

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
WEDNESDAY, FEBRUARY 28, 2024 - 1:00 P.M.**

CALL TO ORDER

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

Commission

Members Present: James Siepmann Richard Morris Robert Peregrine
Gary Szpara Christine Howard

Commission

Members Absent: William Groskopf

Staff

Members Present: Jason Fruth, Planning Manager
Kathy Brady, Support Staff Supervisor

CORRESPONDENCE: None.

MEETING APPROVAL None.

MINUTES: Approval of the January 18, 2024, Minutes

After discussion, Mr. Morris moved, seconded by Mr. Szpara and carried unanimously (Ms. Howard did not vote as she did not attend the meeting) for approval, of the January 18, 2024, Minutes, as presented.

PUBLIC COMMENT: None.

SCHEDULED MATTER

- 1:00 p.m. **Public Hearing for a 2024 Amendment to the Comprehensive Development Plan for Waukesha County**
 - 1A Tobolt – Town of Merton

Mr. Fruth pointed out the property on the aerial photograph. He indicated the property is owned by Kettle Moraine United Presbyterian Church and is approximately 7.5 acres in size. The request is to divide off a 4 acre parcel on the northern portion of the site to be sold for residential use. The land use on surrounding properties includes environmental corridor to the east and west and suburban density to the north and west.

Mr. Morris indicated the Town reviewed the zoning and land use change. Chairperson Siepmann asked if the Town of Merton was agreeable to dividing off the 4 acre parcel and creating a flag lot? Mr. Morris replied that the Town would accept the request. Ms. Howard asked what road(s) would access the church and the new parcel? Mr. Fruth replied that the church would have access via CTH K to the south and the proposed parcel to the north would have access via West Shore Drive. Chairperson Siepmann asked if there were any other questions from the Commission, to which there was none. He then asked if there were any comments from the audience. One adjacent property owner to the west stated he wasn't happy about a flag lot being created which would surround his property, but he was not opposed. He wondered why he wasn't approached by the church to purchase the property. Another adjacent property owner to the north, also wondered if the church had considered dividing the parcel because he would be interested in purchasing a portion of the property from the church. Chairperson Siepmann stated the public hearing today is a land use decision for the property. A Certified Survey Map would be needed for the church to divide off the 4 acre parcel. He suggested they speak with the owner of the church regarding purchasing the lands. Ms. Tobolt

representing the church, introduced herself and indicated she is a licensed real estate agent and attorney. She stated that the adjacent property owners should contact her with any questions. She added that the church is dividing off the 4 acre parcel which they are not using and selling it to meet budgetary means.

Chairperson Siepmann asked if there were any comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 1:08 pm.

• **RZ133 (Mukwonago Town Board - Text Amendment) Town of Mukwonago**

Mr. Fruth indicated the request is for text amendments to Chapter 36 of the Town of Mukwonago Zoning Code, related to revising the standards for Clydesdale East (PDD-08) for attached garage floor area minimum size, removing ZP as a secondary review for solar energy systems-building mounted, and dimensional standards for lots.

Mr. Fruth indicated the Town is proposing minor text amendments to their Zoning Code, summarized below:

- Appendix C – Remove the cap on the number of accessory buildings on properties zoned in the A-1 District which contain a minimum of 15 acres or more. The B-2 District lot density standards of Appendix C are proposed to be amended to change the specified lot density to 20,000 square feet rather than 30,000 square feet.
- Appendix D - Dimensional standards of the Clydesdale East Subdivision is proposed to be amended to specify attached garages of a minimum of 600 square feet rather than a maximum of 600 square feet.
- Appendix A- Revised to remove “ZP” (zoning permit) as a secondary review for building mounted solar energy systems.

After discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously, for approval, in accordance with the “Staff Report and Recommendation”.

Chairperson Siepmann welcomed Christine Howard as a new Park and Planning Commission member and appreciated her being able to serve.

• **RZ142 (Merton Town Board – Text Amendment) Town of Merton**

Mr. Fruth indicated the request is for a text amendment to the Town of Merton Zoning Code to repeal and re-create Section 17.29 relating to swimming pools.

Mr. Fruth indicated the proposed text amendments are related to swimming pool regulations. They would update the rules with attention to fencing requirements for safety. The new language prohibits elevated surfaces, such as decks adjacent to fences, to have less than 4 ft. of separation to the top of the fence. The existing code requires a 4 ft. fence, however this clarification is being provided regarding adjacent surfaces. The above ground pool standard which states that if the wall of an above ground pool is at least 52 inches in height, fencing would not be required, but temporary fencing is required during construction. Other mechanical equipment, such as pumps, filters and heaters must be a minimum of at least 36 in. from fencing to minimize climbing risks. Mr. Morris indicated the Town of Merton also discussed that horizontal fences would not be allowed in order to minimize climbing risks.

After discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously, for approval, in accordance with the “Staff Report and Recommendation”.

- **RZ143 (Merton Town Board – Text Amendment) Town of Merton**

Mr. Fruth indicated the request is for a text amendment to the Town of Merton Zoning Code to create Sections 17.03 and 17.44(1)(a)11. relating to recreational chicken activities.

Mr. Fruth indicated the proposed text amendment would allow chickens on smaller sized properties. A maximum of 5 chickens would be allowed on properties a minimum of 40,000 sq. ft in size. Buildings housing chickens must be 30 ft. from property lines, no roosters are allowed, no commercial use or slaughtering, coops must be located to the rear of residences, be a maximum of 50 sq. ft. in size and be covered to avoid predators, chicken feed needs to be contained and waste needs to be disposed of properly.

After discussion, Mr. Peregrine moved, seconded by Mr. Szpara and carried unanimously, for approval, in accordance with the “Staff Report and Recommendation”.

- **RZ140 (Wisconsin District of Wesleyan Church) Town of Mukwonago, Section 22**

Mr. Fruth pointed out the location of the property at S93 W30580 County Road NN in the Town of Mukwonago on the aerial photograph. He indicated the request is to rezone the property from the SE Suburban Estate and R-1 Residential Districts (Town) to the P-1 Public District (Town).

Mr. Fruth indicated the property is approximately 6.2 acres in size and contains a church in the center of the parcel and a parsonage near CTH NN. The proposed rezoning request would allow the church to be a permitted use in the Public and Institutional District and avoid public hearings for changes made to the site plan. In addition, the Town recently amended their Land Use Plan for the property to the Public and Institutional District.

After discussion, Mr. Peregrine moved, seconded by Ms. Howard 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.

- **RZ141 (Amy Thomas/Neumann Development, Inc.) Town of Delafield, Section 23**

Mr. Fruth pointed out the location of the property in Section 23 in the Town of Delafield on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agricultural District (Town) to the Planned Development District No. 1 (Town).

Mr. Fruth indicated there are three parcels containing approximately 151 acres subject to the rezoning request. The property is located north of Golf Road and I-94. The largest of the three parcels has a homestead (2 story brick home). The long narrow parcel to the east abuts Elmhurst Road (east) and Golf Road (south). To the north, the Lake Country Trail abuts the parcel. The last parcel contains environmental corridor and wetlands with a clearing area on the western side. The proposal is to consider approval of the Town’s ordinance that rezones the properties to the Town’s Planned Development District No. 1. The newly create district is specialized for the Thomas Farm property.

Mr. Fruth described the land use designations on the site. On the south end of the site, the large parcel is located in the Mixed Use category which allows for residential, commercial, office, institutional and open space uses. The south half of the east parcel was designated similarly within the past year. The prior designation was commercial and office park. The parcel to the north is in the Low Density Residential category (minimum 20,000 sq. ft. per dwelling unit up to 1.4 acres per dwelling unit). The plan does not designate if residential must be single-family or condominiums. The County Land Use Plan Amendment was conditional subject to 3 conditions, listed below:

1. No industrial uses shall be allowed.
2. Future development proposals must provide for a recreational path system that is open to the public and connects the subject lands to the Lake Country Trail.
3. If developed solely for residential use, the overall density of the site shall be within the range of the Low Density Residential category.

Mr. Fruth described the surrounding properties as residential to the west, north and northeast. The three closest subdivisions are also in the Low Density Residential category. Further to the west there is a more dense residential category for the lands that house a condominium project along the Golf Road frontage of the High Ridge subdivision. Western Lakes Golf Course is located to the east (Recreational category) and to the south opposite of I-94 there is Governmental and Institutional category (church and Prairie Waldorf School).

Mr. Fruth described the intent provisions of the Town's Planned Development District No. 1 (PDD1).

- Provide for mixed residential uses in an attractive, integrated environment which is complimentary to the surroundings.
- Preserve the natural environment by conserving environmental corridor areas, wetlands and tree lines designated for preservation to the extent practicable.
- Provide for landscape buffer along Glen Cove Road, Elmhurst Road and Golf Road to ensure harmony with surrounding neighborhoods.
- Provide a trail network that links existing neighborhoods, individual development sites and the Lake Country Trail.
- Mitigate traffic impacts by splitting access between both local roads and the county trunk highway system.
- Provide a heightened level of site design and connectivity between development sites.
- Provide a broad range of potential living unit options that will accommodate residents of varying ages.

He further explained, that the district contains a process which calls for the development of a general development plan. The general development plan requires specialized studies and plans to provide specific expectations to the unique features of the Thomas Farm property. During the original creation of the PDD1 there was a thought that the subject lands might include more than just residential uses on the site. Subsequently, the Town revised the ordinance to be more specific to residential use only. He presented the Concept Plan for the property and explained it is a conservation design layout, limited to single family lots and residential condominiums. There are 4 distinct zones:

- Zone 1, borders the woods and is adjacent to the High Ridge East subdivision to the northwest. Allowable use types are single family lots at a minimum of 20,000 sq. ft. (8 lots, with environmental corridor set aside as an outlot to be conserved in open space).
- Zone 2, borders the woods and is opposite Elmhurst Road from the Golf Ridge single family and condominium neighborhood to the east. Allowable use types are single family lots at a minimum of 15,000 sq. ft.
- Zone 3, borders Golf Rd./I-94 and Glen Cove Rd. and is opposite Glen Cove Rd. Allowable use types are single family lots at a minimum of 10,000 sq. ft. and condominiums at a maximum of four units per acre.

- Zone 4, borders Golf Rd./I-94 and Elmhurst Rd. and is opposite the Western Lakes golf course and an outlot in the southeast part of the property. Allowable use types are single family lots at a minimum of 10,000 sq. ft. and condominiums at a maximum of four units per acre.

The Town requires conformance to a number of general development plan standards prior to the rezoning of the properties:

- A General Development Plan drawing be provided.
- Open Space and natural resource protection plan (49% of the site is conserved in open space).
- Traffic Impact Analysis (completed by a consultant engineer and reviewed/accepted by the Waukesha County Department of Public Works. The level of traffic service would be favorable with minor delays and no need for traffic signals. Bypass lanes would be required at the 2 main intersections proposed on Golf Road).
- Road Access Plan (split access points at Glen Cove Road and Elmhurst Road).
- Sanitary Sewer Plan (Lake Pewaukee Sanitary District indicated the parameters relative to the number of people to be located on the site is within their constraints).
- Water Study (consultant assessed potential impacts to Pewaukee Lake and adjacent wells and determined that Pewaukee Lake levels would not be affected. Drawdown analysis concluded that wells could influence water table by 4-5 feet which is the same range as natural water table fluctuation. Infiltration practices recommended to re-charge groundwater).
- Preliminary Stormwater Plan, the plan was reviewed and approved by the Waukesha County Land Resources Division.
- Bike and Pedestrian Plan (approximately 1.9 miles of trails and paths provide connection to Lake Country Trail).
- Active Recreation Plan (public park including a pickleball court, garden and picnic areas).

Mr. Fruth indicated the Town of Delafield Plan Commission unanimously recommended approval of the rezone, and the Town of Delafield Board recommended approval by a 3 to 2 vote.

Mr. Fruth stated the density is limited to the Low Density Residential category and Environmental Corridor thresholds. The County Development Plan density recommendations would allow 248 dwelling units on the property. The Town PDD1 restricts density on the site to 230 dwelling units. The proposal indicates 212 dwelling units (211 plus the existing farmhouse), of which, 56 units would be side by side condominiums and the balance would be single-family lots.

Mr. Green, Town of Delafield Administrator, stated that the Town is leaning towards the park being a public park so everyone in the community would be able to enjoy the amenity.

Mr. Lindgren, the developer representing the petitioner stated that he believes the mixture of uses as well as the preservation of open spaces enhances the development. They were asked to do many studies (water, traffic, etc.) and put them through a rigorous review with the Town, County and SEWRPC. They can confidently say that the outcome of the studies has been agreed upon by the necessary parties and are looking to break ground as soon as possible.

Ms. Mahoney-Ogden, Town of Delafield Supervisor, indicated she was not a supervisor when the Thomas Farm Development was originally created. She said the people in the Town want the development to look like the surrounding lands/developments around them. She felt the Town meeting was contentious and there was discussion and said the public comments indicate the development does not look like the rest of the Town of Delafield. She voted to table the rezone request at the Town Board meeting in order to protect

Pewaukee Lake, the studies done were conflicting and she had concerns with the water study and indicated there will be ongoing traffic issues. She indicated a roundabout is needed due to the increased high volume of traffic along Golf Road and that homes are proposed to be placed near the intersection of Glen Cove Road and Golf Road with no room left for a roundabout to be constructed..

Ms. Miller, Town of Delafield Supervisor, stated she lives within 200 ft. of the property line. She said the Town Board vote was not unanimous. She voted against the rezoning for the following reasons. She felt there was a lack of responsibility and constructive content in the studies and it does not represent the spirit of the Town. She mentioned the plan does not align with the adjoining subdivisions or developments across the Town. The density is still too high and there are sewer and traffic concerns.

Ms. Howard asked if the surrounding subdivisions are in the Low Density Residential category? Mr. Fruth replied, yes, and described that the lots in this development are smaller than the subdivisions to the west, north and northeast. The developers of those abutting subdivisions may have chosen to develop less than the maximum allowed. The category matches the surrounding residential development designations shown on the county plan.

Chairperson Siepmann summarized, that last year the amendment to the Comprehensive Development Plan for the property was approved which allows for this type of density. The Town forwarded their recommendation to the County. The density is under what is allowed and the request meets all of the requirements. Mr. Fruth stated both the Town and County Plans call for Mixed Use and Low Density Residential development on the property.

After discussion, Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously, for conditional approval, in accordance with the “Staff 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.

• **RZ116(Amy Thomas/Neumann Development Inc.) Town of Delafield, Section 23**

Mr. Fruth pointed out the location of the property in Section 23 in the Town of Delafield on the aerial photograph. He indicated the request is to rezone the property from the A-1 Agricultural District (County) to the R-3 Residential District (County).

Mr. Fruth indicated there are a limited amount of lots (Lots 1-8) located in the northwest corner of the site subject to County Shoreland jurisdiction and proposed lots would be approximately ½ acre in size. Conditions of note for the proposed rezoning include:

1. The site shall be limited to a maximum of 230 dwelling units.
2. The development of the site shall be in substantial compliance with the concept site plan (Exhibit A).
3. A minimum of 40% of the site shall be conserved in open space.

The County’s land use designation for the property is Low Density Residential and Environmental Corridor which complies with the County’s Development Plan.

Ms. Mahoney-Ogden, Town of Delafield Supervisor expressed concerns regarding no property being set aside for a roundabout at the intersection of Glen Cove Road and Golf Road for the increase in traffic.

Chairperson Siepmann asked Mr. Fruth to contact the Department of Public Works to discuss the concerns expressed regarding a roundabout near the development. Mr. Fruth indicated he would do so.

After discussion, Mr. Peregrine moved, seconded by Ms. Howard and carried unanimously, as conditioned, for approval, in accordance with the “Staff 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.

• **CU89 (Amy Thomas/Neumann Development, Inc.) Town of Delafield, Section 23**

Mr. Fruth pointed out the location of the property in Section 23 in the Town of Delafield on the aerial photograph. He indicated the request is for a Planned Unit Development for a conservation design subdivision containing 212 residential dwelling units.

Mr. Fruth discussed the intent of the Planned Unit Development (PUD) option. He explained that the PUD is a Conditional Use and some of the parameters of the statement of intent are that PUDs are intended to provide flexibility in regulations, they are intended to recognize the new demands in the housing market, they are envisioned to create imaginative, interesting communities with substantial open area owned in common and such projects are intended to encourage more efficient and desirable use of land and open space areas. The R-3 PUD standards allow for densities of up to 9,000 sq. ft. per dwelling unit. The development being proposed is providing nearly 30,000 sq. ft. per dwelling unit and, therefore, is not near the maximum allowed for an R-3 PUD. The development would match the Planned Development District No. 1 parameters. The vast majority of lots within the subject planned development would be in the Town’s zoning jurisdiction and the setbacks of PDD 1 are proposed to be matched. Forty percent open space is required to be set aside. Conditions of note include:

1. Prior to this Conditional Use being effective, RZ 116 and RZ 141 must be approved by the County Board.
2. The lands shall be developed in substantial conformance with the presented concept plan. However, changes to the development layout to accommodate final stormwater management requirements or other infrastructure requirements can be authorized by County Planning & Zoning Division staff.
3. The number of dwelling units shall not exceed 212, as proposed.
4. A minimum of 40% of the site shall be preserved as open space and open space shall be configured in substantial compliance with the Site Plan (Exhibit A).
5. All areas of environmental corridor and wetlands shall be conserved in open space, as proposed.
6. A bike and pedestrian trail network in substantial conformity with the trails depicted on the proposed bike and pedestrian plan shall be provided.
7. A maintenance and monitoring plan shall be provided that ensures the long term health and maintenance of conserved natural resource and open space areas.
8. Enhanced stormwater infiltration practices shall be employed for this project, subject to site limitations. The Waukesha County Land Resources Division shall be consulted with regards to the final stormwater design to maximize infiltration opportunities. Such practices may include bio-retention basins, stone trenches and infiltration chambers.
9. Building setback, offset, footprint, height and other dimensional requirements shall be as specified in Town of Delafield PDD No. 1.

10. Road access points shall be in substantial conformance with the submitted site plan.

Mr. Fruth explained that the concept plan is consistent with the recommendations of the Town and County plans. Ms. Howard indicated she did not see the traffic study and asked what time of year it was done? Mr. Fruth responded it was done when school was in session, during the winter, and there was discussion at the Town meetings about the timing of the study. The traffic engineer who did the study was at the meeting and indicated that the preference to do studies is when traffic is more representative of a typical day (Monday to Friday and school and workplaces in session). Ms. Howard asked if there was a recommendation for a roundabout? Mr. Fruth replied that no improvements were necessitated by the traffic volumes being projected, other than the bypass lanes at the 2 intersections being proposed on Golf Road. He further explained that when I-94 shuts down, this is the alternate route. He said he would speak to the Department of Public Works regarding a roundabout. He stated it is important to recognize the number of units being proposed is not projected to cause a traffic issue, but rather the alternate I-94 status of Golf Rd. causes occasional congestion. Ms. Howard expressed concerns with additional development along Golf Road in the future. Mr. Fruth stated the requirements don't trigger the need for improvements based upon the impact of the development.

Ms. Miller said just because the concept plan is checking all of the boxes doesn't make it right. She disagreed and thought the number units in the development is a problem. She thought 150 units would be a better fit for the development. Chairperson Siepmann stated the Town of Delafield sent the master comprehensive plan a year ago and there is more work that the developer needs to accomplish to get it done. More stormwater and groundwater studies need to be done and they need to meet the standards of both the County and Town to be able to go forward.

After discussion, Ms. Howard moved, seconded by Mr. Morris 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.

• **PPC24 004 (Wis. Department of Natural Resources) Town of Ottawa, Section 12**

Mr. Fruth pointed out the location of the property in Section 12 in the Town of Ottawa on the aerial photograph. He indicated the request is for a remnant parcel not shown on a Certified Survey Map.

Mr. Fruth indicated the WDNR recently acquired the parcel in order to create a small parking area and trailhead. Including the remnant parcel in the Certified Survey Map would result in a significant expense for the owner.

After discussion, Ms. Howard moved, seconded by Mr. Szpara and carried unanimously, as conditioned, for approval, in accordance with the "Staff 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.

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Szpara adjourn the meeting at 2:15 p.m.

Respectfully submitted,

Robert Peregrine

Robert Peregrine
Secretary

RP:kb

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