

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, FEBRUARY 21, 2019 - 1:00 P.M.**

CALL TO ORDER

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

Commission

Members Present: Richard Morris James Siepmann Robert Peregrine
 William Mitchell Thomas Michalski

Members Absent: William Maslowski

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
Sarah Spaeth, Legislative Policy Advisor
Amy Barrows, Senior Planner
Kathy Brady, Support Staff Supervisor

Guests Present:

Darlene Johnson, County Board Supervisor
Dennis Tarnowski: 2A Neuman Developments, Inc/Bowen Global Investment
Don & Jean Schneider: RZ23
John Marx 1A Tomich/Gaudion/Legend at Brandybrook Estates, LLC.
Patricia Bandomir: 1A Tomich/Gaudion/Legend at Brandybrook Estates, LLC.
Jim Singsime
Nancy Wisniewski: 2A Neuman Developments, Inc/Bowen Global Investment
Max Jenkins: 1A Tomich/Gaudion/Legend at Brandybrook Estates, LLC.
Jim Koble: 1A Tomich/Gaudion/Legend at Brandybrook Estates, LLC.
Robert Zellmer: 2A Neuman Developments, Inc/Bowen Global Investment
Todd Zellmer: 2A Neuman Developments, Inc/Bowen Global Investment
Josh Pudelko: 1A Tomich/Gaudion/Legend at Brandybrook Estates, LLC.
Pete Puestow: 4A WC Park & Planning Commission, Downtown Okauchee
Mike Todd: 4A WC Park & Planning Commission, Downtown Okauchee
Pat Leverage: 3A WC Park & Planning Commission
Jeff Berg: 1A Tomich/Gaudion/Legend at Brandybrook Estates, LLC.
Dewain Purgill: 1A Tomich/Gaudion/Legend at Brandybrook Estates, LLC.
Nancy Babb: 4A WC Park & Planning Commission, Downtown Okauchee
Lawrence Babb: 4A WC Park & Planning Commission, Downtown Okauchee
Jack Gaudion: 1A Tomich/Gaudion/Legend at Brandybrook Estates, LLC.
John Pierson: 4A WC Park & Planning Commission, Downtown Okauchee
Richard Kobriger: CU19 David Belman
Mark Cukla: 4A WC Park & Planning Commission, Downtown Okauchee
Jack Gaudion: 1A Tomich/Gaudion/Legend at Brandybrook Estates, LLC.
Sarah Grooms: 2A Neuman Developments, Inc/Bowen Global Investment
Bryan Lindgren: 2A Neuman Developments, Inc/Bowen Global Investment
Steve De Cleene: 2A Neuman Developments, Inc/Bowen Global Investment
Karla Cuculi 4A WC Park & Planning Commission, Downtown Okauchee

CORRESPONDENCE:

- Feedback/Comments, Downtown Okauchee Project Open House.
- Written comment submitted by Scott and Judy Grady and others, 1A Tomich/Gaudion/Legend at Brandybrook Estates.
- Written comment submitted by Jeffrey Herrmann, Town of Oconomowoc Administrator, 4A Downtown Okauchee Project.

MINUTES Approval of the January 17, 2019, Minutes

After discussion, Mr. Mitchell moved, seconded by Mr. Michalski and carried unanimously for approval, of the January 17, 2019, Minutes as presented.

PUBLIC COMMENT

None.

SCHEDULED MATTERS

- **1:00 p.m. Public Hearing for the 2019 Amendments to the Comprehensive Development Plan for Waukesha County**

Mr. Fruth described the annual amendment process. He indicated that after the Public Hearing, the Waukesha County Department of Parks and Land Use Staff will have a recommendation prepared for the requests and on March 21, 2019, the Park and Planning Commission will meet and vote on the requests. A couple of the amendments may be considered later to allow for the Town review process to be complete. The Land Use, Parks and Environment Committee will consider the amendments on April 16, 2019. The Waukesha County Board of Supervisors will consider the same at their meeting of April 23, 2019. 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.

At 1:05 p.m., Mr. Fruth read the Notice of Public Hearing into the record.

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

- A. ***Carl Tomich and Jack Gaudion, representing The Legend of Brandybrook Estates, LLC***, N8 W22520-L Johnson Drive, request property located in part of the NE ¼ of Section 3, T6N, R18E, Town of Genesee (Tax Key GNT 1449.988.001), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Primary Environmental Corridor categories to the Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit) and Primary Environmental Corridor categories, to allow a proposed 12 lot single-family residential subdivision.

Mr. Fruth indicated the property is located southeast of Brandybrook Road and south of S.T.H. 18 in the Town of Genesee. Adjacent properties include rural/rural estate type properties to the northeast, a golf course to the south and a development associated with the golf course to the west. The property contains an existing pole building (which will be razed) and an existing residence on the southern portion of the property that would be retained on a lot in the proposed development. A concept plan

showing the proposed layout of the development was included with the petitioner's application. The proposed development is a conservation type layout with a single access from Brandybrook Road. A large outlot is being proposed between the development and Brandybrook Road, and in addition, several other outlots are also being proposed. A golf cart path connection is being proposed for the residents to access the golf course to the south. Wetlands are located within an outlot area and the property contains Environmental Corridor (EC) which has not been delineated. He mentioned that it would be appropriate to have the EC delineated. Currently, the property is zoned in the A-5 Mini Farm District, which is a five (5) acre district. The developer is proposing an R-1 Planned Unit Development. The concept plan is being presented to show what might materialize if the plan amendment is approved. At this time, the request is for the category to be amended from the Rural Density and Other Agricultural Land and Primary Environmental Corridor categories to the Low Density Residential and Primary Environmental Corridor categories.

Mr. Gaudion, petitioner/owner introduced himself and indicated the request is for a gated, private road development, similar to what already exists adjacent to the golf club in terms of home and lot sizes. In addition, it meets the requests and demands of the members of the club. Mr. Pudelko, from Trio Engineering introduced himself and indicated the property is unique and located directly adjacent to the golf club. He explained that in the proposed development, homes would be clustered and situated with great views of the golf course and the open space would be preserved. In addition, there would be a large buffer along Brandybrook Road.

Chairperson Peregrine opened the hearing up for public comment. The comments are listed below:

- Max Jenkins, a neighboring property owner stated the reason he moved to his property is so he could have more acreage. If the petitioner can change the zoning what would stop others from doing so and where would it start and stop? There are large parcels of property east of the golf club that could also be purchased and the area developed. He stated he was opposed to the change.

Chairperson Peregrine clarified that the public hearing is for changes to the Waukesha County Development Plan, not a rezoning of property. If the amendment is granted by the Waukesha County Board, then a rezone would be a subsequent, separate proceeding for which neighboring property owners would receive notice. He reiterated that no properties are being rezoned today.

Mr. Fruth further explained that this public hearing is for a category change to the Waukesha County Development Plan. Currently, the category of the property in question is Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit). The proposed category change is to the Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit) and Primary Environmental Corridor categories. A subsequent rezone hearing would take place at the Town if the category amendment is adopted where the zoning would be discussed.

Mr. Jenkins added that 12 new homes are being proposed and planned to be added to the area. Prior to this, up on the hill going south on Brandybrook Road, the Village of Wales approved nine (9) new homes. The tax base will increase, however, more children will be attending the nearby schools. Brandybrook Road is a very busy, dangerous road with hills and curves. With 12 new homes traffic will increase. He urged the Commission members to come and view the road and property.

- John Marx, neighbor, stated that there would be an increase in traffic and headlights would shine in his living room and bedroom windows all night. He was opposed to the change.
- Jeff Berg, adjacent neighbor to the north and 30-year resident, stated that this request will drastically change the rural concept (sizeable blocks of land) that largely brought many of the residents to the area. He stated he is opposed to the change.
- Mr. Fruth noted that written comments were received from Scott and July Grady and others in opposition of the change and they also expressed concerns regarding increase in traffic and the general change in the rural environment.
- Dewain Purgill, adjacent neighbor to the north and 35-year resident, stated the proposal indicates a driveway running all the way alongside his property line and the placement of two (2) homes directly behind his residence. The reason he moved here was to have open space and a larger lot. He stated he was opposed to the change.
- Jim Koble, neighbor to the north, was also opposed to the change. He stated that the golf course was on a deep well. He expressed concerns regarding the watershed as far as a higher density creating more septic systems and wells.

Mr. Gaudion, petitioner, stated the community is on a separate well and water system from the golf club. He said there are two (2) deep wells, one for the golf course and one for the community.

Chairperson Peregrine reiterated that the public hearing is for changes to the Waukesha County Development Plan, not to permit any development and only to change the plan that is in existence and none of the land will be rezoned as a result of this public hearing.

Mr. Koble asked if any of the Commission members have physically visited or viewed the property? Mr. Fruth replied that after all of the public comments are received he would address the question.

- Pat Bandomir, neighbor to the north, spoke in opposition of the request. She stated she has owned her property for approximately 60 years. She has a larger lot (10.5 acres) and enjoys the rural area. She said when the Legend went in, traffic increased and with new 12 additional homes it would increase further. She indicated it is difficult to pull out of her driveway at times.

Mr. Fruth indicated that the Commission does not typically go onto properties, they may drive past the property. He said that he had driven past the property as a staff member, and the Staff Report will summarize staff observations. He indicated that all public comments received on this matter (oral or written) would be reviewed and summarized by the Planning and Zoning Division Staff in their recommendation.

Mr. Mitchell asked if there was a well on the property in question? Mr. Gaudion responded, the development would be under well and septic and not be attached to the existing water system that the other community is on.

Mr. Michalski asked what the Southeastern Wisconsin Regional Planning Commission's (SEWRPC) Plan is for this area? Mr. Fruth responded he was unaware of SEWRPC's plan for this area, however, he indicated that they review the land use designations developed by the Towns and counties locally and translate it to their regional mapping. Mr. Fruth said he could report back to this question at the next meeting.

Chairperson Peregrine 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 Lisbon, the following request is being made:

- A. *Neumann Developments, Inc., representing Bowen Global Investments*, 633 S. 4th Street, Suite 7, Las Vegas, NV 89101-6631, requests property located in part of the S ½ of Section 30, T8N, R19E, Town of Lisbon (Tax Key No. LSBT 0264.998), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Other Open Lands to be Preserved categories to the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit), to allow a single-family residential subdivision.

Mr. Fruth indicated the property is located north of C.T.H. "K" and south of Ainsworth Road in the Town of Lisbon. Adjacent properties include a subdivision to the west, rural type properties to the south and other low density residential to the southwest and northeast. He presented the concept plan, which was submitted by the petitioner. Waukesha County and Town of Lisbon Staff recently held a Development Review Team meeting on this proposal. The Waukesha County Public Works Staff indicated the proposed access onto C.T.H. "K" would be substandard, relative to site distance requirements. They suggested the petitioner could move the roadway location, the grades could be cut down or a speed study could be done to possibly lower the speed limit.

Mr. Fruth noted that the proposed development would be a conservation design type layout with substantial open space being provided in the northeast and perimeter of the property. The property contains rolling terrain with open agricultural lands along with a wetland/low area located in the northeastern and northwestern corners of the property. He noted that the Waukesha County Land Resources Staff will need to review the wetland/low area if this amendment request proceeds so there would not be a groundwater problem for basements or negative drainage characteristics. In addition, an adjacent property owner that abuts the northeast corner of the property holds a 30 year old Conditional Use Permit from the Town of Lisbon to build black powder guns and has a firing range that aims to the west. The property owner indicated that the guns have a substantial range. The property owner would like to continue utilizing the Conditional Use. In the 1970's the Town approved the Conditional Use with a condition that indicates, if, and when, the lands to the west develop, the use approval could be reconsidered. The Town of Lisbon Planner has been informed of the issue.

Mr. Lindgren and Mr. De Cleene from Neumann Developments, Inc. introduced themselves to the Commission. Mr. Lindgren indicated a wetland study was performed on the site. The proposed amendment is consistent with the surrounding areas and is for a 64 lot, single-family development with access via Green Meadow Road and C.T.H. "K". He stated they met with the Town of Lisbon Staff and the proposal is to shift the entrance further east on C.T.H. "K" to address the highway department concerns as far as speed limits and the proximity to other accesses. He submitted a revised concept plan.

Mr. Morris asked what type of soils are on the property? Mr. Fruth explained there is a broad area of Hochheim and Teresa type soils.

Chairperson Peregrine opened the hearing up for public comment. The comments are listed below:

- Todd Zellmer, spoke representing his father Robert Zellmer, who lives northeast of the property. He indicated that his father has a Conditional Use for a gun business and firing range, which he would like to retain. He said the size of the wetland area on the property in question is being underestimated. He pointed out on the aerial photograph the wetland area and said it is a water hole that stretches all the way to the base of the hill of the basin. He submitted photographs from May 2000 showing at least three (3) feet of standing water from the base of the hill going all the way to Ainsworth Road. He indicated there is standing water every year. There is a ditch on Ainsworth Road but it is not connected to the water and there is basically nowhere for the water to go. He expressed concerns that when roads, driveways and yards are developed, the water will drain onto his father's property. He pointed out on the aerial photograph the location of a spring on the subject property. He said that farm trucks and tractors get stuck on the hill because of the water. He suggested the developer dig the wet area deeper to contain the water.

Mr. Mitchell asked if the photographs of the property were taken from his father's property, to which Mr. Zellmer replied, "Yes."

- Sarah Grooms, adjacent neighbor to the east, is in the process of building a new home on her property. She indicated that she is not against the proposed development, however, she expressed concerns regarding water runoff onto her property and flooding concerns. She pointed out on the aerial photograph the location of her new residence, on the east side of her property.
- Dennis Tarnowski, neighbor to the west, stated he was opposed to 64 additional homes being built because it would ruin the rural character of the area.
- Nancy Wisniewski, neighbor to the west, expressed concerns with the increase in traffic from the proposed development.

Mr. Lindgren stated that the wetlands were delineated by a wetland expert. Regarding the northeast corner of the property where there is water they have allotted a substantial boundary for a water retention space. As the project moves forward all new developments must account for the water on the property.

Mr. Fruth added that regarding the water/drainage issues, Waukesha County has a separate Ordinance that specifically deals with storm water management. He said he would continue to work with the Waukesha County Land Resources Division (LRD) when these types of concerns are raised. The LRD has participated in a review of the concept plan and recognized the need to be sensitive to the offsite drainage conditions. At the next meeting, they would come back with analysis relative to the concerns.

Chairperson Peregrine 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 Merton, the following request is being made:

- A. ***The Waukesha County Park and Planning Commission***, 515 West Moreland Blvd., Waukesha, WI 53188, requests property owned by Patricia Leverage, N48 W28320 Lynndale Road, located in part of the SE ¼ of Section 36, T8N, R18E, Town of Merton (Tax Key No. MRTT 0432.998.004), be amended from the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit) to the Mixed Use category.

Mr. Fruth indicated that Ms. Leverage (property owner) owns two (2) adjacent properties, one (1) located in the Town of Merton and the other (to the south) is located in the Town of Delafield. The property in question, located in the Town of Merton contains a residence, outbuilding and a pool. The owner is requesting the change in category in preparation of possibly selling the property in the future. He noted that the property is heavily wooded and contains steep terrain, which would prohibit extensive development. The southerly property is currently in the Mixed Use category. Ms. Leverage, petitioner introduced herself and said she was available to answer any questions. She added that it is very difficult plan anything for the properties because they are located in two (2) different Towns and she would like to have it a bit more organized. Mr. Morris noted that the Town of Merton approved the amendment.

Chairperson Peregrine 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.

4. In the Town of Oconomowoc, the following request is being made:

- A. ***The Waukesha County Park and Planning Commission***, 515 West Moreland Blvd., Waukesha, WI 53188, requests a comprehensive amendment for the Downtown Okauchee area within the Town of Oconomowoc. Approximately 83 acres of land in the downtown area are proposed for designation as a Downtown Okauchee special planning area with an underlying Mixed Use designation. Approximately 29.2 acres of land within the project area are proposed to be amended from the Medium Density Residential (6,000 to 19,999 sq. ft. of area per dwelling unit), Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit), Governmental and Institutional, Commercial and Office Park categories to the Mixed Use category. Other lands within the project area already planned for Mixed Use will remain in that category with special provisions applying to the entirety of the area. The Environmental Corridor and Isolated Natural Resource Areas will remain the same. The amendment is being requested to create a more detailed plan to help invigorate the downtown area.

Mr. Fruth presented a map with the existing categories. He indicated there is a single parcel being amended from the Medium Density Residential category, several parcels being amended from the Low Density Residential category, a church and the fire department being amended from the Governmental and Institutional category along with a small area designated Commercial all transitioning to the Mixed Use category. A special planning area is being proposed in conjunction with applying the Mixed Use category area wide. More detailed land use requirements will also be contained within the proposed Okauchee Zoning District.

Chairperson Peregrine opened the hearing up for public comment. The comments are listed below:

- Pete Puestow, a resident for 65 years stated that many of the residents in the area are in favor of the simplification of the change to initiate more business for the area.
- Mr. Fruth stated that the Town of Oconomowoc Administrator submitted a correspondence stating that the Town Board and Town Plan Commission support the proposed changes.
- Karla Cuculi, resident, asked if there was discussion to include a bar/restaurant located lakeside currently under Conditional Use?

Mr. Fruth replied that there was discussion, and the decision was made that this particular area was planned and zoned residential and was not included in the amendment area. However, the planning area could be expanded at some point in time if the Town and County agreed to do so but it would be a separate project.

- John Pierson, nearby property owner on Road B. He indicated he read the documents posted on the website regarding the project and said it appears this change covers more than the downtown Okauchee District and affects all property owners in the Okauchee Lake area.

Mr. Fruth explained that the Land Use Plan Amendment is being considered at this public hearing and relates solely to the Okauchee project area shown on the aerial photograph. The proposed Zoning amendments (next public hearings on the agenda) relate to the entirety of the County's jurisdictional area and will be discussed later in the meeting.

Mr. Pierson said he and his neighbors were unaware of the Advisory Committee meetings and open house that was held. They have questions regarding the impact on the groundwater. He indicated they all have point wells. He expressed concerns that if multi-family properties are allowed to be located directly across the lake from them, if an analysis had been done of what this could do to their water supply. The intention of the document he read was to increase the density of people living in the downtown Okauchee district.

Chairperson Peregrine said this public hearing is to change the Land Use Plan not address the water or zoning concerns.

Mr. Pierson stated in order to get to the next stage to discuss water usage, it is contingent upon this amendment being approved. He felt his questions were valid and a water analysis should have been done.

Mr. Fruth said it is very common for there to be groundwater questions when plan amendments and rezones are considered at hearing. He explained that Ms. Barrows has spoken with the Waukesha County Environmental Health Division (EHD) Staff. In addition, at the public information meeting others expressed concerns regarding their wells drying up. He said this concern will be addressed in the Staff Report and Recommendation for the plan amendment next month. Ms. Barrows said the EHD Staff did not have specific concerns with the water supply in the larger area. If a multi-family, mixed use or commercial development is being proposed, the Ordinance requires certain design criteria be met. One of the requirements is that sewer be available and the water supply be able to accommodate the proposed development. Mr. Fruth said that the Planning and Zoning Division

Staff will contact the EHD Staff and they can examine available well logs and look at their records in the geographic area where the concern is being raised. Mr. Pierson said his concern is for Road “B”.

- Mark Cukla clarified that the red highlighted area is currently designated as Mixed Use and the other areas with the dashed lines would be added to the Mixed Use category. Mr. Fruth replied, “Yes.” He noted it is a special planning district and there will be more detail in the zoning scheme showing what the specific uses would be within the broad Mixed Use category. Mr. Cukla expressed concerns that the Downtown Okauchee Advisory Committee was made of some Town of Oconomowoc Board members, members of the Park and Planning Commission, a variety of business owners and three (3) residents and two (2) of the three (3) residents are in the real estate business. He thought the Advisory Committee should have contained a handful of residents in the area with single-family homes and do not have a monetary interest in making money off of the future development and planning. He added that 10 years ago, sewers, sidewalks and the bridge reconstruction was completed and it was supposed to revitalize the downtown area. He said currently there are eight (8) or nine (9) vacant businesses in the Okauchee area. He said the Okauchee area is too small and it seems like they want to develop it like downtown Delafield. He said the majority of the single-family residents in the area have to deal with traffic, narrow roads with sidewalks and no place for the snow to go. He is opposed to the proposed amendment and felt there is no purpose for the change.

Ms. Barrows noted that written public comments were e-mailed to the Commission before the meeting including one from Mr. and Mrs. Cukla.

- John Pierson commented that the composition of the Advisory Committee was tilted towards the owners of large parcels with a significant interest in area but he felt that single-family residents should also have been included.

Chairperson Peregrine 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.

5. In the Town of Ottawa, the following request is being made:

- A. ***The Waukesha County Park & Planning Commission, 515 West Moreland Blvd, Waukesha, WI 53188***, requests property owned by James and Joyce Brahm, W358 S2488 Hunters Lake Road, Dousman, WI 53118, located in part of the NW ¼ of Section 11, T6N, R17E, Lot 1, Upper Hunters Lake, Town of Ottawa (Tax Key No. OTWT 1626.001), be amended from the Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit) to the Medium Density Residential category (6,000 to 19,999 sq. ft. of area per dwelling unit), to allow the County Development Plan designation for Lot 1 to be consistent with other surrounding properties.

Mr. Fruth indicated the property is located on the west side of Hunter’s Lake in the Town of Ottawa. The proposed request would allow the property to be consistent with other surrounding properties.

Chairperson Peregrine opened the hearing up for public comment. There being none, he moved on to the next item on the agenda.

6. ***The Waukesha County Park and Planning Commission***, 515 W. Moreland Blvd., Waukesha, WI 53188, requests revisions to the language in Chapter 9 of the Waukesha County Comprehensive Development Plan regarding mailing of public hearing notices for plan amendments. The proposed amendment would change mailing requirements for properties owned in common, such as outlots. Notices for such properties would be mailed to the property contact on the tax listing. If no address is available, the notice will be mailed to the home owner's association contact or similar property representative.

Mr. Fruth indicated that the County Development Plan contains language about the annual amendment process and how notice is provided. As commonly owned outlots have become more frequent with storm water management facilities located in subdivision developments, the Planning and Zoning Division is finding that a single property notice can trigger 200 or more public hearing notices. He explained that the Planning Division is trying to make the process more efficient while still trying to reach the designated representative (developer, homeowners association, etc.) for the outlot property. He further explained that in some cases, outlots in multiple subdivisions are included on a 300' buffer of the property which triggers hundreds of notices which need to be mailed. He added that the public hearing notices are also published in the newspapers. Mr. Mitchell clarified that notices would still be sent out to the petitioners and owners within 300' of the property and if the buffer includes a subdivision outlot it would be mailed to a representative of the subdivision, not every owner within the subdivision, only those within the buffer. If it affects your individual lot you would be separately noticed. Mr. Fruth responded, "Yes," and added that for plan amendments there is a 30 day notice requirement.

- Dennis Tarnowski expressed concern that the notice would only be sent to one person and that person would be responsible to notify everyone in the subdivision. He said he owns an undivided interest in the outlot and was highly opposed to the change.
- Nancy Wisniewski expressed concern regarding the homeowners association being responsible for notifying lot owners within a subdivision and was opposed to the change.

Chairperson Peregrine asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 2:15 p.m.

- **Public Hearing for RZ29 (Waukesha County Park and Planning Commission)**

Proposed text amendments to the Waukesha County Shoreland and Floodland Protection Ordinance to incorporate a new Downtown Okauchee District, incorporate provisions required by State Statute, and to modernize various code provisions.

The public hearing began at 2:15 p.m.

Ms. Barrows, pointed out that the draft text for the Code amendments and materials related to the Advisory Committee are located on the Planning and Zoning website www.waukeshacounty.gov/planningandzoning under "News and Events".

Ms. Barrows explained why the new Downtown Okauchee District was created. She indicated the goal of the project is to create provisions that accommodate and encourage growth and mixed uses in the downtown area. Almost all of the properties within the study area are non-conforming, do not meet road

setback, offset, lot size requirement footprint, etc. There was a specific interest by the Town of Oconomowoc and members of the Okauchee community to create amendments that would help revitalize the downtown area.

Ms. Barrows explained that over a year ago the Planning and Zoning Division Staff analyzed existing conditions such as, what is the average road setback, offset, what uses exist in the buildings, etc. Other communities were also analyzed regarding the zoning provisions in their downtown areas. An analysis document was developed which identified what the Planning and Zoning Division Staff considered to be issues and opportunities and what the goals of the project should be. An Advisory Committee was developed consisting of members of the Town, members of the Park and Planning Commission, business and residential developers, business owners and residents. The Planning and Zoning Division Staff provided specific topics to discuss and the Committee provided recommendations and these were utilized to develop the draft amendments. The downtown area was divided up into sub areas so it could be determined what uses would be appropriate. Densities, reduced setbacks and offsets, building height, building footprint, parking and signage were addressed. The proposed parking provisions would apply to more than this downtown area. Mr. Fruth further explained that the existing code did not take into account the availability of shared/municipal nearby parking which this area contains.

Ms. Barrows said the Downtown Okauchee amendments were presented to the Town of Oconomowoc Plan Commission and Board on December 17, 2018 and they were supportive of the amendments. On January 22, 2019, a public information meeting held at the Town of Oconomowoc and was attended by approximately 55 persons. Individual notices were mailed to all owners within the area and to those within 300 ft. of the project area for the public hearing and open house. Mostly positive comments were received from business and residential owners of the area and there was excitement that new tools and rules were being developed. Comments received included a need for more open space areas, areas for the public to congregate, lack of available parking, preserving the historic character of the properties, water supply, preference of community buildings and uses vs. commercial growth, concern in the increase in density, noise, traffic, inclusion of the Lion's Club and the north side of West Wisconsin Avenue to the project area. Mr. Fruth said the Lion's Club approached him at the public information meeting and they wanted to be included so they would not have to be under a Conditional Use Permit. They are currently working with the Town Planner to explore options further. Ms. Barrows noted that the presentation boards are set up on display at today's meeting.

Ms. Barrows said other unrelated amendments are being proposed and are summarized on a spreadsheet in the Commission's packets. In addition, language is being modified to address law changes, language is proposed to streamline the Site Plan/Plan of Operation process and two (2) Letter of Map Revisions (Ashippun River and sections along Sandy Beach Road are proposed for adoption). She asked if anyone had questions regarding the proposed amendments to the Waukesha County Shoreland and Floodland Protection Ordinance? Mr. Michalski suggested the spreadsheet summarizing the amendments be added to the Planning website.

Chairperson Peregrine opened the hearing up for public comment. The comments are listed below:

- John Pierson noted that he read through the entire text amendment document and stated there are significant changes for lake residents. He stated that four years ago he had plans drawn up for a remodeling of his home that were tentatively approved. He has been saving up to do the remodeling and when the same plans were recently submitted they were not approved because of the new rules. The rules are much more restrictive.

Ms. Barrows clarified that his specific plans may require a special exception from the Waukesha County Board of Adjustment. The proposed provisions provide relief for minimum first floor footprint.

Mr. Fruth further explained that the Shoreland Ordinance was updated a few years ago and the restrictions Mr. Pierson is commenting on are not part of amendments being proposed today. He offered the assistance of his Staff if Mr. Pierson would like to set up a meeting.

Mr. Pierson added that many of the amendments refer to non-conforming properties, which includes himself and most of his neighbors.

- Mark Cukla stated that the Committee who came up with the plan is primarily made up of business owners, real estate owners with an interest in making money and very few, if any, single family homeowners in the area. He was disappointed and felt that the residents of the community were not represented.

Chairperson Peregrine asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 2:39 p.m.

- **Public Hearing for RZ30 (Waukesha County Park and Planning Commission)**

Proposed text amendments to the Waukesha County Zoning Code to incorporate provisions required by State Statute and to modernize various code provisions.

The public hearing began at 2:39 p.m.

Ms. Barrows indicated that this set of text amendments applies only to properties located outside of the shoreland area within the Towns of Ottawa and Oconomowoc.

Chairperson Peregrine opened the hearing up for public comment, there being none, he closed the Public Hearing at 2:40 p.m.

- **Public Hearing for RZ31 (Waukesha County Park and Planning Commission)**

Proposed text amendments to the Waukesha County Shoreland and Floodland Subdivision Control Ordinance to incorporate minimum lot size and width requirements for the newly proposed Downtown Okauchee District.

The public hearing began at 2:40 p.m.

Ms. Barrows indicated that there is a table within the Waukesha County Shoreland and Floodland Subdivision Control Ordinance, which regulates lot size and width. Since there will be a new district (Downtown Okauchee) the table will need to be revised. She explained the proposed minimum lot size will be 14,000 sq. ft. and the lot width would be 84 ft., which matches the most dense residential category.

Chairperson Peregrine opened the hearing up for public comment, there being none, he closed the Public Hearing at 2:42 p.m.

- **RZ7 (FRED-Lathers, LLC) Town of Waukesha, Sections 29 and 32**

Mr. Fruth pointed out the location of the property in part of the SW ¼ of Section 29 and part of the NW ¼ of Section 32, T6N, R19E in the Town of Waukesha on the aerial photograph. More specifically, the properties are located on the west side of C.T.H. “I” (River Road) south of Fox Vale Court. He indicated that the request is to amend the conditions of Enrolled Ordinance No. 171-35 to allow the creation of four (4) residential lots.

Mr. Fruth indicated that a Town condition of approval included that the final layout needed to be consistent with the layout presented at public hearing. The original proposal was for a three (3) lot subdivision and currently the proposal is for a four (4) lot subdivision. The lands along the Fox River were dedicated by the developer to the County for Park and Open Space purposes. The Public Works Department has approved the layout and driveway accesses to C.T.H. “I”.

After discussion, Mr. Mitchell moved, seconded by Mr. Siepmann 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.

- **RZ32 (Donald Schneider) Town of Lisbon, Section 36**

Mr. Fruth pointed out the location of the property at W220 N4879 Town Line Road in the Town of Lisbon on the aerial photograph. He indicated the request is to rezone the property from the A-3 Agricultural and Residential Estate District to the R-1 Suburban Single Family Residential District.

Mr. Fruth indicated the property is approximately 4.7 in size. Surrounding properties include subdivisions to the west and south, and larger rural type estate lots to the west and north. The proposal would create two new (2) lots fronting on Town Line Road along with the existing residence for a total of three (3) lots. Comments were received from multiple neighbors in the area opposing the rezone citing preserving the rural character of the area. The Town approved the proposed rezone.

After discussion, Mr. Morris moved, seconded by Mr. Michalski 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.

- **CU19 (David Belman) Town of Waukesha, Section 28**

Mr. Fruth pointed out the location of the property at W255 S5434 Oakdale Drive in the Town of Waukesha on the aerial photograph. He indicated the request is for a planned unit development containing 19 single-family residential lots and 36 single-family condominiums.

Ms. Barrows indicated the property is approximately 89 acres in size. There is a tributary of Pebble Brook with wetlands that runs through the middle of the property, an Isolated Natural Resource Area on the northwest corner and steep slopes. The petitioner is proposing 19 single family lots on the east side between the two (2) wetlands and 36 single-family condominiums in a cluster style development. Areas of hydric soils, primary environmental corridor and isolated natural resource areas are planned to be protected/preserved. A small amount of environmental corridor exists onto the rear of some lots on the

east side. The petitioner has agreed to preserve the environmental corridor in perpetuity and provide building envelopes that will not include the corridor area. The proposal complies with the existing land use plan. Comments from the public hearings included:

- Traffic, volume and congestion, unsafe conditions (The Department of Public Works did not require a traffic study due to the density of the development).
- Concerns regarding poor drainage. (Storm water management will be required).
- Concern regarding property values.
- Road extensions from the subdivision to the north.
- Construction equipment accessing the adjacent subdivisions (Applicant agreed to prohibit all construction access from the subdivisions).
- Over enrollment in the school district (The Assistant Superintendent indicated that they are not at maximum capacity).
- Construction noise and impacts to neighbors.
- Condominiums being used as rental properties.
- Groundwater supply (The Environmental Health Division looked into well records from the adjoining areas and do not feel there is a concern. Lots will be served by onsite private sewage systems).
- Compatibility with surrounding neighborhoods.

Mr. Mitchell stated that citizens raised concerns regarding the access and additional traffic especially with high school traffic at certain times of the day. Concerns regarding wells and drainage were also mentioned in the general area of the development. Mr. Morris asked if Waukesha would continue to use the high capacity wells? Mr. Mitchell replied that it is not the intent, and added that there would be backup wells used after the city obtains lake water. They will still have them and be used as needed. Ms. Barrows added that the Waukesha County Land Resources Division (LRD) is still reviewing the storm water management for the site. In addition, the Waukesha County Environmental Health Division (EHD) is reviewing septic systems. The petitioner is proposing to cluster the septic sites, which will accommodate the condominium development. The layout of the subdivision may change slightly upon the recommendation of the LRD and EHD reviews. The Town Plan Commission and Board approved the request subject to conditions. The east side of the development is part of the Waukesha County Park and Open Space Plan and the petitioner is working with the Waukesha Land Conservancy to consider easements so it would be owned by the individual property owners but the Land Conservancy would have an easement for maintenance and an agreement charging the property owners for the maintenance performed.

Mr. Michalski asked if there would be public trails? Ms. Barrows replied that the Developer did not have an issue with the trails being public. However, Condition No. 10 requires the easements or maintenance responsibilities to be identified.

Attorney Richard Kobriger introduced himself and commented on the subject of public access to trails. He stated that it is still in the thought process and if it was decided to be granted, it would be in the form of a limited license agreement rather than an easement. He asked if the change in conditions required Town approval? Ms. Barrows replied, "No," and said they would be included in the Conditional Use Permit. Mr. Fruth further explained there would be two (2) Conditional Use Permits, one from the Town and one from the County.

Mr. Siepmann asked if Lots 1 and 19 were reviewed as far as the gas mains? Mr. Fruth replied that during early concept discussions regarding the proposed development, the Planning and Zoning Division Staff also raised concerns and the developer has provided a building envelope of 58' x 60' on Lot 19 and an envelope of 60' x 60' on Lot 1.

After discussion, Mr. Mitchell 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.

• **PPC19 001 (Town of Oconomowoc)**

Mr. Fruth pointed out the location of Road "Q" in the Town of Oconomowoc on the aerial photograph. He indicated the request is to reduce the established road right-of-way for Road "Q", from 45 ft. to between 30 ft. and 45 ft. as platted.

Mr. Fruth indicated the request is to further reduce Road "Q". Previously, it was reduced to 45 ft. and the current request is to reduce it to 30 ft. The property owner which precipitated the request has a small, steep, wooded lot and space is at a premium. Road "Q" contains a series of plats and on the other end of Road "Q" the right-of-way gets wider. Mr. Morris asked if it was a Town or Mill Road? Chairperson Peregrine replied, Town Road.

After discussion, Mr. Morris moved, seconded by Mr. Siepmann 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.

ADJOURNMENT

With no further business to come before the Commission, Mr. Siepmann moved, seconded by Mr. Michalski to adjourn the meeting at 3:15 p.m.

Respectfully submitted,

James Siepmann

James Siepmann
Secretary

JS:kb

Sarah Enoms

N57W25542 Fox Hollow Dr

262.490.1385

" "

neighbor

WAUKESHA COUNTY PARK & PLANNING COMMISSION MEETING
(Administration Center)

◆ ATTENDANCE SHEET ◆

DATE OF MEETING February 21, 2019

(PLEASE FILL OUT COMPLETELY AND PLEASE PRINT. THANK YOU.)

NAME	ADDRESS	PHONE NUMBER	IN ATTENDANCE FOR THE MATTER OF:	RELATIONSHIP TO PETITIONER
Darlene Johnson	621 SMALL FARM RD, Mukwonago, WI 53149	414 916 3876	Public Hearing	County Supervisor
DENNIS TARNIOWSKI	W279 N5828 WALNUT GROVE DR LISBON		"	NEIGHBOR
Donna Jean Schneider	W220 N4879 Townline Rd Lisbon			
JOHN MARX	W304 S1765 BRANDYBROOK RD WAUKESHA	968.2282	"	NEIGHBOR
Patricia Bandomir	W308 S1637 Brandybrook Rd. Waukesha	414.531-5571	"	Neighbor
Jim Singine	1407 E Sunset Dr. Waukesha, WI. 53189	262-544-4646	Pebble Brook Hollow	Employee
Nancy Wisniewski	W279 N5790 Walnut Grove Dr Lisbon	262-352-8547	Public Hearing	neighbor
Max Jenkins	W304 S1719 Brandy Brook RD WAUKESHA	262-312-4881	Public Hearing	neighbor
USM MOBLE	W309 S1649 BRANDY BROOK RD WAUKESHA		NOTICE/HEARING	NOTICED
Robert Zellmer	N59 W2709A Ainsworth Road Lisbon	262-538-0946	Lisbon	Neighbor
JOSH PODELKO, TRIO		262-790-1480	Public Hearing	Engineer
Pete Puentow	N52 W35021 Lake Drive Okankee	262 490-3746	Okankee	Resident
MIKE TODD	N52 W35098 LAKE DR. OKANKEE	262.613.2302	OKANKEE	RESIDENT
Pat Lovence	N48 W28320 Lynndale Road	262-352-2265	Public Hearing	Planner
JEFF BERG	W303 S1690 BRANDYBROOK RP	262 968 5600	Public Hearing	OWNER
Deann Pircan	W303 S1752 BRANDYBROOK RD	262 968 2074	Public Hearing	NEIGHBOR RESIDENT
NANCY BABB	N52 W34293 GIETZEN DR	262 567 9642	"	OWNER
LAWRENCE BABB	" " "	"		OWNER
JACK GARDSON	118 LEGEND WAY WAUCS 53183	262 613 7305		
Stan Reckow	N24 W25079 Sun Ct	262 894.3759	Public Hearing	Owner
Susan Lindgren	" "	608-815-4934	Public Hearing	owner

John Petersen W350 N5330 Road B
Okauchee, WI
414 702 8948
For self

Richard Kabrigger PO Box 558, Waukesha, WI 53187 262-542-4278 Belman Attorney
MARK CURLA N51 W34951 LAKE DR - OKAUCEE, WI - 53069 262-569-9243 OKAUCEE RESIDENT