

TOWN OF MUKWONAGO  
JOINT PLAN COMMISSION AND TOWN BOARD  
CORRECTED MINUTES  
WEDNESDAY FEBRUARY 9, 2022

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

**ROLL CALL**

**Plan Commission:** Commissioners, Bratz, Usarek, Kurowski, Yerke, Schuett, and Chairman Topczewski and Supervisor Clabault were present.

**Town Board:** Supervisors Clabault, Boucher, Wrasman, Yerke and Chairman Topczewski were present.

Also present: John Macy, Town Attorney; Gail Obradovich, Deputy Clerk-Treasurer; Tim Schwecke, Town Planner and Scott Johnson, Building Inspector.

**Meeting minutes of January 5, 2022**

**Plan Commission Action:** Motion by Commissioner Bratz to approve the minutes of January 5, 2022 as presented, second by Chairman Topczewski, all ayes; motion passed.

**Town Board Action:** Motion by Supervisor Clabault to approve the minutes of January 5, 2022 as presented, second by Supervisor Wrasman, all ayes; motion passed.

**Meeting minutes of February 2, 2022**

**Plan Commission Action:** Motion by Chairman Topczewski to approve the minutes of February 2, 2022 as presented, second by Commissioner Usarek, all ayes; motion passed.

**Town Board Action:** Motion by Supervisor Wrasman to approve the minutes of February 2, 2022 as presented, second by Supervisor Boucher, all ayes; motion passed

**Report by Building Inspector regarding any alleged or outstanding violation(s)**

Scott Johnson stated the only two pending issues were still Lakewood and Clydesdale.

**7. Final certified survey map for 2 lots for property located at S92W32265 CTH NN (MUKT1952998); TM High View LLC, developer (Tom McAdams, agent) (application 2022-04)**

Tim Schwecke summarized his staff report dated February 3, 2022. Tom McAdams and Julie Burris were online. A joint discussion by Plan Commission and Town Board followed.

**Plan Commission action:** Motion by Chairman Topczewski to recommend to the Town Board the approval of the certified survey map dated January 7, 2022, subject to the general and specific conditions listed below with the addition of specific condition #16.

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.

Specific conditions:

1. The Town engineer must review the CSM and approve of the same.
2. Remove the ninth note on sheet 3. That requirement is addressed elsewhere.
3. Remove the tenth note on sheet 3. That restriction only applies to Lot 2, and is addressed in the deed restriction.
4. Remove the eleventh note on sheet 3. That restriction only applies to Lot 2, and is addressed in the deed restriction.
5. Remove the twelfth note on sheet 3, or clarify that the agreement relates to Lot 2.
6. Remove the thirteenth note on sheet 3. Different wording is included below.
7. Include the following note(s) on the face of the CSM substantially as follows:
  - There are existing buildings in Lot 2, some of which are classified as nonconforming structures and are therefore subject to the requirements in the Town's zoning regulations (Chapter 34 of the Municipal Code).
  - The building in Lot 2 that is located within the public right of way is subject to a Revocable Occupancy Permit agreement with Waukesha County.
8. Setback and offset lines are depicted in Lot 2. The offset line along the west lot line should be 20 feet, not as depicted. The setback and offset lines should be removed. However, if the surveyor wants to retain them, the west offset should be revised as noted and a note be added to the face of the CSM, generally as follows.
  - The offset and setback lines depicted in Lot 2 are subject to change.
9. Land outside of the CSM (southwest corner of Lot 1) should be noted as being unplatted or part of a CSM or subdivision.
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.
11. The petitioner must obtain all necessary approvals as specified in s. 236.34(1), Wis. Stats.
12. The petitioner must record the deed restriction relating to the rural accessory buildings on Lot 2 as approved by the town planner immediately following the recording of the final certified survey map.
13. The petitioner must record the revocable occupancy permit agreement for Lot 2 as approved by Waukesha County immediately following the recording of the final certified survey map.
14. The petitioner must obtain verification from Waukesha County that the existing septic on lot 2 complies with all current standards and requirements.
15. The concept layout for the future division of Lot 1 is for informational purposes and is in no way binding on the Town in any manner should the petitioner submit a subdivision proposal.
16. Removal of the chicken coop and corn crib before the CSM is recorded or a letter of credit to be provided, amount to be determined by the Town Building Inspector. Town will remove the buildings if they are not gone

within one year. Also an agreement to allow the Town on the property to determine the removal costs and to remove the buildings if necessary.

Second by Commissioner bratz, all in favor; motion passed.

**Town Board action:** Motion by Supervisor Wrasman to accept the recommendation of the Planning Commission with all of the general and specific conditions discussed. Second by Supervisor Boucher, all ayes, motion passed.

**8. Concept review of a 5-lot certified survey map for property located at S66W29112 CTH I (MUKT1877997); Mary Jane Baker Revocable Living Trust, developer (Bob Prestby, agent)**

The Planner reviewed his staff report dated February, 3, 2022.

Discussion followed. Lori and Bob Prestby were online to answer questions. The access points were of some concern because of hills. Town will be looking for confirmation from the County that these access points are safe.

**Plan Commission action:** Motion by Chairman Topczewski approve the conceptual design of the two-lot CSM, subject to the following conditions with the inclusion of condition 13:

1. The layout of the lots in the final CSM must substantially comply with the layout depicted in the conceptual CSM. (OR as revised at the meeting)
2. The final CSM must comply with the Town's land division regulations (ch. 34), and any requirements in ch. 236, Wis. Stats.
3. The petitioner must apply for and receive approval for a waiver of the depth to width ratio for Lot 3 consistent with Article 13 of Chapter 34 of the municipal code.
4. The petitioner must record a shared access agreement, as approved by the Town Attorney, for Lots 1 and 2 and a separate agreement for Lots 4 and 5. The size of the shared access must be clearly depicted on the CSM.
5. The owner's certificate on sheet 4 should include "dedicated" in the first sentence. The Town engineer must review the CSM and approve of the same.
6. Floodplain limits must be shown on the face of the CSM. If none exist, so note.
7. Remove the signature block for the Plan Commission. The commission is advisory only.
8. Verify if the signature block for the County on sheet 5 is actually required in this instance.
9. The location of the three buildings and the well must be depicted along with explanatory notes as approved by the town planner.
10. Add the following notation to the CSM.
  - All private driveways must comply with the Town's standards in Chapter 14 of the municipal code.
11. 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.
12. The petitioner must obtain all necessary approvals as specified in s. 236.34(1), Wis. Stats.
13. Any buildings that may have been removed on the properties be show on the CSM.

Second by Commissioner Usarek, all in favor; motion passed.

**9. Amend the zoning code with regard to ground-mounted solar arrays and other matters (Ordinance 2022-O-57)**

Mr. Schwecke gave an overview of his staff report February 3, 2022. Discussion followed.

The Chairman opened the Public Hearing and asked for any comments.

Bill Moulas, W327S7265 Sandie Ln. spoke in favor of the updated Code. Mr. Moulas also commented on the restriction of only 15ft height.

Supervisor Boucher stated more height could be petitioned for in a Special Exception. The Planner noted the 15' limit could not be changed as that is what was published in the Public Hearing Notice.

Chairman Topczewski asked for any further comment. Hearing none he closed the Public Hearing.

**Plan Commission action:** Motion by Chairman Topczewski to recommend to the Town Board the adoption of the proposed ordinance based on the findings included in the ordinance subject to the review and approval of the Town Attorney. Second by Commissioner Bratz, all in favor; motion passed.

**Town Board action:** Motion by Supervisor Boucher to table the proposed ordinance to the next Town Board. Second by Chairman Topczewski, all in favor; motion passed.

#### **10. Amend the zoning map (Ordinance 2022-O-58)**

Chairman discussed the reason for these changes. The Planner stated he had only a couple of phone calls asking for an explanation as to what this was about.

The Chairman opened the Public Hearing and asked for any comments. Hearing none he closed the Public Hearing.

**Plan Commission action:** Motion by Chairman Topczewski to recommend to the Town Board the adoption of the proposed ordinance based on the findings included in the ordinance subject to the review and approval of the Town Attorney. Second by Supervisor Clabault, all in favor; motion passed.

**Town Board Action:** Motion by Supervisor Wrasman to adopt the proposed ordinance as recommended by the Plan Commission. Second by Chairman Topczewski, all in favor; motion passed.

#### **Miscellaneous updates (if any)**

A. Phantom Lake Management District nothing

B. Fox River Commission nothing

#### **Adjournment**

**Plan Commission action:** Motion by Chairman Topczewski, second by Commissioner Usarek to adjourn at 7:33 p.m. All ayes, motion passed.

**Town Board action:** Motion by Chairman Topczewski, second by Supervisor Clabault to adjourn at 7:33 p.m. All ayes, motion passed.

Respectfully submitted,