



TOWN OF EAGLE
Planning & Zoning Commission
Held Jointly with the Town Board
October 3, 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 Commissioner Samuels to approve the minutes of September 6, 2016. Upon voice vote, motion carried. A motion was made by Supervisor Rasmussen, seconded by Supervisor Davis 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.

In response to Bob Lynch, W363 S10999 Burr Oak Trail and Craig Hicks, W363 S11083 Burr Oak Trail, Chairman Kwiatkowski stated that both of them would have the opportunity to speak during the LaMar public hearing.

ZMAX Waterfowl – Site Plan/Plan of Operation – Request for approval for their business related to boat storage and repairs and assembly of aluminum boats and accessories on the property at W357 S8965 Godfrey Lane –EGLT 1818999010 - Business owner Brek Zortman explained that his business focuses on satisfying the needs of duck hunters, in terms of boats, motors, trailers, duck blinds, and accessories. Mr. Zortman explained that this is a second business for him. Mr. Zortman stated that all of the boats are aluminum. Essentially, the business is light fabrication and assembly.

Planner Schwecke referred to his staff report dated September 25, 2016. Planner Schwecke explained that the business owner has indicated that the business will be open by appointment only. It should be anticipated that the business will grow and have regular hours. In response to Mr. Zortman, Planner Schwecke explained that the Town is looking for a long-term plan. By approving the business plan by appointment only limits Mr. Zortman from expanding his hours of operation. Planner Schwecke explained that indicating that there will not be any employees would also limit Mr. Zortman's long-term

plan. Planner Schwecke suggested that the long-term plan indicate regular hours of Monday through Saturday, 8 A.M. to 5 P.M. He also suggested that the long-term plan should state that there would be up to four employees, including the owner/operator. Chairman Kwiatkowski added that if these suggestions are not included in the plan of operation, Mr. Zortman would have to come back to the Plan Commission and Town Board for additional approval.

Planner Schwecke explained that there is an existing building and parking lot. The outdoor storage is located behind the building. In response to Supervisor Malek, Mr. Zortman stated that the area behind the building is already screened. The dumpster is located behind the building as well. Planner Schwecke added that the screening is to the north, to the west, and to the south side.

A motion was made by Chairman Kwiatkowski, seconded by Supervisor Davis to approve the site plan/plan of operation for ZMAX Waterfowl located at W357 S8965 Godfrey Lane, as recommended by the Town Planner and to terminate any previously approved site plans/ plans of operation for the same unit on the subject property. 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.

Public Hearing –LaMar, Michael – Request for approval of his hobby kennel as a conditional use on their property located at W363 S11011 Burr Oak Trail – EGLT 1864-011. Applicant LaMar stated that he would like to keep the three (3) dogs that he currently has. His son's Great Dane is no longer on the premise. Mr. LaMar stated that one of the dogs is a Labradoodle. The other two (2) dogs are roughly eight (8) pounds each. Mr. LaMar stated that his request is for six (6) dogs, to keep his options open.

Chairman Kwiatkowski opened the public hearing at 7:14 P.M.

Bob Lynch, W363 S10999 Burr Oak Trail stated that Mr. LaMar's little, white, un-collared dog visits him often. Mr. Lynch stated that he called the Sheriff's Department three (3) times over the Great Dane. Most of the barking came from the Great Dane and the Labradoodle. Mr. Lynch questioned why, for safety reasons the dogs are not being tied up when they are let outside. Mr. LaMar responded that he will remedy the situation.

Craig Hicks, W363 S11083 Burr Oak Trail stated that his concerns over the constant barking, twenty-four (24) hours a day/seven (7) days a week. Mr. Hicks added that not once has he ever heard a human voice trying to calm the dogs. Mr. Hicks explained that the noise level did drop off once the public hearing notices were sent out to the neighbors. Mr. Hicks stated that he wants everyone to be happy and suggested giving Mr. LaMar a trial period. Mr. LaMar responded that most of the barking was the Great Dane. Yelling at the dog did not help. He was always put in the garage overnight, the others go outside to do their business and come right back in the house. Mr. LaMar admitted that the barking could be obnoxious at times. Mr. Lynch added that the barking also occurs during the day.

Patty McSwain, W363 S10985 Burr Oak Trail questioned why the hearing was taking place at all since Mr. LaMar's property is listed for sale. Chairman Kwiatkowski explained that Mr. LaMar was given the opportunity to withdraw his request however, in order to be in compliance. Mr. LaMar decided to proceed with the application. Chairman Kwiatkowski added that the sale of the property would terminate the conditional use. Ms. McSwain stated that the barking issues have gotten better however, once his dogs start barking, all of the neighbor's dogs start barking. Mr. Hicks added that having more dogs makes it more difficult to maintain.

Hearing no other public comments, a motion was made by Supervisor Malek, seconded by Supervisor Davis to close the public hearing at 7:24 P.M.

Supervisor Davis explained that he has concerns over several of the comments about the dogs barking during the day and questioned if the neighbors are hearing the dogs from outside or inside the LaMar home. In response to Supervisor Davis, My Lynch stated that the dogs are kept outside during the day.

In response to Commissioner Samuels, Mr. LaMar stated that about 1 ½ acres in the back of his property is fenced, although the dogs are typically let out on a cable.

In response to Commissioner Mann, Mr. LaMar stated that the three (3) horses and two (2) goats are gone. He does however have fifteen (15) fowl. Building Inspector Montoya conducted an inspection this past Thursday.

Planner Schwecke stated that Mr. LaMar currently has three (3) dogs but has up to six (6) listed on his application. Planner Schwecke stated that the Planning & Zoning Commission and Town Board can grant a conditional use for less than the six (6) requested. Planner Schwecke stated that all dogs have to be leashed or chained. Planner Schwecke explained that there are six (6) different criteria the Planning & Zoning Commission and Town Board need to consider. Planner Schwecke added that he drafted a conditional use order for their consideration. Discussion followed regarding annual renewal cycles.

A motion was made by Commissioner Lewis, seconded by Commissioner Samuels to approve the hobby kennel for three (3) dogs as a conditional use based on the findings in sec. 3.08 and as set forth in the draft conditional use order, dated September 28, 2016. The conditional use order shall expire on January 31, 2017 in which neighbors within three-hundred (300) feet shall be notified of the renewal request. Upon voice vote, motion carried. A motion was made by Supervisor West, seconded by Supervisor Malek to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

LaMar, Michael – Site Plan Approval for the hobby kennel at his property located at W363 S11011 Burr Oak Trail, Eagle WI – EGLT 1864-011 – Planner Schwecke stated that the site plan includes the cabling of the dogs behind the house.

A motion was made by Commissioner Lewis, seconded by Commissioner Samuels to accept the recommendation of the Town Planner. Upon voice vote, motion carried. A motion was made by Supervisor West, seconded by Supervisor Malek to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Public Hearing – Suhm, William & Janice – Conditional Use Amendment Request – Chairman Kwiatkowski explained that this is a continuation of the public hearing from last month. Chairman Kwiatkowski explained that this item needs to be adjourned until the next meeting until further information is available.

A motion was made by Supervisor Davis, seconded by Supervisor Malek to adjourn the public hearing to the November 7, 2016 Planning & Zoning Commission. Upon voice vote, motion carried.

Suhm, William and Janis – Site Plan approval for the commercial stable, operated by Katelyn Suhm at their property located at W360 S9812 Markham Road, Eagle WI – A motion was made by Chairman Kwiatkowski, seconded by Supervisor Davis to table this item until the November 7, 2016 Planning & Zoning Commission and Town Board Meeting. Upon voice vote, motion carried.

Chairman Kwiatkowski explained to the Suhm's that they have thirty (30) days to make the improvements. Building Inspector Montoya will come back to inspect the property and will have a report back to the Town Board on their October 19, 2016 agenda.

Proposed Sign Code Ordinance –Planner Schwecke explained that he is currently working on a Town-wide ordinance in conjunction with the zoning code. It was the consensus of the Planning & Zoning Commission and Town Board to have the Zoning Text Review Committee review the proposed sign ordinance and report back.

Mukwonago River Initiative – Commissioner Lewis reported that the group met on September 14th, 2016. They received and update from their partners regarding groundwater models and students collecting the data.

Chairman's Report – Chairman Kwiatkowski reported that the judge has signed the injunction against Victor Trucking. A contempt of court motion has been filed. Chairman Kwiatkowski reported that the Victor's did make an application for a conditional use for storage and maintenance for the commercial business. Planner Schwecke explained that the current and the proposed code do not allow for that type of use in the A-3 District. Planner Schwecke stated that he contacted the applicant's and said that they are aware that they do not qualify. Chairman Kwiatkowski stated that a hearing date has been set for November 11, 2016. Witnesses' will be subpoenaed.

Recommendation for Future Agendas – None.

A motion was made by Supervisor Davis, seconded by Commissioner Samuels to adjourn the meeting at 7:44 P.M. Upon voice vote, motion carried.

Lynn M. Pepper, Eagle Town Clerk