



TOWN OF EAGLE

Virtual Planning & Zoning Commission
Held Jointly with the Town Board Via Zoom
May 4, 2020
Approved Minutes

Chairman Malek called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance. The April Planning & Zoning/Town Board Meeting was cancelled due to COVID-19.

Present: Chairman Malek; Supervisors Mommaerts, Muth, Suhm and West. Commissioners Lewis, Mann, Roberts and Kwiatkowski. Staff present: Town Planner Schwecke and Town Clerk Pepper. Also present: Jenny Benjamin, Engineer Warren Hansen, Kevin Kenney, Judy Rozinski, Rich Spurrell, and Scott Woeckner.

Resolution 20-02 – A motion was made by Supervisor West, seconded by Supervisor Muth to adopt Resolution 20-02, a Resolution Approving Town Board Appointments. Upon voice vote, motion carried.

Minutes – A motion was made by Commissioner Roberts, seconded by Commissioner Mann to approve the minutes of March 2, 2020. Upon voice vote, motion carried with Commissioner Kwiatkowski abstaining. A motion was made by Supervisor West, seconded by Supervisor Mommaerts to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Public Comment – None.

Public Hearing – Innovations Real Estate Holdings, Kevin Kenney, Agent – to consider an application to establish a personal storage facility as a conditional use on property located at S90 W35710 CTH NN(EGLT1818999002) – Chairman Malek opened the public hearing at 7:08 P.M. Town Planner Schwecke explained that the March public hearing was adjourned to the April meeting, which was subsequently cancelled due to COVID-19. Because of this meeting gap, the public hearing notice needed to be republished. New public hearing notices were sent to the neighboring property owners notifying them of this new meeting. At the last meeting, the petitioner was considering the potential of creating one (1) lot. It turned out that he couldn't do so. There is a revised site plan to consider however there are not a lot of overall changes.

Mr. Warren Hansen, Engineer for the applicant explained that this second plan shows trees and five (5) burning bushes. Their intent is to have LED cut-off lighting on the side of the building. He stated that he is aware that the Fire Department had some comments regarding the gated entrance and a knox box. Planner Schwecke suggested that he coordinate these details directly with the Fire Department. Mr. Hansen stated that Applicant Kevin Kenney is agreeable to the proposed landscape plan and added that the state already approved his plans.

In response to Commissioner Kwiatkowski's question regarding outdoor storage, Planner Schwecke stated that as part of the Conditional Use Order, outdoor storage will not be permitted.

In response to Commissioner Roberts, Applicant Kenney stated that the area will be paved, not gravel.

Commissioner Lewis asked if the landscaping and lighting has been covered adequately. Planner Schwecke explained that the wall packs are full cut offs. He will check to be sure, before he signs off on it. Two (2) additional trees will be placed on each side of the access drive on the existing parcel. Planner Schwecke suggested that the approval could be subject that the outdoor lighting complies with the code.

Discussion ensued regarding the nine (9) month start time of the project. Applicant Kenney stated that he may need additional time, especially with the COVID-19 pandemic.

A motion was made by Commissioner Kwiatkowski, seconded by Commissioner Lewis to approve the Conditional Use as drafted, with the following two (2) changes: a) #12, extend the time period to twelve (12) months; and b) add a provision that there be no outdoor storage. Upon voice vote, motion carried. A motion was made by Supervisor Muth, seconded by Supervisor Mommaerts to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Innovations Real Estate Holdings LLC – Kevin Kenney, Agent – Site Plan, Plan of Operations for a personal storage facility for the property located at S90 W35710 CTH NN (EGLT1818999002) –

A motion was made by Commissioner Lewis, seconded by Commissioner Roberts to approve the Site Plan/Plan of Operations as presented, with the stipulation that the landscaping and outdoor lighting be approved by the Town Planner, in consultation with the Town Chairman and in coordination with the Fire Department. Upon voice vote, motion carried. A motion was made by Supervisor West, seconded by Supervisor Mommaerts to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

In response to Supervisor Suhm's question if there would be any storage of explosive or hazardous materials, Planner Schwecke stated that the use must comply with zoning and that that use is not allowed. Mr. Hansen added that his plan also needs state approval and that those materials are not allowed per the state.

Sullivan Enterprises LLC - Roger Schregardus, Agent – Building, Site Plan, Plan of Operation for an addition to an existing building for the property located at W355 S9075 E. Godfrey Lane (EGLT1818999025) – Planner Schwecke explained that the applicant has modified their site plan and has moved the overhead door from facing the street to facing the side. Planner Schwecke explained that he is proposing four (4) conditions as follows: 1) The owner provides satisfactory documentation to the town planner ensuring approval by Waukesha County with regard to the on-site septic system (location and sizing); 2) The owner provides an landscaping plan to the town planner that complies with the town's landscaping requirements; 3) The site plan is revised to show a fire lane along the south side of the building and a new location for the dumpster enclosure; and 4) The building is revised to address the number of exits per the NFPA standards.

Applicant Roger Schregardus explained that there is a fire lane at the south end of the building. The overhead doors have been relocated. The rental space has been eliminated and the space will only be used for storage.

Commissioner Lewis questioned if there would be a requirement for facing and siding. Planner Schwecke explained that this addition would be to the back of the building and therefore is not required. Brick is required on the front of buildings, as well as going back twenty-five (25) feet.

Supervisor West questioned the side drive on the length of the building, and whether it would be an impervious surface or asphalt. Planner Schwecke responded that it will be asphalt. Stormwater standards only kick in when a project is over a ½ acre in size. Applicant Schregardus also responded that even though it is not required, he does have a civil engineer involved for simple grading. He stated that the whole site slopes from west to east and slopes south of the existing garbage dumpster.

Commissioner Kwiatkowski explained that there is a retention pond there for the whole area. That water will be shooting under the road and will go towards UPI. There are no retention ponds on that side of the park. Planner Schwecke suggested that perhaps that Town Engineer could look at it to make sure that it does not impact the surrounding properties. Chairman Malek suggested rather that Supervisor West go look at it. Commissioner Kwiatkowski added that Jim Samuels built that building so he would be the person to contact for more information.

A motion was made by Commissioner Lewis, seconded by Commissioner Mann to approve the proposed project subject to the following: 1). The owner provides satisfactory documentation to the Town Planner ensuring approval by Waukesha county with regard to the on-site septic system (location and sizing); 2) The owner provides a landscaping plan to the Town Planner that complies with the Town's landscaping requirements; and 3). The owner provides a stormwater management/impact plan that is satisfactory to Supervisor Dan West. Upon voice vote, motion carried. A motion was made by Supervisor West, seconded by Chairman Malek to accept the recommendation of the Planning & Zoning Commission. Upon voice vote, motion carried.

Sullivan Enterprises LLC - Roger Schregardus, Agent – Special Exception to allow for an overhead door to face a public road for the property located at W355 S9075 E. Godfrey Lane (EGLT1818999025) – Withdrawn due to modification of their site plan.

Conditional Use Review – Richard Novak – Annual review of conditional use approval for a hobby kennel for up to eight (8) dogs (Golden Retrievers) for the property located at S108 W39555 Oregon Trail (EGLT1852016) – Planner Schwecke explained that there have been no complaints from the neighbors. In response to Planner Schwecke, Applicant Richard Novack stated that he is definitely complying with the conditional use order. To his knowledge, the neighbors have been very welcoming and are happy with the way it worked out.

A motion was made by Commissioner Lewis, seconded by Commissioner Roberts to approve the one (1) year extension of the conditional use for a hobby kennel for up to eight (8) dogs for the property located at S108 W39555 Oregon Trail. Upon voice vote, motion carried.

Enforcement Report – Planner Schwecke reported that regarding the Woeckner non-compliance, Mr. Woeckner intends to come before the Town Board to request an extension to come into compliance for the removal of his polystructure. As far as the Spencer property, all but three (3) of the vehicles were not licensed. As far as the Muehl fence, a site inspection is upcoming. Planner Schwecke explained that he visited the Benjamin property for a site inspection, and it is his determination that the property is in compliance with regard to the removal of the berm, logs, and limbs. The Benjamin's took the wood chips and constructed trails on their property. They also advertised that they were giving away and delivering wood chips free of charge which eliminated a lot of the bulk wood chips. This caused them to fall below the threshold of 1,000 cubic yards. If they bring any additional woodchips on to the property, they will need approval from the Town. This is in his Statement of Findings and Conclusions and is up to the Town Board

to consider it. Commissioner Mann asked if eight (8) cords of firewood is the maximum allowed per the code. Planner Schwecke replied that in this case the logs came from the property owner's business and was a secondary by-product, not personal.

A motion was made by Chairman Malek, seconded by Supervisor West to table the Determination of Compliance for the Benjamin's property to the Town Board Meeting which will be held in two (2) weeks, which will give the new Town Board Supervisors proper time to read/study all of the information. Upon voice vote, motion carried.

Supervisor Muth asked if the Benjamin's were running a tree cutting business off of their property. Planner Schwecke replied that he did not observe vehicles or equipment at that time but that was not the focus of that enforcement action.

Mr. Scott Woeckner, W377 S10780 Betts Road explained that his Quonset hut has been up for the past twenty (20) years. It has always been maintained and repaired when needed. He stated that he doesn't understand the crisis. Back in the day of Don Wilton, when his conditional use was approved, he was told he couldn't have vehicles in view. That is why he constructed the Quonset hut. Mr. Woeckner questioned what the Town was going to do about everyone else that has temporary structures. He added that he has never been questioned before.

Chairman Malek stated that this needs to be discussed at the Town Board Meeting or with the Town Planner. He explained that the Town does not go around looking for violations on people's properties. The only time the Town acts is when a complaint has been filed or if the violation affects people's property values. In Mr. Woeckner's case, there has been a formal complaint filed.

Recommendation for Future Agendas – None.

A motion was made by Supervisor Mommaerts, seconded by Supervisor West to adjourn the meeting at 8:23 P.M. Upon voice vote, motion carried.

Lynn M. Pepper, Eagle Town Clerk