner Schwecke read the email from Building Inspector Montoya dated September 6, 2016. The email stated that the Suhm conditional use is in non-compliance with the Town approval. The property has lots of storage all over. He counted twenty-five (25) horses that he could see. They have one (1) son and wife living in the center building. The other son lives in the south building. They have more hay wagons than what was approved. There is a dump truck parked outdoors. The manure is located on the north lot line at the east end of the lot. Planner Schwecke added that the building inspector included in the email photographs of the property.

In response to Chairman Kwiatkowski, Bill Suhm stated they had a fence put up which is what the building inspector saw back there. We collect iron and take it to the junk yard twice a year. In response to Chairman Kwiatkowski's question if he agrees that he is in violation of his original conditional use, Mr. Suhm stated that he was not aware that he was aware that he was.

Chairman Kwiatkowski stated that the Suhm's are in non-compliance for the outdoor storage and people living in the accessory buildings. Chairman Kwiatkowski reported that the original conditional use stated that caretakers could not live in the buildings. Having multiple families residing on the single family property is in total violation of the zoning code. This property is not a farm.

Planner Schwecke stated that the Suhm's are also in violation of the number of horses. The conditional use allows for only twenty (20) boarded horses and the Suhm's currently have twenty-five (25) horses on the property. Bill Suhm replied that the conditional use says twenty (20) boarded horses. There are only thirteen (13) boarded horses and twelve (12) of their own. Planner Schwecke read aloud item two (2) of the current conditional use permit. Discussion followed regarding the potentially misleading language. Planner Schwecke stated that perhaps the permit should have stated a maximum number of horses in total.

Discussion ensued regarding the manure removal, the compost pile, and the Suhm's possible purchase of additional acreage. Planner Schwecke suggested that the Suhm's work with Waukesha County on a specific manure management plan.

Commissioner Samuels suggested that this request be tabled since there is more than one (1) issue and since the Suhm's are in non-compliance with their current conditional use. Discussion followed.

Planner Schwecke stated that since the Suhm's submitted their application, they need to either ask the Planning & Zoning Commission to table the request or they can ask the Planning & Zoning Commission to render their decision. Bill Suhm replied that they want to come into compliance and asked that this be tabled. Planner Schwecke added that also means no living quarters, as stated in condition number two (2). Bill Suhm responded that he took that condition to mean that he could not rent out the living quarters,

A motion was made by Supervisor Malek, seconded by Commissioner Lewis to adjourn the conditional use amendment public hearing to the October 3, 2016 Planning & Zoning Commission/Town Board

Meeting. 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.

Janis Suhm stated that it would be nearly impossible to find and move her family into new residences within the thirty (30) days given to come into compliance. Chairman Kwiatkowski explained that they could move into the main house, if that would be a solution for them. Chairman Kwiatkowski explained that if you choose to find a different residence, you could always request an extension.

In response to Bill Suhm, Chairman Kwiatkowski stated that if the Suhm;s are serious about acquiring additional land to be classified as a farm, they could schedule a separate meeting with the Town Planner to discuss that option.

Suhm, William & Janis – Site Plan Approval Request for the Commercial Stable Operated by Katelyn Suhm – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to table this item to the next Planning & Zoning/Town Board Meeting. 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.

Price Development – Site Plan/Plan of Operation Approval Request – Planner Schwecke explained that a site plan has been filed. The site plan was reviewed by the Planning & Zoning Commission and Town Board. The applicant, Frank Price was directed to submit a new plan. Planner Schwecke explained that he spoke with Mr. Price who, at first, indicated to him that he is unsure if he would like to proceed or not. Planner Schwecke stated that there has not been any recent contact with him and a “for sale” sign has been placed on the property.

Planner Schwecke stated that the applicant has been trying to work with the property owner to the north for access to his retention pond.

In response to Commissioner Lewis, Chairman Kwiatkowski explained that the Town Board recently took action to place Price Development’s unpaid professional fees on his tax bill since invoices were sent to them but the Town did not receive any response. Chairman Kwiatkowski stated that if Mr. Price would like to continue with a new site plan, he will have to come back and re-apply.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to deny the site plan/plan of operation as submitted because the applicant has failed to submit to any additional information to the town in an effort to address the outstanding issues previously identified. Upon voice vote, motion carried with Commissioner Samuels voting nay. 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.

Proposed Revisions to the Zoning Code –Planner Schwecke explained that the proposed revisions are shown as underlined and strikeouts. Discussion took place regarding the language for certain definitions versus regulations, committee appointments, and reasonable accommodations.

On page 126 of the proposed draft, Commissioner Lewis recalled that there was discussion at one time on putting in regulations in Upland Conservancy in residential districts, such as provisions for setbacks and screening.

Discussion ensued regarding certain wording changes in the rural residential district as well as language regarding personal storage facilities.

Discussion ensued regarding crop agriculture, number of permitted livestock, farm education, and earth material stockpile.

In response to Commissioner Lewis, Planner Schwecke explained that Planned Unit Developments (PUD's) will be denoted on the map as an overlay district. Chairman Kwiatkowski added that PUD's are conditional uses.

Discussion ensued regarding various verbiage clarifications/changes.

A motion was made by Chairman Kwiatkowski, seconded by Commissioner Samuels to send the proposed zoning code to the Town Attorney for his review and comments. 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.

Mukwonago River Initiative – No report.

Chairman's Report – Chairman Kwiatkowski reported that the judge has signed the injunction against Victor Trucking,

Recommendation for Future Agendas – None.

A motion was made by Supervisor Malek, seconded by Commissioner Samuels to adjourn the Planning & Zoning portion of the meeting at 9:01 P.M. Upon voice vote, motion carried.

TOWN BOARD ONLY:

Request to Hire a New Part-Time Recreation Director - Supervisor Davis recommended hiring Lorie Stasik as the part-time Recreation Director. Lorie will be moving to the Town of Eagle in December. Interim Director Blonien will be helping Lorie get started.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Malek to employ Lorie Stasik as part-time Recreation Director. Upon voice vote, motion carried.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Rasmussen to adjourn the meeting at 9:03 P.M. Upon voice vote, motion carried.

Lynn M. Pepper, Eagle Town Clerk