

**OTTAWA PLAN COMMISSION**  
**October 6, 2014**

**Public Hearing**

Chairman Arrowood reconvened the public hearing that was adjourned from the September 8, 2014 meeting. Town Planner Sandy Scherer read the updates and recommendations from her Planner Report.

The following is a copy of the Planner's revised Report:

**TOWN OF OTTAWA**  
**PLANNER REPORT AND RECOMMENDATION**  
**CONDITIONAL USE AND SITE PLAN/PLAN OF OPERATION**

<b><u>DATE:</u></b>	<b>October 6, 2014</b>	<b>SENT VIA EMAIL</b>
<b><u>FILE NO(S):</u></b>	SCU-256I and PO-14-OTWT-2	
<b><u>OWNER:</u></b>	Lee Bleecker W359 S1655 STH 67 Dousman, WI 53118	
<b><u>APPLICANT/OPERATOR:</u></b>	Robert Laue W363 S2767 Mill Pond Road Dousman, WI 53118	
<b><u>NAME OF OPERATION:</u></b>	Laue's Landscapes and Design Solutions 1614 STH 67 Dousman, WI 53118	
<b><u>TAX KEY NO.:</u></b>	OTWT 1590.997	

**LOCATION:**

The property in question is part of the NW ¼ of Section 2, T6N, R17E, Town of Ottawa. More specifically, the property is located at W359 S1614 STH 67, Dousman, WI, 53118, containing approximately 50 acres. However, the subject premises contains approximately 0.5 acre.

**ZONING CLASSIFICATION(S):**

Q-1 Quarrying, **EC Environmental Corridor**, and C-1 Conservancy

### **EXISTING LAND USE(S):**

Mining of sand under the water body, and approval for a Contractor's Yard Conditional Use (CU) on a property where quarrying is a permitted use, while limiting the sale of landscape materials and the storage of vehicles and equipment related to the landscape material operation on a portion of the subject property. The current permitted uses are: sale of mulch, decorative stone, washed stone, cobblestone, bricks, blocks, fieldstone, stacked limestone on pallets, pavers, top soil, compost, sand, traffic bond, straw, wire metal topiary framework containers not containing plant material, annuals and perennials; seasonal sale of Christmas Trees only (Thanksgiving until December 31<sup>st</sup>); a 15' x 30' greenhouse, an 8' x 26' job trailer with a post light and revised signage location on the trailer; display area by job trailer; landscaping; and six employees (one full time and five part time).

### **REQUESTED LAND USE(S):**

Amendments to the existing Conditional Use (SCU-256H) and Site Plan/Plan of Operation (PO-09-OTWT-1) for a Contractor's Yard on a property where quarrying is a permitted use, to include, but are not limited to, the following changes per **Exhibits A, A-1 Rev. 1 (revised), and A-3 (revised)** attached: clarification of the size of the job trailer (**8' x 26.6'**) and existing greenhouse (**approx. 15' x 40'**) and possible reconfiguration of these structures; new greenhouse (maximum size of 15' x 40'); expand display areas/hardscaping **per Revised Exhibit A-3 to include a water feature, pergola (14' x 13'), display only fire pit, outdoor kitchen, and planting beds**; increase the size of the lease area plan **to an overall size of 285' x 165' (original Exhibit A from SCU 256 G and H delineated the size as 120' x 165')** and increase the number of storage bins (not to exceed 30, bin area to increase by 45' x 90'); add **an additional 24'** of landscaping **along STH 67**; amend existing vehicle/equipment list **to include a maximum number**; amend the number of employees (**max. of 12**); and amend vehicle and equipment parking/storage and maneuvering areas on the Site Plan (**original Exhibit A from SCU 256 G and H**).

### **COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLANS (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF OTTAWA:**

The County's Plan designates the property as Extractive, Primary Environmental Corridor (PEC), and Recreational (Glacial Drumlin Trail). The Town's Plan designates the property as Extractive, Upland Environmental Corridor 5 Acre Density, and Lowland Environmental Corridor/Conservancy. The proposal conforms with both plans.

**PUBLIC HEARING DATE:** September 8, 2014, **continued on October 6, 2014**

### **PLANNER COMMENTS:**

### **HISTORY OF THE LANDSCAPE OPERATION USE ON THE SUBJECT PROPERTY:**

**2007** – Initial CU and Site Plan/Plan of Operation (SPPO) was approved for the use, but conditions were not complied with and therefore a permit was never issued.

**2009** – Amendments were requested and approved. Permits were issued.

**2012-2013** – Complaints were received and pursued. After the operator appeared before the Plan Commission, an inspection of the property was conducted which revealed the trees and bushes, and the Mud Tech signage, vehicles and equipment had been removed from the site. There was no evidence of any snowplow vehicles, equipment, or materials in the CU area. No grass seed, fertilizer or salt was observed at the time of the inspection; however, there was quite a bit of firewood strewn about the site. The inspection also revealed two dumpsters and some type of storage container that had not been previously permitted to be stored on the site. The violation was pursued until the site achieved compliance.

**Early 2014** – The operator proposed some minor changes to the Site Plan (modifying the greenhouse, job trailer, hardscaping, and display areas), but it was determined that the existing operation was not in compliance with the approved Site Plan (mainly the size of the leased area had expanded and the number of bins and overall bin area had increased). Therefore, the operator has submitted this CU/SPPO request to not only bring the property into compliance with the pre-existing approval(s), but also to request amendments to the CU and SPPO.

#### **CURRENT REQUEST:**

The operator, RC Laue, is proposing to expand his existing business (refer to the Existing Land Uses section [above](#)), known as Laue's Landscapes and Design Solutions, which he operates from a portion of the property owned by Lee Bleecker commonly known as the Sand Pit in accordance with the Requested Land Uses section [above](#). The property has frontage on and access to STH 67. The Glacial Drumlin Trail also runs parallel to STH 67 along the front of the property. A sand mining operation is permitted to operate on the site with a CU and the property also contains PEC, a man-made lake, and wetlands.

In the past, the County Environmental Health Division (EHD) could not determine what method of private sewage disposal exists on the site, but did not object to the employees or the customers using the restroom facilities at the gas station across the street in the Village of Dousman. Since a greenhouse and pergola are proposed to be added (**after the fact**) to the lease area necessitating a Zoning Permit, a Preliminary Site Evaluation (PSE) approval from the County EHD may also be required. The operator previously indicated he has a dumpster across the street that can be used for this operation as well.

The area approved in 2009 for the Contractor's Yard is depicted on the Aerial Site Plan (**original Exhibit A from SCU 256 G and H**). There are concrete block storage bins for the storage of landscape materials. The types of materials approved and offered for sale are described under the Existing Land Uses section [above](#). The public can view the materials for sale, buy the materials on site and haul the material off site themselves, or the materials can be delivered by employees to off site locations. There is also a maneuvering area for vehicles to place materials in the bins and remove material from the bins. Finally, the operational area contains a parking and storage area for the vehicles and equipment associated with the landscape operation. The

types and numbers of vehicles and equipment are listed in the Plan of Operation on file as Exhibit C in the 2007 and 2009 CU files (SCU-256G and H). The office for the business is in a job trailer located on the site.

The applicant is requesting to increase the number of employees from one full time employee and five part time employees to a maximum of 12 employees, but generally there will only be 10 employees in total (one full time and five part time landscape employees, and four seasonal employees for the **off-site** snow plow portion of the business, **which is not part of this request or approval**). The retail sales will continue seven days a week between the hours of 7:00 am and 9:00 pm. The other amendments to the CU/SPPO are as described in the Requested Land Uses section **above** and in **Exhibit C (2014 version)** which is attached. **This includes a request for a maximum number of vehicles and equipment as follows: one (1) mini-excavator, two (2) trailers, six (6) skidsteers, and six (6) work vehicles (including the flatbed truck and International truck listed on previous versions of Exhibit C).**

**It should be noted the WDNR was notified of this Public Hearing and they responded that they had no comments on this particular application.**

#### **PLANNER RECOMMENDATION:**

**Based on the above information and the information gathered at the Public Hearing on September 8, 2014, and continued on October 6, 2014, it is recommended the Town Plan Commission recommend approval of the request to the Waukesha County Park and Planning Commission with the following conditions:**

1. The Conditional Use Permit shall apply only to that portion of the property identified on the **Revised Site** Plan attached hereto and incorporated by reference as Exhibit A-1 **Rev. 1** as the area for the proposed use, and more specifically described as follows: The proposed use subject to this conditional use approval, is limited to the subject premises, also known as part of OTWT 1590.997, and depicted on the **Revised Site** Plan (Exhibit A-1 **Rev. 1**), and can generally be described as follows: Commencing at a point 100 ft. due east of the centerline of the 100 ft. established road right-of-way width of STH 67 and at a point 230 ft. more or less north-northeasterly of the northeast corner of the current Goehner Industries building as it exists on March 2, 2009, located at W359 S1615 STH 67, Town of Ottawa, also known as Tax Key No. OTWT 1590.991.002 (the point of beginning), thence northeasterly, perpendicular to said centerline, **167** ft. more or less, thence northwesterly, parallel with said centerline, **224** ft. more or less, thence southwesterly, perpendicular to said centerline 165 ft. more or less, thence **southeasterly parallel with said centerline, 285** ft. more or less, to the point of beginning. Also to include an area along the east side of the fence line adjacent to the right-of-way of STH 67, west of the westerly most internal access road, and north of the driveway access point to STH 67 for a distance of approximately **154** ft. for the strictly limited purposes of installing permanent landscaping **and hardscape material display features**. The areas of use described in this conditional use shall be referred to herein as the “subject

premises”.

2. Future modifications to the approved use shall require an amendment to the Conditional Use and/or a Site Plan/Plan of Operation as required by the ordinances in effect at the time and in advance of said modifications and as further described herein.
3. The Town’s approval of the request is not the final approval. The Conditional Use and Site Plan/ Plan of Operation must also be reviewed and approved by the Waukesha County Park and Planning Commission prior to issuance of the Conditional Use Permit.
4. The storage of landscape materials on the subject premises shall be limited to the 45 ft. x **250** ft. area depicted on the **Revised Site Plan** (attached hereto and incorporated by reference as Exhibit A-1 **Rev. 1**) for “bins”. The parking and storage of vehicles and equipment related to the landscape business on the subject premises and fieldstone piles shall be limited to the 95 ft. x **250** ft. “parking/storage” area depicted on the **Revised Site Plan** (Exhibit A-1 **Rev. 1**). Only materials approved in the Plan of Operation (incorporated by reference as Exhibit C **2014**) may be stored and/or sold on the subject premises and only vehicles and equipment listed in the approved Plan of Operation (Exhibit C **2014**) may be parked/stored on the subject premises. **These are as follows: one (1) mini-excavator, two (2) trailers, six (6) skidsteers, and six (6) work vehicles (including the flatbed truck and International truck listed on previous versions of Exhibit C).** The only known item that has been added to Exhibit C since 2007/**2009** is the “Laue storage structure” (Exhibit D also referenced in #12 below). If any other items are currently on the subject premises they shall be immediately removed from the subject premises. In the event a dispute should arise over whether a piece of equipment and/or material is necessary to the landscaping business operating on the subject premises, the decision of the Town Plan Commission at a regularly scheduled Plan Commission meeting shall control. From time to time, the property owner may supplement the list of equipment to be used and/or materials to be stored and/or sold on the subject premises, but only with the agreement of the Town Plan Commission at a regularly scheduled Plan Commission meeting, as well as approval by the Waukesha County Park and Planning Commission at a regularly scheduled meeting whose decisions shall be final, and denial by either shall constitute complete denial of such supplement to the list. The storage of any other materials, vehicles, or equipment related to the uses permitted by this Conditional Use Permit, in areas other than what is approved herein and shown on the **Revised Site Plan** (Exhibit A-1 **Rev. 1**), is prohibited unless the Conditional Use is amended. Refer to #40(F) below for the amendment procedures.
5. The petitioner shall comply with all conditions of approval and obtain a Conditional Use Permit, Plan of Operation Permit, Zoning Permit, and a Building Permit (if required), and all other required licenses and permits for the use of the subject premises prior to **November 1, 2014** or the Town and the County may seek to revoke the Conditional Use approval and/or seek enforcement for violations of the zoning ordinances and codes.

6. The operation shall be in full compliance with all Federal, State, County, and local laws, rules, codes, ordinances, and regulations.
7. **All uses permitted in the zoning district(s) that affect the subject premises that is the subject of this Conditional Use are still permitted in conjunction with the approval of this Conditional Use Permit.**
8. The Town Plan Commission's decision regarding this matter shall be reviewed by the Town Planner and the Town Attorney as to form prior to the issuance of any permits and prior to the matter being forwarded to the Waukesha County Park and Planning Commission for consideration. In the event clarification is required, the item shall be referred back to the Town Plan Commission for clarification.
9. This Conditional Use is limited to the subject premises on the lot known as Tax Key No. OTWT 1590.997 (the entire lot referred to herein as the "subject property" or the "lot") as the lot is currently existing. If the size of the lot is proposed to be reduced, enlarged, and/or the parcel is proposed to be reconfigured in any way, upon such change this Conditional Use shall automatically terminate. In order to continue the use following such change to the lot, a revised Conditional Use Permit would need to be granted by the Town Plan Commission and the Waukesha County Park and Planning Commission and a revised Conditional Use Permit issued. The Town and the County reserve all rights in consideration of any such application, which will include, but not be limited to, a determination as to whether or not the use will continue to be compatible with new or existing surrounding uses.
10. The storage bins, job trailer, **pergola**, and greenhouse(s) shall all be located a minimum of 75' from any wetland, and a minimum of 50' from the base setback line of STH 67. The area designated on the **Revised Site Plan (Exhibit A-1 Rev. 1)** meets these criteria.
11. There shall be no sale or storage of salt material, fertilizers, gas, insecticides, **solvents, toxic waste, flammable materials**, or other chemicals on the subject premises in conjunction with the operation.
12. The sign must be located a minimum of 20 ft. from the base setback line of STH 67 (refer to the **Revised Site Plan – Exhibit A-1 Rev. 1**), and maintain 20 ft. offsets, and shall comply with all Town and County ordinance requirements. The details of the previously approved sign are a 4 ft. x 8 ft., non-illuminated, yellow vinyl sign with green lettering indicating the name and telephone number of the operation attached to the job trailer and to not exceed 20 ft. in height as measured from the ground surface. Any signage changes must be approved by the Town and the County Planning and Zoning Division (PZD) staff. No off premise signage for this use is allowed. No temporary signage is allowed. No advertising for other off premise businesses is allowed on the subject premises. The "Laue storage structure" (Exhibit D) shall **not** be used for signage or advertising and must be stored to the east of the bins in the parking/storage area. This storage structure is

- allowed to remain on site as an approved piece of equipment (refer to #4 above).
13. Only materials listed in the approved Revised Site Plan (incorporated herein by reference as Exhibit **A-1 Rev. 1**) and Plan of Operation (incorporated by reference as Exhibit C **2014**) may be stored and/or sold on the subject premises. The retail sale of horticultural items shall be limited to those grown, cultivated and produced on site by the operator. Therefore, annuals and perennials grown in the greenhouse are allowed to the extent they are included in the Site Plan, but the resale of the trees, bushes and topiary are not allowed as they are not grown on site by the operator, they are only being sold from the site and not allowed to be grown on the site. Exhibits **A-1 Rev. 1** and C list the following approved materials: mulch, decorative stone, washed stone, cobblestone, fieldstone, bricks, blocks, seasonal sale of Christmas Trees only (Thanksgiving until December 31<sup>st</sup>), stacked limestone on pallets, pavers, top soil, compost, sand, traffic bond, straw, annuals and perennials. The straw shall be stored along the side of the greenhouse and shall be covered.
  14. **A Zoning Permit from Waukesha County and a Building Permit from the Town of Ottawa are required for the existing greenhouse and pergola. The applicant has applied for the Zoning Permit and the Zoning Permit shall be issued in conjunction with the Conditional Use and SPPO Permits.**
  15. **Based on the new dimensions of the Material Bin Storage Area, there is a possibility of a maximum of approximately 28 bins located within this designated area on the Revised Site Plan (Exhibit A-1 Rev. 1). The applicant is requesting a maximum of 30 bins. Additionally, no more than ten (10) pallets of stacked limestone will be stored in the Material Bin Storage Area, and the straw shall be located behind the job trailer along the side of the greenhouse.**
  16. The bins shall be no more than 15 ft. in height unless otherwise restricted by the Town Plan Commission or the Waukesha County Park and Planning Commission in their consideration of the conditional use request.
  17. **A maximum of twelve (12) employees are permitted as follows: five part time employees, one full time employee, four (4) seasonal employees related to the snowplowing portion of the business but which is not conducted from the subject premises. This allows for the addition of two (2) employees.**
  18. **Six (6) parking stalls are required for the proposed operation to accommodate employees and customers, and the parking must be located a minimum of 10 ft. from the base setback line of STH 67. The 25 ft. x 250 ft. "maneuvering" area depicted on the Revised Site Plan (attached hereto and incorporated by reference as Exhibit A-1 Rev. 1) meets these criteria.**
  19. **Any additional landscaping added to the area along the fence line adjacent to STH 67 directly in front of the proposed use to the north side of the driveway entrance**

- (approximately **154** feet) **shall be similar to the landscaping that is existing in this area.** The operator should also work with the property owner to similarly landscape from the south side of the driveway entrance to the southern property line (approximately 230 feet). The area north of the proposed operation is not included in the proposed landscape area identified in this condition, as that area was to be restored in accordance with a court order regarding a fill violation. The intent of this condition is to install permanent landscaping that is properly maintained.
20. Retail days/hours of operation are restricted to seven days a week from 7:00 am to 9:00 pm. Employees may be on the subject premises outside of these hours, and deliveries may be made outside of these hours, provided that no sales occur and no customers are on site; however the Town Plan Commission reserves the right to further restrict this after hours use if complaints are received.
  21. None of the material piles shall be higher than 20 feet.
  22. This Conditional Use is granted specifically to the petitioner (which shall mean the property owner, Lee M. Bleecker, and the operator, Laue's Landscapes and Design Solutions, jointly and severally), for operations to be conducted only by this operator, Laue's Landscapes and Design Solutions. The Conditional Use is not transferable to different owners or to different operators. The Conditional Use is non-transferable and terminates upon any sale of the property or of the business.
  23. If it is determined that the proposed Conditional Use would in any way be incompatible with the adjacent land uses or represent an adverse effect or nuisance to adjacent land uses, the proposed Conditional Use shall not be approved in accordance with the Conditional Use provisions of the ordinance, and shall be subject to review and possible termination, as further described in #40(D) below.
  24. One display area approximately **32' x 77'** in size, **around** the job trailer, **pergola, and greenhouse for hardscaping, raised planting beds, outdoor kitchen, fire pit, and a water feature** is allowed. Any topiary display along the fence line adjacent to STH 67 is not allowed as this area must be permanently landscaped in accordance with Condition #19 above. **Any retaining type walls may not exceed 24 inches in height in the display area or in the landscaping area along STH 67.**
  25. **A minimum 20' wide access lane along the south side of the lease area shall be maintained in conjunction with the Sand Pit operation.**
  26. The proposed use is limited to the operational area depicted on the **Revised Site Plan (Exhibit A-1 Rev. 1).**
  27. A **current** copy of the lease agreement between the property owner (Bleecker) and the operator (Laue) shall be submitted to the Town Attorney for review and approval prior to

- the issuance of any permits. Information intended to remain confidential may be redacted, provided that the redacted document clearly shows that a binding lease agreement has been entered between the parties.
28. The petitioner shall allow the subject premises to be available for inspection by Town of Ottawa and Waukesha County officials at any reasonable time and upon reasonable notice.
  29. There shall be no sale of Christmas wreaths or boughs, lawn decorations or related items and there shall be no rental of equipment.
  30. No other businesses or business uses (such as a seal coat operation) shall occur on the subject premises. This Conditional Use does not terminate, diminish or affect the existing sand excavation quarrying operation on this lot, except that such quarrying operation must not be conducted on the portion of the lot that is identified herein as the subject premises.
  31. All pallets and other refuse from the operation shall be properly disposed of, recycled, or placed in the storage area to the east of the bins **as appropriate**. However, there shall be no storage of junk on the subject premises or any outdoor storage not expressly provided for in the Conditional Use Permit. **The area shall be properly maintained and any vehicles and equipment kept in good repair.**
  32. **The requested operation shall not be located within the area of disturbance/restoration area associated with the 2006 land altering activities and tree removal that occurred on the 50 acre parcel, nor within any C-1 Conservancy or EC Environmental Corridor areas located on the 50 acre property.**
  33. The petitioner shall submit to and receive approval from the Town Planner and the Waukesha County Planning and Zoning Division staff written proof that the Waukesha County Environmental Health Division has approved the proposed operation, prior to the issuance of any permits.
  34. State approved building plans, if required, shall be submitted to the Town Building Inspector for review and approval prior to the issuance of any permits.
  35. There shall be no exterior lighting on the subject premises related to this Conditional Use except for the existing post light.
  36. There shall be no manufacturing or processing of mulch and/or no screening of topsoil on the subject premises.
  37. The allowed uses on the subject premises must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reason of appearance, noise, dust, smoke, odor, or other similar factors.

38. **Changes approved herein but made beyond two years from the date of issuance of this CU Permit will require a revised CU/SPPO (for example the future greenhouse). All approved changes remain subject to any other required permits/approvals prior to their implementation.**
39. **There shall be no burning in the fire pit(s), and they shall be for display purposes only.**
40. Subject to and compliance with the following standard conditional use conditions:
  - A. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Town Plan Commission and the Waukesha County Park and Planning Commission for determination.
  - B. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this approval shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America, or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This approval shall not be deemed to constitute a zoning or building permit, nor shall this approval constitute any other license or permit required by Town ordinance or other law.
  - C. This conditional use hereby authorized shall be confined to the subject premises described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Town Plan Commission and the Waukesha County Park and Planning Commission as being in compliance with all pertinent ordinances.
  - D. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Town Plan Commission and the Waukesha County Park and Planning Commission, pursuant to the enforcement provisions of the Waukesha County Zoning Code and/or Shoreland and Floodland Protection

Ordinance.

- E. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the subject property or the subject premises), structures, lands or owners, other than as specifically authorized herein, shall require a revised permit and all procedures in place at that time must be followed.
- F. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this conditional use approval may be amended upon the prior approval of the Town Plan Commission and the Waukesha County Park and Planning Commission, if the Town Plan Commission and the Waukesha County Park and Planning Commission find the plan revision to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Town Plan Commission and the Waukesha County Park and Planning Commission feel, in their sole discretion, to be substantial, shall require a revised permit, and all procedures in place at that time must be followed.
- G. The Petitioner is obligated to file with the Town Clerk a current mailing address and a current phone number at which the Petitioner can be reached, which must be continually updated by the Petitioner if such contact information should change, for the duration of this conditional approval. If the Petitioner fails to maintain such current contact information, the Petitioner thereby automatically waives notice of any proceedings that may be commenced under this conditional approval, including proceedings to terminate this conditional approval.
- H. Should any paragraph or phrase of the conditional use approval be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use approval and the remainder of the approval shall continue in full force and effect.
- I. If any aspect of this conditional use approval, or any aspect of any plan contemplated and approved under this conditional use, is in conflict with any other aspect of the conditional use, or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Town Plan Commission and the Waukesha County Park and Planning Commission.
- J. The petitioner shall accept the terms and conditions of the conditional use approval in its entirety, in writing, **prior to the issuance of a Conditional Use Permit.**
- K. Professional Fees. The petitioner shall, on demand, reimburse the Town of Ottawa for all costs and expenses of any type that the Town incurs in connection with this Conditional Use, 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. *This condition is enforceable by the Town.*

- L. Payment of Charges. Any unpaid bills owed to the Town of Ottawa by the petitioner, property owner, or their 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 30 days of the billing by the Town, pursuant to Section 66.067, 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. *This condition is enforceable by the Town.*

If approved as conditioned, the business will continue to provide landscape materials and services to properties in the surrounding area, while not adversely affecting adjoining property owners, and the request meets the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance and the Town and County Comprehensive Development Plans.

Respectfully submitted,

*Sandra L Scherer*

Sandy Scherer  
Town Planner

Attachments:

Exhibit A (Original Aerial Site Plan from SCU 256 G and H)  
Revised Exhibit A-1 **Rev. 1** (Site Plan)  
Revised Exhibit A-3 (Site Plan Detail)  
Exhibit C (SPPO 2014 version)

**NOTES:** Changes from the September 8, 2014 report are in **bold font**. **There is no Exhibit B.**

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There being no comments, the public hearing was closed.

## **Plan Commission Meeting**

Chairman Arrowood called the regular meeting of the Ottawa Plan Commission to order. Roll call attendance was taken. Plan Commissioners Hausser, Franklin, Kershek and Mundschau were present as well as Supervisor Goodchild. Plan Commissioners Hanson and Weber were absent.

Chairman Arrowood moved to item number 5 on the agenda, regarding the request to amend an existing Conditional Use and Site Plan/Plan of Operation for Laue's Landscape and Design Solutions, on Lee Bleecker property located at 1655 State Road 67, Dousman, WI. Planner Scherer reviewed her Planner Report with the Plan Commission. It contained a brief history of the property in question and an explanation of the current request being made.

Chairman Arrowood inquired if six parking spots would be sufficient with employees and customers? Planner Scherer responded this was all that was required. Commissioner Kershek asked if the applicant had seen the requirements. Planner Scherer responded yes. Robert Laue was present in the audience, and spoke regarding recommendation #27. He stated that they do not have a lease. Commissioner Kershek asked if they were on a month to month agreement? Mr. Laue responded that they do pay monthly, there is no paper lease and the agreement was made on a handshake. Commissioner Kershek asked how they handled insurance? He added that there should be a written lease defining obligations of each party. Commissioner Kershek would like to modify condition #27 to require a written lease for the Town Attorney to review.

Chairman Arrowood asked if there was a motion based on the revised condition by Commissioner Kershek. Commissioner Kershek made a motion to accept the CU and SPPO request based on the conditions in the Planners report as well as revising condition #27 to include a written lease agreement. Commissioner Franklin seconded the motion and it carried.

Bill Buglass was present from Payne and Dolan regarding their 2014 Annual Report for the Dousman Aggregate Site. Chairman Arrowood stated that this is a review item, and no approval is needed. Chairman Arrowood noted that in previous reports from the site (formerly owned by Vulcan) the report included excavating plans, final stages, and more information. Planner Scherer stated that the Town could request a revised outline. Mr. Buglass added that the previous Vulcan report was repetitive, and he felt Payne and Dolan could be more brief, succinct and precise. They are more than happy to add additional information if needed.

Commissioner Franklin inquired about the 24 adjacent well owners and if they were being tested or measured? Planner Scherer responded that 11 out of 24 accepted testing, with some choosing not to participate. Mr. Buglass added that they had gone beyond the distance required to ask neighbors about testing and those that participated are all tested as of today.

Commissioner Kershek was interested in their crushing operations. Mr. Buglass stated that Payne and Dolan uses the site on a lesser basis for wholesale business and not retail.

There being no other comments, Chairman Arrowood stated the Town would accept the report and put it on file.

The third item on the Agenda was for the review of a Hobby Kennel Permit for Carol Chase, S23W35529 Parry Road, Oconomowoc, WI 53066. Ms. Chase was not in attendance. Chairman Arrowood stated that her request is for 3 dogs plus a foster dog. He added that since Ms. Chase was not here, and she had also not been at last month's meeting as required, we should send her a letter requesting her presence at the next meeting or we would withdraw her Hobby Kennel Permit. Commissioner Franklin fully supported that process. Supervisor Goodchild made a motion to table this item until the next Plan Commission Meeting on November 3, 2014 and to send Ms. Chase a letter informing her she needs to be in attendance or we will withdraw her permit. The motion was seconded by Commissioner Kershek and it carried.

A final CSM and necessary waivers for Patricia Kusik was discussed. The requested use is to combine two lots located on the east side of Lake Drive, approximately 60 feet south of Elsa Avenue, into one lot so a future owner may construct a single family residence on the site. The two lots combined would create a lot that is .53 acres in size.

Planner Scherer read through her Planner Report. The report is as follows:

**TOWN OF OTTAWA**  
**PLANNER REPORT AND RECOMMENDATION**  
**FINAL CSM**

SENT VIA EMAIL

**DATE:**

**October 6, 2014**

**OWNER/PETITIONER:**

Patricia Kusik  
18555 Hoffmann Avenue  
Brookfield, WI 53045

**SURVEYOR:** Bryce Kaczor, RLS  
Atlas Survey

**DATE OF CSM:** September 9, 2014

**DATE CSM RECEIVED:** September 10, 2014

**TAX KEY NO(S):** OTWT 1646.033 and .034

**LOCATION:**

Lots 9 and 10, Block C of School Section Lake Park, located in part of the NW ¼ of the SW ¼ of Section 16, T6N, R17E, Town of Ottawa. More specifically, the properties to be combined are located on the east side of Lake Drive, approximately 60 feet south of Elsa Avenue.

**LOT SIZE:**

The two lots combined will contain 0.53 acres (23,040 square feet) per the CSM, excluding the established 66' road right of way of Lake Drive, and have a minimum average width of 120 feet per the CSM.

**EXISTING USE(S):** Vacant

**REQUESTED USE(S):**

To combine the two lots into one so a future owner may construct a single family residence on the site.

**ZONING CLASSIFICATION(S):**

R-3 Residential (20,000 square feet, minimum average width 120 feet) under the Waukesha County Shoreland and Floodland Protection Ordinance.

**CONFORMANCE WITH THE WAUKESHA COUNTY COMPREHENSIVE DEVELOPMENT PLAN (WCCDP) AND THE TOWN OF OTTAWA COMPREHENSIVE DEVELOPMENT PLAN:**

The Town of Ottawa Comprehensive Development Plan is incorporated into the WCCDP. The WCCDP designates the property as Medium Density Residential (6,000 to 19,999 square feet per dwelling unit density). The proposal conforms with both plans.

**Kusik Final CSM – Town**

**October 6, 2014**

**Page 2**

### **SOIL TYPES:**

The properties contain well drained soils with 2-6 % slope (MxB).

### **SUBMITTAL OF SOIL TESTS:**

Soil tests have been submitted and indicate the site will require a mound type septic system. The area is within the Dousman Sewer Service Area. **Further evaluation of the soil tests revealed limiting factors for basement construction at approximately 3' below the ground surface. The maximum basement floor elevation will have to be provided in a note on the CSM. If fill is proposed, a grading plan will have to be submitted with the zoning permit. Excess grading and filling activities may require approval of a Conditional Use Permit by the Town and the County.**

### **PLANNER ANALYSIS:**

This CSM request is to combine the two lots into one. The properties are for sale and the buyer intends to purchase the properties and construct a new single family residence on the combined parcels. Eight feet has been dedicated for road ROW purposes along Lake Drive. Although the site is within the two-section wide Town trail corridor, there does not appear to be any opportunity for trail placement in conjunction with this CSM.

Relative to the Town's adopted Land Division Review Checklist and review of the **Final CSM**, the following is a list of comments/questions/concerns that need to be addressed and/or submitted in conjunction with the submittal of a **Revised Final CSM** to the Town Planner and the Town Engineer.

Item No. 2 is a potential Plan Commission action item.

1. Since this is a land combination, it is common to receive a request to waive the Preliminary CSM. The petitioner made such a request **in September and the request was granted by the Town**. The petitioner should note that, since the Town Engineer only reviews conceptual maps such as this upon request, and that request has not been made by the petitioner, if the Preliminary CSM submittal is waived, the Town Engineer's only opportunity to conduct a review of this CSM will be at the Final CSM submittal stage, and his comments will have to be addressed at that time in order to receive approval of the CSM.

2. Utility easements, as required by the Town of Ottawa Land Division and Development Ordinance and the Town Engineer, shall be shown on the Final CSM unless waived by the Town. An overhead utility easement has been shown on the CSM.
3. The Ordinance requires non-sewered lots to be no less than 150' in width and no less than 40,000 square feet in area. However this is an existing situation and the zoning only requires 20,000 square foot lots, with 120' in width. Therefore, a waiver was recommended **in September and granted by the Town.**
4. A Sanitary Permit shall be issued by the County EHD prior to the issuance of any permits for the construction of a residence on the CSM parcel.

**Kusik Final CSM – Town  
Page 3**

**October 6, 2014**

5. The Waukesha County Dept. of Parks and Land Use - Planning and Zoning Division must also review the CSM as it is within the Waukesha County Shoreland and Floodland Protection Ordinance Jurisdictional Limits. The CSM has been submitted to the County CSM Review Team and **they are in the process of** conducting their initial review. The County, by Ordinance, has 90 days in which to conduct their review.
6. The Town's Land Division and Development Ordinance requires the zoning district be listed on the CSM (R-3 District). **This information has not been added to the CSM.**
7. **The buyer indicated at the September Plan Commission meeting that he would not have a problem granting an easement to the property to the north for access to the cellar door; however this has not been reflected on the revised CSM.**
8. **Further evaluation of the soil tests revealed limiting factors for basement construction at approximately 3' below the ground surface. The maximum basement floor elevation will have to be provided in a note on the CSM. If fill is proposed, a grading plan will have to be submitted with the zoning permit. Excess grading and filling activities may require approval of a Conditional Use Permit by the Town and the County.**
9. Town of Ottawa Standard CSM Conditions:
  - A. Subject to the Developer satisfying all comments, conditions and concerns of the Town Planner and the Town Engineer, which includes compliance with the Town's adopted Land Division Review Checklist and Land Division and Development Ordinance; and all reviewing, objecting and approving bodies, which may include but not be limited to the State of Wisconsin Department of Commerce per Chapter 236, Wisconsin Statutes and Chapter COMM 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per Chapter 236, Wisconsin Statutes; the Waukesha County Department of

Parks and Land Use (including the Planning and Zoning Division, Parks System Division, Land Resources Division, and Environmental Health Division) and the Waukesha County Department of Public Works; as applicable, in regard to the Preliminary and Final CSM, and obtaining all necessary permits and approvals, prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.

- B. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, as applicable, approval of a Developer's Agreement for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.
- C. Subject to the Developer submitting to the Town Clerk and receiving approval as to form from the Town Attorney and as to amount from the Town Engineer, as applicable, a letter of credit or cash for the improvements (including all public, private, and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier.

- D. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, as applicable, approval of the final draft of the deed restrictions prior to prior to commencing construction of any improvement, whether public or private, or site development, or approval of the Final CSM, whichever is earlier.
- E. The 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 conditional approval due to a violation of these conditions.
- F. 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 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.

G.

H. Subject to the Developer applying for and receiving from the Town Plan Commission, Town Board, and Waukesha County, all necessary variances and waivers (if any) to the Waukesha County Zoning Code, the Waukesha County Shoreland and Floodland Protection Ordinance, the Waukesha County Shoreland and Floodland Subdivision Control Ordinance, and the Town of Ottawa Land Division and Development Ordinance prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final CSM, whichever is earlier. This conditional approval document shall not be read as providing any assurance or expectation that such variances or waivers will be granted, and shall not vest any right regarding the grant of such variances or waivers.

**Based upon the above information, it is recommended the Town Plan Commission recommend approval of the Final CSM and waivers to the Town Board for consideration.**

**PLEASE BE ADVISED THAT THE CSM MUST BE RECORDED WITH THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE WITHIN 90 DAYS OF THE FINAL APPROVAL BY THE TOWN BOARD OR IT IS REJECTED AND THE OWNER MUST RECOMMENCE THE ENTIRE CSM PROCEDURE, IN ACCORDANCE WITH THE TOWN'S LAND DIVISION AND DEVELOPMENT ORDINANCE.**

Respectfully submitted,

*Sandra L. Scherer*

Sandy Scherer

Town Planner

Note: Changes from the September 8, 2014 report are in **bold** font.

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There were also copies of the Town Engineers report made available to the Plan Commission members at the meeting. This report stated the following:



Your Infrastructure Ally

W233 N2080 Ridgeview Parkway • Waukesha, WI 53188-1020 • Tel. (262) 542-5733

October 6, 2014

Mr. Richard Arrowood  
Chairman  
Town of Ottawa  
W360 S3337 Highway 67  
Dousman, WI 53118-9709

RE: Patricia Kusik CSM

Dear Mr. Arrowood:

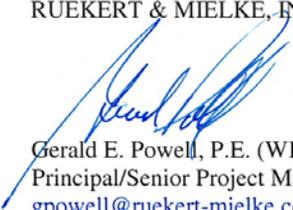
Per Town staff request, we have reviewed the attached Patricia Kusik CSM. We found all items to be in order, except:

1. Per the Town of Ottawa Code of Ordinances Chapter 18 sec. 4.02 (B) - asks that vertical be referenced to NGVD 1929. The surveyor should add a note stating that the contours shown reference that datum,
2. Per the Town of Ottawa Code of Ordinances Chapter 18 sec. 4.02 (D) - asks that the 100 year flood contour and the contour 2 feet above the 100 year flood be shown. It appears from the county GIS maps that the property is above those contours. If this is truly the case, the surveyor should include a note stating such.

As always, if you have any questions, please don't hesitate to call.

Very truly yours,

RUEKERT & MIELKE, INC.



Gerald E. Powell, P.E. (WI)  
Principal/Senior Project Manager  
[gpowell@ruekert-mielke.com](mailto:gpowell@ruekert-mielke.com)

GEP:lfc

Attachment

cc: Melissa Klein, Town of Ottawa  
Lori Geyman, Town of Ottawa  
Bruce Kaczor, Atlas Survey, 2826 Saint Andrews Court, Waukesha, WI 53188  
Sandy Scherer, Town Planner  
File

-Ottawa 76-10011 Patricia Kusik CSM > 200 Patricia Kusik CSM > Correspondence > Arrowood 20141006 Patricia Kusik CSM.docx-

Waukesha, WI

Kenosha, WI

Madison, WI

Itasca, IL

[www.ruekert-mielke.com](http://www.ruekert-mielke.com)

Planner Scherer added that any waivers would be up to the Plan Commission.

Commissioner Franklin stated that the cellar door is not part of an easement on the property. Chairman Arrowood added that it should be looked at now to head off any problems in the future. Commissioner Kershek stated that an easement could be touchy, even if it is on the CSM, that does not equal a contract, just a possible easement right. Supervisor Goodchild asked if there could be a document drafted for access to the cellar door? Commissioner Kershek responded that the buyers could define it in writing and record it. This would keep the Town from being involved.

Commissioner Kershek made a motion to combine the lots subject to Planner Scherer's recommendations with the following exceptions: waive item #2 and modify item #7 of the Planner's Report to say the Town encourages an adequate access agreement for the cellar door to avoid conflict in the future. Also, to waive item #2 of the Engineers report, and that the Surveyor should comply with #1 of the Engineers report. Commissioner Hausser seconded the motion and it carried.

The sixth item on the Agenda was for Lad Lake, Inc. – a Site Plan and Plan of Operation for a new building and other related amendments.

Planner Scherer read from her report:

**TOWN OF OTTAWA**  
**PLANNER REPORT AND RECOMMENDATION**

**SITE PLAN AND PLAN OF OPERATION**

**DATE:** October 6, 2014

SENT VIA EMAIL
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**FILE NO.:** PO-14-OTWT-5

**OWNER:** Lad Lake, Inc.  
 W350 S1401 Waterville Road  
 Dousman, WI 53118

**TAX KEY NO(S):** OTWT 1589.999, and 1590.001, 1587.998,  
 1590.998, 1590.999, and SUMT 715.999, 715.998 and  
 716.999

**LOCATION:**

The property is located in the N ½ of Section 2, and the W ½ of Section 1, T6N, R17E, Town of Ottawa, at the address cited above. It should be noted a portion of the Lad Lake property is also located in the S ½ of Section 35, T7N, R17E, in the Village of Summit.

**LOT SIZE:** Approximately 394 acres total in both municipalities

**ZONING CLASSIFICATION(S):**

P-I Public and Institutional, C-1 Conservancy, EC Environmental Corridor, and A-1 Agricultural. There is also some AD-10 zoning in the Village of Summit.

**EXISTING USE(S):**

Non-profit social service facility for at risk youth and their families providing residential and educational services which, as labeled on the Site Plan submitted and attached, includes an administration building (A), a vocational training facility (B), a gymnasium (C), a classroom building/school (D), a rental house (E), 4 dormitory buildings (F-1 thru F-4), a maintenance building (G), a beach house (H), 2 storage buildings (I and J), and several outdoor athletic areas. Together these buildings have a total square footage of approximately 70,897 square feet.

**REQUESTED USE(S):**

Construct an L-shaped, 5,900 square foot, one story building (K) for non-secure juvenile shelter care for males and females (24 maximum). The shelter will have two wings, each with 6 bedrooms. The building will have a total of 5 bathrooms. A minimum of two employees will be needed to staff the shelter. Parking, lighting, and an identification sign will also be added. In reviewing the proposal it was also noted the total number of employees at the facility has increased since the last SPPO review in 2001 from 102 to 210.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLANS (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF OTTAWA:**

Both the Town and the County's Plans designate the property as Governmental and Institutional, Primary Environmental Corridor (PEC), Recreational (the Glacial Drumlin Trail), Isolated Natural Resource Areas

(INRAs), and Other Open Lands to be Preserved in the Town of Ottawa; and the County's Plan designates the property in the Village of Summit as Rural Density and Other Agricultural Lands, Recreational (the Glacial Drumlin Trail), and PEC (the County's Plan incorporates the Village's Plan). The proposal conforms with both plans.

### **PLANNER ANALYSIS:**

Lad Lake is located east of STH 67 and south of USH 18 in the Town of Ottawa and the Village of Summit. The main part of the campus is located northeast of Dutchman Lake. The site contains varying topography with PEC including wooded areas, a creek which flows through the eastern one half of the site, floodplain, and wetland. The majority of the site is fenced and the Glacial Drumlin Bike Trail borders the outermost north, east, and west lot lines of the overall site. The site is accessed from Waterville Road via a long, winding driveway.

Lad Lake currently provides residential programs for a maximum of 77 full time (24/7, inpatient) male adolescents, ages 7 to 17, as well as a maximum of 32 day school (outpatient) male adolescents ages 7 to 17 who arrive by car or bus and go home at night Monday through Friday. The site currently has 112 parking stalls, 7 of which are accessible stalls, to accommodate employees and visitors. Lad Lake also has their own fleet of passenger vans in which to transport students. The number of employees has increased from the 2001 SPPO review (102 employees, 97 full time, 5 part time) to 210 employees (88 full time, 122 part time). The property is served by a conventional septic system and private well, and has private refuse disposal.

Lad Lake is licensed by the State of Wisconsin, Department of Health and Family Services as a Child Care Institution and as a Child Placing Agency. They administer a variety of programs, providing safe and supervised living and learning environments (residential, counseling/support, education, job training, and employment opportunities) to meet the needs of troubled students, as well as outreach services to the community.

As mentioned above, the petitioner is requesting approval to construct an L-shaped, 5,900 square foot, one story building (K) for non-secure juvenile shelter care for males and females (24 maximum). The shelter will have two wings, each with 6 bedrooms. The building will have a total of 5 bathrooms. Each wing also has living, storage, mechanical, and laundry areas. There is a reception area, three conference rooms, a kitchenette, an office and a medication room in the central portion of the building. A minimum of two employees will be needed to staff the shelter at any one time. The building will be sided and will have an overall height of 24 feet.

The County EHD has been notified of this project but has not commented on the request to date. One waste container may be added with this construction project and would be screened with the existing wooden fence as shown on Sheet A2.1 of the plan set submitted.

An additional 8 to 10 asphalt parking spaces will be added to the immediate area as shown on Sheet A2.1 of the plan set submitted, including one accessible stall. A new driveway to the front of the building will also be installed crossing the Glacial Drumlin Trail ROW (not the trail itself). Twenty-two gravel spaces already exist and will be paved in conjunction with this project for a total of 30 to 32 additional spaces. Access to these existing spaces currently crosses the Glacial Drumlin Trail ROW (not the trail itself). For this new building, the Ordinance requires one parking space for every five beds (adolescents) and one parking space for every three additional employees. Therefore, a total of six additional spaces are required for the new building and the amount of parking proposed is sufficient.

**Lad Lake, Inc. Site Plan/Plan of Operation (Town)**  
**Page 3**

**October 6, 2014**

There is an existing light pole that will remain, and new lighting will be attached to the new building as shown on Sheet A5.1 of the plan set submitted. This includes two wall packs over the side entrances, one double spot light fixture, and one decorative light fixture over the main entrance. A new identification sign on the building is also proposed, no larger than 2.5 x 4.5 according to Sheet A5.1 of the plan set submitted. The sign will be lit by the entrance light fixture. The building will be landscaped with small bushes and flowers. No new fencing is proposed.

#### **PLANNER RECOMMENDATION:**

It is recommended the Town of Ottawa Plan Commission recommend **approval** of the request to the Waukesha County Planning and Zoning Division (WCPZD) staff for consideration of the same, subject to the following conditions:

1. A Storm Water Permit, if required, shall be issued by the Waukesha County Land Resources Division **prior to the issuance of any permits for the proposed construction.**
2. The petitioner shall submit to the Town Planner and the Waukesha County Planning and Zoning Division staff written proof that the Waukesha County Environmental Health Division has approved the proposed building, **prior to the issuance of any permits for the proposed construction.** Approval of a Preliminary Site Evaluation of the existing septic system or a Sanitary Permit for the installation of a new septic system may be required.

3. If a waste container is added to the site, it shall be enclosed with the wooden fence, which shall be properly maintained, **within 30 days**.
4. State Approved Building Plans, if required, shall be submitted to the Town Building Inspector for review and approval **prior to the issuance of a Building Permit for the proposed construction**.
5. The Town of Ottawa's approval is not the final approval that is needed for this SPPO request. The WCPZD staff must also review and approve of the project and will then send a final Report/Decision Letter to the applicant. All conditions of that approval must be satisfied **prior to the issuance of any permits**, as required.
6. No special events have been requested or are approved herein.
7. The operation shall be in full compliance with all Federal, State, County, and local laws, rules, codes, ordinances, and regulations, and copies of all required licenses and permits shall be on file with the Town and County at all times (e.g., State of Wisconsin, Department of Health and Family Services, food licenses if required, etc.).
8. The WDNR shall be contacted, if they haven't already, to see if any approvals are required from them to cross the Glacial Drumlin Trail ROW with a new driveway, **prior to the issuance of any permits for the proposed construction**.
9. There shall be no ingress/egress from this parking/driveway area to USH 18. All traffic shall be routed to Waterville Road.

**Lad Lake, Inc. Site Plan/Plan of Operation (Town)**

**October 6, 2014**

**Page 4**

10. The catalog cut sheets for the new lighting fixtures shall be submitted to the Town and the County **prior to the issuance of any permits for the proposed construction**.
11. A scaled rendering of the sign, including its correct size, shall be submitted to the Town and the County **prior to the issuance of any permits for the proposed construction**.
12. A plat of survey showing the stakeout location of the new building shall be submitted to the Town and the County **prior to the issuance of any permits for the proposed construction**. Due to the size of the parcel(s), the petitioner can discuss providing a partial survey with the Town and the County and how much of the site that should entail.
13. Any medications stored on the site shall be properly secured at all times.
14. The Fire Inspector shall make an inspection of the new structure **prior to the issuance of an Occupancy Permit**.

15. The new off-street parking area shall be surfaced **prior to the expiration of the Zoning Permit** and maintained in a dustless condition.
16. All lighting at the site shall be hooded or beamed so as not to create undesirable glare or illumination of adjacent property.
17. The proposed landscaping shall be installed **within six months of the expiration of the Zoning Permit.**
18. Future modifications to the approved SPPO shall require an amendment to the Site Plan/Plan of Operation as required by the ordinances in effect at the time and said amendment must be approved in advance of making said modifications.
19. The petitioner shall allow the subject premises to be available for inspection by Town of Ottawa and Waukesha County officials at any reasonable time and upon reasonable notice.
20. The allowed uses on the subject premises must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reason of appearance, noise, dust, smoke, odor, or other similar factors.
21. The petitioner shall accept the terms and conditions of this approval in its entirety, in writing, **prior to the issuance of any permits for the proposed construction.**
22. Professional Fees. The petitioner shall, on demand, reimburse the Town of Ottawa for all costs and expenses of any type that the Town incurs in connection with this Conditional Use, 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. *This condition is enforceable by the Town.*
23. Payment of Charges. Any unpaid bills owed to the Town of Ottawa by the petitioner, property owner, or their 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 30 days of the

billing by the Town, pursuant to Section 66.067, 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. *This condition is enforceable by the Town.*

If approved as conditioned, the request will comply with the Waukesha County Shoreland and Floodland Protection Ordinance and the Town and County Comprehensive Development Plans, and the new building will provide Lad Lake with enhanced facilities while continuing to serve a public need for individuals and the broader community.

Respectfully submitted,

*Sandra L. Scherer*

Sandy Scherer  
Town Planner

Commissioner Franklin asked if they received yearly fire protection? Planner Scherer responded yes. Supervisor Goodchild asked if there was one address for all 300 acres, and if there was any internal naming or numbering of buildings? Planner Scherer answered that the buildings were labeled on a Site Plan in the file, but she was not sure if any names were visible to the Fire Department. Supervisor Goodchild stated that the Site Plan should have all of the buildings identified for the Town and the Fire Department. Rich Pipek, architect for Lad Lake, was in the audience. He stated that there is signage on the buildings and they can provide them on a revised Site Plan so this could be placed on file with the Town, the County, and the Fire Department.

Chairman Arrowood added that there have been several false alarms at Lad Lake, a total of 39 just from January to July this year. This is very costly to the Town. The Fire Department has already set up a 2 minute delay to Lad Lake because of this. Lad Lake accounts for over 1/3 of all Town of Ottawa fire calls.

Lad Lake responded by saying there was a vendor change, and their old system had a delay built in that this system does not have. They are working with their new company to have a 90 second delay installed. Chairman Arrowood pointed out that we are working with the Town Attorney to make an Ordinance to collect fees for false alarms.

Commissioner Kershek inquired as to how many dormitories are on the property?

Mr. Pipek responded there is 1 main dormitory, 1 small dormitory (6 person) and 1 cottage, plus a very old building (10 person) that is licensed but not used. The capacity is 77 beds, with 55

used as of August. Waukesha County is a benefactor in the new construction for our non-secure detention services. They approached us to help with detention for between 8 – 24 kids. We would be contracted for between 8 – 12 kids initially. Commissioner Mundschau asked what the ratio of residents to staff is? Mr. Pipek replied Wisconsin regulation is 2 staff for 5 residents, but there usually is more staff. Commissioner Mundschau stated that with more residents, maybe more staff would help to prevent the false Fire Alarms and cost to the Town.

Commissioner Kershek asked why there is a vacant dorm? Mr. Pipek responded that the building is very old, approximately 113 years. It is in poor condition, and very far away from the other buildings. Commissioner Kershek asked about funding for the new building? Mr. Pipek responded that the County has contributed substantially, as well as Lad Lake's philanthropic partners.

Commissioner Mundschau asked if there was going to be an increased security risk for the neighbors? Mr. Pipek responded that even though the proposed new building will have a capacity of 24 kids, that they are only contracted for 8, with a goal of 12 licensed beds.

Supervisor Goodchild made a motion to approve the request with Planner Scherer's recommendations as well as the addition of the buildings being identified for the County, Town and Fire Department on a revised site plan. Commissioner Mundschau seconded the motion and it carried.

The list of zoning violations was reviewed.

There was no correspondence.

There was no public comment.

Commissioner Franklin made a motion to approve the minutes from the meeting held on September 8, 2014 as submitted. Supervisor Goodchild seconded the motion and it carried.

Commissioner Kershek made a motion to adjourn. The motion was seconded by Commissioner Hausser and carried.

Respectfully submitted, Lori Geyman, Deputy Clerk, Town of Ottawa