

MINUTES

JOINT PUBLIC HEARING - WAUKESHA COUNTY PARK AND PLANNING COMMISSION AND THE WAUKESHA COUNTY LAND USE, PARKS AND ENVIRONMENT COMMITTEE FOR THE WAUKESHA COUNTY DEVELOPMENT PLAN AMENDMENTS

Thursday, February 7, 2008, 1:30 p.m., Administration Center, Room 255/259

CALL TO ORDER

Pat Haukohl, Chairperson, Waukesha County Park and Planning Commission called the Public Hearing to order at 1:36 p.m.

Waukesha County Park and
Planning Commission Members
Present:

Pat Haukohl, Chairperson
Walter Baade

Gary Goodchild
Bonnie Morris

Walter Kolb
Jim Siepmann

Commission Members
Absent:

Betty Willert

Waukesha County Land Use,
Parks and Environment Committee
Members Present:

Bill Mitchell, Chairperson
Keith Hammitt

Pauline Jaske

Walter Kolb

Waukesha County Land Use,
Parks and Environment Committee
Members Absent:

Peter Wolff

Staff Members Present:

Richard L. Mace, Planning & Zoning Manager
Kathy Brady, Secretary Supervisor
Mark Mader, Legislative Policy Advisor
Sandy Scherer, Senior Planner
Jason Fruth, Senior Planner

Guests Present:

Brian Caby
Carolyn Du Puis
Michael Reed
Jeff Schlueter

Karen Hammersmith
Jeff Musche
Robert Rinne
Henry Elling

John Stigler
Dave Swan
Dennis Shaw
Jerry Erdmann

- Public Hearing to Consider Amendments to the Waukesha County Development Plan.

Mr. Mace indicated the Public Hearing is the first step of a process that will take place during the next few months. The County Board has directed that Plan amendment requests are accepted annually, from communities or individual petitioners to consider changes to the Waukesha County Development Plan (WCDP). The closing date for all requests was January 15, 2008. After the Public Hearing, the Waukesha County Parks and Land Use staff will formulate an opinion and/or review and recommendation on the issues and requests and present it to the Waukesha County Park and Planning Commission and the Waukesha County Land Use, Parks and Environment Committee (LUPE). The Commission will review the

recommendations from the staff for each amendment and discuss and decide whether they are in favor of or opposed to the requests. The Waukesha County Park and Planning Commission's decision is transmitted to the LUPE Committee who formulates its recommendation and drafts a Resolution that will go to the Waukesha County Board regarding the various requests. After the Waukesha County Board's action, the appropriate changes are made a part of the permanent record and the WCDP is amended as approved by the Waukesha County Board.

Mr. Mace explained that a Staff Report and Recommendation would be presented at the February 21, 2008, Park and Planning Commission meeting and the Commission will act on the various amendments. The Resolution will then be forwarded to the LUPE Committee for action at their March 18, 2008 meeting and finally the County Board will act on the amendments at their meeting of March 25, 2008. There was discussion as to whether the LUPE Committee would meet jointly with the Park and Planning Commission on February 21, 2008. Chairperson Mitchell explained that due to two resignations, the Committee is down to five members with possible conflicting schedules and the LUPE Committee members may not all be able to attend the February 21, 2008, meeting. Mr. Mader suggested that language be added to the Park and Planning Commission meeting agenda stating "a possible quorum of the LUPE Committee may be present".

Chairperson Haukohl asked if there were any other questions and there being none, she moved to the items noted on the agenda.

1. In the Town of Lisbon, the following request is being made:

- A. **Tom Halquist**, N51 W23563 Lisbon Road, Sussex, WI 53089, requests approximately 24 acres, south of C.T.H. "K" and west of the existing quarry operation, (Tax Key No.'s LSBT 0280.997, LSBT 0280.998, LSBT 0280.999, LSBT 0280.999.001 and the northerly part of LSBT 0280.992) be amended from the Low Density Residential category to the Extractive category, to accommodate the long-term expansion of the existing quarry located to the east of these parcels and south of C.T.H. "K". Short term use will remain residential.

Mr. Mace pointed out the location of the property on the aerial photograph which includes five parcels on the south side of C.T.H. "K" west of the existing quarry operation. The parcels in question total approximately 24 acres in size and each currently contains a residence. Adjacent properties include Low Density Residential, Extractive and Primary Environmental Corridor.

He read into the record, correspondence from Mr. Clinkenbeard, City of Pewaukee Planner stating the lands to the south of the proposed amendment are located in the City of Pewaukee and are planned to eventually be developed for single-family residential development. The City realizes they do not have jurisdiction over the zoning of the lands in question, however, they are requesting the Town and County review the seven requests of the City. Those requests include:

- There be a 300' to 400' permanent "no development" buffer between the proposed quarry and the City boundary.
- A Conditional Use Permit for the quarry include provisions that the hours of quarry operation be no more than 8:00 a.m. to 5:00 p.m. Monday through Friday and that all blasting activities take place from 10:00 a.m. to 2:00 p.m. Monday through Friday.
- There would be no access to the quarry from Swan Road.

- No storm water from the quarry areas be discharged to the south.
- A detailed large scale plan be prepared for the property.
- Any post development of the site not include heavy industrial or outdoor industrial operations
- All conditions/restrictions be recorded with the Register of Deeds.

In addition, he read correspondence submitted by Mr. Lloyd Purnell Jr. who was not able to be in attendance and noted that he was opposed to the request. Correspondence was also submitted from the Hamilton School District recognizing the support that Halquist Stone has provided to the district over the years.

Mr. Mace said the Town of Lisbon Plan Commission and Town Board approved/adopted the proposed amendment request on January 3, 2008. He noted that the Public Hearing Minutes of December 6, 2007, (where the item was discussed) were also submitted. The Committee and Commission requested a copy of the Public Hearing Minutes be submitted to them for their review, to which Mr. Mace agreed.

Mr. Halquist (petitioner) explained that in 1992, the Town of Lisbon requested a long-term plan for the quarry which included tunnel access under C.T.H. "K" to connect the north and south quarries. The north quarry has been in existence for approximately 80 years and is within approximately six years of being closed to additional quarrying, but will remain as a processing facility. Mr. Halquist submitted a very general Site Plan of the operation south of C.T.H. "K", including site restoration and a long-term vision. He noted it was not their intent to disturb the Primary Environmental Corridor and wetlands.

Chairperson Haukohl asked if there were any comments from the audience?

Mr. Musche, Town of Lisbon Administrator/Clerk indicated the Town Plan Commission held a lengthy Public Hearing on December 6, 2007, and on January 3, 2008, the Town Plan Commission voted in favor of the land use change. He pointed out the Wenger's property which is located to the west off of Swan Road and indicated they may be interested in changing the land use designation on their property from Extractive to Residential. The Town of Lisbon requires that before any action take place there be a 200' minimum buffer between land that is quarried and any residential properties. Chairperson Haukohl asked if there are reclamation plans for the finished areas of the quarry in the long-range plan? Mr. Musche replied, that as he understood it, the north quarry would be used for the operations portion of the business, the south quarry would continue to be quarried. Mr. Halquist added the long- range plan for reclamation would be for two large lakes and noted the quarry plans to operate 50 to 60 years in the future and that they were not intending to extend operations south and west of the Primary Environmental Corridor (Wenger and City of Pewaukee)..

County Board Supervisor Swan addressed the following points regarding the request. He would like to see discussions between the County Public Works Department and the petitioner regarding the plans for the intersection of Maple Avenue and C.T.H. "K" (signalized intersection with turning lanes) and possible additional highway lanes on either side of C.T.H. "K" for trucks entering the highway from the quarry if the intent was to access C.T.H. "K" at the Maple Avenue location. He encouraged the County to consider the City of Pewaukee's concerns and requests. He asked if there was anything in writing regarding the future of the land on the north side of the quarry? Mr. Halquist responded that the quarry's plant operations will remain on the north side of C.T.H. "K" and rock would continue to be extracted for approximately the next five to six years and noted there is a plan on file regarding the reclamation of both properties. He added that no reclamation would be started until both the north and south quarries are closed (50 to 60 years from now). Supervisor Swan mentioned citizen concerns regarding the quarry's blasting and buffers from the

Environmental Corridor portion of the property. In conclusion, he said the quarry has been a good neighbor for the community in the past and it seems that will carry on in the future. He asked that the quarry remember the community does a lot for the quarry also and consider the above mentioned concerns. Mr. Mace pointed out the nearby residential properties as requested from Chairperson Haukohl.

Chairperson Haukohl asked if there were any other comments from the audience, Committee or Commission, there being none she moved on to the next item on the agenda.

2. In the Town of Ottawa, the following requests are being made:

- A. **Brian K. and Yvonne P. Caby**, W348 S5119 Waterville Road, Dousman, WI 53118, requests their parcel containing approximately 10 acres, (Tax Key No. OTWT 1682.992) be amended from the Rural Density category (10 acre category under the Town's Plan and conditioned under the County's Plan) to the Suburban II Density Residential category (3.0 to 4.9 acres per dwelling unit) to allow the creation of one additional parcel on the approximately 10 acre tract of land.

Mr. Mace pointed out the location of the property on the aerial photograph on the west side of Waterville Road in the town of Ottawa. Adjacent properties include a subdivision to the south containing three-acre properties, residential properties containing Primary Environmental Corridor to the north and the State Forest to the west. The property in question is zoned for three-acre parcels, however, under the Town's Plan the property is designated in a ten acre category. He added there is not a ten-acre category in the County's Plan but the County has accepted the Town's ten-acre category for the property and notes to that effect are recorded.

Mr. Goodchild commented that the Town of Ottawa has not heard the petitioner's request to date. Ms. Scherer, Town Planner, explained the petitioner applied too late to be placed on the Town Plan Commission's agenda for February and the request would be heard at their March 3, 2008, meeting. Mrs. Morris noted, the previous density requirement for the property was five acres and the subdivisions to the south and north are currently three to five acre densities. She wondered why the petitioner's property and the other three properties to the north are in the ten-acre density. Ms. Scherer explained that the original Town Plan adopted in 1994 placed the properties in question in the ten-acre category and the subdivisions to the north and south were platted before the 1994 Plan was in place with the Town and the zoning may have been different at that time. Currently, the Town's Plan keeps as much of the land as possible in the larger density categories for preservation, especially being adjacent (west) to the State Forest. She was unsure how the densities were arrived upon for the subdivisions to the north and south in the past. Mr. Goodchild explained the subdivisions in question were developed in the late 1960's, early 1970's before the Town had a plan in place. As planning developed over the years, most of the residents of the Town of Ottawa preferred the rural character and farms and the ten-acre category was created. He also noted the second request for the Town of Ottawa on today's agenda was withdrawn by the petitioner because it was declined by the Town Plan Commission at their February meeting. He felt the Town is consistent when following the Master Land Use Plan for the Town. Another point of interest is that the Town petitioned the State Department of Transportation (six or seven years ago) for rustic road status for approximately seven miles of Waterville Road and was successful in having Waterville Road designated as a rustic road. Chairperson Haukohl asked if there were any restrictions to the rustic road status? Mr. Goodchild replied, that developments have to be rural, new utility lines must be buried, the road be kept scenic and lower speed limits (35 mph) are required, along with other restrictions.

Mr. Baade asked how the petitioner intends to divide the property? Mr. Mace responded that a new parcel (approximately three acres in size) would be created along Waterville Road.

Mr. Caby, petitioner, indicated before he purchased the property in July 2007 he made a casual inquiry at the Town of Ottawa as to the feasibility of splitting off a three acre portion of the property. The Town Clerk indicated the lot was zoned two different ways, Environmental Corridor (EC requiring five acres) on the rear portion where his current residence is and also A-2 (three acres). The Town said it was a three-acre minimum density and that dividing the property would not be an issue. He purchased the property and now found out the Town has a Master Land Use Plan and he would be in conflict with the plan regarding the division. His intent is to split off three acres of the property for his daughter to build a residence on. He is not requesting to divide the property into three-acre parcels to create a new subdivision. He felt his request was not out of character with other surrounding properties and keeps within the spirit of the larger areas desired by the Town. Chairperson Haukohl asked if the Town informed the petitioner that the County's Land Use Plan had adopted the Town's density of ten acres? Ms. Scherer replied that she was unsure what information was given to the petitioner. Mr. Caby said he looked at the Town map with the Town Clerk. Mrs. Morris commented that it would be confusing to the person purchasing the property or the general public being told that it is in the A-2 zoning district, which allows three-acre zoning but then to find out the Town's Plan indicates ten-acre density.

Chairperson Haukohl asked if there were any additional comments from the audience?

Mr. Shaw (adjacent property owner to the south) said that after speaking with officials from the Town, he felt the petitioner skipped a step in that the Town has not heard or approved the request. The Town's Master Plan designates the petitioner's property in the ten-acre category. He pointed out another lot he owns to the east of his property along Waterville Road and noted it is the drainage easement for the subdivision to the south of the petitioner's property. Mr. Mace said that it must be a buildable lot otherwise it would be an Outlot for the subdivision. Mr. Shaw presented a drawing of the property and Mr. Mace indicated the entire lot was not a drainage easement and there is a buildable site on the lot. Mr. Shaw pointed out the topography of the lot and said it is very low and his concern was additional drainage from the petitioner's newly proposed lot and flooding on his property adjacent to the lot. He stated in 2007, the lot was entirely flooded with the spring rains and snow melt and water came very close to flooding his basement. In addition, there are two vacant lots in his subdivision at the current time and with an additional lot (petitioner's proposed lot) he felt it could cause increased adverse drainage to both of his lots.

Mr. Caby responded, that he did not skip a step with regards to speaking with the Town. He was too late to meet the Town Plan Commission's February agenda cutoff and noted he is scheduled on the March agenda. With regards to the drainage problems mentioned above, in the 10 years he has lived there he has never seen standing water on Mr. Shaw's property, even in the ditches and noted that no one has culverts on their driveways along Waterville Road.

Mrs. Du Puis, neighbor, to the north of Mr. Caby's property explained the history of the property in the area. She stated that she is in support of his request.

Mr. Shaw felt if the request is approved, it would set a precedence for the area and the ten-acre density should not be changed. Mr. Goodchild confirmed that the Town Plan Commission denied two very similar requests within the past six months.

There was concern between the Commission and Committee members that the request had not been heard at the Town level. It was decided this particular request would be placed on the Park and Planning Commission's meeting agenda for March 6, 2008, in order to have the Town's recommendation. The other two requests would be placed on the February 21, 2008, Park and Planning Commission meeting agenda as previously discussed.

Chairperson Haukohl asked if there were any other comments from the audience, Committee or Commission, there being none she moved on to the next item on the agenda.

- B. ***Dawn M. Engen and Rachel R. Pawlowski, agents for Gail Simmons (deceased)***, W376 S5141 East Pretty Lake Road, Dousman, WI 53118, request the Simmons property, containing 26 acres (Tax Key No.'s OTWT 1630.994 and OTWT 1630.995) be amended from the Rural Density (10 acre category under the Town's Plan and conditioned under the County's Plan) to the Rural Density category (five-acre density) to accommodate the development of three Residential parcels.

Mr. Mace indicated the petitioner withdrew their request from the agenda.

3. In the Town of Summit, the following request is being made:

- A. ***The Town of Summit Plan Commission and Town Board***, requests the property owned by TKLW, LLC (Jerry Erdmann, agent), 1833 Executive Drive, Suite 101, Oconomowoc, WI 53066, (Tax Key No. SUMT 0661.998.001) be amended from the Medium Density Residential category to the Commercial-Office category, in order to accommodate commercial office uses on the property rather than residential condominiums. The parcel in question includes approximately 4.2 acres in area.

Mr. Mace pointed out the location of the property on C.T.H. "DR" near Highway 67 in the Town of Summit. Adjacent properties include the Extencicare project to the west and residential properties to the south. The original plan for the parcel was to create six or seven condominiums. The Town is requesting the designation of the property be changed from residential to the Commercial-Office category. There was discussion as to what type of commercial uses would be allowed on the property. Mr. Mace indicated the offices may contain medical type businesses associated with the surrounding medical facilities.

Mr. Erdmann from Frontier Development said the proposal is to construct two office buildings on the property. The property would also need to be rezoned and a Conditional Use approved after the amendment process.

Mr. Elling, Town of Summit Administrator, said the area is part of an overall development for a Planned Unit Development for the property. The Development Plan presented and approved by the Town designates the area in question as office buildings. The City of Oconomowoc has agreed to serve the area with sewer and water (including the nursing home facility and the office buildings). He also submitted correspondence stating that fact. Mrs. Jaske asked when the sewer and water service would be provided, to which Mr. Elling indicated it should be installed before Memorial Day. Mr. Elling said the Town Plan Commission and Town Board are in favor of the request. The neighbors are also in favor of the request.

Chairperson Haukohl asked if there were any other comments from the audience, Committee or Commission , there being none she moved on to the next item on the agenda.

With no further business to come before the Commission or Committee, Mrs. Jaske moved, seconded by Mr. Hammit to adjourn the public hearing at 3:30 p.m.

Respectfully submitted,

Betty Willert
Secretary, Park and Planning Commission

Pauline Jaske
Secretary, Land Use, Parks and Environment Committee

BW/PJ:kb