

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, FEBRUARY 22, 2018, 1:00 P.M.**

CALL TO ORDER

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

Commission

Members Present: Richard Morris Robert Peregrine William Mitchell
 Bonnie Morris

Members Absent: James Siepmann William Maslowski

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
 Kathy Brady, Support Staff Supervisor
 Duane Grimm, Park System Manager
 Amy Barrows, Senior Planner
 Rebekah Leto, Senior Land Use Specialist
 Jason Wilke, Senior Landscape Architect
 Nicki Jensen, Senior Landscape Architect
 Stephen Siodlarz, Landscape Architect
 Leif Hauge, Senior Civil Engineer
 Alan Barrows, Senior Conservation Specialist
 Mike Radomski, Environmental Health Supervisor

Guests Present: Sam Fuller: 3B Town of Waukesha Board (Green Lane)
 Patricia Downing: 2A Thomas and Patricia Downing
 James Kawatski: 3B Town of Waukesha Board (Green Lane)
 Chad Munkwitz: 2A Thomas and Patricia Downing
 Pete and Christian Urlacher: 3A Jack Gaudion, The Legend at Merrill Hills and
 3C Rolling Meadows Townhomes, LLC, John Marek
 Ron and Ginger Agen: 3A Jack Gaudion, The Legend at Merrill Hills
 Richard and Sarah Simmons: 2B WC Park and Planning Commission (Simmons Property)
 Jack Gaudion: 3A Jack Gaudion, The Legend at Merrill Hills
 Josh Pudelko: 3A Jack Gaudion, The Legend at Merrill Hills
 Maureen German: 3C Rolling Meadows Townhomes, LLC, John Marek
 John and Diane Wisnieski: 3B Town of Waukesha Board (Green Lane)
 Angie Van Scyoc: 3C Rolling Meadows Townhomes, LLC, John Marek
 Bruce Barton: 3A Jack Gaudion, The Legend at Merrill Hills
 John Marek: 3C Rolling Meadows Townhomes, LLC, John Marek
 Lori Barton: 3A Jack Gaudion, The Legend at Merrill Hills
 Randy Kohn: 1A Church of the Resurrection
 Jim Maloney: 3C Rolling Meadows Townhomes, LLC, John Marek
 Tom Nelson:
 Michael Murphy: 1A Church of the Resurrection
 Kathy Stoffel: 3A Jack Gaudion, The Legend at Merrill Hills
 Ken Dragotta: 2A Thomas and Patricia Downing
 Pamela Meyer:
 Edward Kranick:
 Laurie Longtine: 3A Jack Gaudion, The Legend at Merrill Hills
 Gloria Barton: 3A Jack Gaudion, The Legend at Merrill Hills
 Shaun Mularkey, T/Planner: 3A Jack Gaudion, The Legend at Merrill Hills

CORRESPONDENCE: Public Hearing comments e-mailed to Commission.

MEETING APPROVAL: None.

MINUTES: Approval of the November 16, 2017, Minutes.

Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously for approval of the November 16, 2017, Minutes, as presented.

PUBLIC COMMENT: None.

SCHEDULED MATTERS

- **1:00 p.m. Public Hearing for the 2018 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 1, 2018, the Park and Planning Commission will meet and vote on most of the requests. The Land Use, Parks and Environment Committee will consider the amendments on March 20, 2018. The Waukesha County Board of Supervisors will consider the same at their meeting of March 27, 2017. 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.

Mr. Fruth added that the Town of Delafield and the Town of Waukesha have not acted on the following two (2) requests, 1A Church of the Resurrection and 3C Rolling Meadows Townhomes, LLC (John Marek). He stated that these requests would be brought before the Park and Planning Commission for approval at a later date once the Town(s) take action.

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

1. In the Town of Delafield, the following request is being made:
 - A. ***Randy Kohn, representing the Church of the Resurrection***, W287 N3700 North Shore Drive, Pewaukee, WI 53072-3136, requests a portion of the property located in part of the NW ¼ of Section 12, T7N, R18E, Town of Delafield (Tax Key No. DELT 0766.034), be amended from the Governmental and Institutional category to the Suburban 1 Density Residential category (1.5 to 2.9 acres of area per dwelling unit), to allow the church to divide off and sell a 1.5 acre parcel on the northern portion of the property for future residential use.

Mr. Fruth indicated the portion of the property to be sold is located on the northern part of the site. Surrounding properties include a subdivision to the west and residential properties to the east. Currently, there are two (2) access drives serving the church. A small stormwater facility is located on the northern portion of the property and the church is aware that they must reconfigure/relocate the facility. Mr. Fruth stated that he spoke with Mr. Hauge, Waukesha County Land Resources Division (LRD), who indicated that there is ample space on site to relocate the stormwater retention pond. The

church is also considering expanding the parking lot area to the north at some point in the future. Mr. Fruth noted that the Town has not taken any action on the request at this time because they wanted more information regarding the stormwater facility and highway access from C.T.H. "KE". The Waukesha County Department of Public Works Staff indicated that there are several options for access, one would be to relocate the northern church driveway to align with Middlefield Road and the other is to potentially construct a frontage style driveway to the proposed future 1.5 acre residential parcel. Any decisions regarding access to the new parcel would be determined during the Certified Survey Map review process.

Mr. Kohn petitioner, introduced himself and stated that currently the church does not utilize the northern portion of the parcel. Originally, when the church was built, it was envisioned that any future expansions would be on the northern part of the property, however, 20 years later, an expansion is not in the plans. He indicated that they are aware that the retention pond needs to be relocated. Chairperson Morris asked where the 1.5 acre parcel would be located? Mr. Fruth pointed out on the Preliminary Certified Survey Map handout the location of the future parcel.

Mr. Murray, property owner to the north also asked where the future parcel would be located? Mr. Fruth pointed out the location on the aerial photograph. Mr. Murray asked, if it were to be located south of the drainage ditch, would it still be a 1.5 acre parcel and expressed concerns regarding steep slopes along the road for a driveway. Mr. Kohn said it was discovered that when the church was built, the topsoil was deposited on the northern portion of the site creating areas that are 5' to 6' higher than the balance of the property.

Mr. Fruth stated that in discussions with the LRD Staff, an infiltration type stormwater facility may be utilized. It would depend on how the stormwater plans are revised as to what the overall topography would be on the site. Mr. Kohn added that the church has been told if they were granted an easement to add a driveway, it would have to be located across from Middlefield Road.

Chairperson Morris 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 Merton, the following requests are being made:

- A. ***Thomas and Patricia Downing***, W293 N7882 Camp Whitcomb Road, Hartland, WI 53029, request a portion of the property located in part of the W ½ and the NE ¼ of Section 14, T8N, R18E, Town of Merton (Tax Key No. MRTT 0341.977), be amended from the Primary Environmental Corridor category to the Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit), to allow for a second residence on the property as part of a Planned Unit Development.

Ms. Barrows indicated the petitioners appeared before the Park and Planning Commission for conceptual consideration earlier in the year. They have also attended several public hearings at the Town of Merton. She pointed out the location of the property on the aerial photograph and noted the property was approximately 10.5 acres in size and located on the southwest shore of Lake Keesus. Surrounding properties include, State of Wisconsin/Department of Natural Resources (DNR) lands to the north, residential properties to the east and west, the Union Pacific Railroad to the south, along with agricultural and rural residential properties south of the railroad. The entire property is zoned Environmental Corridor containing woods, wetlands and steep slopes. The petitioners are proposing to

construct a second home on a flat ridge area of the property. The wetlands along the shore of Lake Keesus and the wetlands on the south side of the property would not be disturbed (approximately two acres).

Ms. Barrows stated that according to the current Land Use designation of the property, in order to be able to divide the land, a minimum of one (1) unit per five (5) acres would be needed, which cannot include the two (2) acres of wetland. Without the wetland, the petitioners have approximately 8 to 8.5 acres of land to develop and they would not be able to have the second residence without amending the Land Use Plan designation for the property. The petitioners demonstrated that in the early 1960's, there were four (4) cottages constructed on the property and it was considered a resort type use. There was a large amount of material dumped in the wetland. Since the petitioners purchased the property, they have done a large amount of restoration and have increased the area of Environmental Corridor on the site. The area where the second residence is being proposed (east side of the ridge) has been disturbed for over 50 years, has been mowed and contains very few mature trees. The petitioners are trying to site the second residence as far east as possible and still comply with the 75' wetland setback. The removal of one dead tree and possibly 2 to 4 additional trees may be needed.

Ms. Barrows said that currently the property contains a single-family residence, detached garage and shed (one of the old cottages). The rest of the cottages have been removed. She pointed out on the aerial photograph the location of the proposed new residence, east of the shed. Only the area of disturbance is being requested to be amended to the Suburban II Density Residential category (3.0 to 4.9 acres of area per dwelling unit), the rest of the property would remain in the Environmental Corridor. DNR lands to the north are designated Environmental Corridor, lands to the west are designated in the Suburban II Density Residential category and lands to the east are smaller residential properties. The petitioners are proposing a Planned Unit Development concept and are willing to record a Deed Restriction that the land be protected in perpetuity. In addition, they are proposing to leave the access to the lake in a single location for both users.

Mrs. Downing introduced herself and said they have lived on the property for 45 years. She indicated that they have cleaned up the property by removing many junk vehicles and also have worked very hard to remove invasive plant species. In addition, she said the land has been in their family for many years and they want to continue to protect and preserve their land.

Chairperson Morris added that the Town Planner and County Staff have worked together on this request in order for the petitioner to be able to construct the second residence.

Mr. Ken Dragotta, adjacent property owner expressed concerns regarding a wetland south of the proposed development being filled and if it could be subdivided for future development. Ms. Barrows replied that the area is wetland and is protected by the State and the Waukesha County Shoreland and Floodland Protection Ordinance. She added that the petitioners are willing to place the remainder of the property into a conservation easement to preserve it in perpetuity. Mr. Dragotta asked if the approval is contingent upon the conservation easement being recorded? Ms. Barrows replied that this is the Public Hearing, and the decision would be addressed at the next Park and Planning Commission meeting.

Chairperson Morris 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.

- B. *The Waukesha County Park and Planning Commission*, 515 West Moreland Blvd., Waukesha, WI 53188, requests property owned by the Richard H. Simmons Revocable Living Trust Dated 12/23/14, W335 N8435 Stone Bank Road, Oconomowoc, WI 53066-9719, located in part of the NW ¼ of Section 7, T8N, R18E, Town of Merton (Tax Key No. MRTT 0314.998), be amended from the Rural Density and Other Agricultural Land and Isolated Natural Resource Area categories to the Farmland Preservation category (35 acres of area per dwelling unit or greater), with the Isolated Natural Resource Area to be placed in the Environmental Corridor Overlay category.

Mr. Fruth pointed out the location of the property near the Town of Oconomowoc and Town of Merton line, containing an approximate 80-acre farm. He noted that the property owner has been a longtime participant in farmland preservation programs. His property was grandfathered, even though the Town of Merton does not have a Farmland Preservation plan category. Mr. Fruth explained that all large acreage located in the northern portion of the Town of Oconomowoc (north of C.T.H. "K") is located in the Farmland Preservation category. To the north, the Town of Ashippun is a partner with the Town of Oconomowoc in an Agricultural Enterprise Area. The Agricultural Enterprise Area is a State designation if there is interest on the part of local communities and landowners within those communities. The area opposite the Town of Oconomowoc line is planned and zoned Farmland Preservation with an Agricultural Enterprise Area designation. It basically means that the landowners in Oconomowoc are eligible for the maximum tax credit available (\$10 per acre). Because the Town of Merton does not have a Farmland Preservation Plan and zoning available, the Department of Agriculture provides an option where if a landowner is located in an Agricultural Enterprise Area, the property owner would be eligible for \$5 per acre tax credit. He noted the property owner would like to become eligible for the Farmland Preservation program, as he is passionate about keeping his land in the farm use.

Mr. Fruth stated that he contacted the Department of Agriculture and informed them that there was a single landowner in the Town of Merton who was looking to achieve eligibility. He explained to the Department of Agriculture that the landowner was located immediately adjacent to a large block of Farmland Preservation in the Town of Oconomowoc. The Department of Agriculture responded that they were not opposed, but they requested that the County and Town determine if there were other landowners in the Town of Merton who also might be interested. A letter was mailed to every farm parcel in the northwest portion of the Town of Merton describing what could be available to them if they were interested in joining. A few inquiries were made, however, none were interested in pursuing it at this time. The results were transmitted to the Department of Agriculture and they created a process, which would not take a great deal of time to achieve as long as the property was changed to the Farmland Preservation District on the Comprehensive Development Plan for Waukesha County. The Town of Merton approved the request to amend the Town's Plan.

Mr. Simmons and his daughter introduced themselves to the Commission and indicated the land has been in Farmland Preservation for 25 years and they knew it was going to expire and this route was the only option so the property could continue in Farmland Preservation. He recognized that the State, the Town of Merton and Waukesha County were all very helpful in accomplishing his request.

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

3. In the Town of Waukesha, the following requests are being made:

- A. ***Jack Gaudion, representing The Legend at Merrill Hills, LLC***, 1325 E. Bristlecone Drive, Hartland, WI 53029, requests property located in part of the SE ¼ of Section 18, T6N, R19E, Town of Waukesha (Tax Key No. 1368.978.003), be amended from the Recreational category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to accommodate a Planned Unit Development containing 33 single-family homes within a gated golf course community.

Mr. Fruth pointed out the location of the property, north of S.T.H. 59, on the aerial photograph. The Legend at Merrill Hills Golf Course is located to the north, the associated driving range facilities are located on the north portion of the subject property, a wooded area is located on the southeast corner of the property which is designated as an Isolated Natural Resource Area and wetlands are located on the southern portion of the site. Mr. Fruth noted that although the County designates the property in the Recreational category, the Town's Plan is different and designates the property in the Residential category. He added that the Isolated Natural Resource Area (INRA) (upland woods) are being recommended for preservation.

Mr. Fruth presented a Concept Plan for the development and noted that the request pertains to a proposed change in use designation. He explained that the petitioner is proposing a 33 lot, single-family condominium development as a Planned Unit Development. Access would be via Sun Valley Trail, an existing subdivision road located west of the proposed development. Access was discussed extensively at the Town level and the developer purchased a property, which would provide a secondary access drive for emergency only. The developer indicated the proposal is for a gated community for a possible demographic of existing golf club members, many of whom spend the winters elsewhere. There was extensive discussion with the developer regarding concerns with drainage and septic issues. The Waukesha County Stormwater Ordinance would be invoked prior to the Town approving a Condominium Plat. In preliminary discussions with the developer, the County asked for detailed tree inventories and how construction equipment would access the septic locations due to the mature oaks and hard wood trees on the property. The developer revised their proposal, which included a more creative solution to downsizing the area where the septic systems would be located and reduced the encroachment into that specific area.

Mr. Gaudion, property owner introduced himself and said that the land is zoned and taxed as Residential, however, the County's Land Use Plan designates the property as Recreational, which needs to match up with the Town's designation. He described the proposed development, containing a 32-lot subdivision and noted that the 33rd lot is a property (off of Oak Knoll Road) which was purchased specifically for the secondary emergency only access. He confirmed that the main access is via Sun Valley Trail. He further added that they have tried to maximize the open space and protect the INRA on the site. There is a significant list of club members that are interested in the property subject to approval and as proposed. The preliminary plat has been approved by the Town, with conditions. He stated there have been a number of drainage issues before he owned the property, particularly on the west side of the property, which will be significantly improved with the development. They plan to release all of the stormwater from the property to the golf course, not onto the adjacent neighbor's properties. Mr. Fruth confirmed that the Town of Waukesha has given Preliminary Condominium Plat and a Residential PUD Conditional Use approval, subject to numerous conditions, one of which is that the County Land Use Plan Amendment be approved. Mr. Mitchell asked to see the topography of the site on the aerial

photograph. Mr. Fruth asked Mr. Hauge, Senior Civil Engineer for the Waukesha County Land Resources Division to describe the drainage on the site.

Mr. Hauge pointed out the four (4) major routes where water leaves the site on the aerial photograph. He met with the local residents who had commented on the drainage issues from several areas on the property. He noted the largest problem is the discharge from the northeast part of the property flowing through the middle of several residential lots. Mr. Mitchell asked Mr. Hauge if the drainage would improve with the new development? Mr. Hauge replied that it should be an improvement. In one case, it will reduce by half, the acreage that drains to the easement and flow path. In the southwest part of the property, the acreage draining to the discharge path would stay the same, but the developer is proposing to put in a series of basins including an infiltration basin before the water discharges from the site. In another location, the developer is proposing two (2) infiltration areas where it would discharge onto the golf course property. In his preliminary review, he said there was a significant amount of space allocated for stormwater on the site, the practices were appropriate for the site and they have met the County's requirement for limiting discharge, infiltrating water and controlling pollution. A more thorough, final review would be completed once the plans are finalized.

Mr. Peregrine asked if access to the proposed development for fire equipment had been addressed? Mr. Gaudion replied there would be an emergency access only, off of Oak Knoll Drive. Mr. Peregrine asked if there would be cisterns or where does the water come from for the fire department to use in this location? Mr. Pudelko, from Trio Engineering replied, that there would be a stormwater pond with a hydrant system with approximately 300,000 gallons of water available. Mr. Peregrine asked how the water level would be maintained, by well? Mr. Pudelko responded that the pond is proposed to be clay lined and could be filled from the irrigation system on the golf course. He added it would not be just for this development it could be used in the surrounding neighborhoods. Mr. Mitchell noted that one of the public comment letters received inferred that there was ground movement going on? Mr. Gaudion responded that they have been clearing buckthorn. Mr. Fruth added that the petitioner indicated to the County that they were removing ash trees. Mr. Gaudion replied only on the golf course property to the north.

Ms. Gloria Barton representing the Estate of Gerald C. Barton, stated her father sold the land to the Merrill Hills Golf Country Club, which is being used for this project. She expressed concerns that the survey lines for the project contain errors and do not match the legal description. The surveyor the Estate hired indicated that the southern survey line encroaches seven (7) feet into the northern part of the Urlacher property. The survey line for the eastern part of the property encroaches onto the Estate's property and the survey line for the Estate's northern boundary encroaches as much as 44½ feet into their property at the western edge. She also stated that the petitioners have removed several trees (apple, wild cherry, maple) on their property without consent. This matter is being brought forth to the Park and Planning Commission as the issues need to be resolved before the petitioner proceeds with the project. She also mentioned she has survey maps, photos of the trees which were removed and other paperwork.

Ms. Lori Longtine said she realized the Commission's responsibility is to determine whether or not the County's Land Use Plan should be amended from Recreational to Residential and does not include review of the development or of specific plans such as stormwater, lighting, water supply or traffic. She felt the process that preceded today's public hearing had failed the property owners who own property and live adjacent or near the proposed development. She said they do not oppose the development but they object to the use of the property impeding, overflowing, encroaching, destroying and obstructing the rights to use and enjoy and maintain their own properties. She stated they have been at the losing

end of the Town's hasty process, which limited their input, dismissed their concerns and prevented them from giving input altogether. They requested that the Town Board and Staff layout the process which they would be happy to follow, only to be given vague but carefully worded answers and then the rules changing/disappearing when they were prepared to testify or comment. She said there are drainage issues in the area, which have increased since the driving range was installed and all of the neighbors have had nothing but problems with water flowing off of the property. She indicated it was poorly designed and inadequately approved by the County. With the most current rains, there was a raging river going through her neighbor's property to the west, her property and ending up entirely covering the Schroeder's yard with water. The main issues she and her neighbors are bringing forth are stormwater runoff on both sides which has not been resolved, including a plan for the Schroeder's property, Oak Knoll Drive being inadequate (20' wide) to be used as an emergency only access and possibly causing additional runoff. With the public comment time limit of three (3) minutes running out she said she would submit the entire written comment to the Commission.

Mr. Mularkey, Town of Waukesha Planner, indicated the Town followed the correct, open process, including the public hearing and approval of the Condominium Plat. Residents were encouraged to attend and speak on behalf of the development, which lasted four (4) to five (5) hours and all residents were able to speak. The Town indicated that the improvements to the property would not increase the drainage conditions only improve them.

Mr. Urlacher, adjacent neighbor to the south, said the area behind his property is designated as wetlands. He added it is also a high water table area and said his sump pump runs a great deal, especially in the spring. He expressed concerns with the addition of the development, that there would be more standing water in the wetland. He said he attended a Town meeting in August where the Town Engineer said if they did not like what the DNR has designated as wetlands, hire your own surveyor, have the property delineated and submit it and they would take it under consideration. Currently he can see the construction flags going around the part of the wetlands that has emergent vegetation such as cattails, etc. and does not take in the wooded wetlands in the area. He pointed out the location of the four (4) lane bypass cutting across the INRA limiting wildlife within the area.

Mr. Agen, adjacent neighbor on the southeast portion of the development said there are water problems in the area. He noted that the prior owner of the property had the field tiled, and when the development of the area begins, it will cut into the tiles. He stated a petition was given to the Town of Waukesha, signed by everyone living on Oak Knoll Drive and others in the area, asking that there not be an entrance onto Oak Knoll Drive. He felt there is a conflict of interest with several members of the Town of Waukesha Board who are strongly into real estate and should have recused themselves from the beginning. He felt it was a violation of the residents along Oak Knoll Drive for the developer to purchase a lot within a residential neighborhood and use it for access to his development.

Mr. Fruth added that written correspondence was received on several different items and they will all be acknowledged in the Staff Report and Recommendation at the next meeting. All correspondence received up to today's date has been shared with the Commission by e-mail.

Chairperson Morris 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.

- B. ***The Town of Waukesha Board***, W250 S3567 Center Road, Waukesha, WI 53189, requests properties located in part of the SE ¼ of Section 7, T6N, R19E, Town of Waukesha (Tax Key No.'s WAKT 1324.990, WAKT 1324.990.002 and WAKT 1324.990.003), be amended from the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit) to the Commercial and Office Park category, to expand the planned commercial area in the vicinity of Green Lane.

Mr. Fruth stated that the most westerly parcel of the three (3) mentioned above prompted the request from the Town of Waukesha. The Planning and Zoning Division conveyed a few options to the owner of the west parcel and the Town as to how an application could be made relative to the area in question. One suggestion was that the three (3) owners of the affected parcels could jointly apply or at least letters of support from each of the three residential owners should be obtained. Another suggestion was that the Town could be the petitioner for an amendment, which was ultimately decided upon.

Mr. Fruth pointed out the location of the property on the aerial photograph, south of the Glacial Drumlin Trail and south of the Wisconsin Southern Railroad. Surrounding properties include a storage operation, a church, an auto repair type business, Mudjackers, Inc, a bakery run out of a residence and residential properties. A letter of opposition was received from the middle parcel owner. The letter indicated it is a residential property not a business. Multiple pieces of correspondence have been received indicating there is tree-cutting activity happening on the property to the west. The Planning and Zoning Division Staff recently drove by the property and observed a large number of stumps (oak trees) which appear to have been cut fairly recently. Staff is not sure if the trees were located within the mapped Environmental Corridor area. Other correspondence received indicated that commercial equipment is being stored on the property, as the individual is a contractor.

Mr. Fruth indicated that the Town of Waukesha Plan differs from the County Land Use Plan in this area. The Town Plan shows all three properties as Commercial except for the Environmental Corridor portions. During the last Land Use Plan update, the County agreed to disagree on some of the properties designations in this area. The County was not aware through communications with the owner of the west property that the middle owner was directly opposed to the amendment. Approximately four (4) different owners submitted letters of opposition citing the following concerns:

- Condition of Green Lane, being a narrow road and not in the greatest shape and how additional commercial traffic would affect the road.
- Drainage, due to the wetland in the area.
- The potential change in character of the area (residential and commercial uses)

Mr. Mularkey, Town of Waukesha Planner, stated that the western landowner approached the Town and inquired as to the process involved in wanting to do something else with his property. He currently owns a landscape/contracting business and brings his truck home daily and uses a different site to store his materials and equipment. Since the Town's Land Use Plan designates his property as Commercial, he told the landowner it could be possible to look at a rezone for the property if it was carefully done. Mr. Mularkey looked at the two (2) properties to the east and noted they were also planned for commercial and zoned B-3. He stated the County's Land Use Plan designates the properties as Residential even though they are zoned B-3 and one other property was zoned R-1. The western property owner came to the Town with a Site Plan/Plan of Operation and Rezone request to do a landscape business on the property. The application was conceptual and there was not enough

information, the wetland and Environmental Corridor was not delineated and not enough detail as to the business operations. There were also residents who opposed the request at the time of the meeting. The Town Plan Commission and Board denied the application for the landscape business. However, at the end of the meeting the Town Board felt that according to the Town's Plan and the nature of the area that the Town and County Land Use Plans should match in this area as Commercial. The Town sees the area as a Commercial node. If a petition were submitted to change the use of the property in the future, they would be sensitive to the other surrounding residential properties. The point of the request is so the Town and County Land Use Plans match and he reiterated that a landscaping business is not be approved at this time.

Mr. Mitchell asked, relative to the bypass plan, that Green Lane would become a dead end road and if it would impact the Town's decision if the area should be Commercial? Mr. Mularkey replied it was not discussed at the time, however, no matter what, the area will be somewhat of a Commercial node and the Environmental Corridor on the west would be the logical stopping point for that to occur. He added that in discussions with Mr. Fruth, they agreed that even though this would be planned for Commercial it would be compatible with the residential properties.

Mr. Fruth said he discussed with Mr. Mularkey the set of circumstances, a mixed-use dynamic, but he emphasized that there needed to be a public hearing to hear from the residents. They did discuss potential options in the area, but he did not engage in an agreement about anything other than this being a tough area and the residents need to be heard from first. Mr. Fruth asked if the Town looked at the tree cutting issue. Mr. Mularkey said they did look into it and the landowner was issued a permit to construct a circular gravel driveway and there might have been cutting as part of that permit. Mr. Fruth asked if an Environmental Corridor delineation report request has been made? Mr. Mularkey said the Town requested the report when he applied for the Site Plan/Plan of Operation and Rezone and since it is not on the table there is no report at this time.

Mrs. Morris referred to an attachment distributed to the Commission regarding the reasons that justify an amendment to the County Development Plan and asked, if the January 11, 2017 date was correct? Mr. Mularkey replied it was incorrect and the date should read January 11, 2018.

Chairperson Morris asked if there were any other comments from the audience?

Mr. Kawatski, introduced himself and stated that he owns the middle lot relative to the request. He noted that he is opposed to changing the zoning, which was established in 1978 when the Town adopted it as their Master Plan. He added that he has lived on the property for approximately 30 years and it is his residence, not a business, and no business activity is conducted from his property. All three (3) of the residences in question are in a good state of repair and have been kept up and maintained. He said there was mention of an auxiliary building on his property and explained it is a detached two (2) car garage. He further added, that there is no advantage to changing the land use on these properties to the Commercial category. Regarding the Environmental Corridor, it gets its drainage from the south side and from the east properties and emphasized that it is a very sensitive area. To the west, Alberts Contracting, LLC moved in approximately three (3) years ago, along with their equipment. He stated the driveway was added approximately two (2) years ago in the spring and he was unsure if it was permitted or not. He noted that he is not a surveyor but the driveway could be located in the Environmental Corridor.

Mr. Fuller, introduced himself and said his property is located to the west of the property with the Environmental Corridor, Alberts Contracting. He stated he is opposed to the zoning change. He explained that Alberts Contracting has been working from the site since 2015. He presented photographs of the various equipment being stored on the property, a Google Map photo which shows a roundabout driveway that he believes exists within the Environmental Corridor and a pond on his property, which is being polluted by the excess use of pesticides from Alberts Contracting (landscaping business). He said there is no proper mixing pad per DATCP. He said it is a violation of residential codes on every level, running a business, inadequate mixing pad facility for pesticide use, salt is being stored on the site (even though he was told he could not store it there) and deforestation in the Environmental Corridor area (driveway). With the loss of trees, rain and stormwater comes down the hillside at an accelerated rate and flushes onto his property and there is only a small culvert by the railroad allowing for discharge into Pebble Creek. When this happens, the soils on his property become saturated and he is not able to mow the back portion of his property, which he has spent a lot of time and money cutting out buckthorn and invasive species. He presented photographs of his pond containing green water and stated it was not like this before the landscaping business moved in. He has witnessed (after daylight hours) the dumping of pesticide/fertilizer/herbicide onto the lawn to empty the tanks and he is paying the price with it running onto his property. He is extremely worried about his son and dog playing in contaminated water and the effect on the oak, hickory and walnut trees in the area. He stated he is an arborist for the City and is concerned about the environment. In addition, there is an outbuilding which has junk/garbage around it and the three (3) car garage on the property has not been sided after six months. He is asking for any effort for this activity to stop and the operation to be shut down next to his home.

Ms. Wisnieski introduced herself and said her property is relative to the request. She noted that they built their home here 25 years ago, within the parameters knowing she would run her small, sole owner bakery business from the property. They did everything the Town wanted them to do regarding the business. At most, there may be three (3) vehicles at the business at any one time. She expressed concerns that a Commercial category designation could increase her land value and taxes and increase traffic. In addition, she stated that the Green Lane roadway is in terrible shape with many potholes, problems with bad drainage, etc. She also noted when the Waukesha West Bypass route goes through, Green Lane will dead end and her business will be negatively affected.

Mr. Mularkey explained that the request is not for a zoning change, it is a change to the Waukesha County Comprehensive Development Plan for three (3) properties for future commercial use. He added, there is no specific petition for the western most property and clarified that the landscape business Site Plan/Plan of Operation and Rezone was denied by the Town. The landscape business has been informed to cease all activities on the property and he is only allowed to bring his work vehicle home at night.

Mr. Fruth asked if the Town of Waukesha is aware of the allegations of the fertilizer issues? Mr. Mularkey replied that he personally was not aware and does not know if anyone at the Town was aware. Mr. Fruth said that the Planning and Zoning Staff was unaware of the issues mentioned by Mr. Fuller and stated he would reach out to the Waukesha County Environmental Health and Land Resources divisions for feedback.

Chairperson Morris 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.

- C. ***Rolling Meadows Townhomes, LLC, c/o John Marek***, P.O. Box 270463, Milwaukee, WI 53227, requests properties owned by the School District of Waukesha, located in part of the SE ¼ of Section 27, T6N, R19E, Town of Waukesha (Tax Key No.'s WAKT 1404.996 and WAKT 1429.999), be amended from the Suburban I Density Residential category (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 of area per dwelling unit), to allow for a 40-unit townhome Planned Unit Development.

Mr. Fruth indicated the properties in question are located west of Hwy 164 and south of Glendale Road in the Town of Waukesha. Surrounding properties include a church to the north, a baseball training facility and a veterinary clinic north of the church, wetlands to the south, a few residences and rural farmland to the west and residential subdivisions to the east. The proposed conceptual development would have 40 rental units located in 20 buildings. Access to the development would be via Glendale Road. The development would be served by 10 conventional septic systems as State Code provides an allowance that a maximum of two (2) buildings, containing four (4) units can be served by one single septic system. The wetlands would not be disturbed, nor the category changed, and the development proposal indicates they would be dedicated to the County.

Mr. Marek, petitioner, introduced himself and explained that the Waukesha School District is selling the land, and it would be a positive tax base gain for the Town and County. The development would have a low impact on the surrounding area as only two (2) residences are located adjacent to the property. He indicated a wetland delineation was completed for the wetland existing on the property. No part of the wetland will be located within the development, only a conservation area. The proposed buildings would not contain basements and would be on slabs. The units would be high-end, leased units with two (2) car, attached garages. The type of development and units are in high demand. He noted that the Town received comments regarding the water table in the area being lowered because of the proposed development. He further explained that nearly all of the water is returned to the original source through the septic systems. The engineer for the development indicated there would be an average of 5,725,000 gallons of water per year that the subdivision would use and nearly all would be recycled back into the water table. Snow and rainfall would supplement the remainder. The roads within the development would be private and the Town would not be responsible for the maintenance, snowplowing or repairs.

Mr. Maloney, engineer for the development, spoke of the offsite drainage and high groundwater on the southwest portion of the property. He explained there would be a berm on the west property line, extending from the southwest corner, north, to the strip of land that connects with Glendale Road and a swale promoting infiltration and sediment control. It would be sized to handle in excess of a 100-year flood event, in turn protecting surrounding properties. They estimate approximately 200 vehicles per day accessing the development increasing traffic on Glendale Road by approximately 10% and the Department of Transportation indicated the road should be able to handle the increase in traffic.

Mr. Fruth mentioned that the Town Plan designation for the property differs from the County's. The Town shows the property in the Commercial category and is scheduled to act on the request at their March 8, 2018 meeting and the again at their April 12, 2018 meeting.

Mr. Mitchell noted that in the past, the former County Planning Manager presented the Town with a residential PUD for this area, however, the Town Board wanted the land in the Commercial category. Mr. Barrows, Land Resources Division, said he reviewed the development twice, the second time more closely at a Development Review Team meeting, which included the wetland delineation, but not the

soil tests. According to the Preliminary plans for the project, he recommended an infiltration grass swale (ditch) and a wet detention basin for stormwater management features. The overall drainage intent was to take the drainage from Glendale Road to the south end of the development.

Chairperson Morris asked if there were any other comments from the audience?

Pete Urlacker, expressed concerns and asked how long it would take for water from a septic system to soak back into the soil to become drinkable water? Mr. Radomski, Environmental Health Division, replied that normally, water passing through three (3) ft. of unsaturated soils would remove 99% of the bacteria/viruses. The soil testing data done for the site indicated there is well more than three (3) ft. of unsaturated soils where the septic systems are proposed and water could be cleaned within a very short period of time.

Ms. Angie Van Scyoc, said she lives on Glendale Road and was a former member of the Town Plan Commission. In the past, multi-family developments were not allowed in the Town unless they were connected to sewer/water lines, however, when Mr. Marek came to the Town Board, Ordinances were changed to include multi-family on non-sewered properties. She felt it was untested due to only one other (Marek) multi-family development in the Town located on Greenfield Avenue. She expressed concerns for the environment, increase in traffic, there should be a “right turn only” out of the development due to Glendale Road being a dangerous road, there has not been a Town public hearing as of yet, other development requests in 2004 were denied due to high water table levels and Primary Environmental Corridor concerns. She suggested the matter be tabled and another public hearing scheduled after the Town conducts their public hearing and public input is obtained.

Mr. Marek, petitioner, clarified that there has been multi-family developments allowed in the Town of Waukesha for decades, and the Ordinances were not changed for him. Regarding additional traffic on Glendale Road, the development would generate 200 cars per day, for a total of less than 10% than the design standards for the road. There has been conceptual review at the Town level with significant discussion, public comment and input in January and noted that as a Town representative he receives much greater scrutiny than any other developer.

Ms. German, property owner to the west, said she submitted written comment and expressed concerns regarding the increase in traffic along Glendale Road. She agreed with regards to a “right turn only” out of the development. Mr. Fruth confirmed that written comment was distributed to the Commission, signed by 20 different persons, who expressed concerns regarding high groundwater, freezing septic pipes, underground water movement, improper dedication to the County and expressed a preference to leave the property as agricultural. Chairperson Morris said this request would not be voted on by the Commission at the March 1, 2018, meeting. Mr. Fruth confirmed that the process has not been completed at the Town level (public hearing).

Ms. Longtine, asked if the petitioner had purchased the property and if it was typical that a person who does not own a property come before the Park and Planning Commission with a Land Use Plan amendment? Mr. Fruth replied “Yes,” it is common and noted that the property owner’s signature is on the application for the amendment.

Chairperson Morris 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.

The Commission took a five minute break at 3:30 p.m. Chairperson Morris reconvened the meeting at 3:35 p.m.

4. ***The Waukesha County Park and Planning Commission***, 515 W. Moreland Blvd., Waukesha, WI 53188, requests a comprehensive amendment to the Waukesha County Park and Open Space Plan, which is Appendix A of the Comprehensive Development Plan for Waukesha County. The proposed updated Park and Open Space Plan, associated maps, and a summary of the proposed amendments can be viewed online at <https://www.waukeshacounty.gov/landandparks/park-system/park-and-open-space-plan/>.

Ms. Barrows explained that the Park and Open Space plan guides the acquisition, development, preservation and management of the recreational and open space areas in the County. In addition, it aids the coordination with local municipalities and non-profit organizations within the State in providing a solid interconnected system while not duplicating efforts. The Plan also meets State Planning requirements in order to provide funding for the purchase of land and different development activities that occur within the park system.

Mr. Wilke, Senior Landscape Architect, introduced himself and stated that a team was created and worked throughout the year on the Park and Open Space Plan update. The team interacted with all of the communities, municipalities, Towns and other organizations, which are stake holders in the plan. There were several opportunities where they provided input and updates on the maps, etc. An open house was held in September 2017 where final input was accepted. He presented the Park and Open Space Plan map, the Parks, Greenway and Trails map and the Bike Plan (adopted in 2013) which were all updated during the process.

In addition, Mr. Wilke said the update included:

- Acquisition updates for Menomonee Park, Mukwonago Park, Nashotah Park, Ryan Park and Retzer Nature Center.
- Reduced acquisitions for Monches and Mukwonago Parks.
- Prioritize and identify roles as to who preserves which areas of the land (Local, State or County).
- Improved formatting, graphics and usability.
- Comprehensive updating of proposed and existing open space land ownership, coordinated with the State, local municipalities and nonprofit organizations/lake districts and associations.
- Update of County park property maps, amenities, descriptions and natural management overview (restroom improvements, dog exercise areas-Nashotah and Mukwonago Parks, archery range-Mukwonago Park, addition of foot golf).
- Update of current County owned lands and proposed acquisition.
- Reduction to acreage proposed for County acquisition of greenway.
- Introduction of the potential Wetland Mitigation Banking Sites and program (14 sites identified suitable for wetland banking-partnership with County or development that wishes to avoid unavoidable impacts).
- Update of Bike Plan for Waukesha County with current and proposed bike facilities.
- Update of park projects and budget priorities.
- Integrated elements of SEWRPC Vision 2050 Plan (demographics and resource inventories are referenced).
- Integrated updated SEWRPC Natural Areas and Critical Species Habitat Inventory (map and 13 additional natural area sites added for a total of 118 sites).

- Introduction of a new regional planning effort for river access sites along the Fox River. The Wisconsin-Illinois Fox River Water Trail Initiative, which was recently initiated by the Southeast Fox River Partnership (Wisconsin), and the Fox River Ecosystem Partnership (Illinois). Increase the ability to have access points to utilize the water.
- Map correction (Ice Age Trail, property in Town of Genesee previously owned by the School District now privately owned).
- Addition of the Standards of Excellence for Waukesha County and the Waukesha County Strategic Plan. Including the objectives of the 2017-2019 Strategic Plan (customer service-80% good or very good rating, 80% customer satisfaction for clean and safe rentals, increase volunteer hours by 5% annually and increase revenue from partnerships/sponsorships by 5% annually).
- Clarification on the Open Space to be protected by land use regulation.

Mrs. Morris noted that on Exhibit A-4 of the Plan, the Town of Summit should be Village of Summit. Ms. Barrows indicated the error would be corrected.

Mr. Mitchell thanked the Staff for their hard work on the update.

Chairperson Morris asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the Public Hearing 3:58 p.m.

- **ZT-1861 (Town of Brookfield Board) Town of Brookfield**

Mr. Fruth indicated the request is for a text amendment to the Town of Brookfield Zoning Code relating to mobile tower siting regulations.

Mr. Fruth explained that Town of Brookfield needs to make a significant correction to their Ordinance regarding this text amendment. He has not received the corrected ordinance as of yet and suggested the matter be tabled until the next Waukesha County Park and Planning Commission meeting. The Commission agreed.

After discussion, Mr. Mitchell moved, seconded by Mr. Peregrine and carried unanimously to table the matter until the next meeting.

- **RZ00001 (Town of Waukesha Board) Town of Waukesha**

Mr. Fruth indicated the request is for a text amendment to the Town of Waukesha Zoning Code relating to sign illumination and related nuisance provisions.

Mr. Fruth indicated that the Town encountered an issue where a church wanted to install a small, internally illuminated sign next to a (undeveloped) residentially zoned property. The Town wanted to be able to offer flexibility for this type of scenario where conditions could be assessed. Mr. Mularkey, Town Planner, added that there are multiple signs in the Town that are internally illuminated and face residentially zoned properties where the provisions were missed in the past. The text is a minor change and would be reviewed on a case-by-case basis.

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

• **RZ00002 (Town of Vernon Board) Town of Vernon**

Mr. Fruth indicated the request is to amend the conditions of the existing conditional B-3 General Business District zoning (CZ-0972D) to include new and used automobile salesrooms and lots. He added that the 11 affected properties are located along Enterprise Drive in part of the SW ¼ of Section 1, T5N, R19E, Town of Vernon.

Mr. Fruth stated that the conditions of the past rezone have been amended many times over the years. Enterprise Drive is a business park type of environment but was brought forth as a highly conditioned rezone. The conditions in the rezone dictate what type of uses can be allowed. There are a few businesses that sell or service motorcycles, ATVs, etc. and one of them would like to be able to sell a limited number of vehicles per year (up to 5). Mr. Mularkey clarified that there is another property directly across the street to the west that would also like to sell Jeeps in designated areas. Mr. Fruth indicated that the Town would control the intensity and regulation. Mr. Mularkey added that on the east side there is a business that takes ATV's or motorcycles on trade, repairs them and re-sells the vehicles.

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

ADJOURNMENT

With no further business to come before the Commission, Mr. Peregrine moved, seconded by Mr. Mitchell to adjourn at 4:07 p.m.

Respectfully submitted,

William Mitchell

William Mitchell
Secretary

WM:kb

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

NAME	ADDRESS	PHONE NUMBER	IN ATTENDANCE FOR THE MATTER OF:	RELATIONSHIP TO PETITIONER
Sam Fuller	530W27466 Green Ln Waukesha WI 53188	262-422-3398	Opposition	
Patricia Downing	W293 N7852 Camp Whiteoak Rd ^{1104 + 1104}	262-370-2129	Thomas ^{Patricia} Downing	Self
JAMES P. KAWATSIKI	529W27326 GREEN LAKE	262-549-6458	OPPOSITION TO ZONING CHANGE	
Chad Markutz	W 252 N6516 Main St Werton	262-894-7716	Downing	In Law
Pete & Christian Urlacher	537 W27272 Genesee Rd. Waukesha	262-232-8539	Merrill Hills	
Brian & Ginger Agen	537 W27234 Genesee Rd. Waukesha Wis. 53189	262-547-2350	3A	
Richard & Sarah Simmons	W335 N8435 Stone bank Rd Oconomowoc 53099	916-2508	2B	
JACK GARDIOW	118 LEGEND WAY WALES 53183	262 613 7305	3A	Self
Mauran Derman	W240 S4931 Hwy 164, Waukesha	262-542-3952		
John & Diane Wisniewski	529 N27308 Green Ln Waukesha	262 542-5801		
Angie & Bob Sypor	551 W25375 Glendale Rd. 53189	414 254 1066		
Bruce C. Barton	1863 Haymarket Waukesha 53188	262 219 5011		
John Marek	W221 S1487 Overlook Ct Waukesha 53186	414 640 6000	Ridley Meadows	Self
Lore Barton	537 W27336 GENESSEE RD WAUKESHA 53189	262-542-2768	Merrill Hills	
Randy Kohn	510 N Ponderosa Drive Hartland WI 53029	262-853-1842	Church of the Resurrection	Self
Jim Maczary	3004 PALMWOOD TR Waukesha 53188	262-206-8047		EARLY IN THE
Tom Nelson	- Village at Merritt	262-538-0920	-	
Michael Murray	W287 N3826 N Star Dr Pewaukee	262 695 7133	Church of the Resurrection	home owner
Kathy Stoffel	1929 Northview Rd Waukesha 53188	262-548-3438	Merrill Hills	

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

NAME	ADDRESS	PHONE NUMBER	IN ATTENDANCE FOR THE MATTER OF:	RELATIONSHIP TO PETITIONER
Kens DRAGOTTA	N76 W29220 CTH W HANCOCK WI	414-315-2680		
Candice Meyer	5101 W34849 CTH La Edge	262-594-3115		
Edward T. Kowalk	N34 W29637 N Shore Dr.	262-708-0227	MHCC	
Laurie Longtine	W271 S3581 Oak Knoll Dr	262-542-1929	MHCC	
STEPHEN SIODURGEZ	WAUKESHA COUNTY PARK & LAND USE		POS PLAN	
Duan Groom	WC PLAN		POS PLAN	