

**MINUTES – JOINT PUBLIC HEARING  
 WAUKESHA COUNTY PARK AND PLANNING COMMISSION  
 AND LAND USE, PARKS AND ENVIRONMENT COMMITTEE  
 TO CONSIDER 2010 AMENDMENTS TO THE COMPREHENSIVE  
 DEVELOPMENT PLAN FOR WAUKESHA COUNTY  
 Thursday, February 4, 2010, 10:00 a.m., Room AC 255/259  
 Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha WI**

**CALL TO ORDER**

Bill Mitchell, Chairperson, Waukesha County Park and Planning Commission called the Public Hearing to order at 10:00 a.m.

Waukesha County Park and Planning Commission Members Present:	Bill Mitchell, Chairperson Bonnie Morris Bob Peregrine	Gary Goodchild Jim Siepmann	Walter Kolb Pat Haukohl
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Commission Members Absent:	None
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Waukesha County Land Use Parks and Environment Committee Members Present:	Fritz Ruff, Chairperson James Jeskewitz	Janel Brandtjen Walter Kolb	Gilbert Yerke Ted Rolfs
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Waukesha County Land Use Parks and Environment Committee Members Absent:	Robert Hutton
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Staff Members Present:	Richard L. Mace, Planning and Zoning Manager Kathy Brady, Secretary Supervisor Mark Mader, County Board, Chief of Staff Sarah Spaeth, Legislative Policy Advisor Jason Fruth, Senior Planner Sandy Scherer, Senior Planner
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Guests Present:	Brian Pionke Howard Wurglar Gary Jackson Annette Larson Bill Honeyager Joseph McCarthy Chris Stergiou	Tom Delacy Cori Wurglar Wayne Borchardt Mary Oberst Pamela Meyer Tim Kay	Bob Kwiatkowski Robert Szmanda Bill Bode Lisa Boehm Barb Holtz Kathy Kerrigan
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- Public Hearing to Consider Amendments to the Comprehensive Development Plan for Waukesha County.

Chairperson Mitchell moved to the items noted on the agenda.

1. In the Town of Brookfield, the following request is being made:
  - A. ***The Town of Brookfield Plan Commission and Town Board***, requests that nine (9) parcels on the northwest corner of Brookfield Road and Bluemound Road (including an auto dealership, Galleria, Kopp's, Brennan's, a car wash, two (2) small office buildings and the apartment complex to the north of Galleria) be amended from the Commercial and High Density Residential category to the Mixed Use category. The parcels in question include the following nine (9) Tax Key No.'s (BKFT 1124.976, BKFT 1124.977, BKFT 1124.997, BKFT 1124.997.001, BKFT 1124.999.001, BKFT 1124.999.002, BKFT 1124.999.003, BKFT 1124.999.004, and BKFT 1124.999.005) all located in the SE ¼ of Section 29, Town of Brookfield. No change to the Primary Environmental Corridor designation on the subject site is being proposed.

Mr. Mace pointed out the properties in question, surrounding businesses and the environmental corridor on the aerial photograph. He indicated, that correspondence was submitted to the County and read into the record from Mr. Mark Wimmer, Executive Director of Prohealth Care Regency Senior Communities (property located to the north) who expressed concerns regarding two (2) of the properties (Tax Key No. BKFT 1124.997 and BKFT 1124.997.001) which are office type uses located on Brookfield Road, north of the Galleria West Shopping Center. Concern was expressed as to how the two small parcels, very limited in size, could be integrated into the proposed Mixed Use category. If the parcels were to be combined, it could allow an appropriately scaled project consistent with other properties in the district. The correspondence also indicated their frustrations with the lack of communication with the Town of Brookfield Board and Plan Commission regarding the request. Mrs. Morris asked if there was a list of acceptable uses in the Mixed Use category, or would each use be required to obtain a Conditional Use in order to operate? Mr. Mace replied, the Mixed Use category primarily accommodates a combination of retail, limited industrial and residential uses. Mrs. Morris asked, if a proposed use falls into any of those uses, would a Conditional Use Permit be required? Mr. Mace responded, "Not necessarily, it would depend on how the Town Zoning Ordinance reads and how the uses are regulated." He added, the specifics of each parcel will not be determined in this amendment process. In the future, a rezone amendment to the Mixed Use Zoning District would be necessary for properties proposing a specific use. Mrs. Haukohl cautioned that the Mixed Use category allows for a mixture of uses and it may cause concern for surrounding property owners. Mr. Mace agreed, and stated his concerns were with traffic, vision and access issues to the two parcels indicated above. Regarding access to the parcels, he indicated there is a private easement immediately to the south of said two (2) small parcels to access the Galleria West Shopping Center but currently there is no access available to that easement for the parcels to the north. Due to congestion in the area and a hill restricting vision to the north along Brookfield Road, access may pose problems to those parcels and any future development.

Mr. Mace also read into the record correspondence from Mr. Gary Lake (Town of Brookfield Building Inspector) related to the amendment request which included the Town Plan Commission and Town Board Minutes. Mr. Bode, from Brayton Management Company, indicated his offices are located at the Galleria West Shopping Center and he and his partners own one of the two office building properties in question and was involved with the development of the original 30 acre farm in 1984 into the Galleria West Shopping Center and since then. He agreed that a Mixed Use category would enable them to go forward with redevelopment of the subject parcel in the future.

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

2. In the Town of Eagle, the following request is being made:
  - A. ***The Town of Eagle Plan Commission and Town Board***, have requested that various changes to the Town's Comprehensive Land Use Plan are proposed to change a number of areas in the Town from their present Land Use designation to new Land Use designations as outlined on the copy of the Land Use Plan submitted with the application.

Mr. Fruth, Senior Planner presented an overview of the request to the Commission and Committee. He indicated the Town of Eagle did not have their planning effort complete when the Waukesha County Comprehensive Development Plan was adopted last year. A collaborative effort was established with the Village of Eagle beginning in 2007 for an update and was completed at the end of 2009. The Town's comprehensive document is similar to the Waukesha County Comprehensive Development Plan and the majority of the principles, objectives and standards from the County's plan were rolled into the plan with local refinements. The Town of Eagle's original plan was prepared in 1983 by a local consultant and formally adopted in the late 1980's with an update in the early 1990's. Some of the updated plan's key principles are: a strong desire to maintain rural atmosphere, the encouraging of conservation design, to establish an allotment/growth management tool and consider working with neighboring communities on possible border agreements.

Mr. Fruth referred to a map illustrating the key areas of change. He indicated there was a consolidation of categories with seven to eight categories being eliminated. In addition, a new category was created "Other Agricultural Lands" and is described as lands that are envisioned to stay in agricultural use for the present time and are different than the Prime Agricultural Lands category. He pointed out several parcels in the northeast corner of the Town showing increases in density being proposed. The Town Plan emphasizes that development areas should be directed towards either existing urban development (around the Village of Eagle in particular, and an area south of the Village of Eagle and southwest of North Prairie along S.T.H. 59.) Mr. Yerke asked if the Industrial area on the map was new? Mr. Fruth replied, "No". He further explained it was a plan amendment a few years ago to accommodate a business park but with the downfall in the economy it has not been developed. Mr. Mace added the amendment also included three (3) acre areas west of S.T.H. 59. Mr. Fruth pointed out that in some areas subdivisions that were previously developed have had the categories changed from the County categories to more dense categories based on lot size rather than overall density. Mr. Pionke, Town of Eagle Planner, submitted a Memorandum to the Commission and Committee members summarizing the map amendments. He pointed out on the map all areas located in the "Other Agricultural Lands" category. These areas contain lands that are 35 acres in size, are currently farmed and intended to remain in farming in the long term but are not Prime Agricultural lands. Another change involved eliminating categories and now there are 17. He pointed out several areas in the "Other Open Lands to be Preserved" category on the map and explained these are lands purchased by the DNR or the Land Conservancy and are intended to be left as preserved lands.

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Mr. Kwiatkowski, Town of Eagle Chairperson, said the Town's long-range plans are for future growth in areas southeast of the State Forest. Mr. Mace added that there has been a good working relationship/communication between the Town of Eagle and Waukesha County.

Mr. Siepmann asked if any workforce housing has been taken into account? Mr. Kwiatkowski replied, not in our current plan. Mr. Fruth indicated there was discussion regarding affordable housing. Mr. Kwiatkowski said that affordable housing areas are located in and around the Village with smaller lot sizes. Mr. Yerke asked about the Industrial category located in the northeast corner on the map? Mr. Kwiatkowski answered that the business park in Section 1 was put on hold based on the economy. The Industrial category was chosen because of the railroad and highway accesses. Mr. Yerke expressed concerns with an industrial site being so close to Jericho Creek and its potential negative effects. He added that the Town of Mukwonago has gone to great measures to protect Jericho Creek. Mr. Pionke and Mr. Kwiatkowski said the eventual uses in the business park would be light industrial/manufacturing and business/office uses and there is language in the plat that protects Jericho Creek with setbacks, etc. Mr. Mace added that the amendment had protection built into the rezone.

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

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

- A. ***The Town of Waukesha Plan Commission and Town Board***, requests that the designation on nine (9) parcels in the NE ¼ of Section 35, the NW ¼ of Section 36, the SW ¼ of Section 25 and the SE ¼ of Section 26, Town of Waukesha, be changed from the Suburban Density II Residential category (3.0 to 4.9 acres per dwelling unit) to the Suburban Density I Residential category (1.5 to 2.9 acres per dwelling unit). The nine (9) parcels in question include the following Tax Key No.'s (Tax Key WAKT 1395.998, WAKT 1395.998.001, WAKT 1395.998.002, WAKT 1400.997.001, WAKT 1400.997.002, WAKT 1400.997.003, WAKT 1400.997.004, WAKT 1433.999 and WAKT 1433.999.001). There are some portions of these lands that are located in the Primary Environmental Corridor designation and those areas are not being revised.

Mr. Kolb excused himself from the table due to a conflict of interest regarding the amendment as he was a major landowner in the area of change. Mr. Mace pointed out the properties affected on the aerial photograph and indicated there is no specific development proposal being made at this time for any of the properties. Mrs. Haukohl asked what categories surround the properties in question? Mr. Mace replied, Low Density Residential (LDR) category to the north and west (0.5 to 1.5 acres of area per dwelling unit), Suburban Density II category to the south and east (3.0 to 4.9 acres of area per dwelling unit) and Other Open Lands to be Preserved. Mr. Rolfs questioned what would be the logic of increasing the density with Primary Environmental Corridor and other SDRII lands surrounding the properties? Mr. Mace replied, the request was submitted from the Town of Waukesha and he has no reason to discuss this at this public hearing stage. Mrs. Morris asked if the LDR category was sewerred and waterred, to which Mr. Mace responded, "No".

Mr. Delacy from the Town of Waukesha explained the Town felt the proposed request is a good transition from the one acre category to the north, and to the three to five acre categories to the south, east and west. Mr. Siepmann asked what is the total area of change and how many acres are Primary Environmental Corridor (PEC)? Mr. Delacy responded, approximately 200 acres and added that he was unsure of the amount of PEC. Mr. Mace said the PEC may be included in the total number of acres but he had not done a calculation.

The hearing was opened for public comment and questions. Many neighbors and concerned citizens all spoke in opposition of the project. Their concerns are summarized below:

- Mr. Kolb originally requested a change to his property. The Town included other property owners with the amendment request and none of the other property owners wanted this change.
- Several persons residing on the adjacent Cottontail Trail expressed concerns regarding the affects of adverse drainage and runoff to their properties if development were to occur. Their properties are situated lower than the subject properties included in this amendment (with more density there will be additional impervious surfaces). Currently, during major rain events and spring thaws, water pools in their yards. Years ago, the Town of Waukesha was supposed to put in a water retention area but it was never done.
- Increasing the density would be a mistake, and wanted the density retained as it currently is.
- Two petitions (on file) were submitted with 165± signatures all opposing the request.
- Residents moved to this area to have larger parcels of land, a more rural environment, to be able to have horses and open lands and were opposed to increased densities.
- The negative effect on property values.
- Reject the requested amendment and send it back to the Town of Waukesha.
- The property owners included in this amendment were frustrated that they were not notified of the proposed request by the Town of Waukesha, but were notified by the County for this public hearing.
- Maps submitted at the Town of Waukesha Public Hearing were inaccurate.
- Questioned the benefit of the proposed amendment for the property owners?
- The wishes of the property owners were not heard by the Town.
- Why would the Town want 1.5 to 3.0 acre parcels in between 5, 10 and 20 acre parcels?
- One property owner was frustrated that his property wasn't included on any of the Town's paperwork or at the Town's public hearing and now his parcel is included in the amendment which he blamed the Town for.
- At the Town's public hearing not one person spoke in support of the request, only the property owner who originally requested a change to his own property.
- Why should a decision favoring one land owner be made at the expense of approximately 40 adjoining and nearby property owners who have five acre or larger parcels?

Chairperson Mitchell asked if there were any other comments from the audience, Committee or Commission?

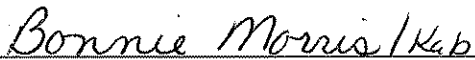
Mrs. Morris asked if the Commission and Committee could review copies of the Minutes of the Town Public Hearing, Town Plan Commission and Town Board relating to the Town of Waukesha amendment request? Mr. Mace replied that he would contact the Town and forward the Minutes by e-mail to the Commission and Committee members.

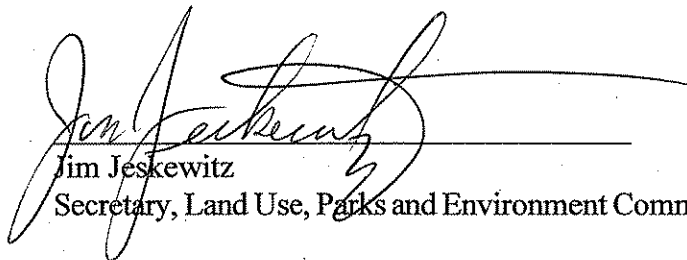
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Mr. Mace announced that after the Public Hearing, the Waukesha County Department of Parks and Land Use Staff will have recommendations prepared for the above requests and on February 18, 2010, the Park and Planning Commission will meet to vote on the requests. The Land Use, Parks and Environment Committee will be invited to the February 18, 2010 meeting however, will not vote until their meeting on March 16, 2010. The Waukesha County Board of Supervisors will vote at their meeting of March 23, 2010. After the Waukesha County Board's action, the appropriate changes are made a part of the permanent record and the Comprehensive Development Plan for Waukesha County is amended as approved by the Waukesha County Board.

With no other comments, Mrs. Haukohl moved, seconded by Mr. Siepmann and carried unanimously to adjourn the public hearing at 12:05 p.m.

Respectfully submitted,

  
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Bonnie Morris  
Secretary, Park and Planning Commission

  
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Jim Jeskewitz  
Secretary, Land Use, Parks and Environment Committee