

**PROCEEDINGS OF THE TOWN OF VERNON PLAN COMMISSION**

**Thursday, February 8, 2007**

**6:30 P.M.**

**At the Vernon Town Hall in the Meeting Room**

**W249 S8910 Center Drive**

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1. Chairman Kunert called the Plan Commission meeting to order. The Plan Commission recited the pledge of allegiance.
2. **Roll Call.** Commissioners, Craig, Johnson, Bauer, Bartholomew, Chairman Kunert, Town Planner Brian Turk, Waukesha County Representative Amy Barrows, Deputy Clerk Stefanich Town Engineer Tom Ludwig and Chief Buchholtz. Chairman Kunert announced Supervisor Paff will be arriving late and Commissioner Benkowski has an excused absence.
3. **PLEASE TAKE NOTICE** that the Plan Commission of the Town of Vernon, Waukesha County, Wisconsin, will hold a Public Hearing at 6:30 PM on Thursday February 8, 2007 at the Vernon Town Hall, W249 S8910 Center Drive, to consider the adoption of an amendment to the Master Plan's Land Use Map. Specifically, all areas currently designated as Agricultural (10 acres per dwelling unit) to be designated as Rural Residential (5 acres per dwelling unit). Said amendments are intended to be consistent with the Waukesha County Development Plan, which currently designates all said areas as having a density of 5 acres per dwelling unit. All interested parties will be given an opportunity to be heard. *(For further information, please check the map on file at the Town Hall)*

**Chairman Kunert called the public hearing to order at 6:34 pm and read the published notice.**

Planner Turk explained the area currently designated as Agricultural (the area in white on the Town of Vernon's Land Use Map) is the area to be considered by this amendment to the Master Plan. Planner Turk stated the reason to change would be for consistency with the neighboring community's extraterritorial areas. Planner Turk stated his recommendation is that the Plan Commission hold the public hearing, and consider the adoption of Resolution 2007-01 by roll call vote.

There was discussion regarding the 10 acre density having problems with wet ground and the inability for development. Planner Turk stated the majority of these areas are currently zoned AD 10 and if this is adopted one of the next steps would be to petition the county rezone the areas with 5 acre densities. Waukesha County Representative Amy Barrows explained the current densities and their requirements in Waukesha County, its similarities and its differences from the Town of Vernon. There was discussion on prime agricultural lands, classes of soils and rezoning issues in the Town of Vernon vs. Waukesha County.

**PUBLIC COMMENTS: None**

**Chairman Kunert stated there are no further public comments and adjourned the public hearing at 6:42pm.**

4. **Discussion and action** to adopt Resolution #2007-01 to adopt an amendment to the Master Plan's Land Use Map. Specifically, all areas currently designated as Agricultural (10 acres per dwelling unit) to be designated as Rural Residential (5 acres per dwelling unit).

**MOTION** Commissioner Bauer moved to adopt Resolution #2007-01, A Resolution to adopt an amendment to the Master Plan's Land Use Map. Specifically, all areas currently designated as Agricultural (10 acres per dwelling unit) to be designated as Rural Residential, seconded by Commissioner Bartholomew, carried by Roll Call Vote.

**ROLL CALL VOTE:**

<b>Chairman Kunert:</b>	<b>YES</b>
<b>Commissioner Craig:</b>	<b>YES</b>
<b>Commissioner Johnson:</b>	<b>YES</b>
<b>Commissioner Bauer:</b>	<b>YES</b>
<b>Commissioner Bartholomew:</b>	<b>YES</b>

5. **Immediately following the above noticed public hearing** another Joint Public Hearing will be held by the Town of Vernon Plan Commission and a Staff Representative of the Waukesha County Department of Parks and Land Use, at approximately 6:45 p.m., at the Vernon Town Hall, located at W249 S8910 Center Drive, Big Bend, WI, 53103, to consider the rezoning request **(CZ-1641)** of **Philip Link, S103 W24870 Forest Home Ave., Mukwonago, Wisconsin 53149** and Links Acres Inc., S101 W24575 Forest Home Ave., Big Bend, Wisconsin 53103, to amend the District Zoning Map of the Waukesha County Zoning Code, **from the AD-10 Agricultural Density-10 District to the R-1 Residential District** to allow the division of a 22.8-acre parcel into two (2) lots and to adequately zone an existing lot. All lands zoned C-1 Conservancy District will remain unchanged. The properties to be rezoned are Lot 1 and Lot 2 of Certified Survey Map No. 10169, located in part of the SW ¼ of the SW ¼ of Section 27, Town of Vernon. More specifically, the properties are located on the west side of C.T.H. "L", Forest Home Avenue.

**Chairman Kunert called the public hearing to order at 6:43 pm and read the published notice.**

Planner Turk stated this issue has been before the Commission in a conceptual format and stated the Links are proposing to create one new buildable lot for a family member. He stated a division in 2006 left the parent property deed restricted for one dwelling unit in the AD-10 zoning. He stated this lot is affected by the recent Master Plan amendment to revert to 5 acre density from 10 acre density and with the adoption in place the property is no longer in need of the deed restriction and a release is appropriate at this time. The property is within the extraterritorial land division jurisdiction of the City of Muskego. He stated a waiver and modification is needed for the northerly lot line not being at a right angle of Forest Home Avenue. He also stated there are final technical corrections as well as recommendations following the close of the public hearing.

Waukesha County Representative Amy Barrows reviewed the area involved and the requirements needing to be addressed. She stated the petitioners are proposing to rezone lots one and two to R1 residential. She discussed the access to lot 2, the alignment with Center Drive and lot 2, and zoning recommendations. She also stated the soils are recommended to be perked for seasonal high ground water to allow for a suitable septic system and basement and grading restrictions may also be a concern for the construction of a new home. She recommends to the Plan Commission the maintenance of a 5 acre density and no more land divisions. There was discussion regarding the length vs. width ratios, the need for a waiver, maximum development and further development to lot 1. There was discussion regarding the access to lot 2 and the location of the wetlands and further development of lot 1.

**PUBLIC COMMENTS:**

**Ruth Ann Link, S101 W24575 Forest Home Avenue**, explained the County's concern with the use of lot 2 and she stated their intension is to use that land for crops as much as possible. She stated Norris has expressed an interest in purchasing the land adjacent to lot 2 and that a possible sale would take place in the future.

**Chairman Kunert stated there are no further public comments and adjourned the public hearing at 7:05pm.**

6. **Discussion and action** and recommendation to the Town of Vernon Town Board of Supervisors and the Waukesha County Zoning Agency, to consider the rezoning request **(CZ-1641)** of **Philip Link, S103 W24870 Forest Home Ave., Mukwonago, Wisconsin 53149** and Links Acres Inc., S101 W24575 Forest Home Ave., Big Bend, Wisconsin 53103, to amend the District Zoning Map of the Waukesha County Zoning Code, **from the AD-10 Agricultural Density-10 District to the R-1 Residential District.**

**MOTION** Commissioner Bartholomew moved to recommend to the Town of Vernon Town Board of Supervisors and the Waukesha County Zoning Agency approval of the rezoning request **(CZ-1641)** of **Philip Link, S103 W24870 Forest Home Ave., and Links Acres Inc., S101 W24575 Forest Home Ave., Big Bend, to amend the District Zoning Map of the Waukesha County Zoning Code, from the AD-10**

**Agricultural Density-10 District to the R-1 Residential District, subject to the Planner's following conditions:**

- 1) **The rezoning shall not be in full force and effect until the Town of Vernon Planning Commission and County Zoning Agency have approved and recorded the Certified Survey Map submitted concurrent with this rezoning petition in substantial conformity with the presentation made to the Plan Commission at their meeting of February 8, 2006, except as further restricted herein, and as modified and further restricted by the comments and concerns of the Plan Commission at the hearing and in their meeting(s) following the public hearing.**
2. **Lot 2 of said CSM having development rights for no more than 3 residential dwelling units, in accordance with the density limitations of the Town of Vernon Master Plan (as amended), and the Waukesha County Development Plan.**
3. **Prior to the rezoning being in full force and effect, the Applicant shall obtain approval of soil boring logs and data from the County Environmental Health Division and Town Engineer. Such borings and logs must demonstrate that the soil conditions on Lots 1-2 are suitable for residential development with approvable on-site sanitation systems. Said soil logs and data must also demonstrate that there are no basement elevation restrictions caused by hydric soil conditions, seasonal high ground water conditions, or any other condition deemed unacceptable by the County Environmental Health Division or Town. No assurance of sanitary systems or basement elevation approval is included herein.**
4. **Prior to the rezoning being in full force and effect, the Applicant shall obtain SEWRPC concurrence with all environmental corridor boundaries and isolated natural resource area boundaries, and the Applicant shall provide written evidence of same to the Town Planner and County Zoning Agency.**
5. **Professional Fees. Applicant shall, on demand, reimburse the Town of Vernon 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 conditional approval due to a violation of these conditions.**
6. **Payment of Charges. Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, 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.**
7. **Subject to the Applicant satisfying all of the aforementioned conditions within one (1) year of granting this conditional approval.**

**Seconded by Commissioner Johnson, carried by voice vote.**

7. **Discussion and action to consider the following items for Philip Link, S103 W24870 Forest Home Ave., Mukwonago:**
  - a. **Town of Vernon Certified Survey Map Checklist**

**MOTION** Commissioner Bauer moved to approve the Certified Survey Map Checklist for Philip Link, S103 W24870 Forest Home Ave., seconded by Commissioner Craig, carried by voice vote.

b. Final Certified Survey Map

**MOTION** Commissioner Bauer moved to recommend to the Town of Vernon Town Board of Supervisors approval of the Final Certified Survey Map for Philip Link, S103 W24870 Forest Home Ave., subject to the following Planner's conditions:

1. The applicant satisfying all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including the Waukesha County Environmental Health Division and Waukesha County Land Resources Division, and Waukesha County Zoning Agency.
2. Receipt of all other required signatures being inscribed on the submittal, prior to the Town affixing any required signatures to the approved survey document.
3. The applicant reimbursing the Town of Vernon 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 conditional approval due to a violation of these conditions.
4. The applicant paying any unpaid bills owed to the Town of Vernon for the Subject Property or by the applicant or his or her agents, 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.
5. Subject to the applicant satisfying all of the aforementioned conditions within one (1) year of the Town Board granting this conditional approval.

Seconded by Commissioner Johnson, carried by voice vote.

c. Waiver and Modification of the Town of Vernon Land Division and Development Control Ordinance

**MOTION** Commissioner Bauer moved to approve the Waiver and Modification of the Town of Vernon Land Division and Development Control Ordinance, to Section 200-37 (A) of the Land Division and Development Control Ordinance to permit the North lot line not perpendicular to Highway L, for Philip Link, S103 W24870 Forest Home Ave., seconded by Commissioner Bartholomew, carried by voice vote.

d. Release of Deed Restriction

**MOTION** Commissioner Bauer moved to recommend to the Town of Vernon Town Board of Supervisors the Release the Deed Restriction for Philip Link, S103 W24870 Forest Home Ave., seconded by Commissioner Craig, carried by voice vote.

8. Immediately following the above noticed public hearing, another Joint Public Hearing will be held by the Town of Vernon Plan Commission and a Staff Representative of the Waukesha County Department of Parks and Land Use, at approximately 7:00pm, to consider and recommend to the Town of Vernon Town Board of Supervisors and the Waukesha County Zoning Agency, the rezoning request (CZ-1640) of **Mary Sipek, S88 W25530 Edgewood Avenue, Big Bend, Wisconsin**, to amend the District Zoning Map of the Waukesha County Zoning Code, **from the A-5 Mini-Farm District to the R-1 Residential District** to allow the division of a 16.1-acre parcel into two (2) lots. All lands zoned C-1 Conservancy District will remain unchanged. The

property to be rezoned is located in part of the NE ¼ of the NW ¼ of Section 21, Town of Vernon. More specifically, the property is located at S88 W25530 Edgewood Avenue.

**Chairman Kunert called the public hearing to order at 7:01 pm and read the published notice.**

Planner Turk stated the applicant owns approximately 16-17 acres of land on the northwest corner of Hi-Lo Drive and Edgewood Avenue and is zoned A-5 Mini-Farm District, allowing one residence per 5 acres. He stated the property also includes lands zoned EC, along Horseshoe Brook. They now propose to split the parcel to create one new build able residential lot. Planner Turk stated the Applicant has previously had a pre-submittal meeting with the Town Planner and Town Engineer to review procedures. The Plan Commission reviewed the concept on August 24, 2006, and the consensus was to proceed with the land division. He stated the Town of Vernon Master Plan depicts the property to be agricultural at 5-acre densities and as such, the parent property is permitted three total dwelling units. Planner Turk stated the CSM is in compliance with planned densities for the area. However, the creation of a lot smaller than 5 acres in area requires a conditional rezoning. The applicants have applied for Conditional R-1 zoning, which permits 1 acre lots, and has agreed to density deed restrictions to limit the parent property to 2 total future dwelling units (this includes the existing house). There are already R-1 zoned parcels to the east and west of the subject property, which makes the request consistent with past actions of the Town and County. Lands currently zoned EC are not included in this rezoning petition. The property is not within any extraterritorial land division jurisdiction. Planner Turk stated the property is within Waukesha County Shoreland Jurisdiction. As noted in the conceptual review, the side lot lines of the new lot are not at right angles to Hi-Lo Drive and require a waiver and modification to the Land Division and Development Control Ordinance. In addition, the new lot does not have the desired 2:1 depth to width ratio, and would also require a waiver and modification. The technical review conducted by the Town Engineers found 10 items which should be addressed prior to receipt of signatures by the Town of Vernon and these can be found on file at the Town Hall.

Waukesha County Representative Amy Barrows reviewed the location of the property, the size, the right of ways involved, the wetland floodplain areas, the zoning requirements, the density requirements, the septic system location, the building and wetland setback requirements, the tributaries on the property and determination by the DNR of navigability of said tributaries. She also discussed shoreland boundaries, hen house setbacks, deed restriction language regarding the use of the building to house animals, density restrictions, high ground water requirements, grading and basement elevations concerns.

There was discussion regarding the driveway location. Engineer Ludwig stated at the time of construction the driveway will be verified and confirmed by the DPW Superintendent.

**Mary Sipek, S88 W25530 Edgewood Avenue.** Mary Sipek was questioned if the hen house was in use at this time. She stated the building is used for birds as well as for storage. Mrs. Sipek is willing to discontinue the hen house and only use the building for storage if needed. There was discussion if the hen house could be relocated and Mrs. Sipek stated the building used to be a horse stable and she has no desire to move the building. Waukesha County Representative Amy Barrows verified that the petitioner is allowed to have up to two accessory structures and therefore the petitioner would be able to build another building if she chose to.

**Supervisor Paff arrived at 7:15pm**

Engineer Ludwig clarified that any where there is a tributary there should be a drainage easement.

**PUBLIC COMMENTS: None**

**Chairman Kunert stated there are no further public comments and adjourned the public hearing at 7:25pm.**

- 9. Discussion and action** and recommendation to the Town of Vernon Town Board of Supervisors and the Waukesha County Zoning Agency, to consider the rezoning request (CZ-1640) of **Mary Sipek, S88 W25530 Edgewood Avenue, Big Bend, Wisconsin**, to amend the District Zoning Map of the Waukesha County

Zoning Code, from the A-5 Mini-Farm District to the R-1 Residential District to allow the division of a 16.1-acre parcel into two (2) lots.

**MOTION** Commissioner Craig moved to recommend to the Town of Vernon Town Board of Supervisors and the Waukesha County Zoning Agency approval of the rezoning request (CZ-1640) of Mary Sipek, S88 W25530 Edgewood Avenue, Big Bend, Wisconsin, to amend the District Zoning Map of the Waukesha County Zoning Code, from the A-5 Mini-Farm District to the R-1 Residential District to allow the division of a 16.1-acre parcel into two (2) lots, subject to the following Planner's conditions:

1. The rezoning shall not be in full force and effect until the Town of Vernon Planning Commission and County Zoning Agency have approved and recorded the Certified Survey Map submitted concurrent with this rezoning petition in substantial conformity with the presentation made to the Plan Commission at their meeting of February 8, 2006, except as further restricted herein, and as modified and further restricted by the comments and concerns of the Plan Commission at the hearing and in their meeting(s) following the public hearing.
2. Lot 1 of said CSM having development rights for no more than 2 residential dwelling units, in accordance with the density limitations of the Town of Vernon Master Plan (as amended), and the Waukesha County Development Plan.
3. Prior to the rezoning being in full force and effect, the Applicant shall obtain approval of soil boring logs and data from the County Environmental Health Division and Town Engineer. Such borings and logs must demonstrate that the soil conditions are suitable for residential development with approvable on-site sanitation systems. Said soil logs and data must also demonstrate that there are no basement elevation restrictions caused by hydric soil conditions, seasonal high ground water conditions, or any other condition deemed unacceptable by the County Environmental Health Division or Town. No assurance of sanitary systems or basement elevation approval is included herein.
4. Prior to the rezoning being in full force and effect, the Applicant shall obtain SEWRPC concurrence with all environmental corridor boundaries and isolated natural resource area boundaries, and the Applicant shall provide written evidence of same to the Town Planner and County Zoning Agency.
5. Prior to the rezoning being in full force and effect, the Applicant shall obtain Wisconsin DNR Determinations of Navigability and depict same on the Certified Survey Map. The Applicant shall provide written evidence of same to the Town Planner and County Zoning Agency.
6. Professional Fees. Applicant shall, on demand, reimburse the Town of Vernon 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 conditional approval due to a violation of these conditions.
7. Payment of Charges. Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, 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.
8. Subject to the Applicant satisfying all of the aforementioned conditions within one (1) year of granting this conditional approval.

Seconded by Commissioner Johnson, carried by voice vote, with one abstention from Supervisor Paff.

**10. Discussion and action** to consider the following items for **Mary Sipek, S88 W25530 Edgewood Avenue, Big Bend:**

- a. Town of Vernon Certified Survey Map Checklist

**MOTION** Commissioner Craig moved to approve the Certified Survey Map Checklist for Mary Sipek, S88 W25530 Edgewood Avenue, Big Bend, subject to the following Engineer's corrections:

1. Although we have reviewed a reduced copy, it appears that the graphic scale does not match the scale of the drawing. Please clarify.
2. The adopted Official Map of the Town of Vernon designates Edgewood Avenue as being an 80 foot wide ultimate right-of-way. This requires a dedication of 40 feet from centerline, whereas 33 feet is depicted.
3. There is no mortgagee statement on the CSM. Since there is dedication of right-of-way, the mortgagee must sign, assuming there is a mortgage on the property. Please clarify / correct if needed.
4. The elevation of the 100-year floodplain boundary should be indicated on the CSM.
5. The ordinary high water mark must be shown for Horseshoe Brook. Please correct.
6. A minimum 40' wide drainage easement must be provided on Horseshoe Brook. A drainage easement must also be provided on the low area located adjacent to the brook at the southwest corner of the parcel. The easement should grant the Town the right but not the responsibility to enter upon the property and remedy drainage problems.
7. The Waukesha County shoreland jurisdictional line is shown on the map; however, the location is confusing especially on Lot 2. Please provide a detail.
8. Designate the location of the Primary Environmental Corridor (PEC). Based on information from the Waukesha County GIS, a substantial part of Lot 2 is in the PEC and will be subject to the restrictions on Sheet 3 of 3, which may limit building on this lot (see attached GIS map). The PEC line will need SEWRPC concurrence.
9. The legend shows open circles for pipes that were set at property corners; however, no open circles are shown on the map. Please clarify.
10. Indicate the location of all wells on the site and the distance away from a septic facility (minimum 100 feet). Please clarify / correct if needed.

**Seconded by Commissioner Bauer, carried by voice vote.**

- b. Final Certified Survey Map

**MOTION** Commissioner Bauer moved to recommend to the Town of Vernon Town Board of Supervisors approval of the Final Certified Survey Map for Mary Sipek, S88 W25530 Edgewood Avenue, Big Bend, subject to the following technical corrections:

1. The Applicant satisfying all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including the Waukesha County Environmental Health Division and Waukesha County Land Resources Division, and Waukesha County Zoning Agency.
2. Prior to registering the CSM, the Town Board executing and registering the density Declaration of Restriction on the Sipek property in the form approved by the Town Attorney.
3. Receipt of all other required signatures being inscribed on the submittal, including Waukesha County signatures, prior to the Town affixing any required signatures to the approved survey document.
4. The Applicant reimbursing the Town of Vernon 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 conditional approval due to a violation of these conditions.

5. The Applicant paying any unpaid bills owed to the Town of Vernon for the Subject Property or by the Applicant or his or her agents, 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.
  6. Subject to the Applicant satisfying all of the aforementioned conditions within one (1) year of the Town Board granting this conditional approval.
- seconded by Commissioner Johnson , carried by voice vote.

- c. Waiver and Modification of the Town of Vernon Land Division and Development Control Ordinance

**MOTION** Commissioner Bartholomew moved to approve the Waiver and Modification of the Town of Vernon Land Division and Development Control Ordinance to Section 200-37(F) of the Land Division and Development Control Ordinance to permit a lot without the desired 2:1 depth to width ratio and Section 200-37(A) of the Land Division and Development Control Ordinance to permit a side lot line that is not at a right angle to the street right-of-way for Mary Sipek, S88 W25530 Edgewood Avenue, Big Bend, seconded by Commissioner Craig , carried by voice vote.

- d. Deed Restriction

**MOTION** Commissioner Bauer moved to approve the Deed Restriction for Mary Sipek, S88 W25530 Edgewood Avenue, Big Bend, seconded by Commissioner Bartholomew, carried by voice vote.

11. **Immediately following the above noticed public hearing** a public hearing will be held by the Town of Vernon Plan Commission to consider the Hobby Kennel License application of **Kevin Lucht of W273 S8840 Ridgeway Rd., Mukwonago** for a total of 3 dogs, which are: one (1) Labrador, one (1) Labrador mix and one (1) Boston Terrier, all dogs are proposed to be kept indoors.

**Chairman Kunert called the public hearing to order at 7:20 pm and read the published notice.**

Planner Turk stated the applicant resides on Ridgeway Drive, and seeks approval for a hobby kennel, to keep three (3) dogs. Breeds are Labrador; Labrador Mix, and Boston Terrier. They propose to keep the dogs indoors, with no outside fencing. An electric / wireless fence is proposed along all lot lines. No outdoor fencing or kennel is proposed at this time, as the dogs will be kept indoors. The applicant has advised the Town Planner that waste will be removed through residential trash collection or composting. The Plan Commission should review this with the applicant. The applicant has provided all licensing and vaccination papers. There was discussion on the vaccinations and licensing of the dogs. Mr. Lucht stated the dogs are all females and are all spayed. There was discussion on the existing electric fence and its location.

**PUBLIC COMMENTS:** none

**Chairman Kunert stated there are no further public comments and adjourned the public hearing at 7:34pm.**

**12. Discussion and action on the Hobby Kennel License application for Kevin Lucht of W273 S8840 Ridgeway Rd., Mukwonago, for a total of 3 dogs.**

**MOTION** Commissioner Johnson moved to approve the Hobby Kennel License request for Kevin Lucht of W273 S8840 Ridgeway Rd., Mukwonago, for a total of 3 dogs, subject to the following conditions:

1. The license is valid for a maximum of three (3) dogs, breeds being Labrador; Labrador Mix, and Boston Terrier.
2. The applicant annually obtaining and maintaining current dog licenses from the Town of Vernon.
3. The applicant annually providing the Town of Vernon Treasurer proof of all required vaccinations.
4. The applicant granting the Town of Vernon the right to inspect the premises at any time deemed reasonable for any proper purpose related to the hobby kennel approval, and application for and receipt of a hobby kennel application shall be deemed to so authorize the Town to inspect as described herein.
5. The Town Plan Commission reserves the right to rescind its approval of the hobby kennel license based upon a finding that the use is incompatible and a nuisance to the surroundings, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided the applicant is given an opportunity to be heard on the matter, and if so rescinded, the applicant shall immediately be subject to the Waukesha County Zoning Code, or Town of Vernon Zoning Code as may be applicable, regarding the number of dogs permitted on the property, as though there were no hobby kennel license granted.
6. The hobby kennel not being used for commercial purposes in any manner.
7. This hobby kennel license is not transferable to any future new owners of the property, or to new owners of the dogs referenced above, or to a different property.
8. Professional fees. Petitioner shall, on demand, reimburse the Town of Vernon 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 conditional approval due to a violation of these conditions.
9. Payment of Charges. Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, 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.

**Seconded by Commissioner Bartholomew, carried by voice vote.**

**13. Waukesha County Zoning Code Violations Update**

Planner Turk stated a different format is being instituted; listing the violations by the Waukesha County staff member who issued the violation order for easier tracking measures. He also stated Dale Shaver will be copied in all correspondences for future updates from his staff. Planner Turk commented on the update regarding Moeller Disposal and that they are in the process of filing for annexation to Village of Big Bend. Supervisor Paff questioned where this issue goes from here and Planner Turk suggested copying the file and forwarding it to Big Bend. Supervisor Paff requested any update from Dale Shaver at the next Plan Commission meeting and stated his concern with how Waukesha County is addressing the violations and enforcing them.

**14. CORRESPONDENCES:**

- a. Information submitted from Tim Ristow and Jeff Marena regarding the legality of firework permits

- b. Letter from Attorney Macy regarding firework permits
- c. Letter from Wisconsin Town's Association regarding firework permits

There was discussion on the explanation of how the existing firework retail stores are operating legally. There was discussion on the issuing of permits for possession and not for the sale or use of fireworks. Supervisor Paff suggested designating a Town official to sell the permits on site in order to regulate the issuing of permits on the Town's behalf. He also stated a concern with the sale of permits to a group, the liabilities, and the challenges of this permitting process. Supervisor Paff stated he would visit a retail store and obtain as much information as he could to aide in this process for the Town of Vernon.

**15. Minutes For Approval:** January 11, 2007

**MOTION** Supervisor Paff moved to approve the January 11, 2007 minutes as printed, seconded by Commissioner Johnson, carried by voice vote, with one abstention from Commissioner Bartholomew.

**16. Next Meeting:** February 22, 2007

**17. Adjourn.**

**MOTION** Commissioner Bartholomew moved to adjourn, seconded by Commissioner Craig, carried by voice vote.

Meeting adjourned at 7:37pm.

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Christine Stefanich  
Deputy Clerk/Plan Commission  
Town of Vernon  
Waukesha County

APPROVED:

As printed ( )  
With corrections ( )

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Alan Kunert, Chairperson  
Town of Vernon

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Date