

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, APRIL 21, 2022 - 1:00 P.M.**

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**CALL TO ORDER**

Mr. Siepmann, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:     James Siepmann         Thomas Michalski  
                                 William Groskopf         Robert Hamilton

Commission

Members Absent:     Robert Peregrine         Richard Morris

Staff

Members Present:     Jason Fruth, Planning Manager  
                                 Jacob Heermans, Senior Land Use Specialist  
                                 Erica Anderson, Land Use Specialist  
                                 Kathy Brady, Support Staff Supervisor

**CORRESPONDENCE:**     None.

**MINUTES:**                     Approval of the March 17, 2022, Minutes.

*After discussion, Mr. Michalski moved, seconded by Mr. Groskopf and carried unanimously for approval, of the March 17, 2022, Minutes, as presented.*

**PUBLIC COMMENT:**     None.

**SCHEDULED MATTER**

- 1:00 pm **Public Hearing for a Year 2022 Request for Amendment to the Comprehensive Development Plan for Waukesha County.**
  - 1A - Poplar Creek Club II, Town of Brookfield

Mr. Fruth pointed out the 5 different parcels on the aerial photograph that are subject to the request. The parcels are located at the northeast corner of STH 18 and Barker Road and contain a total of 18 acres. Existing uses on the parcels include hotels, a fitness club, a vacant parcel and a sports bar/restaurant. The request is to amend the Waukesha County Comprehensive Development Plan from the Commercial Office Park and Low Density Residential categories to the Mixed Use category, to allow for mixed residential, office, hotel and commercial uses. Poplar Creek Club I, a large multi-family rental project with retail space is located to the east of Poplar Creek Parkway. The same developer, Wimmer Communities is requesting the amendment for Phase II of the development. Improvements to Barker Road, specifically an additional drive lane to a section of Barker Road is being proposed.

Mr. Wimmer, from Wimmer Communities, project developer and Mr. Buster design consultant, introduced themselves and presented a power point of the project. Mr. Wimmer indicated that all preliminary approvals have been received from the Town and County with final approvals coming next. Mr. Buster explained that Poplar Creek Club I, a 138 unit, project was developed approximately 3 years ago on the east portion of the site. The Poplar Creek Club II project details include the following:

- A dual combined Marriott hotel (Courtyard and Residence Inn) at the corner of Bluemound and Barker Roads with underground parking and 223 units. Retail will be located on the first floor.
- Other retail will face Bluemound Road with office space facing Barker Road.
- There will be 568 new units added, along with a 13,000 sq. ft. residents club facility.
- There is a 50 ft. drop on the site and the buildings will be developed according to the elevations. Each building has an approximate 10 ft. drop, highlighted with landscaping.
- Building No. 2, contains ground level retail and 2 floors of residential.
- Building No. 5, is centrally located, the largest building on the site, located next to the residence club with underground parking for residents.
- The Residence Club contains a bistro/café, health club, leasing center, Pilates, poolside lounge and large outdoor pool, outdoor stage and park with play equipment.
- Building No. 4 is 4 stories in height and Building No. 7 is 4 stories in height going down to 3 stories in height on parts of the building.
- Buildings No. 8 and 9 have a water feature on the east side of Barker Road directly across from the residential subdivision on the west side of Barker Road. The building has 2 stories on the ends of building and 3 stories in the middle.
- Additional lanes, turning lanes and an island are being added to Barker Road to assist with traffic.

Mr. Fruth added that the Town of Brookfield approved the amendment to their Land Use Plan for the property. At the public hearing, neighbors generally supported a redevelopment project for the lands. Concerns were specific to the northerly most building (from the neighborhood on the west side of Barker Road) such as desiring a slightly less imposing structure, traffic, Barker Road should be 4 lanes, questions about the residence club and site lighting, etc.

Mr. Hamilton asked if there would be any groundwater issues associated with the project? Mr. Wimmer replied that geotechnical studies were done for every parcel on the site. At the Marriott center site at the corner of Barker and Bluemound Roads there was some notation relating to the height of the groundwater which they will take into consideration when excavating/grading occurs. Mr. Groskopf asked about softening the building height towards the residential areas, possibly dropping from 4 stories to 3 or 2 stories and was it just for the buildings to the north? Mr. Buster responded that the furthest building to the north is 2 stories on the end and 3 stories in the middle. The next building to the south (Building No. 7) is 3 stories on the ends and 4 stories in the middle. Mr. Michalski asked what type of businesses are located across Barker Road, to which Mr. Fruth responded commercial and office. He added that directly north of the development on the east side of Barker Road are 2 single family home sites. He explained that some wetland mitigation would be needed due to a fire access road behind Building No. 7 (approximately 15,000 sq ft will be restored to wetlands).

Chairperson Siepmann asked if there were any public comments? Ms. Thielen adjacent property owner to the north expressed concerns regarding Building No. 8. She would like to see it scaled back even more and noted that the building is situated very close to the property line and her garage. She specifically expressed concerns with parking, lighting, sound and the pond being created as it could breed mosquitos.

Mr. Michalski asked how close the garage is to the lot line, to which Mr. Fruth responded very close. Mr. Hamilton asked what the parcel is used for, to which Mr. Fruth responded it is in residential use at the present time. Mr. Michalski said it looked like the garage had been there for awhile and wondered if it was built too close to the side lot line? Mr. Fruth said it is possible that it could be and added that he did not have the precise distance from the lot line and added that it could be a legal non-conforming structure.

Chairperson Siepmann asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 1:33 pm.

- **Consideration of a Year 2022 Request for Amendment to the Comprehensive Development Plan for Waukesha County**
  - 1A – Poplar Creek Club II, Town of Brookfield

Mr. Fruth explained this request is for a change from the Commercial and Office Park and Low Density Residential categories to the Mixed use category. The request is not related to specific development details such as building heights, building locations, etc. He further explained that the request is conditioned so that the allowable mixed uses are residential, office, hotel and greenspace uses and lands to the north of the proposed extension of Poplar Creek Parkway shall be limited to residential and open space uses. The Town approved the request to the mixed use category. When “The Corners” development across the street was being considered a number of years ago, the Town engaged in a comprehensive neighborhood land use plan for the Bluemound Road corridor which was heavy on mixed uses in the area. The Town wanted to attract redevelopment and investment.

Mr. Hamilton said he was in favor of the request, however, he wanted the minutes to reflect that he objected to the review of out of sequence plan amendments in general.

*After discussion, Mr. Michalski moved, seconded by Mr. Groskopf and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **RZ97 (Poplar Creek Club II, LLC) Town of Brookfield, Section 29**

Mr. Fruth pointed out the location of the 5 properties, in part of the SW ¼ of Section 29 in the Town of Brookfield on the aerial photograph. He indicated the request is to rezone the properties from the B-2 Local Business, R-2 Residential and HG High Groundwater Districts (County) and the B-2 Limited General Business, RM-2 Multi-Family Residential and C-1 Conservancy Districts (Town) to the R-3 Residential District (County) and the MU-1 Mixed Use District (Town).

Mr. Fruth pointed out the County Shoreland Zoning area on the properties:

- A small area of B-2 Local Business, north of Poplar Creek Parkway.
- Some areas of HG High Groundwater.
- R-2 Residential on northerly portion.
- Wetland area, proposed to be filled and the area where the mitigation would occur is located in the C-1 Conservancy.

Mr. Fruth said the request is for the rezoning of the properties only. Details regarding setbacks, building plans, building heights, landscaping, etc., will be included with the Conditional Use request.

*After discussion, Mr. Hamilton moved, seconded by Mr. Michalski and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **RZ98 (Text Amendment) Town of Mukwonago**

Mr. Fruth indicated the request is for text amendments to the Town of Mukwonago Zoning Code to repeal and recreate Subsection 36-283(d), Chapter 36, of the Town of Mukwonago Zoning Code relating to Conditional Uses, Appendix A regarding in-law dwelling units and Appendix B regarding free standing solar energy systems.

Mr. Fruth explained that the Town has solar system provisions for renewable energy on residential type properties. Currently, there is a standard that limits the amount of surface area for the solar arrays to 120 sq. ft. maximum. The proposal is to revise the standard to allow for solar energy to be generated as long as no more than 120% of the site's anticipated power demand is being accounted for, which is also a WE Energies standard. In addition, a change is being proposed to the land use matrix, which clarifies that in-law dwelling units only require a simple zoning permit review, not a site plan review.

Mr. Michalski asked why the standard is 120% not 100%? Mr. Fruth responded, that it is WE Energies allowance for people who are looking to produce their own power but also put some back on the grid.

***After discussion, Mr. Hamilton moved, seconded by Mr. Michalski and carried unanimously, for approval, in accordance with the "Staff Report and Recommendation".***

- **RZ99 (Town of Mukwonago Board) Town of Mukwonago, Sections 7 and 10**

Mr. Fruth indicated the request is to amend the Town of Mukwonago Zoning Map for several properties from the A-1 Agricultural District to the R-1 Residential District.

Mr. Heermans, Senior Land Use Specialist, indicated the Town is initiating a multi-property rezone affecting 8 properties in total. Seven of the properties are located in the Kettle Ridge Subdivision which are subject to split zoning and are currently zoned A-1 Agricultural and R-1 Residential Districts. The proposed rezoning would change them entirely to the R-1 Residential District. A possible zoning error could have occurred as the A-1 Agricultural District portion of the properties matches the environmental corridor. He noted that the environmental corridor overlay will remain on the properties and the rezoning will create lots which conform with the 1 acre lot size requirement of the R-1 Residential District. Another 1 acre property located along CTH E is zoned A-1 Agricultural District, which requires a minimum of 3 acres. By rezoning it to the R-1 Residential District it will also conform to the 1 acre lot size of the district.

Mr. Hamilton asked when the Kettle Ridge Subdivision was approved? Mr. Heermans replied the plat was recorded in 1977. Mr. Fruth said it looks like the zoning change came along later, possibly during a Town Comprehensive Map update, where the environmental corridor was mistakenly zoned as A-1 Agricultural District.

***After discussion, Mr. Michalski moved, seconded by Mr. Groskopf and carried unanimously, for approval, in accordance with the "Staff Report and Recommendation". The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.***

- **RZ94 (Joseph and Sheryl Garvens) Town of Oconomowoc, Section 31**

Mr. Fruth pointed out the location of the property at W394 N5298 Reddelein Road in the Town of Oconomowoc on the aerial photograph. He indicated the request is to rezone the property from the A-2 Rural Home District to the B-3 General Business District.

Mr. Heermans explained the property is located south of the City of Oconomowoc and borders the railroad. The property was part of a comprehensive development plan amendment in 2021, designating it from the Low Density Residential category to the Mixed Use category. There is currently a large outbuilding on the property which was constructed in the 1980's. The building was originally utilized for personal storage. The current owners (for at least 20 years) have used it for a heating/cooling business (storage and light fabrication). Since the development plan amendment was approved, the petitioners are seeking a subsequent rezone to legalize the existing heating/cooling business. The plan amendment was conditioned that no retail use would be allowed on the property along with restrictions stating that human habitation, any type of business or commercial operation is prohibited. He stated the restrictions would have to be released. The Planning and Zoning Division staff would add a restriction that no retail type sales shall occur on the property. Mr. Groskopf asked if the property was served by sewer, to which Mr. Heermans responded, that there currently is a holding tank.

*After discussion, Mr. Michalski moved, seconded by Mr. Hamilton and carried unanimously, for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **SCU-1223 (Christopher Heitman) Town of Ottawa, Section 15**

Mr. Fruth pointed out the location of the property at W362 S3601 State Road 67 in the Town of Ottawa on the aerial photograph. He indicated the request is for a five year Conditional Use renewal for a private airstrip.

Mr. Fruth indicated the airstrip is located on the southwest portion of the property. The 5 year renewal condition was placed on the Conditional Use so that if the surrounding setting changed overtime there would be an opportunity to review. The most notable change is that Mr. Heitman has acquired additional surrounding lands adjacent to his property.

*After discussion, Mr. Michalski moved, seconded by Mr. Groskopf and carried unanimously, for approval, as conditioned, in accordance with the "Staff Memorandum". The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **PPC22 002 (Cyrus Peterson) Town of Oconomowoc, Section 13**

Mr. Fruth pointed out the location of the property at W343 N7303 North Pole Lane in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a remnant parcel not shown on the Certified Survey Map, waiver of a cul de sac extension exceeding 600 ft. in length, waiver of lot width to depth ratio and approval of a flag lot/lot not abutting a public road.

Mr. Fruth indicated the property is located at the north end of North Pole Lane in the Town of Oconomowoc. The petitioner received approval for a Development Plan Amendment and rezone to split off the existing residence and pool. The proposal would also create a parcel to the south and one to the

east for a total of 3 lots via Certified Survey Map (CSM). He noted this would be the final division of the property. Ms. Anderson, Land Use Specialist explained the current residence would be located on Lot 2 and the remnant parcel not shown on the CSM. In addition, the dead end road would become a cul de sac and the petitioner is requesting a width to depth ratio of Lot 2 and the creation of a flag lot and lot not abutting a public road. Mr. Peterson introduced himself and stated the roadway to Lot 2 where his father resides was always there but was never dedicated. The Town approved the dedication and also approved the cul de sac. Mr. Hamilton asked if the purpose of the request was to create Lot 1 and Lot 3 to be buildable lots at some point in the future? He also asked if the Commission needed to be looking at the development of the remnant parcel at this point with respect to any type of overall road system when it develops at some point in the future? Mr. Fruth responded that the general idea is that the parcel is built out now and farmland preservation lands surround the property. He added that there is not a vision of a subdivision development in this area.

*After discussion, Mr. Hamilton moved, seconded by Mr. Groskopf and carried unanimously, for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **PPC22 004 (Michael Stohle) Town of Oconomowoc, Sections 35 and 36**

Mr. Fruth pointed out the location of the property at N55 W34809 Lake Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a retaining wall located within 5' of the north and east property lines.

Ms. Anderson indicated there are 2 retaining walls within 5 ft. of the north and east lot lines. The retaining wall to the north will be 4 ft. or less in height and noted the retaining wall to the east currently crosses the lot line. The retaining wall would be cut back and replaced with limestone block and will now be located entirely on the petitioner's property. Chairperson Siepmann asked if other retaining walls were being replaced, to which Mr. Anderson responded yes and noted that they were not within 5 ft. of the lot line.

*After discussion, Mr. Michalski moved, seconded by Mr. Hamilton and carried unanimously, for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **PPC22 005 (Larry Rather) Town of Oconomowoc, Section 5**

Mr. Fruth pointed out the location of the property at W384 N9222 Hwy 67 in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a remnant parcel not shown on the Certified Survey Map.

Mr. Heermans indicated the petitioner is proposing to purchase a 10 ft. strip of land from the agricultural field to the east. Because the property to the east is zoned in the Farmland Preservation District, a Certified Survey Map is being required and is currently in the process of being reviewed. The purpose of acquiring the 10 ft. strip of land is to construct an addition, as currently a variance would be needed because it would not meet the offset requirement. There were questions regarding the road adjacent and north of the property and whether it was a public road, which Mr. Fruth confirmed was a public road. Mr. Michalski asked if the Town was required to plow the road? Chairperson Siepmann said the road was never built and looks like a driveway at this point and maybe the Town reserved it for future

development. Mr. Rather, petitioner, confirmed that the original owners were reserving it for future development which never happened, and was never turned over to the Town. He added that currently no one owns the road. Mr. Groskopf asked if the driveway was on the petitioner's property? Mr. Rather replied that he uses it as a driveway and he has maintained it for 45 years. He added that the owners are not alive now and their descendants sold the rest of the 75 acres but did not sell the "public road" portion and it is sitting in limbo right now and no one has ever paid taxes on it. Mr. Hamilton asked if the Town accepted the public road, to which Mr. Rather replied "No", and they do not want it now. Mr. Rather said he plans to approach the person who is a descendant of the original owner and see if they can purchase it so it can become part of his property.

*After discussion, Mr. Hamilton moved, seconded by Mr. Groskopf and carried unanimously, for approval, as conditioned, in accordance with the "Staff Memorandum". The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **PPC22 006 (Martha Brophy) Town of Delafield, Section 23**

Mr. Fruth pointed out the location of the property at N20 W29966 Glen Cove Road in the Town of Delafield on the aerial photograph. He indicated the request is for a retaining wall within 5 ft. of the east property line.

Mr. Fruth indicated the original residence and some accessory structures were recently razed and a new residence with attached garage, lakeside deck and retaining walls is being proposed. There is a steep slope (approximately 15 ft.) north of the driveway. Four ft. of fill is being proposed in the southeast corner to achieve entry to the residence, precipitating the retaining wall. The Land Resources Division reviewed the request to make sure there would be no adverse drainage to the neighbor's property to the east. They advised as long as no drain tile outlets from the retaining wall were being proposed they were not concerned. The builder indicated that drainage would be conveyed via a swale. The retaining wall has a maximum height of 3 ft. Mr. Groskopf asked if the setback from the lake is 150 ft. and was averaging allowed? Mr. Fruth responded he was unsure of the specifics but it looks like averaging could have been used between the east and west residences.

*After discussion, Mr. Groskopf moved, seconded by Mr. Michalski and carried unanimously, for approval, as conditioned, in accordance with the "Staff Memorandum". The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **PPC22 007 (Wisconsin Central Ltd.) Town of Lisbon, Section 36**

Mr. Fruth pointed out the location of the property in part of the SW ¼ of Section 36, Town of Lisbon on the aerial photograph. He indicated the request is for the creation of a flag lot.

Mr. Heermans indicated the parcel is currently utilized for a transfer station for goods and materials. The applicant is proposing a Certified Survey Map which would create 2 lots. Proposed Lot 1 would be a flag lot so they would have access to the existing railroad spur and rail lines. Proposed Lot 2 would be retained by the railroad and the applicant would lease the land back to the railroad. The use would not change and would still be a rail transfer yard, primarily for lumber and building materials. Proposed Lot 2 has an existing stormwater pond which would be retained by the railroad. At this time, there are no plans for development on Lot 1 or 2. Mr. Hamilton confirmed that Lot 1 was being sold by the railroad to Drexel Building Supply and the railroad is retaining Lot 2, to which Mr. Heermans replied "Yes".

Mr. Fleischman, owner of Drexel Building Supply said the railroad will have an easement to drive through their lot providing access for service vehicles, etc. Mr. Hamilton asked why the railroad would want to get to Lot 2, to which Mr. Fleischman replied that he was unsure.

*After discussion, Mr. Michalski moved, seconded by Mr. Hamilton and carried unanimously, for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Hamilton moved, seconded by Mr. Groskopf, to adjourn the meeting at 2:28 p.m.*

Respectfully submitted,

*Richard Morris*

Richard Morris

RM:kb