

## Waukesha County Board of Supervisors

### Minutes of the Land Use, Parks & Environment Committee Tuesday, May 16, 2023

Chair Foti called the meeting to order at 8:30 a.m.

**Present:** Supervisors Tyler Foti, Jennifer Grant, Christine Howard, Robert Kolb, Brian Meier, Chris Mommaerts and Gary Szpara

**Also Present:** Legislative Policy Advisor Sarah Fraley, Chief of Staff Sarah Spaeth, Administrative Specialist Barbara Hollander, Chairman Paul Decker, Senior Financial Analyst Alex Klosterman, Land Resources Manager Alan Barrows, Business Manager Steve Trimborn, Director of Parks and Land Use Dale Shaver, Planning and Zoning Manager Jason Fruth, Daniel Green (Administrator – Town of Delafield), Tim Barbeau (Town Engineer – Town of Delafield), Charlotte Thomas, Amy Thomas, Bryan Lindgren (Neumann Developments), Peter Ogden, Pat Lob, Kathy Gutenkunst

#### **Public Comment**

Amy Thomas – A four-year process resulted in the current proposed land use plan. All of the stakeholders were involved in the decision-making process, numerous public meetings were held, a number of compromises were reached between all the neighbors, including the people who now are in opposition to the compromises previously reached and approved by the town board. This compromise results in a master plan development plan for the Town of Delafield. The regulatory process of restricting the uses of this property with the significant corridor on I-94 has resulted in huge impediments and barriers to development. Increasing the lots sizes along with all the other regulatory requirements under this master development plan requirement will result in an unreasonable restriction on development of this property. We urge you to approve the land use plan and ordinance as proposed.

Pat Lob – This farm has become an island surrounded by development. The main house had to be moved off the highway when I-94 came through in the 1960s. That took away farmland, subdivisions went up around it and now it is completely isolated farmland with really no other option than what is being proposed. Oakton Tennis Club used to be an amusement park in the mid-20<sup>th</sup> century. That is an apartment complex. There are other things in the area that are not historically what has been there. They are only asking to do this because there is nothing else left to do. The farmer that is working the land now is not going to be doing this much longer, and there are no other options other than what they are opposing and would like support by passing these ordinances.

Kathy Gutenkunst – She has lived in the Town of Delafield her whole life. She has watched every farm develop, she expected it to be developed, she has represented developers and municipalities for 35 years. The smallest lot size in the Town of Delafield is 20,000 square feet. The 10,000 square foot lots that were referred to are lake lots that were developed before she was born. She was part of the working group and it was never unanimous. This is the gateway to the Town of Delafield. This is the density that will be seen when driving through the Town of Delafield, which has no local law enforcement. All she is asking is that this farm be developed consistent with its neighbors.

**Approve Minutes of April 18**

MOTION: Mommaerts moved, second by Meier to approve the minutes of April 18. Motion carried 7-0

**Next Meeting Date**

June 20

**Executive Committee Reports of May 15**

Foti reported that the Committee passed four ordinances and approved three appointments.

**Review Correspondence**

Town of Delafield letter regarding two ordinances (Thomas farm – 178-O-001 and 178-O-002) that were referred back to the Land Use, Parks and Environment Committee at the April 25 County Board meeting.

**Legislative Update**

Fraley reported that the shared revenue bill was introduced and it was voted out of the Assembly Local Government Committee with no amendments. It will be on the Assembly floor tomorrow with amendments. The delay in the amendments is due to discussions between the Assembly, Senate and the Governor's office. Waukesha County currently receives \$636,000 and under this new plan we would receive an additional \$3.2 million.

**Discuss and Consider Ordinance 178-O-013 Accept Grant Funding from The State Of Wisconsin Department Of Military Affairs/Office Of Emergency Communications And Appropriate Funds To Modify The Parks And Land Use Land Information Systems 2023 Budget To Update And Enhance Next Generation 9-1-1 GIS Data To Meet State Standards**

Barrows and Trimborn presented that this ordinance accepts \$80,940 in State of Wisconsin Department of Military Affairs/Office of Emergency Communications Next Generation 9-1-1 grant funds, and appropriates \$60,940 in additional funds in the 2023 Parks and Land Use-Land Information Systems budget to fund project costs associated with the updating and enhancement of mapping data. The grant award requires a five percent match of up to \$4,260, which will be prioritized within the existing Department of Parks and Land Use 2023 budget; and the Department of Parks and Land Use 2023 budget already anticipated \$20,000 of appropriations and revenues for this project, resulting in a net appropriation needed of \$60,940.

MOTION: Kolb moved, second by Szpara to approve Ordinance 178-O-013. Motion carried 7-0

**Discuss and Consider Ordinance 178-O-002 Year 2020 Amendment to The Comprehensive Development Plan For Waukesha County (1A – Amy Thomas, Section 23, T7N, R18E, Town Of Delafield)**

Shaver and Fruth presented that this ordinance would amend the Waukesha County Comprehensive Development Plan designation for properties located in the NE, SE and SW ¼ of Section 23, Town of Delafield from the Suburban I Density Residential category to the Low Density Residential category and from the Commercial and Office Park to the Mixed Use category (all PEC areas will remain unchanged). The change would allow the possibility for residential uses throughout the property.

Szpara voiced the concerns from his constituents being opposed to the proposed size of the lots and would like to see more consistency with what is presently in that community. He said he is going to vote yes to this ordinance to move it forward on the residential piece, but disagrees with the proposed lot sizes.

Grant does not feel the proposed density and smaller lots are appropriate in this area. She questioned why the property owners don't wait until the sale of larger lots is economically feasible, as it is not up to the committee or the County Board to make the numbers work for a developer.

MOTION: Howard moved, second by Foti to approve Ordinance 178-O-002. Motion carried 6-1 (Grant voted no)

**Discuss and Consider Ordinance 178-O-001 Amend the Text Of The Town Of Delafield Zoning Code By Creating Section 17.04 5. R. Planned Development District No. 1 RZ114**

Shaver and Fruth presented that this ordinance would create Section 17.04 5. R., Planned Development District No. 1, as a new specialized zoning district in the Town of Delafield Zoning Code. The new zoning category would only be available to the Thomas farm property, which is comprised of 152 acres to the north of Golf Rd. and I-94 between Glen Cove Rd. and Elmhurst Rd. The request to create the district only makes the district available in the zoning code. This special district provides many requirements for detailed study to ensure that any future rezoning to this zoning district is only executed after demonstration that proper access, infrastructure and natural resource considerations are satisfied.

MOTION: Meier moved, second by Mommaerts to approve Ordinance 177-O-001. Motion carried 6-1 (Grant voted no)

**Discuss and Consider Ordinance 178-O-012 Amend The District Zoning Map Of The Town Of Delafield Zoning Code By Rezoning Certain Lands Located In Part Of The NE ¼ Of Section 31, T7N, R18E, Town Of Delafield, Waukesha County, Wisconsin, From The A-1 Agricultural District To The A-3 Suburban Home District (RZ117)**

Fruth presented that this ordinance would rezone a parcel that is subject to the Town of Delafield zoning code from the A-1 Agricultural District to the A-3 Suburban Home District to bring a residential property into a conforming zoning district.

MOTION: Szpara moved, second by Grant to approve Ordinance 177-O-012. Motion carried 7-0

MOTION: Meier moved, second by Grant to adjourn at 10:07 a.m. Motion carried 7-0

Respectfully submitted,



Chris Mommaerts  
Secretary – Land Use, Parks and Environment Committee