

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, MARCH 16, 2023 - 1:00 P.M.**

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**CALL TO ORDER**

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

Commission

Members Present:    James Siepman            Robert Peregrine  
                              Richard Morris            William Groskopf  
                              William Mitchell

Commission

Members Absent:    None

Staff

Members Present:    Jason Fruth, Planning Manager  
                              Ben Greenberg, Senior Planner  
                              Kathy Brady, Support Staff Supervisor

**CORRESPONDENCE:**

**MINUTES:**                            Approval of the February 23, 2023, Minutes.

*After discussion, Mr. Peregrine moved, seconded by Mr. Groskopf and carried unanimously for approval, of the February 23, 2023, Minutes, as presented.*

**PUBLIC COMMENT:**            None.

**SCHEDULED MATTER**

- 1:00 p.m.            **Consideration of the Year 2020 Request for Amendment to the Comprehensive Development Plan for Waukesha County**

**Year 2020 carry over request, 1A – Amy E. Thomas – Town of Delafield**

1.     In the Town of Delafield, the following request is being made:
  - A.     *Amy E. Thomas on behalf of multiple family members*, requests properties located in part of the NE, SE and SW ¼ of Section 23, T7N, R18E, Town of Delafield (Tax Key No's. DELT 0809.995, DELT 0809.996 and DELT 0811.999), be amended from the:
    - DELT 0809.996, north part of DELT 0809.995. Suburban I Density Residential (1.5 to 2.9 acres of area per dwelling unit) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres per dwelling unit) with the PEC areas remaining unchanged.
    - DELT 0811.999, south part of DELT 0809.995. Commercial and Office Park to the Mixed Use category with PEC areas remaining unchanged.

The property owners are proposing to improve the marketability of the property.

Mr. Fruth explained that this amendment has been on hold since 2020 while a special planning process occurred. In 2020, the plan amendment public hearing was held for this request. A large number of speakers expressed concerns and objected to the proposal along with follow-up correspondence after the public hearing. In response to the comments/concerns, the Town and County wanted to engage in more study prior to advancing a staff recommendation. A workgroup was assembled containing property owner representatives, a local developer, Town of Delafield staff, County staff and neighboring property owners from surrounding neighborhoods. The workgroup was tasked with creating preferable recommended use types regarding densities, open space, development design, road access, sewer and water, infrastructure, challenges with high bedrock conditions and the unique location of the property along I-94, with adjacent residential development. The workgroup met on six different occasions and produced recommendations with compromise. After seeing the recommendations, the workgroup asked to see the text creating the specialized zoning district for the property. Some of the neighborhood representatives from the workgroup continued to express concerns about density and/or lot size.

Mr. Fruth pointed out on the aerial photograph the 3 parcels of land included in the request noting Golf Road to the south, Glen Cove Road to the west and Elmhurst Road to the east. The easterly most parcel contains 2 homes with outbuildings along Thomas Lane which cuts through the property. The parcel to the north abuts the County's trail corridor and the westerly parcel is an agricultural field with tree lines and wetland areas. He pointed out the environmental resource features of the property on the aerial photograph (wetlands in the central and west portions of the properties and areas of environmental corridor beyond the wetlands on the north part of the parcels and in the central part between the two areas of wetlands). Because the property is large in size, the workgroup split the property into different zones to evaluate, recognizing there are significant differences between the northwest corner representing the residential neighborhood vs. the south zones along I-94. The workgroup expressed a preference for residential development throughout all of the zones. The 2 northerly zones should be limited to single family residential uses and in Area 2 the potential for condominiums was discussed. Along I-94 more use types such as senior uses, 2 to 4 unit condos, offices were suggested as potential transitional uses. A higher density single family residential was also recommended.

Mr. Fruth stated in Area 4, it was the only zone where slightly higher multi-family residential might be appropriate. The workgroup spent time discussing the right number of units per acre and it was decided that 6 units per acre would be the maximum, only within this zone. The Staff was tasked with taking all of the recommendations of the workgroup and putting it into a text form. The proposed town zoning text ordinance went to public hearing but was met with continued strong resistance. There were concerns with the use types, such as senior housing, office, higher density residential, smaller lot sizes and density in general. The Town restarted the process.

Mr. Fruth pointed out on the Exhibit the zones that were developed and the changes:

Zone 1: Single family use only, located in the northeast corner and only accessible via an existing subdivision road. Single family use only and larger lots.

Zone 2: Single family use only, 15,000 sq ft. minimum lot size (1/3 acre), and to show consideration of the neighborhood to the east.

Zones 3 and 4: 10,000 sq. ft. lots allowed and condominium use types up to 4 units per acre.

He pointed out on the aerial photograph the categories which were to be changed in the amendment process.

Mr. Fruth stated that since the public hearing, the owners have continued to market the property. He referred to the Exhibit (concept plan) prepared for by a developer showing the application of the recommendations and what it would look like. The proposal complies with the minimum lot size and density provisions of the new Planned Development District 1. The concept plan complies with the use requirements, with condos in one area and the 20,000 sq. ft. lot size requirement, the 15,000 sq. ft. lot size requirement in the northeast portion of the site and the 10,000 sq. ft. lot size requirement in the south portion of the site. If the plan amendment is not approved, the south half of the property would be limited to Commercial and Office Park uses only and the surrounding neighborhoods did not have a preference for Commercial and Office uses in that area.

Mr. Fruth indicated that currently there is a developer interested in creating a residential only development, and the Town has crafted an ordinance for that purpose should the plan amendment be accepted. As part of the Planned Development District No. 1, there are assurances and requirements for how the open space would be provided, how the natural resources would be conserved, is there sewer capacity to handle the density proposed, the impact on water, impacts on traffic, etc. The developer must petition for a rezone to the new District and it contains all of the framework for these requirements within that ordinance (Ordinance RZ114). All of the above concerns must be addressed before the Town considers rezoning the property to Planned Development District No. 1.

Mr. Fruth stated if the Planned Development District No. 1 is applied, there is a maximum of 230 units and the density would be 0.66 acres per dwelling unit (pdu), which is a little less than 30,000 sq. ft. pdu. For the Low Density Residential (LDR) category, the minimum is 20,000 sq. ft. pdu so the proposed density is within the range for the LDR, which is the category mapped for existing subdivisions to the east and west of the property. He noted that even if the wetlands and environmental corridor are taken out, the project would still comply with the 20,000 sq. ft. pdu.

Mr. Fruth indicted the Staff Recommendation is for approval with conditions. The conditions being recommended are:

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.

The Planning and Zoning Division staff believes that slightly more density and smaller lot sizes are appropriate given the setting along I-94.

Mr. Green, Town Clerk/Administrator noted that there was public outcry regarding the project when it was first presented. After the modifications to the ordinance strictly limiting the project to residential use, the complaints have reduced in number. He added that generally, the public has indicated they like the compromises which have been proposed, they like the proposed concept and the Town is seeing more positive responses.

Chairperson Siepmann asked if there were any other comments from the commission or public, and there were none. He mentioned that Mr. Fruth did a nice job updating and detailing the process involved with this controversial project. He was glad to see that the Town and County worked with the neighbors, homeowners and developer to come up with the revised project.

*After discussion, Mr. Mitchell moved, seconded by Mr. Peregrine 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.*

- **RZ114 (Text Amendment), Town of Delafield**

Mr. Fruth indicated the request is for a text amendment to amend the Town of Delafield Zoning Code by creating Section 17.04 5. R. “Planned Development District No. 1”.

Mr. Fruth indicated the text amendment creates the option for the Planned Development District No. 1 to be used and it can only be sought for the Thomas Farm property, which includes the 3 parcels discussed under the previous agenda item. He stated that the district would require an application for rezoning the property to this category. There are general development plan requirements called out in the text amendment which require an open space and natural resource plan, a road access plan, sewer and water studies, a stormwater management plan, bike and pedestrian plan and an active recreation plan. He mentioned the water study, sewer plan and traffic study are requirements because of the number of units proposed. The Planning and Zoning Division staff is recommending approval, as it is consistent with the Town of Delafield’s Plan and provides for residential use only. In addition, residential use is preferred by the neighbors and staff feel that the densities are appropriate given the setting in a transitional area along I-94.

Mr. Groskopf asked if 230 units was the maximum number of units allowed? Mr. Fruth responded, yes, however, the concept plan shows 213 units and the developer is still tweaking and may change the ultimate number of units. The developer indicated that they were confident they would stay under 230 units and there may be a few more or less lots depending on site plan considerations. Mr. Groskopf asked if the primary environmental corridor and wetlands would stay untouched? Mr. Fruth responded, “yes” and noted it was a strong preference of the workgroup and added that the mature woodlands on the northern portion would all be preserved. In addition, a number of tree lines, not designated as environmental corridor, would also be preserved. A detailed tree assessment of the area in the southeast corner of the property, indicated quality trees in the historic tree line, which would be preserved as well. A Welsh farmhouse from the 1840’s is shown on the concept plan to be preserved. Mr. Groskopf asked about the other 2 residences on the property and if they would stay. Mr. Fruth responded, that both are likely to be razed. One of the homes has been vacant for some time. The 1840’s home is occupied by a renter and is in good condition. Mr. Siepmann noted the 60% to 70% open space for each lot, and asked if this would work out for the developer? Mr. Lindgren replied that the Town allowed 60% because the lots are smaller and it would allow for a decent size house and driveway. Mr. Fruth said that a great deal of time was spent trying to arrive at an appropriate footprint and open space number, allowing for typical development in the market. They compared to other developments, such as the Pabst Farms subdivision with similar lot sizes.

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

- **RZ112 (Text Amendment), Town of Eagle**

Mr. Fruth indicated the request is for a text amendment to revise and amend various sections of Chapter 500 of the Town of Eagle Zoning Code.

Mr. Fruth indicated the text changes include many different topics listed below:

- Agricultural related uses.
- Agricultural tourism, greenhouses, farm education, farm recreation.
- Commercial truck parking, available as conditional uses in the Rural Residential District (overnight parking must occur inside, parking would be limited to County Trunk and State highways).
- Home occupancy standards.
- Household livestock.
- Simplification of solar system panel equipment (amount of power produced onsite can be equal to 120% of the properties usage).
- Accessory buildings under 150 sq. ft. do not count towards the maximum 2 accessory buildings allowed per lot.

The text amendments will make administration of the code easier. Mr. Mitchell asked if the reduction in acres was to accommodate existing businesses because most farms are 35 acres in size. Mr. Fruth responded that the west part of the Town of Eagle is zoned in the Farmland Preservation District which is a 35 acre district. He thought the Town was trying to pair their standards with specific zoning districts. Mr. Mitchell asked if the driveway standards affect existing circle driveways would be grandfathered? Mr. Fruth replied that existing conditions become legal non-conforming uses and would have protected status.

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

- **RZ113 (Text Amendment), Town of Delafield**

Mr. Fruth indicated the request is for a text amendment to amend the Town of Delafield Zoning Code relating to the procedure for issuance of sign permits

Mr. Fruth indicated the text amendment is a reassignment of the responsibility for reviewing sign permits. The Code Enforcement Officer (Town Building Inspector), Town Administrator and Town Planner would participate in sign reviews. This would ease the burden for a petitioner from going through a lengthier process. Mr. Green stated because of the state law change, the Town does not have a great deal of control on signs, especially the content, and the text amendment would make it more efficient to have staff perform the reviews.

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

- **CU82 (Chris and Katie Merideth) Town of Merton, Section 30**

Mr. Fruth pointed out the location of the property at N63 W33949 Lakeview Drive in the Town of Merton on the aerial photograph. He indicated the request is for Conditional Use approval for land altering activities associated with the construction of a detached garage.

Mr. Greenberg, Senior Planner indicated the property contains topography with steep slopes (20% to 25%) and hills. The current residence has no enclosed parking, no garage space and no basement, only a few sheds for storage. The goal was to locate conforming garage space. The builder contacted the Planning and Zoning Division staff for setback requirements. The requirements were a full 50 ft. setback from the established right of way of Lakeview Drive and 75 ft. from Okauchee Lake, and the offset requirements of the lot, were approximately 10 to 14 ft. A concept plan was submitted to the Planning and Zoning Division staff which conformed with all of the locational requirements. The Planning Staff suggested seeking relief

from the road setback requirements through the variance process to significantly reduce (mitigate) the land altering activity to make the garage construction possible. The Town Public Works and Highway Department indicated they were comfortable with a building being located no closer than 30 ft. from the physical road. The petitioners submitted a plan indicating they would be 30 ft. from the road and met all size and locational requirements of the ordinance. The new plan required additional grading beyond necessary backfill which required the petitioners to apply for a Conditional Use Permit as well as a variance from the road setback requirements. At its February 8, 2023 meeting, the Waukesha County Board of Adjustment approved the variance request to allow a new detached garage to be located at 30 ft. from the paved edge of the road in accordance with the Town Public Works approval.

Mr. Greenberg said that next, the petitioner's worked with a landscape architect to execute the plan. The landscape architect suggested the angle of the garage be revised due to a tight turning radius as well as the steep grading involved. The changes would allow the garage to be reoriented perpendicular to the road and to drop the elevations of the floor by a couple of inches resulting in an additional cut around the property and allow the size of the retaining wall to be reduced. In addition, the driveway slope would be approximately 9% and tree preservation was also addressed. The Waukesha County Land Resources Division staff reviewed the plan and indicated that with the recommended conditions there would not be any adverse drainage impacts to surrounding properties. The petitioners have agreed to remove some of the nonconforming sheds located on the property and tree replanting would be required on a 1 to 1 basis. Mr. Morris stated the Town of Merton recently approved the resurfacing of Lakeview Drive. Mr. Groskopf commented that the redesign is better than what was originally proposed. The Planning and Zoning Division staff is recommending approval of the request with conditions.

*After discussion, Mr. Morris moved, seconded by Mr. Peregrine 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.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Mitchell moved, seconded by Mr. Peregrine to adjourn the meeting at 1:44 p.m.*

Respectfully submitted,

*Richard Morris*

Richard Morris

RM:kb