

YEAR 2003 APPROVAL OF AMENDMENTS TO THE
WAUKESHA COUNTY DEVELOPMENT PLAN

WHEREAS on November 26, 1996, the Waukesha County Board of Supervisors in Resolution No. 151-13 approved a Development Plan for Waukesha County to take effect January 1, 1997, and

WHEREAS on May 27, 1997, the Waukesha County Board of Supervisors adopted Resolution #152-R-002 entitled, "Technical Refinements and Implementation of a Development Plan for Waukesha County" which, among other matters, provided for annual update and amendment procedures, and

WHEREAS on February 18, 2003, the Waukesha County Park and Planning Commission and the Waukesha County Land Use, Parks and Environment Committee held a joint Public Hearing to receive testimony on proposed changes to the Waukesha County Development Plan, and

WHEREAS the staff has identified in a "Staff Report and Recommendation" dated April 24, 2003, a summary of the hearing, comments and Staff Recommendations for and against the various proposed changes to specific properties in the Waukesha County Development Plan, and

WHEREAS said "Staff Report and Recommendation" has been reviewed by the Waukesha County Park and Planning Commission on April 24, 2003, and a recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required by Resolution No. 152-R-002 which endorses the recommendations set forth in the "Staff Report and Recommendation" along with some modification and additional conditions to various properties.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE WAUKESHA COUNTY BOARD OF SUPERVISORS that the following amendments are hereby approved, or approved with conditions, to the Year 2010 and the Buildout Map of the Waukesha County Development Plan:

1. Town of Brookfield:

A. **Geoff Robinson**, requests property owned by others and under contract for purchase, located in part of the SE ¼ and NE ¼ of Section 29, Town of Brookfield (Tax Key No: BKFT 1121.985 and BKFT 1121.986.001), be amended from the Commercial category to the Medium Density Residential (MDR) category for the purpose of developing a multi-family residential project.

2. In the Town of Delafield:

A. **Lloyd Williams, Gary Belcher and Charles Kompas, etal**, request their property located in the SW ¼ of Section 25, Town of Delafield (DELT 0819.998, DELT 0819.997 and DELT 0819.996), be amended from the Rural Density Residential and Other

48 Agricultural Lands (RDROAL) to the Suburban II Density Residential (SDRII)
49 category for the purpose of developing a small residential subdivision on a
50 portion of the lands, subject to the following:
51

52 The project shall be developed as a cluster concept, similar to the
53 proposed, and the lakeshore area and the steep wooded hillside
54 occupied by proposed Lots 11 through 13 and part of Lot 14, be
55 retained in common open space for the enjoyment of each of the
56 residents of the proposed project.
57

* green

58 3. In the Town of Genesee:
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60 A. *RSV Engineering, Inc.*, requests the property owned by BB McGee, LLC, located in
61 the SE ¼ and the SW ¼ of the SE ¼ of Section 26, Town of Genesee (Tax Key No.:
62 GNT 1544.993.001 and GNT 1544.993.002), be amended from the Recreational
63 category to the SDRII category for the purpose of dividing the property into three
64 acre parcels for residential purposes, along with a small area to the west, on the north
65 side of Holiday Road from the Recreational category to the SDRII category.
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67 4. In the Village of Hartland:
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69 In the Year 2002 amendments to the Waukesha County Development Plan, an amendment
70 was made to the Charles and Carol Jungbluth property, located in part of the SE ¼ of Section
71 25, T8N, R18E, Village of Hartland, which required as part of the Low Density Urban
72 Residential (LDR) category which was placed on the property, two conditions were imposed.
73 By request of the petitioner, Kingsway Homes, which has purchased the Jungbluth property,
74 Condition No. 2, which reads "The realignment of C.T.H. "KE" shall remain as presently
75 located on the Street and Highway Width Map", be amended and replaced with the following
76 language.
77

78 Any proposed development within the boundaries of the property must be consistent
79 with a realignment of C.T.H. "KE" and shall be north of the current C.T.H. "K" and
80 proceeds through property west of the current Winkelman Road (C.T.H. "KE") until
81 it merges into the existing Winkelman Road (C.T.H. "KE").
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83 5. In the Town of Lisbon:
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85 A. *Brue's Bros. LLC and Mike Brue*, requests the property located in the NE ¼ of
86 Section 35 and the NW ¼ of Section 36, north of Lisbon Road and immediately
87 adjacent to and west of the Canadian National Railroad, Town of Lisbon (Tax Key
88 No. LSBT 0281.989 and LSBT 0281.991), be amended from the Extractive category
89 to the General Industrial category for the purpose of creating a storage facility.
90

91 B. *William Minett*, requests the property owned by Hazel Meissner, located in the SW ¼
92 of the SE ¼ of Section 18, Town of Lisbon (Tax Key No. LSBT 0216.994), be
93 amended from the RDROAL category to the LDR category for the purpose of
94 developing a residential subdivision.

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C. *John and Lyn Spitz*, request portions of the property located in parts of Sections 19, 20, 29 and 30, located on the east side of C.T.H. "MD" and south of C.T.H. "VV", Town of Lisbon (Tax Key No.: LSBT 0220.995, part of LSBT 0257.995.003, LSBT 0258.999 and LSBT 0223.997), be amended from the Recreational and RDROAL categories to the LDR category for the purpose of dividing some of the lands into residential lots while retaining the golf course in the Recreational category, subject to the following conditions:

- 1. The street proposed to service Lots 41 through 50, which is presently shown on the Concept Plan as a cul-de-sac be extended easterly, to accommodate future development of the vacant land to the east and to provide an alternative to servicing that future 3+ acre lot off of the golf course lands with a public road rather than a private easement if at all possible.
- 2. The proposed cul-de-sac shown to serve Lots 55 through 60 be extended easterly to serve the existing "Wolfgram Homestead site" so as to eliminate the dependency on any private easements to service that property.

6. In the Town of Merton:

A. *Herb Gross*, requests the property owned by James McGrath, located in the SW ¼ of Section 7, Town of Merton (Tax Key No. MRTT 0315.998 and MRTT 0315.999), be amended from the RDROAL category to the SDRII category to permit the development of a 35-lot (3.4 acre density) cluster subdivision on the subject 119 acres of land, subject to the following condition:

The development be limited to no more than 35 dwelling units, including the farmstead, resulting in a gross density of 3.5-acres per dwelling unit, and the development shall occur using the cluster technique with significant common open^{*}space (50%).
**green*

B. *Insight Development Group*, requests the property owned by Robert K. Schwartz and Helene Schwartz (deceased) located in the SW ¼ of Section 1 and the SE ¼ of Section 2, Town of Merton (Tax Key No. MRTT 0291.998.002, MRTT 0296.999.005 and MRTT 0296.999.006), be amended from the RDROAL category to the SDRII category for the purpose of developing a single-family residential subdivision, subject to the following condition:

The project be developed as a cluster type subdivision, maintaining at least 50% of the site in open^{*}space with a density not to exceed 3.5 acres per dwelling unit. In addition, there shall be no intrusion of any development of roads or home sites into the Primary Environmental Corridor.
**green*

142 7. In the Town of Oconomowoc:
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144 A. *Thomas Roth, James Roth and Julie and Jason Bobrowitz*, request the properties
145 owned by Richard and Arnold Roth, located in Section 9, Town of Oconomowoc
146 (Tax Key No. OCOT 0466.996.003), be amended from the PEC and Recreational
147 categories to the SDRII category for the purpose of creating single-family
148 residential lots as identified in the attached Exhibit, subject to the following
149 conditions.

- 150
151 1. All lots which are created shall abut a public road.
152
153 2. The area proposed for change as shown on the Planning and Zoning
154 Division's map, be expanded to provide additional area south of the
155 northern most appendage and adjacent to the northern rectangular
156 area.

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158 B. *The Town of Oconomowoc*, recently amended the Town of Oconomowoc Land
159 Use Plan for the township and requests to incorporate the newly adopted Town
160 Land Use Plan amendments as an amendment to the Waukesha County
161 Development Plan, subject to the following:

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163 1. The modifications as noted in the Roth plan amendment shall be noted on
164 the Town's Land Use Plan.
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166 2. In Section 1 on the Morris property, containing five acres, the plan shall
167 be modified to reflect the RDROAL category.
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169 3. The Eichstead parcel in the NE ¼ of Section 20, shall be modified to
170 show that in the SDRI category.

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172 8. In the Town of Summit:

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174 A. *The Town of Summit*, has requested that its Land Use Plan, adopted by the Town
175 Board in June 2001, be incorporated as an amendment to the Waukesha County
176 Development Plan.
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178 9. In the Town of Waukesha, the following request is being made:

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180 A. *Lee McInnis, representing the Waukesha Bible Church*, requests an amendment for a
181 portion of their property located in the SE ¼ of the SE ¼ of Section 27, Town of
182 Waukesha (Tax Key No. WAKT 1404.997), from the existing Government and
183 Institutional category to the SDRI category to permit the creation of two residential
184 parcels on the church lands.
185

186 BE IT FURTHER RESOLVED that a more detailed description and maps of the aforementioned
187 properties are on file in the office of the Waukesha County Department of Parks and Land Use.
188

189 BE IT FURTHER RESOLVED that the Waukesha County Clerk shall file a certified copy of this
190 Resolution with the affected Municipal Clerks of Waukesha County.

Resolution 158-R-001 (158-2) excluding 2A, 6A, 6B, 8A and 4 adopted 31 ayes – 0 no.

Supervisor Haukohl's amendments 2A, 6A, 6B:

2A- Town of Delafield to add after the word open "green" so the last paragraph reads as follows:

"The project shall be developed as a cluster concept, similar to the proposed, and the lakeshore area and the steep wooded hillside occupied by proposed Lots 11 through 13 and part of Lot 14, be retained in common open green space for the enjoyment of each of the residents of the proposed project."

6A - Town of Merton to add after the word open "green" so the last paragraph reads as follows:

"The development be limited to no more than 35 dwelling units, including the farmstead, resulting in a gross density of 3.5-acres per dwelling unit, and the development shall occur using the cluster technique with significant common open green space (50%)."

6B - Town of Merton to add after the word open "green" so the paragraph reads as follows:

"The project be developed as a cluster type subdivision, maintaining at least 50% of the site in open green space with a density not to exceed 3.5 acres per dwelling unit. In addition, there shall be no intrusion of any development of roads or home sites into the Primary Environmental Corridor.

Sec. Supvr. Paulson

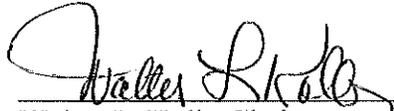
Adopted 31 – 1.

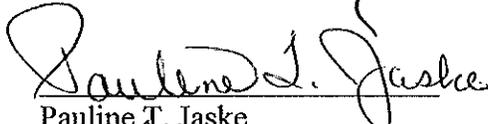
4 - Adopted 8 noes – 24 ayes.

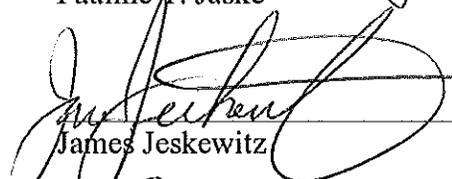
8A - Adopted 32 – 0.

YEAR 2003 APPROVAL OF AMENDMENTS TO THE
WAUKESHA COUNTY DEVELOPMENT PLAN

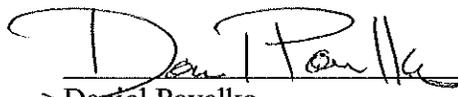
Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair

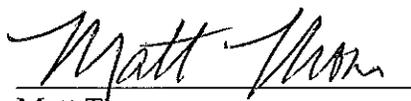

Pauline T. Jaske


James Jeskewitz


Scott J. Klein


Daniel Pavelko


Vera Stroud


Matt Thomas

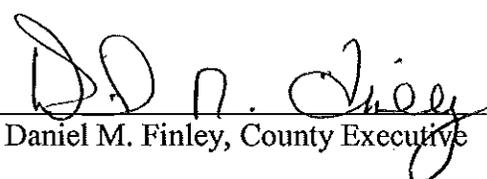
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: May 16, 2003, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: ✓

Vetoed: _____

Date: 5-16-03, 
Daniel M. Finley, County Executive

1.

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
WAUKESHA COUNTY DEVELOPMENT PLAN AMENDMENTS

DATE: April 24, 2003

NATURE OF REQUEST:

Amendments to the Waukesha County Development Plan (WCLDP) adopted in 1996 (Build Out and Year 2010 Land Use Plan). It is noted the Staff Report and Recommendation for the requests made and discussed at the public hearing held on February 18, 2003, will be presented herein in accordance with the schedule in which they appeared at the public hearing.

PUBLIC HEARING DATE:

Tuesday, February 18, 2003, 8:30 a.m.

PUBLIC REACTION:

A copy of the public hearing Minutes (attached as Exhibit "A") and the maps associated with the various properties requested for change are included herein. The issues, which received the most attention at the public hearing, were the request to amend Condition No. 2 of the Year 2002 amendments relative to the Charles and Carol Jungbluth property, the Herb Gross request in the Town of Merton and the Rainbow Springs request in the Town of Mukwonago. The first three matters in the Towns of Brookfield, Delafield and Genesee received little or no comment other than some questions regarding the specific request. With respect to the amendment to the WCLDP for the Jungbluth property in the Village of Hartland, the petitioner's request was to modify the previously imposed Condition No. 2, which read "The realignment of C.T.H. "KE" shall remain as presently located on the Street and Highway Width Map". The revised condition states "Any proposed development within the boundaries of the property must be consistent with the plans for the realignment of C.T.H. "KE" as set forth on the Street and Highway Width Map in effect at the time the Preliminary Plat for development is submitted to the County for approval". Very little attention was given to that issue and most of the discussion, again focused on where C.T.H. "KE" was going to be finally aligned and while we made an effort to focus on the specific language changes, the discussions seemed to result in issues relative to the exact location of the realignment or how the existing alignments could be improved or the existing street could be improved or no improvement provided at all.

In the case of the first three issues in Lisbon, there was little or no comment made other than from the petitioner. In the case of John Spitz, however, there were a few residents who were concerned with what and how this amendment would impact their lands and residences, which are in relative close proximity to the Arrowhead Golf Course, which Mr. Spitz, the petitioner operates and what his purpose was in wanting to divide some of the lands. After that was explained, there still remained some concern on the part of the neighbors about the ultimate development of the property.

In the case of the Herb Gross request in the Town of Merton, there were a number of property owners from the surrounding area who were concerned with the fact that this change was being made and it represented a significant difference in land use than what exists. It was pointed out to them that this is a proposed development using the cluster method, with a 3.4-acre density. Many of the lots on which these property owners lived were in the neighborhood of three acres, with the exception of one person who owned a sizably larger parcel of land. Regardless, they were all opposed to the project and the change sought by the petitioner. There was little or no discussion of the Insight Development proposal in the Town of Merton.

158-R-001, 002

The next large issue was in the Town of Mukwonago, which dealt with the Rainbow Springs Golf Course property. There was much concern on the part of the Friends of the Mukwonago River Group as well as others and a significant number of letters of opposition to the development have also been submitted. Many people were hoping that the property would become public land and felt that its development would significantly degrade the river system and were opposed to any development on the site. The Town Board has also opposed the development as reflected in a letter received from them.

In the Town of Oconomowoc Land Use Plan amendment, the primary concern focused around changing the Robinson property in the NE ¼ of Section 14 from the Agriculture to the 5-acre Agricultural District. Neighbors to the south and immediately across the road were concerned about the fact that this land was being changed and would allow the development of a possible residential subdivision. There were no other major issues discussed regarding amendments to the Town of Oconomowoc Land Use Plan. There were no other comments made other than the presenters or applicants promoting their proposals. It should also be noted that numerous letters were received about the various requests and copies have been supplied to the Waukesha County Park and Planning Commission and Waukesha County Land Use, Parks and Environment Committee members.

STAFF REVIEW AND RECOMMENDATION:

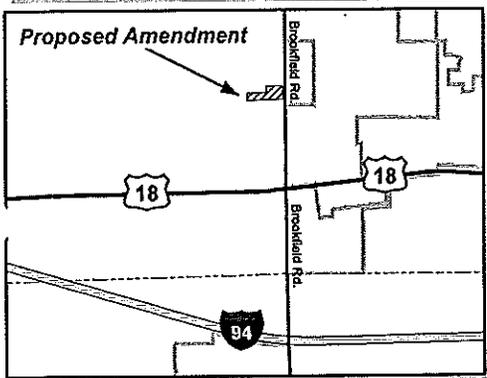
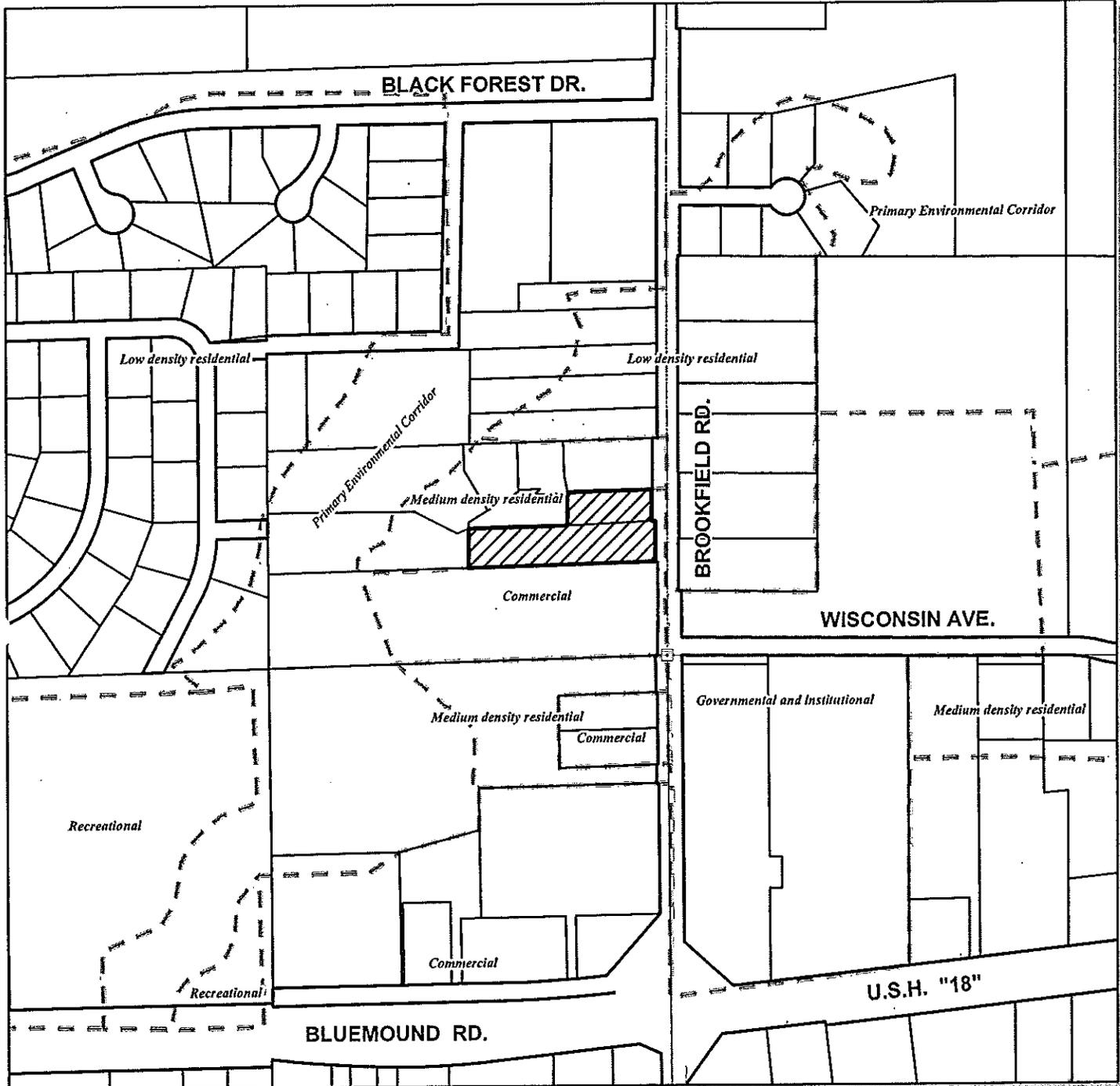
1. In the Town of Brookfield, the following request is being made:
 - A. *Geoff Robinson*, requests property owned by others and under contract for purchase, located in part of the SE ¼ and NE ¼ of Section 29, Town of Brookfield (Tax Key No: BKFT 1121.985 and BKFT 1121.986.001), be amended from the Commercial category to the Medium Density Residential (MDR) category for the purpose of developing a multi-family residential project.

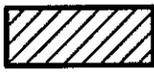
This property is bounded by properties on the north and south, which have previously been the subject of amendments to accommodate a multi-family condominium project to the north, and an assisted living facility to the south. The property in question presently contains two residences, which are intended to be removed to accommodate the development of an 18-unit condominium complex on the 2.6 acres of land. There intends to be three (3), four-unit structures and three (3), two-unit structures. This site has been the subject of redevelopment consideration for some time now and the petitioner has delayed taking any further action until, at a minimum, Brookfield Road was rebuilt in order to improve visibility from the site for traffic along Brookfield Road. Since that time, and during the summer 2002, the road was reconstructed and site visibility along Brookfield Road, has been substantially improved by reducing the height of the hill and flattening out the vertical curves. The results of this reconstruction of the road has improved site visibility for all of the properties in this immediate stretch of the road. This property will be served with municipal sewer and water provided by the Town. The Town has previously granted a rezoning of the property to accommodate the proposed use, which has been delayed by the County for consideration of an amendment to the WCLDP to accommodate the proposed use. The MDR category for which this is being requested provides a range of 6,000 sq. ft. to 20,000 sq. ft. per dwelling unit. This project will be approximately 6,340 sq. ft. per dwelling unit, well within the range of the MDR category.

158-R-001, 002

DEVELOPMENT PLAN AMENDMENT

PART OF THE NE & SE 1/4 OF SECTION 29
TOWN OF BROOKFIELD



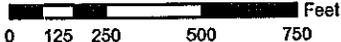
 **PROPOSED PLAN AMENDMENT FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL**

PETITIONER.....G. ROBINSON

DATE OF HEARING..... 2-18-03

AREA OF CHANGE.....2.6 ACRES

TAX KEY NUMBER.....BKFT 1121.985
BKFT 1121.986.001


1 inch equals 500 feet
 0 125 250 500 750 Feet

Prepared by the Waukesha County Department of Parks and Land Use

It is the opinion of the Planning and Zoning Division Staff that the request to modify the Land Use category from the Commercial category to the MDR category be approved. We feel the proposed use of the site for condominium units as proposed will be consistent and compatible with the surrounding uses on all sides and now that Brookfield Road has been reconstructed, highway access and safety issues have been minimized. In addition, the fact that the site is being served with municipal sewer and water further justifies the change. To retain it in a Commercial category is inappropriate in that the uses entirely surrounding the site are of a residential nature and to suggest that commercial or retail activities on this property in such close proximity to the surrounding Residential uses would be improper.

2. In the Town of Delafield, the following request is being made:

- A. *Lloyd Williams, Gary Belcher and Charles Kompas, etal*, request their property located in the SW ¼ of Section 25, Town of Delafield (DELT 0819.998, DELT 0819.997 and DELT 0819.996), be amended from the Rural Density Residential and Other Agricultural Lands (RDROAL) to the Suburban II Density Residential (SDRII) category for the purpose of developing a small residential subdivision on a portion of the lands.

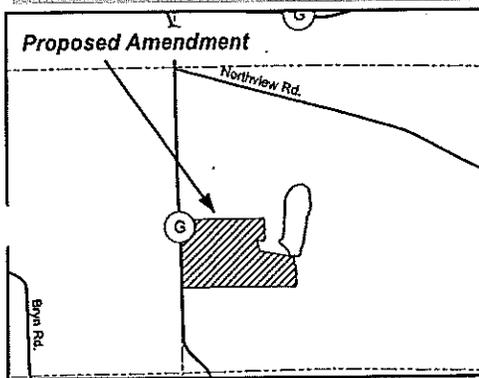
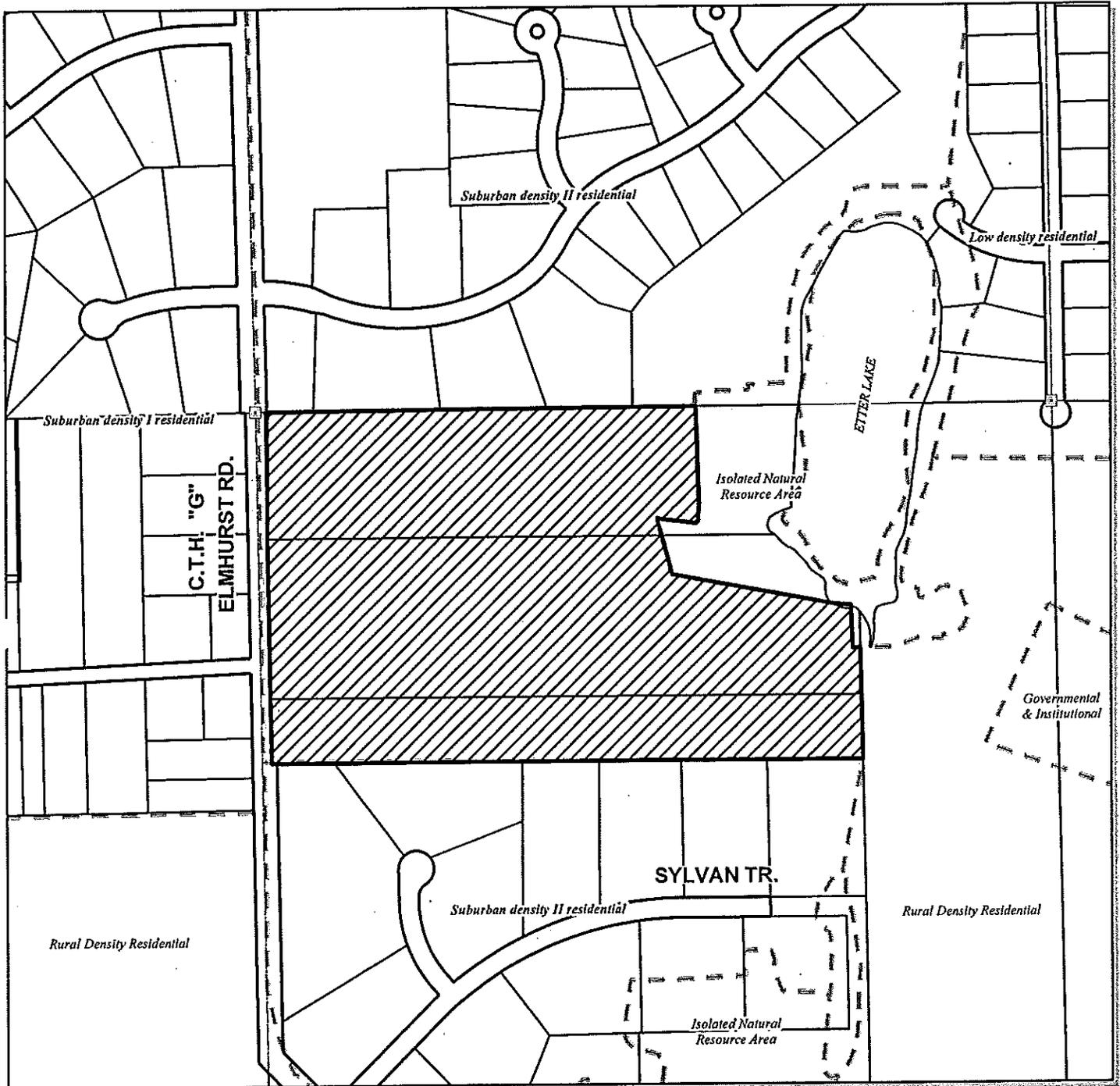
The property in question is located on the east side of C.T.H. "G", immediately south of the recently developed parcel know as Shepard's Pass Subdivision, which was the subject of a plan amendment approximately two years ago. The petitioner's request to the SDRII category (3 to 4.9 acres per dwelling unit) includes the Lloyd Williams homestead property, as well as the parcel which he is proposing to acquire to the north, along with a third property to the south owned by the existing occupant of the property, who is not developing his land but who recognized that it would be appropriate for him to include his property in this amendment. The two parcels in question for development at this time (Kompas and Williams), both have frontage on a small lake called Etter Lake. The proposed Development Plan consists of two existing residences and the farmstead with out buildings, along with a cell tower. The land is for the most part open, although a wooded section lies along the lakeshore and occupies some of the steep terrain along the lake's west shore and is identified as Isolated Natural Area on the WCLDP and contains approximately five acres. Together, the two parcels contain 41.2 acres. The third parcel to the south is a ten-acre tract of land bounded on its south by a three-acre residential subdivision developed a number of years ago. The land use category both to the north and south of the subject three parcels is the SDRII category, on which existing development has occurred and is consistent with the recommendations of the category. The subject property is very high in elevation and has a significant amount of relief from the center to both the east and west. It is approximately 80' in total height. The petitioner notes in his plan to develop the parcel, he will have 14 parcels which is in conformance with the proposed SDRII category. The soils should be suitable for residential development with onsite waste disposal systems. The Conceptual Development Plan identifies common open space as well as one very large parcel of approximately 20 acres on which the existing farmstead buildings will be located, and the farming operation will continue into the foreseeable future. It should be noted that Mr. Williams farms numerous other properties in an around the Town of Delafield and uses this site as his base of operations. Surrounding uses from this property consist of large open space areas along with rural estate type lots and the recently developed Shepard's Pass Subdivision, which is a cluster concept immediately to the north with frontage on Etter Lake being held in common by the Homeowners Association.

158-R-001, 002

DEVELOPMENT PLAN AMENDMENT

5.

PART OF THE SW 1/4 OF SECTION 25
TOWN OF DELAFIELD



PROPOSED PLAN AMENDMENT FROM RURAL DENSITY RESIDENTIAL TO SUBURBAN II DENSITY RESIDENTIAL

PETITIONER.....WILLIAMS, BELCHER, KOMPAS

DATE OF HEARING..... 2-18-03

AREA OF CHANGE.....45.3 ACRES

TAX KEY NUMBER.....DELT 0819.998
DELT 0189.997, DELT 0189.996

Prepared by the Waukesha County Department of Parks and Land Use

1 inch equals 500 feet

0 125 250 500 750 Feet

158-R-001, 002

It is the opinion of the Planning and Zoning Division Staff that this request be approved, subject to the following condition:

The project shall be developed as a cluster concept, similar to the proposed, and the lakeshore area and the steep wooded hillside occupied by proposed Lots 11 through 13 and part of Lot 14, be retained in common open space for the enjoyment of each of the residents of the proposed project.

We feel this change is appropriate and is consistent with surrounding land uses and is compatible with the new development adjacent to the north and is in the best interest of the Town. We also note, the Town Plan Commission, on March 4, 2003, voted to recommend favorably the proposed amendments.

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

- A. *RSV Engineering, Inc.*, requests the property owned by BB McGee, LLC, located in the SE ¼ and the SW ¼ of the SE ¼ of Section 26, Town of Genesee (Tax Key No.: GNT 1544.993.001 and GNT 1544.993.002), be amended from the Recreational category to the SDRII category for the purpose of dividing the property into three acre parcels for residential purposes, along with a small area to the west, on the north side of Holiday Road from the Recreational category to the SDRII category.

The property in question is a part of a larger holding of the applicant. The existing land use on the property includes a residence as well as some farm and accessory structures in which horses are or have been kept and maintained. At the present time, the horse farm continues to operate although in the event this property is developed in the near future, the horse farm activities will be diminished, if not totally disappear. Surrounding this property are three-acre developments, to the north, west and east and a one-acre subdivision to the south. The petitioner has not submitted a detailed proposal on how he intends to develop the land, however, it is likely the 30± acres in question, will be developed into three-acre minimum lots similar to the surrounding areas. Soils on the site appear to be satisfactory for onsite waste disposal systems as they were found to be satisfactory on the surrounding lands. All of the lands surrounding the property are in the same SDRII category, although, it was identified at the public hearing that a small area to the west of the subject site was also placed in the recreational category. It was suggested at the hearing that this area should be considered for change as well. It is likely that both of these areas of recreation were identified as such during the mapping process of the WCLDP's preparation in that both the parcels were known to be horse training and boarding facilities, prior to their being developed or considered for development.

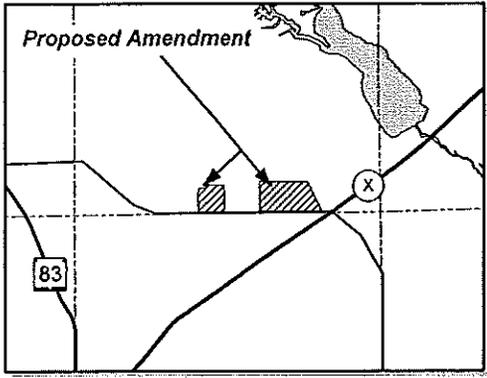
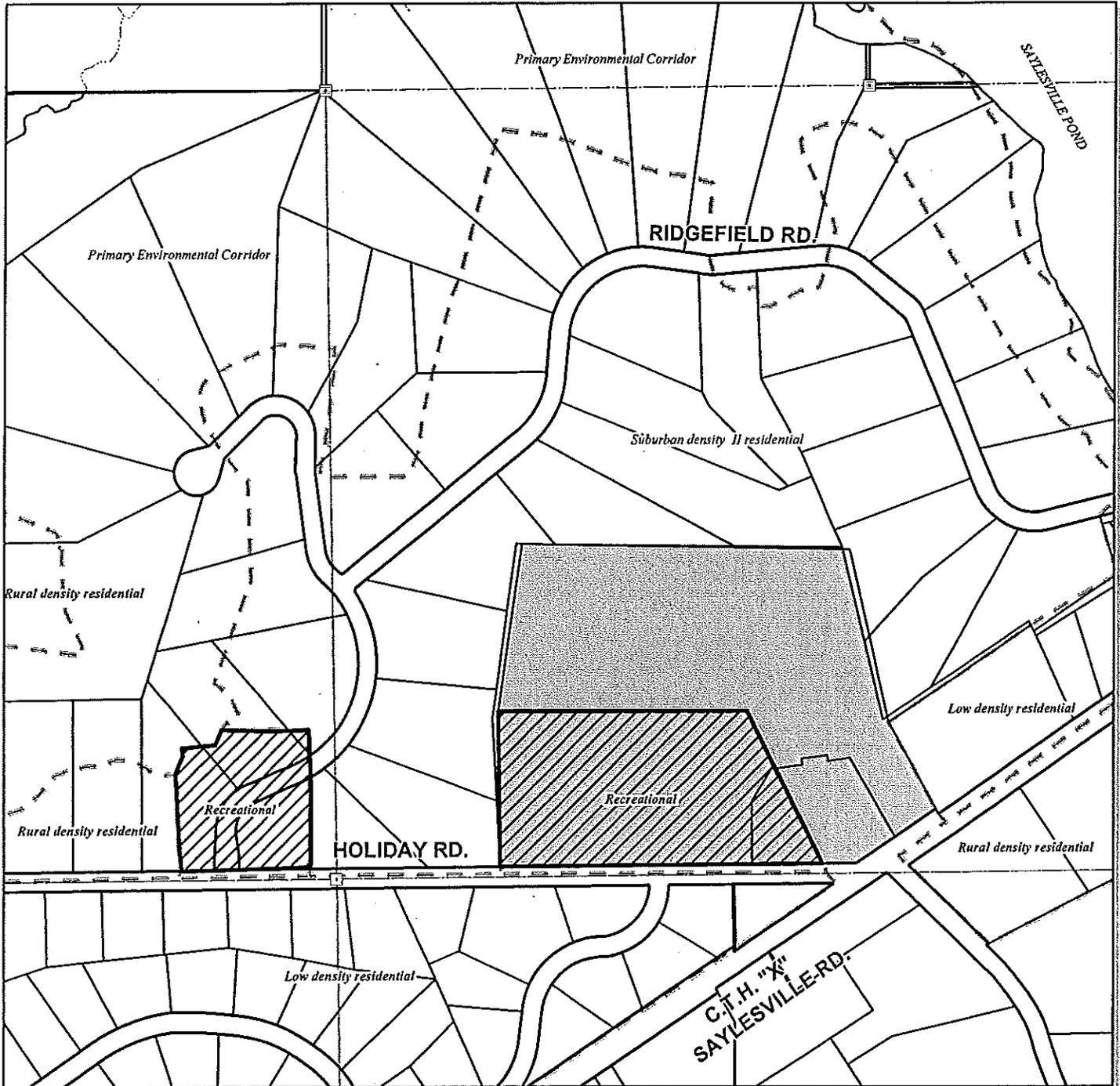
It is the opinion of the Planning and Zoning Division Staff that this request be approved. We feel the proposed change from the Recreational category to the SDRII category for both the subject McGee lands and the land use category located immediately to the west and the north side of Holiday Road be placed in the SDRII category as that is what all of the surrounding lands are categorized. Further, the surrounding lands are now subdivided into three parcels. We feel the change is important now that the horse operations are intended to or have been discontinued and it is appropriate to place these areas in land use categories similar to the surrounding lands in order to accommodate consistent and compatible development.

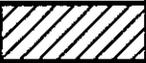
158-R-001, 002

DEVELOPMENT PLAN AMENDMENT

7.

PART OF THE SE 1/4 OF SECTION 26
TOWN OF GENESEE



 **PROPOSED PLAN AMENDMENT FROM RECREATIONAL TO SUBURBAN II DENSITY RESIDENTIAL**

PETITIONER.....RSV / MCGEE

DATE OF HEARING..... 2-18-03

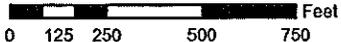
AREA OF CHANGE.....15.8 ACRES

TAX KEY NUMBER.....GNT 1544.993.001
GNT 1544.993.002

Prepared by the Waukesha County Department of Parks and Land Use



1 inch equals 500 feet



0 125 250 500 750 Feet

158-R-001,002

4. In the Village of Hartland, the following request is being made:

In the Year 2002 amendments to the Waukesha County Development Plan, an amendment was made to the Charles and Carol Jungbluth property, located in part of the SE ¼ of Section 25, T8N, R18E, Village of Hartland, which required as part of the Low Density Urban Residential (LDR) category which was placed on the property, two conditions were imposed. By request of the petitioner, Kingsway Homes, which has purchased the Jungbluth property, Condition No. 2, which reads "The realignment of C.T.H. "KE" shall remain as presently located on the Street and Highway Width Map", be amended and replaced with the following language:

"Any proposed development within the boundaries of the property must be consistent with the plans for the realignment of C.T.H. "KE" as set forth on the Street and Highway Width Map in effect at the time the Preliminary Plat for development is submitted to the County for approval."

This requested change is fairly narrow, in that it requests a previously imposed condition by the Waukesha County Board of Supervisors in the Year 2002 amendments be revised, as stated above. This amendment should not be construed in any way to suggest or recommend that the future alignment of C.T.H. "KE" be either north or south of C.T.H. "K" or that it be retained in its present as built position. The amendment requested suggests that in light of the time it may take for the Waukesha County Board of Supervisors, Town of Merton and Village of Hartland to all agree and concur on the future alignment of C.T.H. "KE", whatever is finally decided, the petitioner would not have to wait a full year to make a requested change as the previously imposed condition would dictate. The previously imposed condition also suggests that even if the realignment of C.T.H. "KE" was finally decided in a location different than what has been on the maps for the past 20 or so years, he would have to continue to recognize that alignment. The proposed amendment would suggest that at any time he decides to submit a Plat for review and approval for the Jungbluth property, the development would have to honor the location, wherever C.T.H. "KE" is ultimately decided to be located on the Street and Highway Width Map. He could pursue the development and approval of the Plat as long as it is consistent with the alignment that had been agreed upon and in effect at the time the Plat was submitted for review and approval.

There was much discussion at the public hearing regarding the location of the alignment and where that alignment would be located in the future as well as issues relating to how the existing vertical alignment of C.T.H. "K" would have to be modified with cuts, fills, the potential relocation of the water tower and issues of access by Mr. George Jungbluth who owns the land to the west of the subject Charles Jungbluth property. However, all of those issues related to the property in question, were not on target with the specific request being made, which was to modify the previously imposed condition.

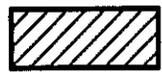
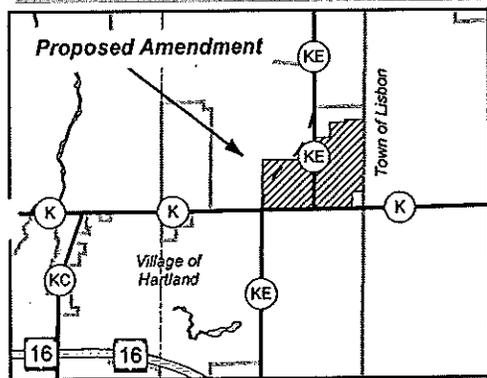
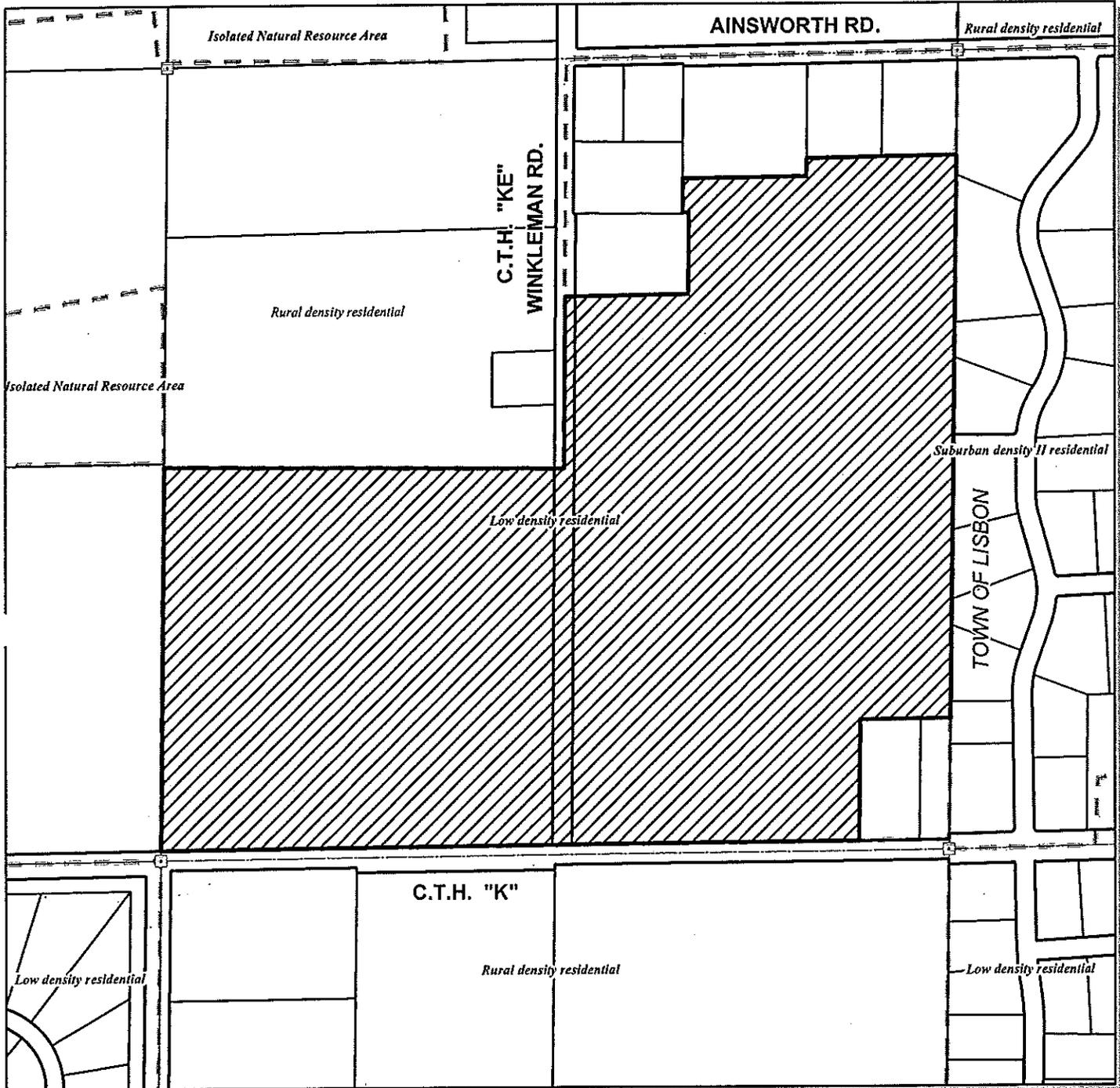
It is the opinion of the Planning and Zoning Division Staff that this request be approved as proposed by the petitioner. We feel the proposed language will set the course more clearly for what the Jungbluth property developers will have to comply with, rather than require them to preserve and protect a right-of-way, which may be revised in the future. We feel it is appropriate to allow the development to proceed, and if they choose to proceed at this time, an alignment through the Jungbluth property would have to be provided in the Plat based on the revised condition. If the realignment of C.T.H. "KE" was approved by the County in the future, the development of the Jungbluth property, if not impacted by the proposed realignment, could proceed without having to wait until each January plan amendment request cycle to ask whether or not the Waukesha County Board of Supervisors would revise its previous imposed condition to allow the development to proceed on the basis of a revised Street and Highway Width Map if that occurs.

158-R-001, 002

DEVELOPMENT PLAN AMENDMENT

9.

PART OF THE SE 1/4 OF SECTION 25
VILLAGE OF HARTLAND



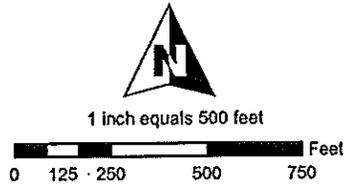
PROPOSED CHANGE TO CONDITIONS OF PREVIOUSLY APPROVED AMENDMENT

PETITIONER.....KINGSWAY/JUNGBLUTH

DATE OF HEARING..... 2-18-03

AREA OF CHANGE.....98.5 ACRES

TAX KEY NUMBER.....HAV 0388.989.001
HAV 0388.989.002



Prepared by the Waukesha County Department of Parks and Land Use

158-R-001, 002

5. In the Town of Lisbon, the following requests are being made:

- A. *Carl E. Trapp II*, requests the property located in the NE ¼ of the NE ¼ of Section 8, Town of Lisbon (LSBT 0173.999.003), be amended from the RDROAL category to the Suburban I Density Residential (SDRI) category for the purpose of creating two parcels, each containing approximately two and one half acres.

This property was the subject of a previous plan amendment request, which was denied, in light of the fact that the Town was working on a new Land Use Plan and there was a desire not to interfere with that process. Since that time, the process has been ongoing and the Town Land Use Plan Advisory Committee is nearing completion of its work and this area of the Town encompassing the subject parcel, as well as other areas in and around this parcel are all envisioned to be in the five-acre category. The Town Citizens Advisory Planning Group met, and the Town Board agreed to recommend denial of this request to change the category to accommodate the development of two, 2½ acre parcels, in light of the fact that the proposed highway widening may impact this property, as well as surrounding land uses and a desire to maintain open space in this area of the Town rather than create higher density developments and in light of their recommendation for five-acre densities in this area of the Town. Further, the Planning and Zoning Division Staff does not condone the creation of any parcels on private drives as the petitioner is proposing to create, and the new Town Zoning Ordinance proposed by the Town requires that any lots created on private drives will need to be three-acre minimum sizes, the proposed division will be in conflict with the proposed Ordinance amendments. Other parcels in the area that have been created all tend to be three acres and larger, and for the most part, are all served on private drives which had been approved by the Town a number of years ago. The applicant's lawyer also submitted a letter recommending in favor of the change.

It is the opinion of the Planning and Zoning Division Staff that this request be denied. We concur with the Town Board and the Citizens Land Use Advisory Committee that this change should not be allowed in lieu of the fact that the Land Use Plan process is identifying this area of the Town in the five-acre density category. Further, we do not condone the creation of lots, which do not have public road frontage, and in this case, the proposed lot to be created would be less than the required minimum, which is being advanced in the new Town Zoning Code.

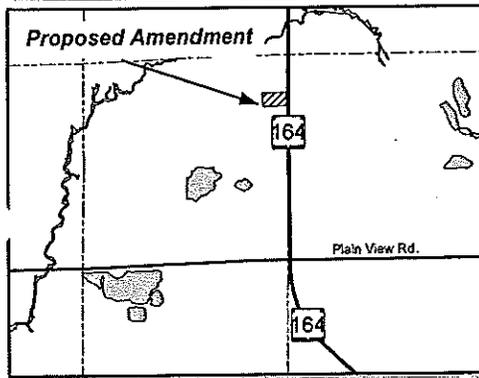
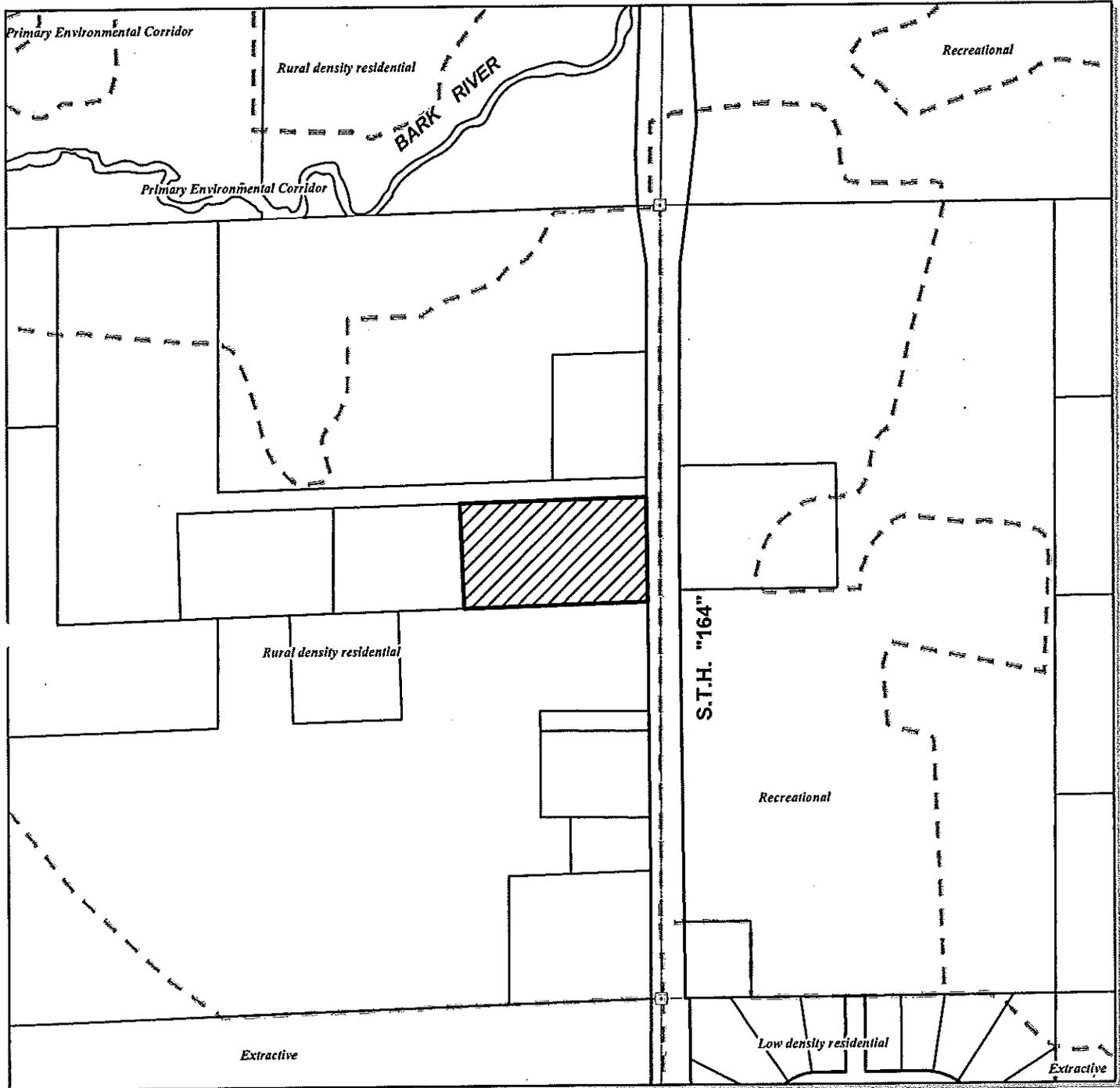
- B. *Brue's Bros. LLC and Mike Brue*, requests the property located in the NE ¼ of Section 35 and the NW ¼ of Section 36, north of Lisbon Road and immediately adjacent to and west of the Canadian National Railroad, Town of Lisbon (Tax Key No. LSBT 0281.989 and LSBT 0281.991), be amended from the Extractive category to the General Industrial category for the purpose of creating a storage facility.

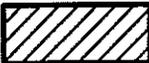
The property in question is an eight-acre combined acreage parcel, which is located to the southeast of the existing Vulcan Stone Quarry, which is located north of C.T.H. "K", east of S.T.H. 74 and west of the Canadian National Railroad right-of-way. This property is presently occupied by a number of outbuildings and a residence and is used for truck storage and repair. Because of its relatively small size and close relationship to the quarry, this property was included in the Extractive category, although, it would have been more appropriately located in an Industrial category. The site has five accessory buildings and a residence, which are used for storage purposes by the property owners. They indicated that they intend to remove some of the buildings and build a larger storage facility for commercial storage purposes. There is a slight depression on part of the land which will be filled to accommodate the proposed construction. The Town of Lisbon, in letters dated February 28, 2003 and March 11, 2003, expressed their support for this change.

158-R-001, 002

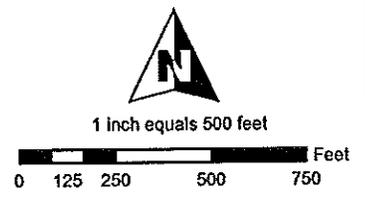
DEVELOPMENT PLAN AMENDMENT 11.

PART OF THE NE 1/4 OF SECTION 8
TOWN OF LISBON



 **PROPOSED PLAN AMENDMENT FROM RURAL DENSITY RESIDENTIAL TO SUBURBAN I DENSITY RESIDENTIAL**

PETITIONER.....TRAPP
 DATE OF HEARING.....2-18-03
 AREA OF CHANGE.....5.0 ACRES
 TAX KEY NUMBER.....LSBT 0173.999.003



Prepared by the Waukesha County Department of Parks and Land Use

158-R-001, 002

It is the opinion of the Planning and Zoning Division Staff that this request to modify the category from Extractive to Industrial be approved. We feel the proposed change is appropriate in light of the fact that this parcel, by itself, cannot be quarried and even if it was added to the larger quarry parcel, very little of the site could be quarried based upon the need to maintain minimum setback distances for a quarry from the road and the railroad. Its highest and best use would be light industrial purposes, especially in view of its location next to the railroad, and fronting on a County Trunk Highway and its adjacency to the quarry.

- C. *William Minett*, requests the property owned by Hazel Meissner, located in the SW ¼ of the SE ¼ of Section 18, Town of Lisbon (Tax Key No. LSBT 0216.994), be amended from the RDROAL category to the LDR category for the purpose of developing a residential subdivision.

This is the second time this request has been before the County for consideration. In a previous year, it was turned down in light of the fact that the Town was in the process of developing a new Land Use Plan and the County did not want to interfere with the process. However, this year the Citizens Advisory Land Use Committee reviewed this request and in a letter dated February 28, 2003, which was supported by the Town Board meeting on March 11, 2003, indicated they favored the proposed change to the LDR category. They recognized the property is located between existing residentially used properties and the proposed change is consistent with what the Committee was going to be recommending in the final draft of the Town's Land Use Plan. The property in question is a fairly level, open 40-acre site which lies between two existing subdivisions which have been developed over the years, with the most recent one being developed on the west side of Lake Five Road in the Village of Sussex. The development of the site will be an extension of the existing Thousand Oaks Subdivision, which lies adjacent on the east. Existing streets which were platted to the property line as street extensions will be extended into this new subdivision. The petitioner also indicated that the proposed layout for the property, which will contain 34-lots on the 40-acre site, is compatible with the proposed Land Use Plan being advanced by the Town of Lisbon Citizen Advisory Land Use Committee. The soils on the property are well-drained soils which should be suitable for development with onsite waste disposal systems as has occurred in the developments to the east and west. The land will front on Lake Five Road and one access to that road be provided.

It is the opinion of the Planning and Zoning Division Staff that this request be approved. While the final Land Use Plan in the Town of Lisbon is not yet completed and adopted, it is well on its way toward that end, and with the Advisory Committee for the Land Use Plan recommending in favor of the proposed amendment, we feel it is appropriate to make the change. It represents a logical extension of the existing developments to the east and west and has soils adequate to accommodate the development as proposed.

- D. *John and Lyn Spitz*, request portions of the property located in parts of Sections 19, 20, 29 and 30, located on the east side of C.T.H. "MD" and south of C.T.H. "VV", Town of Lisbon (Tax Key No.: LSBT 0220.995, part of LSBT 0257.995.003, LSBT 0258.999 and LSBT 0223.997), be amended from the Recreational and RDROAL categories to the LDR category for the purpose of dividing some of the lands into residential lots while retaining the golf course in the Recreational category.

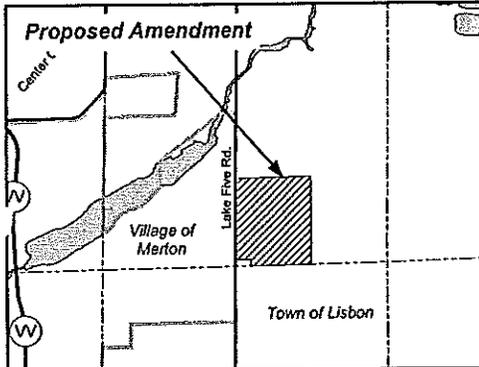
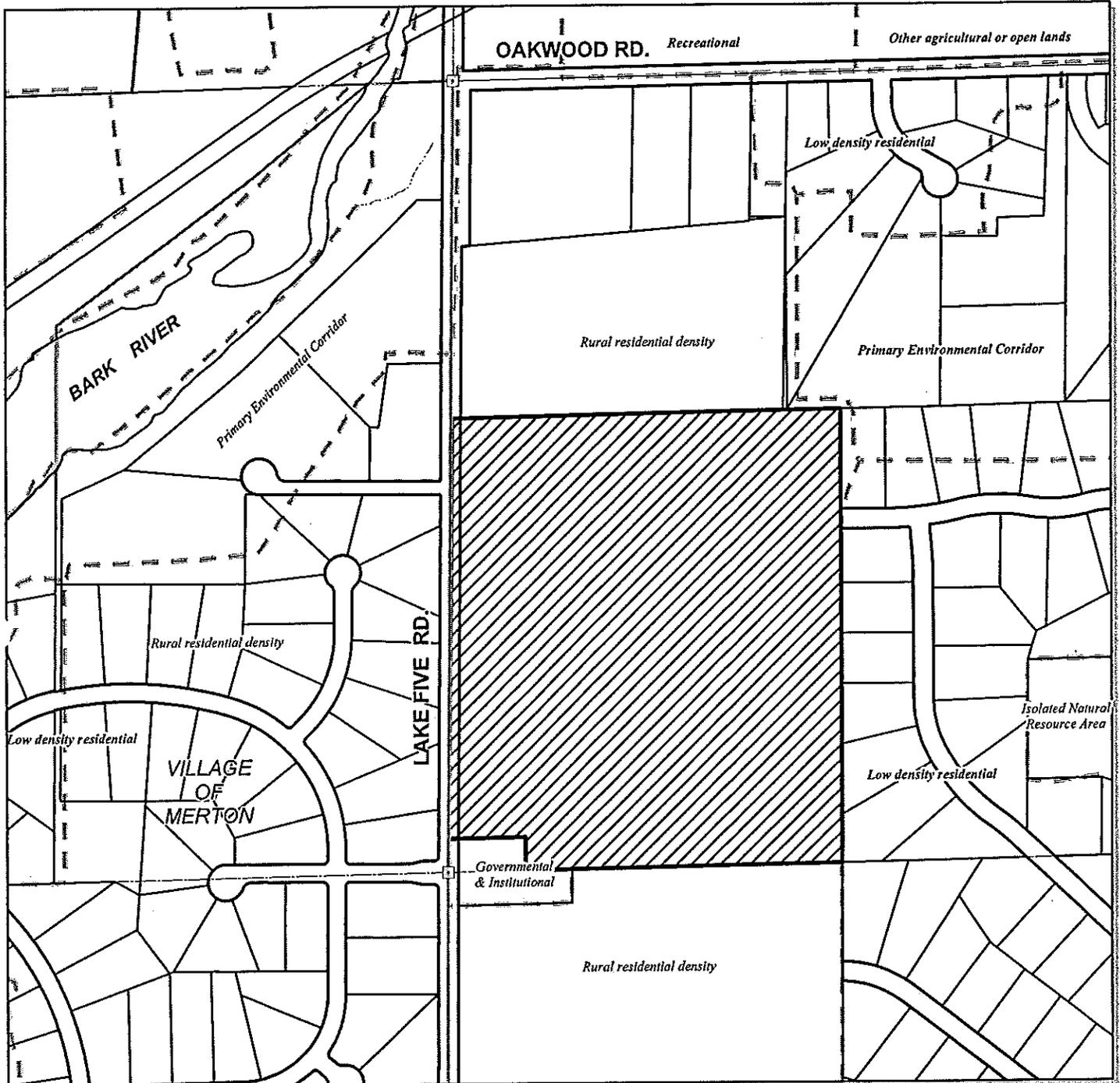
The petitioner owns a sizable area of land on which, over the years, he has been developing the Ironwood Golf Course. His total holdings amount to approximately 368-acres, of which the vast majority is occupied by the golf course. There are small, three to five-acre areas and less in the immediate vicinity of the original golf course property, which are not used for the golf course. One is proposed by Mr. Spitz for a few single-family homes, one of which will be his own. The Conceptual Plan presented with the request

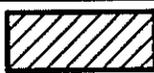
158-R-001,002

DEVELOPMENT PLAN AMENDMENT

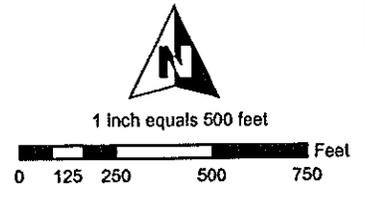
14.

PART OF THE SE 1/4 OF SECTION 18
TOWN OF LISBON



 PROPOSED PLAN AMENDMENT FROM RURAL DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL

PETITIONER.....MINETT/MEISSNER
 DATE OF HEARING.....2-18-03
 AREA OF CHANGE.....44.9 ACRES
 TAX KEY NUMBER.....LSBT 0216.994

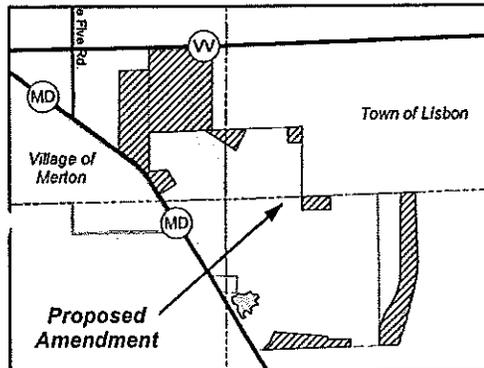
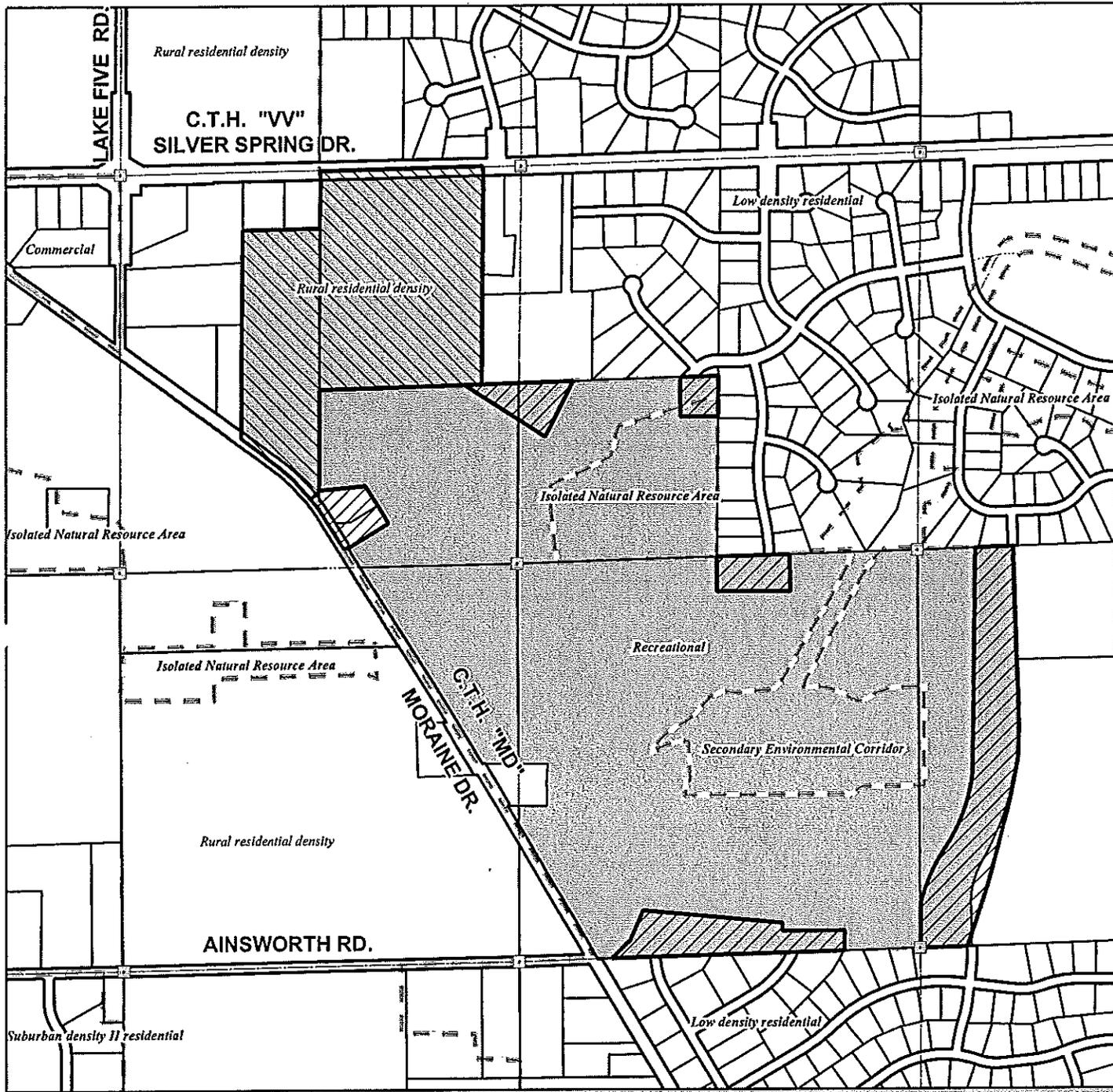


Prepared by the Waukesha County Department of Parks and Land Use

158-R-001, 002

DEVELOPMENT PLAN AMENDMENT 15.

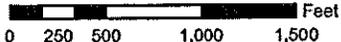
PART OF THE SECTIONS 19, 20, 29 & 30
TOWN OF LISBON



	PROPOSED PLAN AMENDMENT FROM RECREATIONAL TO LOW DENSITY RESIDENTIAL
	PROPOSED PLAN AMENDMENT FROM RURAL DENSITY RES. TO LOW DENSITY RESIDENTIAL
PETITIONER.....SPITZ	
DATE OF HEARING.....2-18-03	
AREA OF CHANGE.....188.1 ACRES	
TAX KEY NUMBER.....LSBT 0220.995	
LSBT 0220.998.004, LSBT 0220.999, LSBT 0258.999, LSBT 0223.997	



1 inch equals 1,000 feet



0 250 500 1,000 1,500 Feet

Prepared by the Waukesha County Department of Parks and Land Use

158-R-001, 002

dated December 30, 2002, indicates a plan for the development of the remaining portions of Mr. Spitz's holdings that are not necessary for the golf course development. Three of the four small areas associated with the original golf course site would probably accommodate not more than three residential units, two of which are served by public road street extensions, and one which would have to be served by an easement off another public road. The fourth area, which lies on the south edge of the golf course with frontage on two roads from the Mountain Shadows Subdivision, is proposed for three or four future lots. However, this area has been used for stockpile storage areas for the golf course operations as well as other golf course associated construction-type activities and it is highly unlikely whether this area would be able to be subdivided and served with onsite waste disposal due to the amount of land disturbance activities and compaction of the soil by earth moving activity and trucking. It may end up this area could never be developed until public sewer is available.

The remaining areas under Mr. Spitz's control lie on the southeast and east side of the golf course as well as the northwest corner of the golf course where he owns larger tracts of land which are presently vacant and on which he proposes to develop new roads connecting with existing developments and existing streets. The Conceptual Plan referred to above, identifies a total of 83 parcels on the 368 acres. The southeast corner of the site is currently in the LDR category and would not have to be modified, however, an area of approximately 250' in depth, west of the proposed road shown connecting Mountain Shadows Subdivision with Beacon Hills Subdivision, would need to be modified from the Recreational category to the LDR category in order to accommodate the 14-lots proposed along said road. Therefore, there is no need to change the land use category in the southeast corner with the exception of this 250' long strip of land in order to accommodate any future development there. With respect to the land in the northwest corner, which contains 40 lots, that area presently is in the five-acre RDROAL category. He is desirous of making a change to the LDR category there as well. However, the Planning and Zoning Division Staff has analyzed the entire holdings of Mr. Spitz, including all of the various areas mentioned above and found that he could be permitted, without changing that northwest area of his land, from its present RDROAL category, to develop the proposed 83-lots which are indicated on the plan based on density averaging over the entire 368 acres. Therefore, it is not necessary to change that portion of the property from the RDROAL category to the LDR category. Soils in the subject area appear to be adequate for onsite waste disposal although some of the sites may have to have mound systems due to the potential of high or perched water tables, which were evident in the Mountain Shadows Subdivision to the south. There is a small area shown in pink on the far southeast corner of the property which is the former residence of one of the owners of the golf course prior to development. That owner was given life tenancy subject to an easement being granted along the south border to the existing Skyview Drive exiting Mountain Shadows Subdivision. In addition, there is an existing long driveway off of Mary Hill Drive, which serves the homestead. The homestead is owned by Mr. Spitz and there was concern at the Town during discussions of this development and its modification for plan amendment, that the homestead be served off of a new public road cul-de-sac rather than having the long easements presently utilized. The alternative was discussed with the petitioner.

It is the opinion of the Planning and Zoning Division Staff that the request be approved in part. Based on averaging the density over the entire site, it is felt this development as proposed, could be accommodated without changing the northwest area from the RDROAL category through density averaging over the entire property to allow the 40± lots, shown on the Development Plan for the northwest area. With respect to the four smaller isolate areas that are presently in the golf course, we feel the proposed amendment from Recreational to the LDR category is appropriate. With the exception of the south end which is questionable due to past grading and construction activities, these other three parcels would be able to be developed with single family residences and served off of existing public roads and private drives, and

158-R-001, 002

would be of a size similar to the surrounding developments. Further, we recommend the area on the southeast corner of the property owned by Mr. Spitz be kept in the LDR category and that a 250' wide strip on the west side of the proposed Skyview Ridge Drive street connection be modified from the Recreational category to the LDR category, in order to accommodate the tier of lots shown on the Concept Plan. It is further recommended that the following conditions also be imposed:

1. The street proposed to service Lots 41 through 50, which is presently shown on the Concept Plan as a cul-de-sac be extended easterly, to accommodate future development of the vacant land to the east and to provide an alternative to servicing that future 3+ acre lot off of the golf course lands with a public road rather than a private easement if at all possible.
2. The proposed cul-de-sac shown to serve Lots 55 through 60 be extended easterly to serve the existing "Wolfgram Homestead site" so as to eliminate the dependency on any private easements to service that property.

We feel, as conditioned, the proposed development of these areas around the golf course will be compatible with the golf course as well as with surrounding land uses and will serve to promote the spirit and intent of the WCLDP. The overall density of the project will be approximately 4.65 acres per dwelling unit, which is well within the range of the Land Use Plan, especially since the southeast corner of the site has the opportunity to develop in the LDR category, which is ½ to 1½ acres per dwelling unit.

6. In the Town of Merton, the following requests are being made:
 - A. *Herb Gross*, requests the property owned by James McGrath, located in the SW ¼ of Section 7, Town of Merton (Tax Key No. MRTT 0315.998 and MRTT 0315.999), be amended from the RDROAL category to the SDRII category to permit the development of a 35-lot (3.4 acre density) cluster subdivision on the subject 119 acres of land.

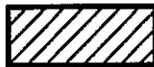
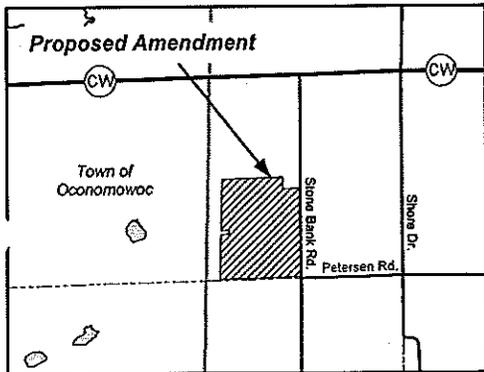
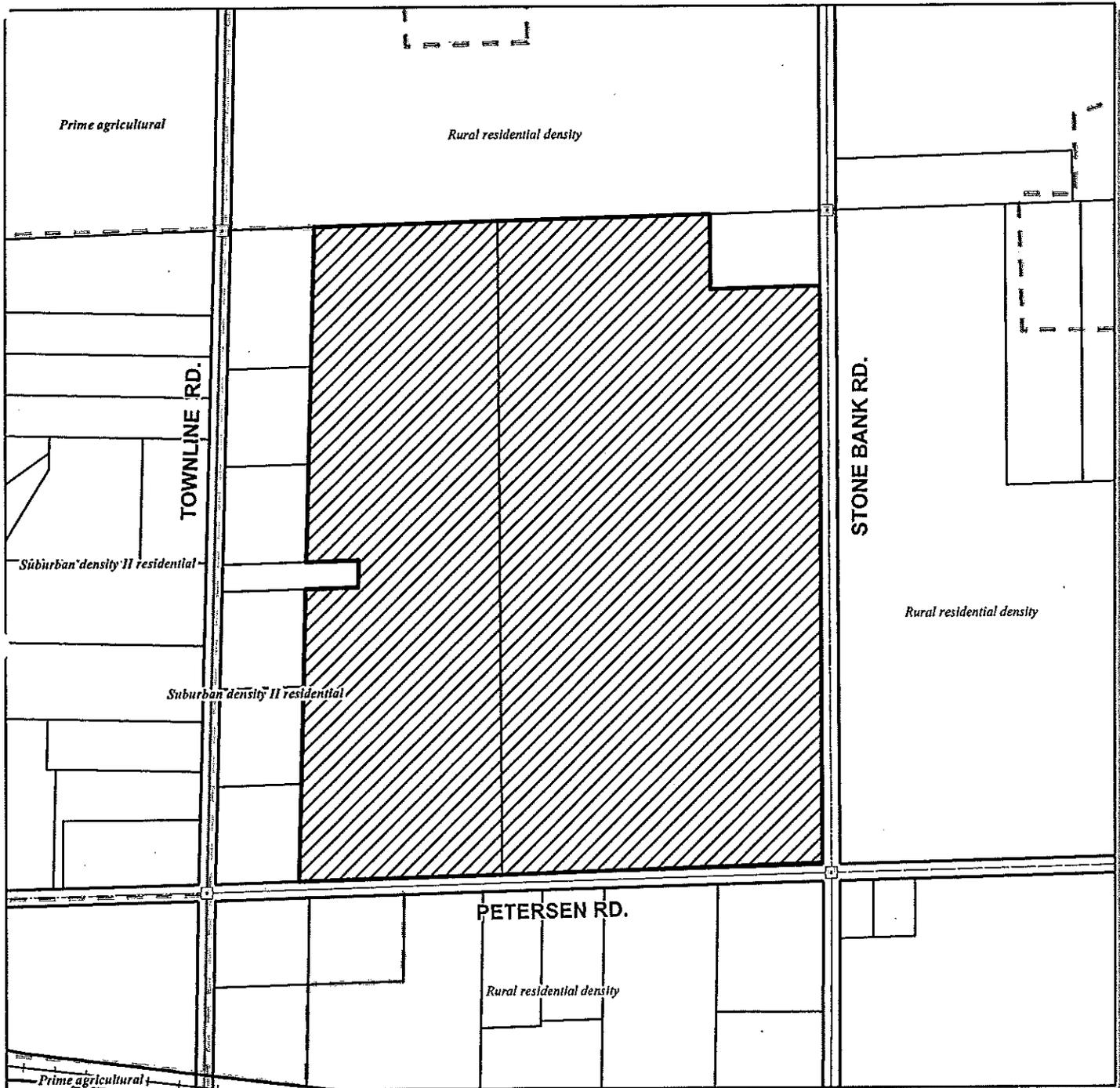
The subject property is located on the northeast corner of Peterson Road and Stonebank Road and includes approximately 121 acres, less whatever road right-of-way will be required to be dedicated. The petitioner is proposing to create a cluster development on the site utilizing 50% of the site for common open space while providing lots having a minimum square footage of not less than one-acre. There will be 35 dwelling units on the entire property with the original farmstead being set aside on a 10-acre parcel along with its various agricultural outbuildings. Individual lots will not be any closer than a minimum of 100' from the proposed right-of-way to provide for additional open space between the lots and the exterior roads, a technique often advocated by cluster design. A street extension will be provided to the north to permit anticipated development at some point in the future. Lots in the subdivision are all suitable for onsite waste disposal and while the lots are only one acre in size, the overall density of this project will be 3.5-acres per dwelling unit, which is somewhat less dense than much of the existing development to the south and west. There are no environmental corridors on the site, but there is gently rolling topography which provides numerous ridges on which residences have been designed to be located. In addition, there are some water features proposed with the principal one being a primary stormwater detention basin that will accommodate most, if not all of the water, which flows off site towards the northwest. Lands surrounding this property are all three-acres and larger in size and are traditional lots rather than the cluster type lots as proposed for this project. The Town of Merton Plan Commission on February 25, 2003, communicated that they had voted to grant Preliminary Plat approval to the project, subject to an amendment to the Land Use Plan being approved. The Town is pleased to see these types of developments with common open space. Common open space buffering surrounds the development on all sides so that

158-12-001, 002

DEVELOPMENT PLAN AMENDMENT

18.

PART OF THE SW 1/4 OF SECTION 7
TOWN OF MERTON



PROPOSED PLAN AMENDMENT FROM RURAL DENSITY RESIDENTIAL TO SUBURBAN II DENSITY RESIDENTIAL

PETITIONER.....GROSS/MC GRATH

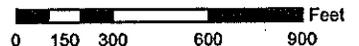
DATE OF HEARING.....2-18-03

AREA OF CHANGE.....119 ACRES

TAX KEY NUMBER.....MRTT 0315.998
MRTT 0315.999



1 inch equals 600 feet



Prepared by the Waukesha County Department of Parks and Land Use

158-R-001, 002

individual house lots are not directly abutting any other lots surrounding the site. A petition was submitted by neighbors surrounding the site who expressed concerns regarding the increase in traffic and the density of homes on the site and were opposed to the proposed amendment.

It is the opinion of the Planning and Zoning Division Staff that this request be approved, subject to the following condition:

The development be limited to no more than 35 dwelling units, including the farmstead, resulting in a gross density of 3.5-acres per dwelling unit, and the development shall occur using the cluster technique with significant common open space (50%) .

We feel the proposed use at a 3.5-acre density will maintain the standard for development that was incorporated into the Development Plan for Towns not having compliant plans as long as the new development was accomplished using the cluster concept at densities not greater than 3.5 acres per dwelling unit. We feel the provision for 50% of the site in common open space serves to protect the natural qualities of the site for the enjoyment of the residents of the proposed project and is in keeping with the spirit and intent of the Land Use Plan, which supports new development on clusters.

- B. *Insight Development Group*, requests the property owned by Robert K. Schwartz and Helene Schwartz (deceased) located in the SW ¼ of Section 1 and the SE ¼ of Section 2, Town of Merton (Tax Key No. MRTT 0291.998.002, MRTT 0296.999.005 and MRTT 0296.999.006), be amended from the RDROAL category to the SDRII category for the purpose of developing a single-family residential subdivision.

This property was originally petitioned for amendment by Insight Development Group, which withdrew its application but the matter was held on the agenda as a second developer, Bill Carity assumed responsibility for the request. The property in question consists of three separate parcels owned by the Schwartz family. The southwest corner and a narrow finger of land in the southern portion of the property contain environmental corridors and the rest of the land is open farmland and there is approximately 100' of relief between the northeast corner and the southwest corner of the farm. Soils on the site consist of primarily developable soils with the exception of the southwest corner, which is wetland. A pond also lies in the southwest corner. The developer has submitted a proposed Concept Plan for the property consisting of 43 parcels, all of which lie outside of the Primary Environmental Corridor and no lots intrude on any wetlands. The entire acreage is 126.6 acres. As proposed, the density is 2.9 acres per dwelling unit. The original density from the WCLDP for the Town of Merton was 3.4 acres, which was below the target of five acres per dwelling unit or 3.5 acres per dwelling unit if cluster concepts were used. In the past, plan amendments were approved with a recommended density of 3.5 acres per dwelling unit in order to maintain the density originally identified in the Plan. The general area in question has received significant development over the past number of years with scattered home sites throughout most of the area surrounding the property in the form of Certified Survey Maps, metes and bounds, divisions and Subdivision Plats. One of the Plats further to the north has lots of one acre in size, which were developed many years ago.

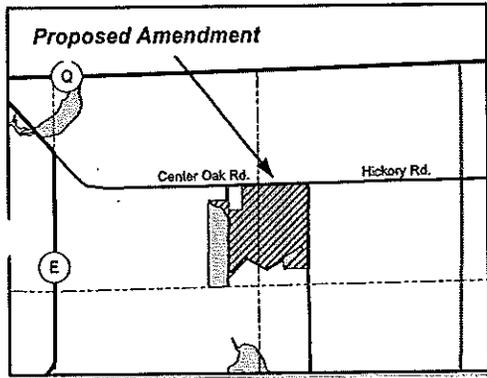
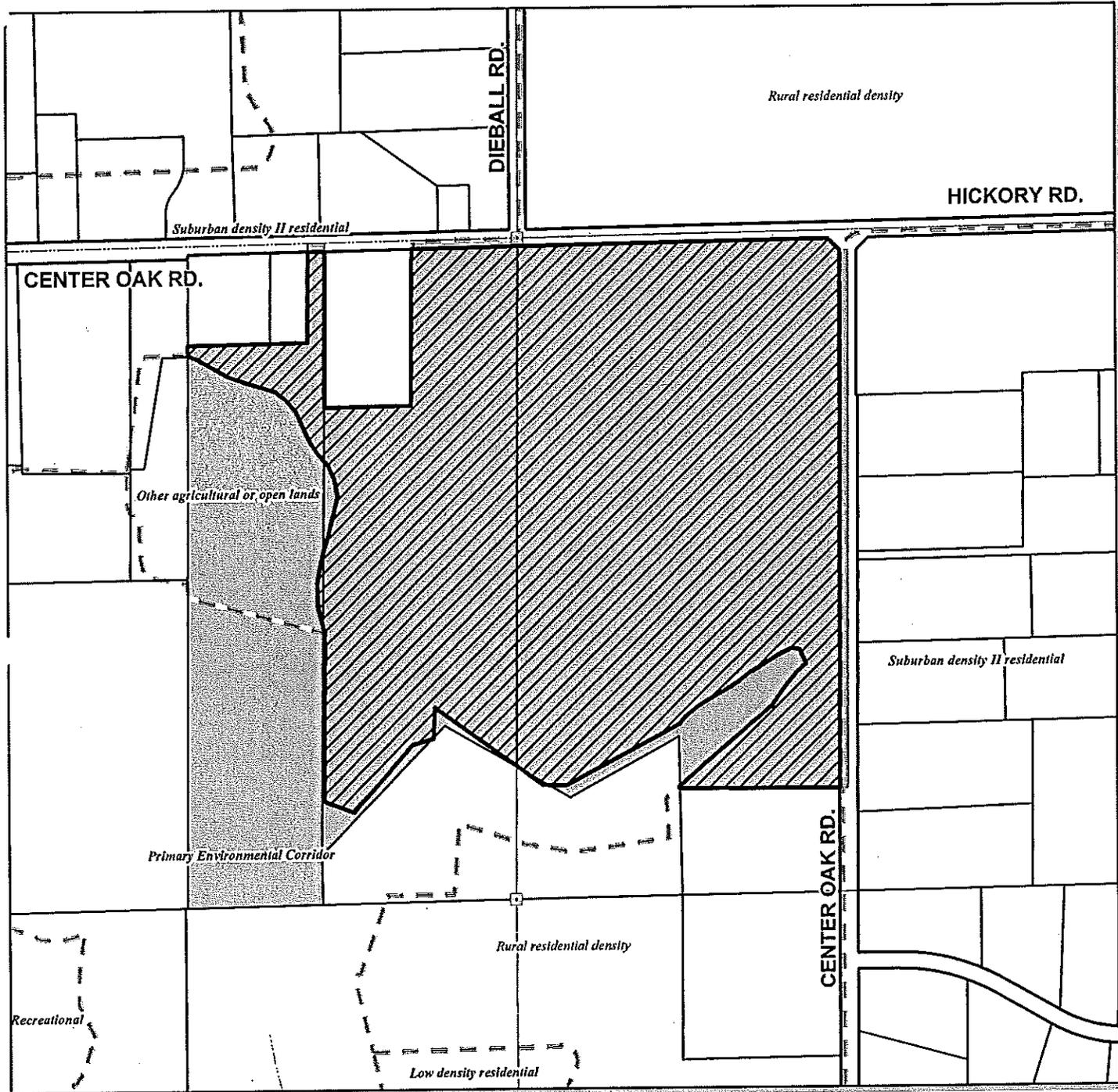
Accordingly, it is the recommendation of the Planning and Zoning Division Staff that this request to modify the Land Use Plan be approved, subject to the following condition:

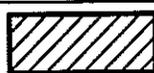
158-R-001, 002

DEVELOPMENT PLAN AMENDMENT

20.

PART OF THE SW 1/4 OF SECTION 1 & SE 1/4 of SECTION 2
TOWN OF MERTON



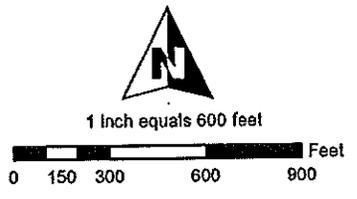
 **PROPOSED PLAN AMENDMENT FROM RURAL DENSITY RESIDENTIAL TO SUBURBAN II DENSITY RESIDENTIAL**

PETITIONER.....INSIGHT / SCHWARTZ

DATE OF HEARING.....2-18-03

AREA OF CHANGE.....95.1 ACRES

TAX KEY NUMBER.....MRTT 0291.998.002
MRTT 0296.999.005 , MRTT 0296.999.006



Prepared by the Waukesha County Department of Parks and Land Use

158-R-001.002

1. The project be developed as a cluster type subdivision, maintaining at least 50% of the site in open space with a density not to exceed 3.5 acres per dwelling unit. In addition, there shall be no intrusion of any development of roads or home sites into the Primary Environmental Corridor.

We feel as recommended, this property will result in a development which conforms with the overall intent of the Land Use Plan, especially since it is being developed as a cluster at densities to maintain the original concepts stated in the adopted WCLDP. Further we feel as conditioned, it will preserve and recognize some of the most valuable natural assets on this site and will be compatible with surrounding land uses.

7. In the Town of Mukwonago, the following request is being made:

- A. *RSV Engineering, Inc. on behalf of the owners, Rainbow Springs Golf Club, Inc.,* requests the property located in parts of Sections 31 and 32, Town of Mukwonago (Tax Key No. MUKT 1994.999) be amended from the Recreational and Primary Environmental Corridor (PEC) categories to the Recreational, PEC, Suburban I Density Residential and Commercial categories to provide for the opportunity to develop a mixed use planned unit development while retaining the golf course.

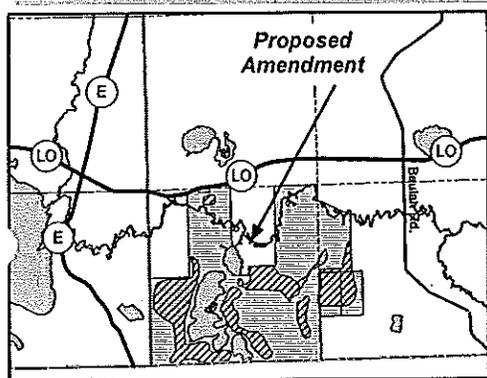
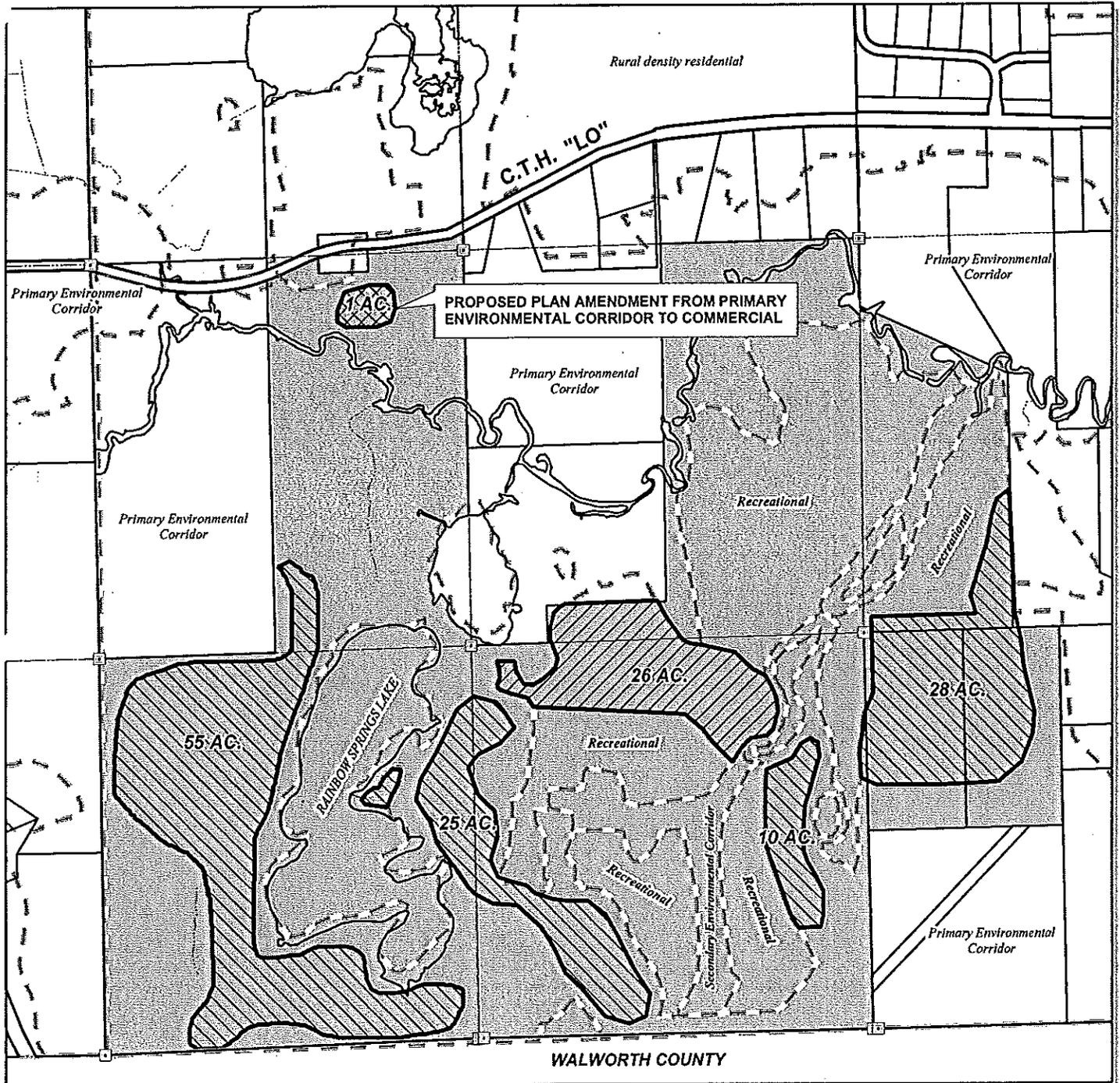
The property in question has a total acreage of 918 acres with 517 acres in Waukesha County and the remainder being located in Walworth County. Much of the property located in Waukesha County appears to lie within the PEC consisting of wetlands, flood plains, upland woods and steep slopes. Two golf courses have been developed on the property over the years with one being an executive type course and the other a more traditional long course both containing 18 holes. The property was originally developed as a resort complex, containing a hotel with conference rooms, restaurants and large kitchen and food preparation areas, retail shops, a large convention center structure, and a smaller building which now functions as the golf course club house and storage area. In addition, on Rainbow Springs Lake, on the western part of the property is a somewhat rundown small resort hotel facility, which was used many years ago for limited sleeping arrangements and restaurant facilities. The main hotel complex was destroyed by a fire last year and has been the object of a significant cleanup operation over the past months and the damaged site will be restored with soil. It is the desire of the petitioner to save the partially burned eastern end of the main structure to accommodate a rebuilt two-story golf course clubhouse and restaurant facility, and transform the existing golf course clubhouse into a storage facility. Specific efforts to restore that building and apply for any appropriate permits have not been made at this point.

The Mukwonago River does traverse the property in a west to east direction and numerous channels through the golf course have been built over the years to help drain the golf course, which ultimately drains into the river. Some of the holes on the golf course do lie, immediately adjacent to the river. Much of the golf course, which has not been filled for tees, greens and fairways would transfer to natural wetland conditions if the golf course were closed and the land left to restore itself. The petitioner submitted a very generalized Conceptual Land Use Plan for the entire 918 acres, showing residential areas of varying densities from low-density (four dwelling units per acre) to medium density (six dwelling units per acre) and a condominium residential area with eight dwelling units per acre. There were a total of 1,495 units proposed which translates to 1.68 units per acre, overall, including that portion of the land in Walworth County. There are also areas of retail, dining, lodging and recreation activities in the general vicinity of the burned out hotel and convention center. In addition, a small isolated commercial area at the entrance road and C.T.H. "LO" were proposed. There was no detail provided in this layout. It showed general areas where development might occur. It should also be noted that a recent Dam Failure Analysis Study was

158-R-001, 002

DEVELOPMENT PLAN AMENDMENT 22.

PART OF THE SECTIONS 31 & 32
TOWN OF MUKWONAGO



PROPOSED PLAN AMENDMENT FROM RECREATIONAL TO COMMERCIAL

PROPOSED PLAN AMENDMENT FROM PRIMARY ENVIRONMENTAL CORRIDOR TO SUBURBAN I DENSITY RESIDENTIAL

PETITIONER.....RSV / RAINBOW SPRINGS

DATE OF HEARING.....2-18-03

AREA OF CHANGE.....145 ACRES

TAX KEY NUMBER.....MUKT 1994.999
MUKT 1999.996, MUKT 1999.997

WALWORTH COUNTY

1 inch equals 1,000 feet

0 250 500 1,000 1,500 Feet

Prepared by the Waukesha County Department of Parks and Land Use

158-R-001,002

prepared for the Eagle Springs Lake District which has some impact on this property, as well as surrounding properties which showed significant impact areas beyond what is designated in the 100-Year Floodplain by Waukesha County. There allegedly has been concern brought forward in the past that during certain periods of the year, when the dams are lowered on Eagle Spring Lake, that significant flooding of the golf course area has occurred to the detriment of the golf course business. However, the significance and accuracy of that Dam Failure Analysis is being questioned by the Planning and Zoning Division Staff, and accordingly has asked the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to provide a detailed review of that study to help ascertain where the 100-Year Floodplain is on this property and what impact such a failure would have. In addition, the Planning and Zoning Division Staff has recognized the need on the basis of the Concept Plan presented, to identify specifically, the location of the PEC on this property, and accordingly in February asked SEWRPC to conduct a detailed analysis of the site to make those evaluations. It should also be noted that significant correspondence was received by numerous persons, groups and associations regarding the development of this site suggesting that it not be developed. The Town of Mukwonago Board recently took action, vehemently opposed to the development of this property based upon lack of specificity of the Plan, sensitivity of the site, and concern with the density being proposed. It should also be noted the petitioners have had preliminary discussions with the Village of Mukwonago for reviewing the possibility of extending sewer to the site, however, there has only been one meeting we are aware of and that was an exploratory type meeting with no commitments or decisions being made.

Therefore, based on the above, it is the recommendation of the Planning and Zoning Division Staff that this amendment to the WCLDP be denied at this time. We feel there are significant issues regarding the future development of this property with respect to the floodplain, PEC and the issue of sewer service that are too vague to be used toward evaluating any kind of development approvals and therefore, recommend that the developer pursue further discussions with the Village regarding the possibility of sewers being made available to the site as well as completion of the evaluation of the Dam Failure Analysis and Flood plain Study as well as the complete staking and identification of the PEC on the property before any further consideration is given to any development on this property. We feel these issues are too important to neglect and feel it is necessary that those issues be reviewed and resolved before any further consideration of an amendment to the Land Use Plan be considered.

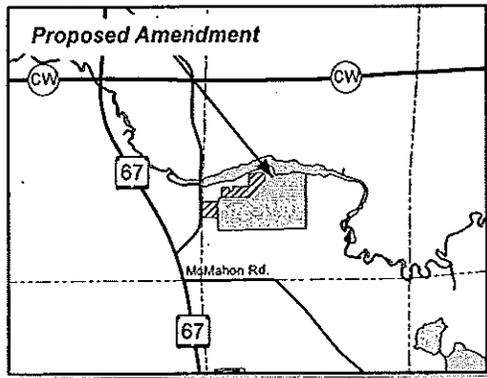
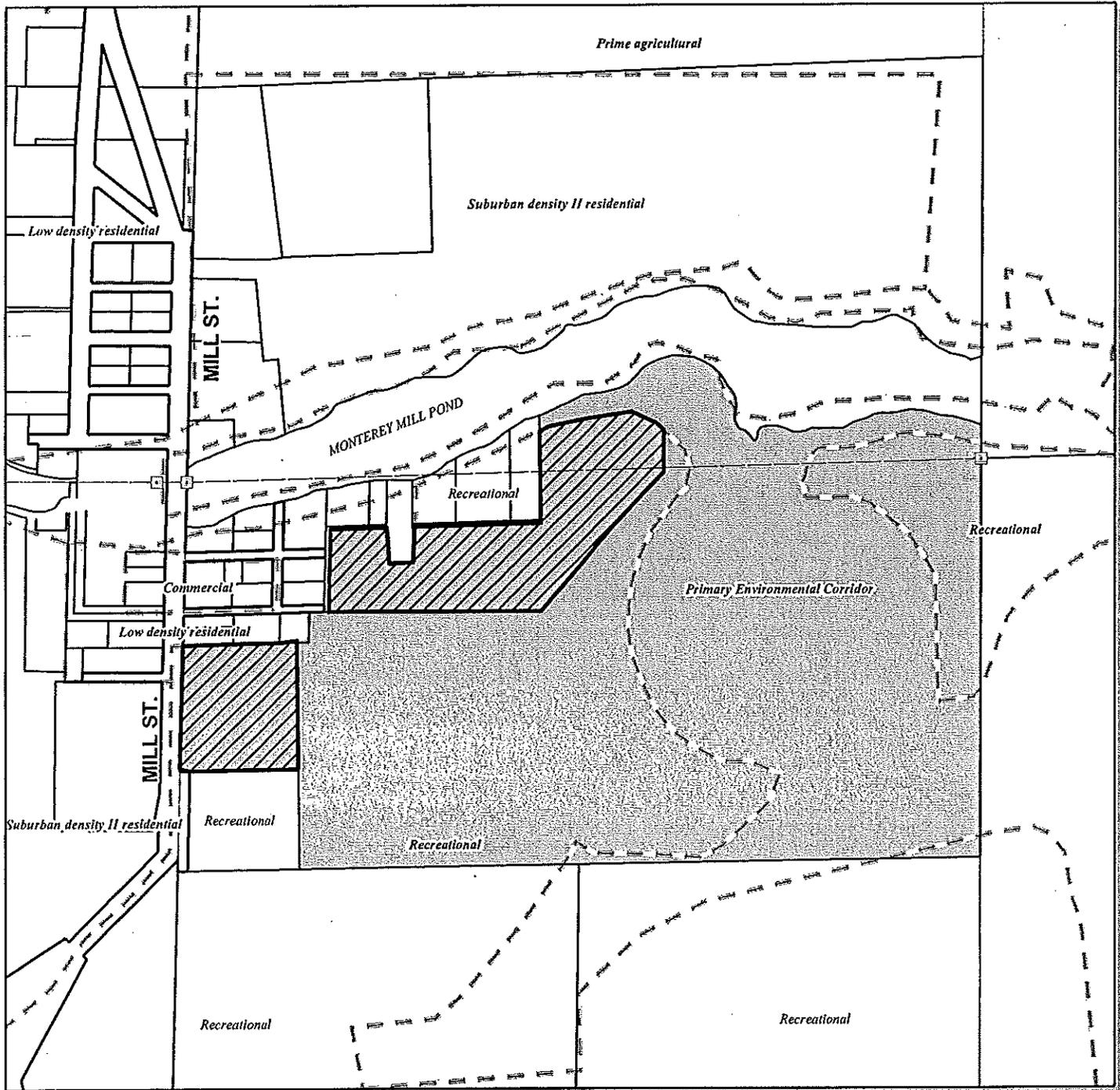
8. In the Town of Oconomowoc, the following requests are being made:

- A. *Thomas Roth, James Roth and Julie and Jason Bobrowitz*, request the properties owned by Richard and Arnold Roth, located in Section 9, Town of Oconomowoc (Tax Key No. OCOT 0466.996.003), be amended from the PEC and Recreational categories to the SDRII category for the purpose of creating single-family residential lots.

The Roth family has a sizable holding of land on the south side of the Monterey Mill Pond and adjacent to the recently acquired Ashippun Park, acquired by the County approximately two years ago. Part of the Roth property is also identified for future acquisition by the County. A number of the family members of the Roth family are desirous of constructing new residences on the farmstead and wish to create three separate parcels generally consisting of approximately three acres. None of the proposed lots as suggested by the petitioner will be served by public streets. They will all be on private access easements as indicated by the petitioners. One of the parcels will be located on the far east end of an existing easement which serves six or more residents and is along the south shore of the Monterey Mill Pond. The other two parcels will lie directly east of an existing Roth residence and along the south boundary of the farm. The effect of those two additional parcels will be to eliminate any usable space left on the north end of the farm for

DEVELOPMENT PLAN AMENDMENT 24.

PART OF THE SW 1/4 OF SECTION 9
TOWN OF OCONOMOWOC



 **PROPOSED PLAN AMENDMENT FROM RECREATIONAL TO SUBURBAN II DENSITY RESIDENTIAL**

PETITIONER.....ROTH
 DATE OF HEARING.....2-18-03
 AREA OF CHANGE.....11.8 ACRES
 TAX KEY NUMBER.....OCOT 0466.996.003

1 inch equals 500 feet
 0 125 250 500 750 Feet

Prepared by the Waukesha County Department of Parks and Land Use

158-R-001,002

which the County is interested and which would be adjacent to the existing County owned lands. It should also be noted that the property owner on the southwest corner of the Roth farmstead, created that parcel and built a new residence and it was his expression at the time he created the three-acre parcel, that he knew he would have County parkland located to his south and east. The proposal by Thomas and James, however, would undermine that intent. The proposed lot which Julie and Jason Bobrowitz intend to create, is also somewhat objectionable with respect to any future County ownership in that it extends well into a wetland, which the County is desirous of preserving in public ownership and far exceeds the three acres which they are attempting to preserve for a home site. There was an alternative mentioned in the applications by the Roth's which would set aside lands along the south side of the private access easement which serves the six or more homes mentioned above.

Based on our evaluation of the desires of the Roth's and the needs of the public, it is recommended by the Planning and Zoning Division that a slight revision to the proposed plan be approved as indicated on the attached map (Exhibit "B"). What this will accomplish is to provide sufficient land area for home sites for all of the persons in the Roth family desirous of creating new home sites and will preserve a more usable space on the remaining Roth farm, including the wetlands for future acquisition by the County. We feel this compromise will meet the needs of both the Roth family as well as the County in its future endeavors to acquire this property and is in significant concert with the recommended plan of the Town of Oconomowoc, although there is a slight deviation from the Town's Plan as it relates to Jason and Julie Bobrowitz's parcel, which is the three-acre lot on the south shore of the Mill pond. The Town's Plan shows this area as Prime Agricultural District, while we are recommending it as a home site for one of the petitioners. It is therefore recommended further, that the Town of Oconomowoc's Land Use Plan be slightly modified to reflect the change.

- B. *The Town of Oconomowoc*, recently amended the Town of Oconomowoc Land Use Plan for the township and requests to incorporate the newly adopted Town Land Use Plan amendments as an amendment to the Waukesha County Development Plan.

The Town of Oconomowoc requests that new amended Land Use Plan for their community be approved and incorporated into the WCLDP. The original Town Plan was adopted in 1993 and has served the Town extremely well over the past 10 years. The new amendments, now more properly incorporate the newly adopted and defined Prime Agricultural category as depicted in the WCLDP. The WCLDP redefined the Prime Agricultural category as having at least 35 acres of which 50% was a prime soil on each parcel as well as a continuous area of five square miles meeting these criteria. A number of parcels we discovered in the Town did not fit that qualification and they have been placed in different categories to reflect that new definition. The principal one is the Weide Farm in Section 8 and the Robinson parcel in Section 14. With respect to the Robinson parcel, there was considerable concern on the part of two neighbors who were interested in preserving the Prime Agricultural category on that subject piece. However, that piece does not fit the new definition, therefore, the Town has recommended that it placed in a rural five-acre type category.

The other significant change is the area on the southeast corner of C.T.H. "P" and "K". The area was previously designated in Prime Agricultural but the Town has now recognized it as a future potential development area, especially in light of the fact that there are now recent annexations of the lands a short distance to the west by the City of Oconomowoc, which will be developed providing municipal services. There were other various changes from the 1993 Plan, to numerous to mention, but in general the proposed plan is significantly in conformance with the WCLDP. Another significant change is the area in the southeast part of Section 34, which has a mixture of single-family and multi-family type uses. The Town

has decided the entire area would be better designated as a multi-family category. There are a few new Commercial areas being planned for which all seem to be consistent with sound planning principals, those being at the intersection of C.T.H. "K" and the existing S.T.H. 67, just south of the new S.T.H. 16/67 interchange, the southwest corner of C.T.H. "K" and C.T.H. "P" and the southwest corner of C.T.H. "P" and C.T.H. "Z". The latter two are adjacent to and across the street from existing commercial uses.

It is the opinion of the Planning and Zoning Division Staff that this newly revised Town Land Use Plan be approved and the Town Plan and WCLDP be modified to reflect the recommendations with the exception of the small three-acre area in the west part of Section 9, which was discussed briefly in the previous paragraph regarding the Roth farm where a slight modification is necessary to the Prime Agricultural category. Further, there are at least two areas specifically, which are improperly designated, that being the Morris property containing five acres in Section 1 to the RDROAL category, and the fairly large tract of land in the NE ¼ of Section 20, known as the Eichstead parcel, which was changed to the SDRI category. As recommended, the new plan will be conforming with the WCLDP and represents a significant recognition by a Township of the importance of long range land use planning.

9. In the Town of Summit, the following request is being made:

A. *The Town of Summit*, has requested that its Land Use Plan, adopted by the Town Board in June 2001, be incorporated as an amendment to the Waukesha County Development Plan.

The Town commenced a new planning process to update their existing plan in approximately 1999 and was adopted by the Town Board on June 4, 2001. The plan sets forth a series of goals and objectives and provides for transportation, planning facilities, including bike and hiking trails as well as a new Land Use Plan. There were significant acreage changes in residential open space, woodland and farmsteads with a decrease in acreage of agriculture, wetlands and recreational lands. One of the reasons for the wetland decrease as identified on the Plan is that they were previously "lumped" together with woodlands, but when the woodlands were separated out the wetlands number decreased. There is no real decrease in wetlands that the Town is aware of. The Town's Plan also identifies rare and endangered species, locations and types, as well as septic suitability, prime soils suitability, Environmental Corridors and it also incorporated the County's Greenway Corridor Concept and Cross-Section Map. Much of the area of prime agricultural land has now been designated as prime development space (Pabst Farms) and significant portions of that area has been annexed by the City of Oconomowoc.

A Border Agreement also exists between the City of Oconomowoc and the Town, identifying where the various types of land uses will occur, when they were to be attached to the City and public services to be provided to lands that remain in the Town. The Town's Plan is somewhat different the WCLDP in its formulation. It identifies the non PEC lands and a majority of the southern part of the Town in a 2.4-acre density category. The Plan discusses the fact that they encourage cluster developments and the PEC would be developed at densities of one unit per five-acres. There is another provision in the Plan which suggests that in the cases where a Planned Unit Development alternative is utilized for development, some additional density may be allowed up to one dwelling unit for each four acres of PEC lands within the project area. By calculating the 2.4-acre density category with the PEC's, it appears that resulting developments throughout large undeveloped areas of the Town would be at an overall density of approximately 3.5 acres. However, there was insufficient data submitted with the Town's Plan to demonstrate that fact beyond a doubt. In addition, it was our understanding the Plan and subsequent updated Zoning Ordinance amendments would require new developments in the SF Residential category, which comprises a very large percentage of the undeveloped part of the Town, would be required to be

developed with the use of the cluster method (conservation design). However, the Plan only encourages that method and does not require it. Likewise, the proposed Ordinance which has been submitted for review to the Planning and Zoning Division Staff does not require the development of these lands in the cluster method (conservation design) thereby achieving an overall goal of 3.5-acres per dwelling unit. We feel this is a major shortcoming of the Plan and Zoning Ordinance which needs to be resolved. Further, it was our understanding that at the public hearing for the Town's Ordinance, the zoning categories in the Town would be assigned to lands as they are presently used, rather than to rezone all of the land in accordance with the Land Use Plan, much the same as suggested in the WCLDP. However, we could find no evidence of that fact and the zoning map that was provided to the Planning and Zoning Division Staff with the Zoning Ordinance for review, was found to have some anomalies which could not be resolved by the Staff.

Based on the foregoing, it is the opinion of the Planning and Zoning Division Staff that this request to incorporate the Town of Summit Land Use Plan into the WCLDP be approved with the following condition:

The Land Use Plan specifically shall outline and require, rather than encourage, the development of the SF and PEC categories vacant lands in the Town, outside of the Border Agreement area, to be developed with the conservation design technique, which is provided in the Town of Summit through the use of the Planned Unit Development technique. Further, it is recommended that the Zoning Ordinance be modified to reflect that same goal, and that any development which occurs in the SF Residential and PEC categories, as noted on the Land Use Plan, be accomplished in a manner to achieve an overall goal of 3.5-acres per dwelling unit and that development in this area be allowed only as cluster developments. If a development is desired using more traditional lotting techniques, a provision shall be included in the Zoning Ordinance requiring the minimum density within such a development to be five-acres.

As conditioned, we feel the Town Plan and subsequent Zoning Ordinance amendment will be in concert with the goals and objectives of the WCLDP and is an important step forward by the Town of Summit in bringing about consistency with the County's Plan. Further, the Town should be commended for the efforts they have made in this endeavor for developing a new Land Use Plan and with the minor modifications set forth above, which we believe to be in keeping with the intent of the Town, the resultant Plan and Ordinance amendments will achieve those goals.

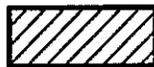
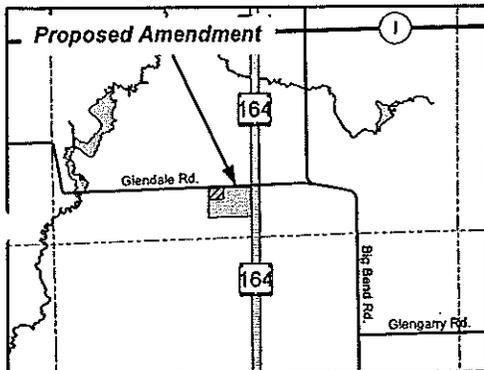
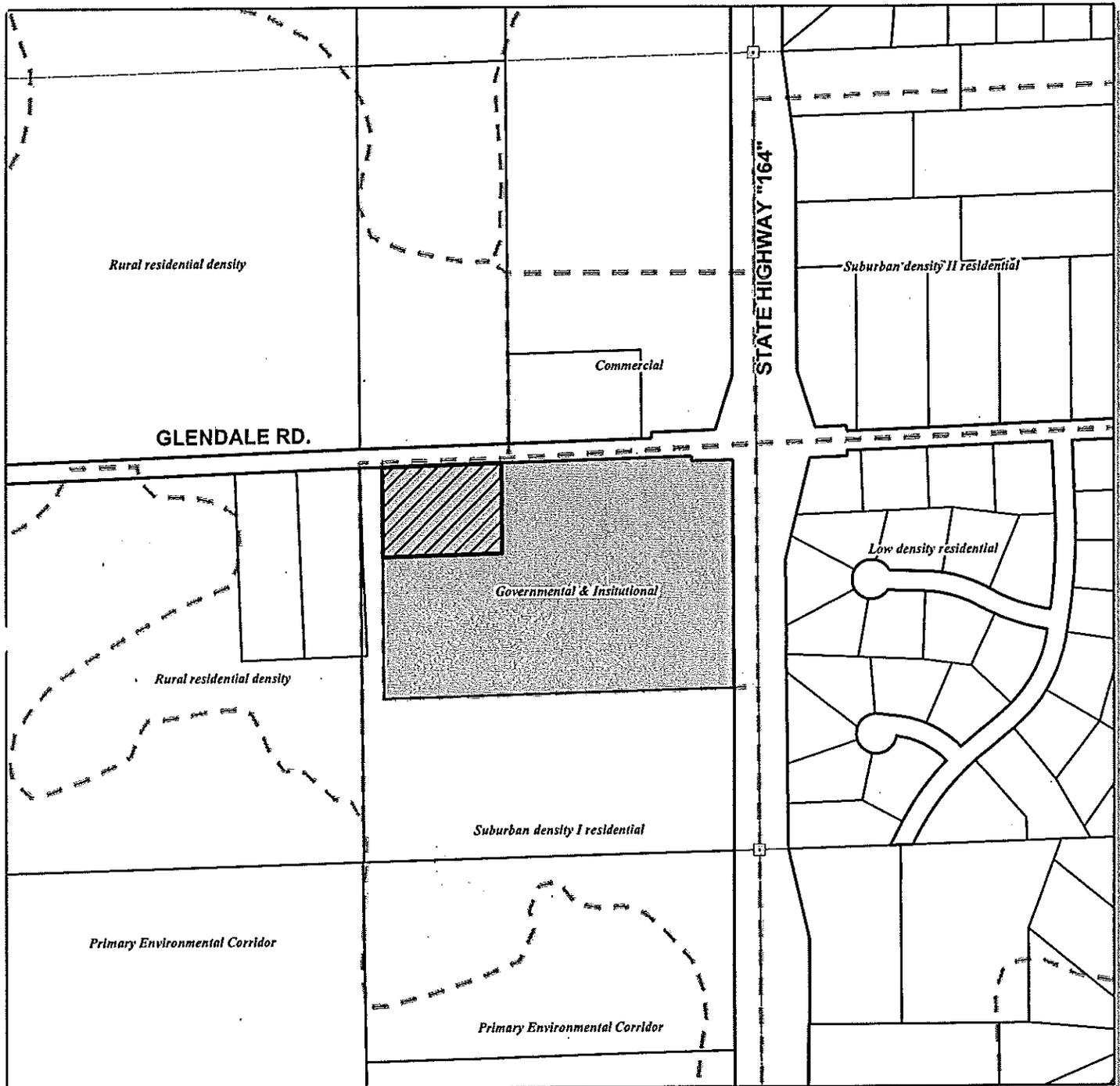
10. In the Town of Waukesha, the following request is being made:

- A. *Lee McInnis, representing the Waukesha Bible Church*, requests an amendment for a portion of their property located in the SE ¼ of the SE ¼ of Section 27, Town of Waukesha (Tax Key No. WAKT 1404.997), from the existing Government and Institutional category to the LDR category to permit the creation of two residential parcels on the church lands.

The purpose of this request is to allow the church to divide and sell a couple of parcels off of their fairly large holdings (20 acres) to accommodate the construction of single-family residences. Soils in this area of the Town appear to be adequate for this proposed use. The land uses surrounding the property vary from a veterinary business to the north, along with the large church, south and east of the subject two lots along with a potential new development immediately to the south of the church which was approved in the Year

DEVELOPMENT PLAN AMENDMENT 28.

PART OF THE SE 1/4 OF SECTION 27
TOWN OF WAUKESHA



PROPOSED PLAN AMENDMENT FROM GOVERNMENTAL & INSTITUTIONAL TO LOW DENSITY RESIDENTIAL

PETITIONER.....MC INNIS/WAUKESHA BIBLE CHURCH

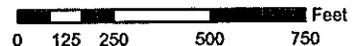
DATE OF HEARING.....2-18-03

AREA OF CHANGE.....2.75 ACRES

TAX KEY NUMBER.....WAKT 1404.997



1 inch equals 500 feet



Prepared by the Waukesha County Department of Parks and Land Use

158-R-001, 002

2002 WCLDP amendments. Further, there are a few scattered lots along the road to the west which are larger in size which have been developed over the years. To the east lies an existing developed area on the east side of S.T.H. 164 which has a variety of densities, ranging from three-acre to one-acre lots.

It is the opinion of the Planning and Zoning Division Staff that this request be approved and modified to permit the site to be placed in the SDRI category, rather than the LDR category. This designation would make it more compatible and consistent with the plan amendment allowed in 2002, immediately to the south. We feel that as recommended and conditioned, the proposed use will be consistent with other uses in the area and does not represent a major deviation from the overall intent of the WCLDP. It allows a reasonable use of part of the church's lands and is consistent with the surrounding Institutional and Commercial uses as well as the more open estate-type residential uses to the west of this site.

Respectfully submitted,

Richard L. Mace /kab

Richard L. Mace
Planning and Zoning Manager

RLM:kab

Attachments: Exhibit "A" and "B"

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158-R-001, 002

Pg. 1

MINUTES
JOINT PUBLIC HEARING - WAUKESHA COUNTY PARK AND PLANNING
COMMISSION AND THE WAUKESHA COUNTY LAND USE, PARKS AND
ENVIRONMENT COMMITTEE FOR THE WAUKESHA COUNTY
DEVELOPMENT PLAN AMENDMENTS

Tuesday, February 18, 2003, 8:30 a.m., Room 355/359

EXHIBIT A

CALL TO ORDER

The Public Hearing was called to order at 9:00 a.m. by Mr. Kolb, Chairperson. It was agreed by the Waukesha County Land Use, Parks and Environment Committee, and the Waukesha County Park and Planning Commission members, that Mr. Kolb would be the Chairperson of the meeting.

Waukesha County Park and
Planning Commission Members
Present:

Mareth Kipp
Joe La Porte

Walter Kolb
Walter Baade

Commission Members
Absent:

Betty Willert, Chairperson
Ellen Gennrich

Vy Janusonis

Waukesha County Land Use,
Parks and Environment Committee
Members Present:

Pauline Jaske
Scott Klein
Daniel Pavelko (arrived at 9:30 a.m.)

Walter Kolb
Vera Stroud

James Jeskewitz
Matt Thomas

Staff Members Present:

Richard L. Mace, Planning & Zoning Manager
Kathy Moore, Senior Planner
Kathy Brady, Support Staff Supervisor
Lee Esler, County Board Chief of Staff

Guests Present:

Brad and Jean Ama
David Lamerand
Warren Gross
Geoffrey Bishop
Herb Gross
Jonathon Weler
Kathy Gutenkunst
Paul Van Henkelum
Donald Brue
Robert Smart
Mark Dieball
Richard Morris
Paul Cass
James Roth
Anthony Bruno
Frank Brazelton
John Daley
Alvin Dieball
Julie Bobrowitz
Julie Sullivan
Atty. Thomas Masson II

Chuck and Carol Jungbluth
Pat Haukohl
SR Hendrickson
Pete Gross
Polly Cramer
Sandra Nelson
Bill Carity
Bill Parcel
Henry J. Elling
David Mann
Carl Trapp II
Lee McInnis
Thomas Roth
Arnold Roth
Scott Thompson
Lloyd Williams
Mark Brue
Marjorie Dieball
Geoff Robinson
Marilyn Haroldson
Jason Bobrowitz

158-R-001, 002

Guests Present:
(Continued)

Greg Good
Karen McNelly
Wally Thiel
Bill Minett
Pamela Meyer
Ezra Meyer
Joe Griffin

Nancy Gloe
John Spitz
Craig Caliandro
Hazel Meissner
July Wagner
Don Herrick

- Public Hearing to Consider Amendments to the Waukesha County Development Plan.

Mr. Mace indicated this Public Hearing is the first step of a process that will take place during the next few months. The County Board has directed that amendment requests will be accepted annually, by communities or individual petitioners to consider changes to the Waukesha County Development Plan (WCLDP). The closing date for all requests was January 15, 2003. After the Public Hearing, the Waukesha County Parks and Land Use staff will formulate an opinion and recommendation on the issues and requests presented to the Waukesha County Park and Planning Commission and the Waukesha County Land Use, Parks and Environment Committee (LUPE). The Commission will review the recommendations from the staff for each amendment and discuss and decide whether they are in favor or opposed to the requests. The Waukesha County Park and Planning Commission's decision is transmitted to the LUPE Committee who formulates its recommendation and drafts an Ordinance that will go to the Waukesha County Board regarding the various requests. After the Waukesha County Board's action, the appropriate changes are made a part of the permanent record and the WCLDP is amended as approved by the Waukesha County Board.

The following items, which are noted in the "Notice of Public Hearing", are presented.

1. In the Town of Brookfield, the following request is being made:
 - A. **Geoff Robinson**, requests property owned by others and under contract for purchase, located in part of the SE ¼ and NE ¼ of Section 29, Town of Brookfield (Tax Key No: BKFT 1121.985 and BKFT 1121.986.001), be amended from the Commercial category to the Medium Density Residential (MDR) category for the purpose of developing a multi-family residential project.

Mr. Mace indicated the property is located on the west side of Brookfield Road, north of Bluemound Road. Surrounding properties include assisted living senior housing projects, and condominiums immediately north and adjacent to the property. Mr. Robinson said he is proposing the development of an eighteen-unit condominium complex, with units being 1,600 sq. ft. to 2,000 sq. ft. in size. The property is currently designated in the Commercial category. He explained the property is located between two multi-family parcels. Mrs. Kipp asked how large is the parcel? Mr. Robinson replied, approximately 2.6 acres. Mr. Mace asked if it was consistent with the density of the property to the north? Mr. Robinson answered, "Yes". There was discussion regarding the hill along Brookfield Road near the proposed access. Mr. Robinson explained that approximately five or six years ago a 35-unit elderly housing project was proposed and approved by the Town, however, it was denied by the Waukesha County Board of Supervisors because of a hill and site distance concerns of the entrance road to Brookfield Road. Mr. Mace further explained the hill has been lowered approximately six or seven feet and sight distances have improved.

Mrs. Kipp asked why the property to the south is zoned Commercial? Mr. Mace replied it is a nursing home/assisted care facility, but could fit into either category. Mrs. Kipp asked if it was unique to this situation? Ms. Moore answered, "Some zoning in Waukesha County allows residential uses in B-1 and B-2 Business districts." Mr. Mace added, that County Zoning tends to place nursing homes/assisted living facilities in a Public or Institutional district wherever possible. Mr. Baade asked if the site was wooded? Mr. Mace answered, "Yes, part of the site is wooded." Mr. Robinson added the wooded area contains thick under brush. Ms. Moore noted, the property will have municipal water and be sewerred.

2. In the Town of Delafield, the following request is being made:

- A. *Lloyd Williams, Gary Belcher and Charles Kompas, etal*, request their properties located in the SW ¼ of Section 25, Town of Delafield (DELT 0819.998, DELT 0819.997 and DELT 0819.996), be amended from the Rural Density Residential and Other Agricultural Lands (RDROAL) to the Suburban II Density Residential (SDRII) category for the purpose of developing a small residential subdivision on a portion of the lands.

Mr. Mace mentioned, in the SDRII category the density is 3 to 4.9 acres per unit and in the RDROAL category the density is one unit for each five acres or more. The properties are located on Elmhurst Road (C.T.H. "G"). Shepard's Pass Subdivision is located to the north (and developed at a three acre density), an Isolated Natural Area and Etter Lake to the west and Sylvan Hills Subdivision to the south (which is also developed at a three acre density). Mr. Williams said the properties are located between two and three-acre density subdivisions. He added the Town of Delafield Zoning Map allows for three-acre density and he is interested in developing a Planned Unit Development (PUD). The homestead (main farm buildings) would remain in open/green space. A decorative fencing will be used to keep the rural flavor of the area. Ms. Moore asked if the parcel abuts Etter Lake? Mr. Williams replied, "Yes". Ms. Moore asked if it is intended for all of the homeowners in the PUD to have access to the lake? Mr. Williams answered "No". Mrs. Kipp asked how the southern portion of the property would be accessed? Mr. Williams replied it would be included in the PUD. Mrs. Kipp asked if the development would be on the north side of the new road not on the southern portion? Mr. Williams answered, "Yes". He added the lots would be 1½ acres in size. Mr. Mace asked if three lots would front on the lake? Mr. Williams replied, "Yes".

Mr. Jeskewitz asked "How large is the lake?" Mr. Williams replied, approximately 10 acres in size. Mr. Klein asked if there would be two lots, abutting the lake or a common area abutting the lake? Mr. Williams responded, there will be three lots, having frontage on the lake. The lake is a non-motorized lake, approximately 8' deep and spring fed. Currently, there are no piers on the lake. Mr. Kolb asked if it is a natural lake? Mr. Williams responded, "Yes". Mr. Mace asked if there was common area around the lake in the Shepard's Pass Subdivision to the north? Mr. Williams replied "Yes" there are 34 acres of green space and open space. Mr. Mace noted, the access was limited to one pier and no motorized boats for the Shepard's Pass Subdivision. He asked, "Will Lot 14, (the farmstead) be kept as a single parcel and not be commonly owned open space?" Mr. Williams responded "Yes". Mrs. Kipp questioned, why the southern piece of property is being included? Mr. Mace explained, if it was left out of the amendment there would be a long narrow parcel still in the RDROAL category. He contacted Mr. Belcher (owner of property to the south) to be included in the amendment and he was agreeable, however, he indicated that he had no intention to develop his property, at this time. Mrs. Kipp asked if there was a residence on Lot 8 and how would it be accessed? Mr. Williams replied "Yes, there is a parcel on Lot 8 and it will be accessed via a public road."

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

- A. *RSV Engineering, Inc.*, requests the property owned by BB McGee, LLC, located in the SE ¼ and the SW ¼ of the SE ¼ of Section 26, Town of Genesee (Tax Key No.: GNT 1544.993.001 and GNT 1544.993.002), be amended from the Recreational category to the SDRII category for the purpose of dividing the property into three acre parcels for residential purposes.

Mr. Mace indicated the property is located on Holiday Road in the Town of Genesee and was formerly a horse training facility. He noted there is an additional Recreational category to the west which is currently subdivided and should be changed and could be included with any action pertaining to this amendment. Ms. Sullivan, from RSV Engineering said she was not sure why a portion of the property was placed in the Recreational category. Mr. Mace said, any kind of recreational activity, whether public or private, was placed in a Recreational category. Mrs. Stroud asked if the property was ever a part of a PUD? Ms. Sullivan replied, "No". Mrs. Stroud asked how many units or lots are planned? Ms. Sullivan answered "Nine, three acre parcels, on the entire 32-acre parcel, of which 11.3 acres is the subject of this request." Mr. Mace asked if any layout work had been completed at this time? Ms. Sullivan replied "Yes", the land would be divided by Certified Survey Map (CSM) which would break off the two existing residences. Mr. Mace asked if the same person owned the 21-acre parcel and why was it split off? Ms. Sullivan replied, the same person owns both parcels and it may have been split off so a previous owner could build a residence. Mrs. Kipp said, referring to the map, that it makes sense to change the category, because as it stands now, the buildings are located in two different categories. Mr. Mace reminded the Commission that the maps contain overlays on top of cadastral surveys. Therefore, it may be a registration issue and the buildings could be in one category. Ms. Moore added that the Southeastern Wisconsin Regional Planning Commission's (SEWRPC) original land use study placed the homes in the residential category and the buildings for the boarding operation were placed in the Recreational category.

4. In the Village of Hartland, the following request is being made:

In the Year 2002 amendments to the Waukesha County Development Plan, an amendment was made to the Charles and Carol Jungbluth property, located in part of the SE ¼ of Section 25, T8N, R18E, Village of Hartland, which required as part of the Low Density Urban Residential (LDR) category which was placed on the property, two conditions were imposed. By request of the petitioner, Kingsway Homes, which has purchased the Jungbluth property, Condition No. 2, which reads "The realignment of C.T.H. "KE" shall remain as presently located on the Street and Highway Width Map", be amended and replaced with the following language.

2. Any proposed development within the boundaries of the property must be consistent with the plans for the realignment of C.T.H. "KE" as set forth on the Street and Highway Width Map in effect at the time the Preliminary Plat for development is submitted to the County for approval.

Mr. Mace indicated the property is located on the north side of C.T.H. "K" and on either side of Winkelman Road (C.T.H. "KE"). Last year there was a lengthy discussion regarding the relocation of Winkelman/Jungbluth roads. The Street and Highway Width Map and Jurisdictional Plan currently shows the extension going north from the intersection of C.T.H. "KE" and C.T.H. "K", traversing to the northeast, through part of the Jungbluth property, reconnecting to C.T.H. "KE". At that time, there was discussion that the Village of Hartland was desirous of relocating the extension to the south. A study has been prepared by the Waukesha County Department of Public Works, which will be discussed on February 19,

158-R-001, 002

2003, at an open house. The study shows where the Department of Public Works thinks the road should be relocated, to the east. Mr. Caliendo, president of Kingsway Homes, indicated they own the 40 acres on the northwest corner of C.T.H. "K" and "KE" and the intention is to develop the property into a single-family residential subdivision. He said the Waukesha County Department of Public Works study contains five possible alternatives for the road realignment, three of which do not involve a northern re-alignment. The request was made so Kingsway Homes can move forward with the development depending on the outcome of the meeting. Whatever the County has adopted on the Official Street and Highway Width Map as the appropriate alignment for C.T.H. "KE" will be the one used for the Kingsway Homes development.

Chairperson Kolb asked if the property had been annexed to the Village of Hartland? Mr. Caliendo replied "Yes, early in 2001." Mrs. Kipp questioned, if there are several alternatives suggested, when will it be determined which alternative is selected? Mr. Mace answered, the engineering work has been accomplished to determine the best route based upon an analysis, which includes economics, geometry and the physical features of the area. The Department of Public Works will determine which alternative is the best and the Waukesha County Board of Supervisors will take action in the future.

Attorney Gutenkunst representing Mr. and Mrs. Good explained, their farm will be directly impacted by the relocation of C.T.H. "KE". She expressed disappointment that Waukesha County left the Goods "out of the loop" as she had previously submitted several written demands for copies of any reports relative to the street alignment. She found out about the study in the Lake Country Reporter on February 6, 2003, and finally received the report on February 11, 2003. She believes the Village of Hartland asked for the realignment because the Jungbluth property is more valuable and what better place to relocate the road but in the Town of Merton (Good's farm) because their land is not as valuable. The position of the Good's is that any modifications to the previous Condition No. 2 are premature. She explained they have not had adequate time to review the study. She asked if a Preliminary Plat had been submitted for the Jungbluth's property? Mr. Mace replied, there is a Preliminary Plat on file, which is approximately two years old and was denied by the County. Attorney Gutenkunst said the Good's do not want the road to go through their farm. The Village of Hartland created the problems by allowing numerous developments, which will cause the increase in traffic, therefore, the Village should bear the burden of the new highway. She believes it is not inappropriate for Kingsway Homes to wait another six to nine months for their Plat to be approved, until the Waukesha County Board of Supervisors makes their final determination. The report and road relocation should be open for debate before any changes or Plats are received. She is asking that the request be denied until the Waukesha County Board of Supervisors have the opportunity to review the report, visit the site and decide where the road should be located.

Mr. Lamerand, Village of Hartland President, said the matter being presented is to make a Land Use Plan amendment determination. The developer is asking for an amendment, to remove the restriction, which states the road, will be located to the north. The developer is not taking a position on the location of the road. Wherever the location of the road ends up being approved, the developer will abide with the decision (north or south). The process will be delayed another year or more if the condition of the previous amendment is not changed now. The issue of the location of the road will be debated and open to the public. He stated that he did not receive the study any sooner than Attorney Gutenkunst, and the developer will abide by the decision of the Waukesha County Board of Supervisors as to the location. Chairperson Kolb asked Mr. Lamerand if he had reviewed the report? Mr. Lamerand answered, he had not reviewed the report at this point. Chairperson Kolb asked if the Village Administrator discussed with him the recommendation of the road relocation based on the report? Mr. Lamerand replied, the Village Administrator indicated to him that there were several different options, which were recommended. Chairperson Kolb asked Mr. Lamerand, "Have you heard which recommendation in the report is the way to

go?” Mr. Lamerand replied “No, at this time I have not.” He asked the Commission and Committee to look favorably upon the request of the developer and noted the Village of Hartland has been proactive in its planning efforts. The Village is being painted in a bad light and they are not trying to shaft anyone.

Mr. Morris, Town of Merton Chairman, pointed out, there is a pending lawsuit on the annexation between the Town and Village. Mr. Dieball, a resident, said the road should go as originally planned to the north. Mr. Mann, another neighboring property owner, said the Town of Merton should not suffer with the road, when in fact the Village of Hartland wants the subdivision. He agreed the road should go to the north through the Village of Hartland. The area was originally set up in larger parcels and could have been subdivided years ago but wasn't. If it had been subdivided the road would have to go to the north. He heard there will eventually be 400 to 500 houses built in the area in the future and expressed concerns about the lack of green space.

Mr. Mace asked Mr. Thiel, Village of Hartland Administrator, if the Village has an Official Map under the Statutes? Mr. Thiel replied “Yes”. Mr. Mace asked when the map was adopted? Mr. Thiel answered that it was amended last month. Mr. Mace asked if the original map (before the amendment) shows an extension of the road? Mr. Thiel answered “Not on this side”. Chairperson Kolb asked Mr. Thiel if he had read the study and knew the recommendation of where the road should go? Mr. Thiel replied “Yes”. Mr. Good said he is having trouble understanding why the amendment needs to be done. Mr. Klein noted the County wouldn't have to realign the road. Attorney Gutenkunst said, the motion from last year, approved by the Waukesha County Board of Supervisors states “The realignment of C.T.H. “KE” shall remain as presently located on the Street and Highway Width Map” and that is what is being asked for today. Mr. Mace noted, the intent of “presently” (in the motion) refers to the map as it existed in 2002. Mrs. Jungbluth said they are still farming land that has not been sold, and on the north end of the property their son operates a horse boarding facility, which is dependent on the acreage they still have. Horses and machinery go back and forth between the buildings and if the highway at some point should go through there it would eliminate their horse boarding operation.

There was discussion regarding the water tower being relocated from its current location. Mr. Dieball, who has frontage on Jungbluth Road said the cost of moving the water tower should fall upon the Village. The road was proposed to the north 10 years ago and the Village of Hartland should have known that the road might go through that way. Why did they place the water tower where it might someday have to be removed? In addition, the Jungbluth horse farm wasn't there 10 years ago, and they knew that someday the road may come through, so why was the horse farm put there?

Mr. Pavelko arrived at the meeting at approximately 9:30 a.m.

Mrs. McNelly said the property is not an Environmental Corridor. She expressed concerns that when the Village decided to put in the water tower, the County had its existing map. She said the citizens/taxpayers of the Village of Hartland and Waukesha County should not have to pay for the realignment of the road because of one property owners right to develop their land vs. one property owners right not to develop. The road can be improved and suggests there be no change to the realignment and it should go through to the north. Mrs. Jungbluth said, on the map as it stands now, the highway is designated to go through the lower 40 acres, south of the farm buildings. When the horse farm facility (to the north) was built, there was no proposed highway at that time going through the homestead or the horse facility. Now there are two such proposals. One, to take out the old farmstead (100 year old farm house) which is currently being used and the other proposal is to go between the horse facility and their newer home. Mr. Caliendo noted, the Waukesha County Development Plan is amended only once per year and if delayed again, they will have to wait another year to come back.

158-R-001, 002

Mrs. Jaske asked, if the Commission and Committee were to accept the proposed development, is there any way they could start before the relocation of C.T.H. "KE"? Mr. Mace replied "No", a Plat cannot be approved until or unless the Street and Highway Width Map is amended. Mr. Klein noted the language should be considered. The language states that even if the County decides to take a different route than what was currently on the Street and Highway Width Map, the Subdivision Plat has to abide by the adopted Street and Highway Width Map even though the road would take a different route. The development could go ahead without realigning the road provided the right-of-way would be preserved. Chairperson Kolb asked if anyone else would like to comment on the matter? There being no one he went to the next item on the agenda.

Mr. Kolb announced, the public would have until March 14, 2003 at 4:30 p.m. to respond to any of the amendments presented in writing.

5. In the Town of Lisbon, the following requests are being made:

- A. **Carl E. Trapp II**, requests the property located in the NE ¼ of the NE ¼ of Section 8, Town of Lisbon (LSBT 0173.999.003), be amended from the RDROAL category to the Suburban I Density Residential (SDRI) category for the purpose of creating two parcels, each containing approximately two and one half acres.

Mr. Mace indicated the property is located on the west side of S.T.H. 164, approximately 1½ miles from the Waukesha/Washington County Line. Songbird Hills Subdivision is located on the east side of S.T.H. 164 and a gravel operation to the south. Mr. Trapp explained in 1984 he purchased the property to build a home, with plans to later split off a portion and build another home. Mrs. Kipp asked what is the density in the RDROAL category? Mr. Mace answered, one unit per five acres. Mr. Klein asked what size are the surrounding properties? Mr. Mace replied, they vary from three to four acres in size. Mr. Klein noted, there are no smaller lots immediately surrounding the Trapp property. Mr. Gross said if the amendment is approved, it will set a precedent so smaller parcels could be created. Mr. Trapp said the Town of Lisbon Plan Commission conceptually approved his Preliminary CSM and flag lot on January 6, 2000, and the Minutes from that meeting were submitted with his amendment application. In addition, documentation from the Village of Sussex was submitted stating the property is not in their extraterritorial area. He asked if he was not going to be approved because the Town of Lisbon had not completed their plan? Mr. Mace replied, he was unsure where the Town was in their process but he thought the Town of Lisbon is in the final stages of developing their own Land Use Plan.

- B. **Brue's Bros. LLC and Mike Brue**, requests the property located in the NE ¼ of Section 35 and the NW ¼ of Section 36, north of Lisbon Road and immediately adjacent to and west of the Canadian National Railroad, Town of Lisbon (Tax Key No. LSBT 0281.989 and LSBT 0281.991), be amended from the Extractive category to the General Industrial category for the purpose of creating a storage facility.

Mr. Mace explained, the request is for two parcels to be changed from the Extractive category to the General Industrial category. Mrs. Stroud asked if the house would be removed? Mr. Brue responded, "No". He noted, because of the size and setbacks in quarry zoning, the property cannot be quarried. He is proposing to build a mini/maxi storage building. Mr. Mace asked, where the buildings would be located on the parcels? Mr. Brue answered, primarily on the western edge. Mr. Baade asked, "What is the site used for presently?" Mr. Brue answered, it is an existing abandoned quarry with a building, which was used for working on machinery and a building, which was used for chipping stone. The buildings will be removed

158-R-001, 002

and the area filled to create one, flat parcel. Mr. Baade asked how much area will be filled? Mr. Brue replied, approximately 1 to 1.5 acres is proposed to be filled. Mrs. Kipp asked, where the access to the proposed storage buildings will be located? Mr. Brue explained there is an easement near the boundary and a road leading back to the buildings. Mr. Jeskewitz asked, if there are any future plans for a bridge going over the railroad? Mr. Mace replied there has been talk about it, but there is nothing officially on the books. Mrs. Jaske asked, if the bridge impacts the use of the land? Mr. Mace responded, "To a minimal degree". They may need to obtain an additional 100' to 150' for sloping and fill activities.

- C. *William Minett*, requests the property owned by Hazel Meissner, located in the SW ¼ of the SE ¼ of Section 18, Town of Lisbon (Tax Key No. LSBT 0216.994), be amended from the RDROAL category to the LDR category for the purpose of developing a residential subdivision.

Mr. Mace indicated the property is located between the Thousand Oaks Subdivision and a new development in the Village of Merton. Mr. Minett explained the lots would be no less than one acre in size and suggested, if approved, that a limitation be imposed stating there be no more than 34 lots on 44.9 acres. In 1992, when the Thousand Oaks Subdivision was developed, a Development Plan was submitted to Waukesha County and the Town of Lisbon to show the future extension of Kettle Cove Lane. At the time, there were concerns that the amount of development, which happened in Woodland Oaks and Thousand Oaks Subdivisions, had very limited ingress and egress, for fire or police protection. A concept and layout indicated the extension of Kettle Cove Lane would connect with Lake Five Road. He indicated, there is no Primary Environmental Corridor (PEC) on the property and soils can accommodate conventional septic systems. A Conceptual Map was submitted to clarify the proposed layout. There is a cemetery located on the southwest portion of the property, which the Meissner's have operated for a number of years. Mr. Mace asked if it had been discussed (for future growth) to preserve an additional ¼ to ½ acre for the expansion of the cemetery? Mr. Minett answered, it had not been discussed but indicated Mrs. Meissner may be open to the idea. In addition, they are asking for consideration in the event the Committee and Commission chooses to grant approval conditioned upon the Town of Lisbon Master Plan being adopted before another year elapses. Mr. Mace explained the amendment was denied last year (2002) because of the planning activities in the Town of Lisbon.

- D. *John and Lyn Spitz*, request portions of the property located in parts of Sections 19, 20, 29 and 30, located on the east side of C.T.H. "MD" and south of C.T.H. "VV", Town of Lisbon (Tax Key No.: LSBT 0220.995, LSBT 0220.998.004, LSBT 0220.999, LSBT 0258.999 and LSBT 0223.997), be amended from the Recreational and RDROAL categories to the LDR category for the purpose of dividing some of the lands into residential lots while retaining the golf course in the Recreational category.

Mr. Mace indicated the petitioner is requesting to create lots within the Ironwood Golf Course property. Ms. Moore asked, what is the Town's zoning on the property? Mr. Mace responded, that he was unsure. Mr. Spitz said the zoning is currently A-2 Rural Home District and the two large properties to the north are not included in the amendment. Ms. Moore asked if the southern parcel was disturbed during the golf course construction? Mr. Spitz replied, a limited amount of area was used for stockpiling topsoil. Mr. Mace noted that it may prohibit any residential development. Mr. Mace asked if there was any disturbance (grading activity) on any of the other parcels? Mr. Spitz answered "No, only a small bermed area". Mr. Mace pointed out that according to the submitted application all the properties noted on the map are included in the amendment. The amendment is for Land Use Plan categories, not zoning. Mr. Spitz said, he is submitting a Conceptual Plan presenting the long-range picture. Mr. Mace asked how large is the remnant parcel to the east and where will the access be? Mr. Spitz replied, the parcel is three acres in

size and access will be from Ridge Drive. Ms. Moore asked the total number of lots and holdings? Mr. Spitz replied 75 lots on 366 acres including the golf course. There was additional discussion regarding access to the parcels. Mr. Mace explained there are six planned street extensions. Ms. Moore noted there will be a density of 4.88 acres per unit overall with the golf course as open space.

6. In the Town of Merton, the following requests are being made:

- A. *Herb Gross*, requests the property owned by James McGrath, located in the SW ¼ of Section 7, Town of Merton (Tax Key No. MRTT 0315.998 and MRTT 0315.999), be amended from the RDROAL category to the SDRII category to permit the development of a 35-lot (3.4 acre density) cluster subdivision on the subject 119 acres of land.

Mr. Mace indicated the property is located on Stonebank and Petersen Roads in the Town of Merton. Mr. Herb Gross said he is proposing a 35-lot cluster development. Mrs. McGrath will retain one lot, which would be approximately 10 acres in size. Originally, a larger number of lots were proposed but after working with the Town of Merton, the number of lots has been reduced to 35 lots, which the Town has approved. The open space will be 50% or approximately 60 acres. Mrs. Kipp asked if there will be access onto the two existing roads? Mr. Spitz replied "Correct". Mrs. Kipp asked if there is any PEC? Mr. Mace responded, "No". With respect to access, there is a hill on Peterson Road but the Town and County felt the best access spot was chosen.

Mr. Hendrickson, neighbor to the south, said he submitted a petition signed by 20 property owners surrounding the parcel stating they would like to keep a five-acre density. He explained the parcel is surrounded by a number of farms and farmettes. They are not against the project itself but would like to see the number of homes reduced, and with a five acre density it would be 24 homes not 35 homes. They believe, if approved, with 35 lots, other developers to come will want smaller and smaller parcels. Mr. Mace noted there was a copy of the petition in the file. Mr. Warren Gross, neighbor to the west, said he lives in the drainage area of the development. He expressed concerns with the drainage pond as proposed, and if it would divert more water into the drainage swale. The wells in the area are 35' to 40' deep and there is concern as to what affect contamination will have on the wells and what will prevent, three to four years down the road the wells going dry. Mr. Mace said a lot of wells in the County go dry. Mr. Warren Gross added that saturation dominates water table. He said they were originally informed the wells would be over 100' deep to a different water effort. The neighbors are concerned because if the new residences reach water at 35' they may not go further due to the costs involved. He asked if there will be mounds or septic systems? Mr. Mace replied that he was unsure. Mr. Herb Gross explained that every lot has had its own soils tests, which indicate they can accommodate mound systems. He said a shallow well is not a good idea as far as receiving the best water. Mr. Warren Gross said the wells should go to 150', because someone could go for the first water and not deeper due to the cost, per foot, for drilling. He asked if there could be a restriction stating that all the wells must be at least 100'? Mr. Herb Gross said some could in fact have a well shallower than 100'.

Mr. Simmons, neighboring property owner to the north, noted the area was a rural area containing primarily five-acre parcels. He felt the lots should be five-acre not one-acre lots. Ms. Moore explained, on a density proposal, the overall density of the site is considered. The petitioner is proposing approximately one unit for every 3.5 acres. The concept is to cluster the development and have more open space but doesn't necessarily increase the number of lots on the site. Mrs. Stroud noted there could be a compromise on the number of lots.

- B. *Insight Development Group*, requests the property owned by Robert K. Schwartz and Helene Schwartz (deceased) located in the SW ¼ of Section 1 and the SE ¼ of Section 2, Town of Merton (Tax Key No. MRTT 0291.998.002, MRTT 0296.999.005 and MRTT 0296.999.006), be amended from the RDROAL category to the SDRII category for the purpose of developing a single-family residential subdivision.

Mr. Mace read correspondence submitted from Insight Development Group formally withdrawing their request for the amendment. Mr. Carity, currently representing the Schwartz family, said they had previously been working with Insight Development in proposing to develop the parcel. Mr. Mace indicated the property is located on Center Oak Road and Hickory Road, near the Town of Lisbon and Merton border. The site in question has three parcels and the area proposed to be changed contains approximately 95.1 acres with the entire parcel containing approximately 129 acres. Mr. Carity said a plan for the development has not been submitted to the Town at this point. The proposed development would contain 43 residential parcels, 1¼ to 1½ acres in size each. The wetlands and every feature of the PEC will be protected. He noted the lands to east and west are Suburban Density Residential. Mr. Kolb asked if the retention ponds are wet or dry? Mr. Carity answered "Wet". Mr. Mace noted the overall density on the property is three acres.

7. In the Town of Mukwonago, the following request is being made:

- A. *RSV Engineering, Inc. on behalf of the owners, Rainbow Springs Golf Club, Inc.*, requests the property located in parts of Sections 31 and 32, Town of Mukwonago (Tax Key No. MUKT 1994.999) be amended from the Recreational and Primary Environmental Corridor (PEC) categories to the Recreational, PEC, Suburban I Density Residential and Commercial categories to provide for the opportunity to develop a mixed use planned unit development while retaining the golf course.

Mr. Mace indicated the property is located on C.T.H. "LO" and near the Waukesha and Walworth County border. The Mukwonago River runs through the northern part of the property. He noted, most of the hotel structure has been cleaned up since the fire and they are currently working on tearing down the west end of the hotel structure. A large percentage of the materials are being recycled, some for use on the golf course, retaining walls and base course for the road, etc. Mrs. Kipp asked if the deadline for cleanup was April 1, 2003. Mr. Mace replied "Yes". A large brick building to the rear of the former hotel contains the main convention hall, which is in disrepair.

Mr. Van Henkelum, RSV Engineering, Inc., described the history of the property. He noted the property was originally a hunt club and during the 1960s the small lodge on the lake was constructed which contains 43-rooms and a bar and restaurant. It was envisioned to create a 760-room hotel, convention center and two golf courses. The resort was built, however, never opened. The two golf courses were developed and currently operate on the property. The total site contains approximately 1,000 acres with approximately 500 acres being located in Waukesha County. He noted there is Environmental Corridor and wetland issues on the site, but there has not been a recent corridor or wetland delineation done on the site. They intend to address these issues. There is an existing Conditional Use on the site dating back to 1981, which has been modified several times. After the fire, the large hotel structure is currently being removed from the site. The east part of the structure, which is the old kitchen facility, is planned to be converted to a clubhouse/banquet facility/pro shop. The existing clubhouse/pro shop is located to the south of the old kitchen facility. They intend to modify the Conditional Use to change the structure to accommodate the new clubhouse/banquet facility/pro shop. The existing clubhouse/pro shop will be converted for golf course storage and a maintenance building.

158-R-001, 002

Other future plans include, staying with the existing Conditional Use and modifying it as necessary and to create a mixed-use development over the 1,000 acres in Waukesha and Walworth counties. He referred to the Plan submitted showing residential, commercial areas and open space. In Waukesha County, based on the Zoning Code there could be 330 units depending on the features. He added, the SEWRPC would need to look at the corridors and wetlands. The petitioners met with the Town who expressed concerns about the project and they would like to meet with the Town and County Staff again regarding the planning effort and the ultimate plan for the property. The plan shows no development within 1,000' of the Mukwonago River except for a one-acre area near C.T.H. "LO" which could be used for a sales office or support for the golf course, etc. The area is located in the sewer service area for the Village of Mukwonago. Several years ago, the Village, Town and former owners of Rainbow Springs had an agreement to provide sewer service from the Rainbow Springs property to the Village of Mukwonago. The agreement had some unique reduced hookup charges, but as time went by and the development did not take off as planned, the agreement was eventually voided. The property is still located in the sanitary sewer service area. The petitioners met with the Village of Mukwonago last month, who indicated an agreement was appropriate, however, they did not agree with the fee structure but are willing to discuss the matter further with the owner of Rainbow Springs.

Mrs. Stroud asked what would happen if the development was turned down in Walworth County and how would it affect the Waukesha County portion? Mr. Van Henkelum replied, it is a logical connection and should be developed together. He asked that Waukesha County look at the development as all one parcel and not be concerned about the County line. Mrs. Stroud noted the Walworth County Board of Supervisors will act on the development just as the Waukesha County Board of Supervisors will act. Mr. Mace pointed out, the Minutes from the Utilities Committee meeting held on January 13, 2003, have been submitted which indicate they are willing to continue discussions regarding the Rainbow Springs project. It will be a significant expense and the future development of the entire piece of property is predicated on the availability of sewer. Mrs. Kipp said, years ago, the entire sewer system was built with the intent of serving the Rainbow Springs property and it is most likely underutilized. Chairperson Kolb noted that for the past five or six years, Eagle Spring Lake, two or three times a year, opens the floodgates and floods out the golf course which shuts it down. He added, some of the chemical applications affect the Mukwonago River and the operation of the golf course.

Mr. Mace said the Town of Mukwonago submitted correspondence following their Town Board meeting of February 12, 2003. The correspondence stated the Town Board would not support the proposed amendment. The reasons given were that the Town was vehemently opposed to the development, as proposed, due to the sensitive area along the Mukwonago River, that no detailed plans were presented for their review and the density of one unit for every 0.68 acres located in Waukesha County greatly exceeds the recommendation of the citizen's survey which was recently conducted in the Town. Mr. Mace said he would like to see a detailed mapping of the PEC, both upland and lowland on the site. He said he would request the delineation from the SEWRPC, but cautioned the process will take months. Mr. Klein mentioned, the amendment seemed to be premature due to the fact that no plans have been submitted. Mr. Mace noted the petitioner has paid for, and submitted an application for the requested change. Mr. Klein added the proposal has nothing to do with the Land Use change at this point.

Chairperson Kolb asked if there was anyone from the audience who wished to speak on the matter? Ms. Gloe and Mr. Meyer, from the Friends of the Mukwonago River spoke about the excellent water quality, environmentally sensitive area and habitats the Mukwonago river supports. Both expressed concerns with the Rainbow Springs Golf Club, Inc. amendment and urged the Committee and Commission to deny the request. In addition, both submitted correspondence stating their concerns with relevant attachments. Mrs. Richard Wagner spoke representing herself and her husband Dr. Richard Wagner (Town

of Mukwonago property owners). She stated they were present at the Town of Mukwonago Board meeting in which Mr. Topczewski, Board Supervisor, stated his concerns and asked for a plan detailing what Mr. Feker and RSV Engineering wished to accomplish. RSV Engineering said they were exploring options to restore the restaurant and other buildings damaged in the fire and looking at a possible PUD. They denied having any plans but wanted the option in place because the County only reviews the WCLDP once per year. She was part of the Town Survey Committee which received a 54% return of the survey. According to the results of the survey, citizens expressed concerns with protecting water quality in streams and lakes, preserving farmland, protecting ground water and preserving open space/natural areas. The land needs protection from development, which will potentially ruin the environmental resources on the site and the Mukwonago River, which runs through the property. They believe the petitioner and RSV Engineering were not forthright in their answers and ask that the amendment be denied. Mr. Thompson, from the Nature Conservancy, expressed concerns with the protection of plants, animals, lands and waters of the Mukwonago River. In addition, there are a number of threatened and endangered species within the waters, wetlands and uplands. Other concerns are that development will negatively and permanently impact groundwater and groundwater recharge areas, surface water quality and quantity through the increase of contaminated runoff, local and regional aquifers, local river and lake quality and wetlands. He recommends denial of the requested amendment. Mr. Bishop, from Nature's Classroom Institute, an environmental science program, which borders the Rainbow Springs to the south, said they occupy the Henry Morsky Foundation property (approximately 300 acres), which lies partially in both Walworth and Waukesha Counties. He asked that the property be protected from development because it is one of the last remaining privately owned blocks of land that can be preserved, and opposed the requested amendment. Mr. Smart, Friends of the Mukwonago River, also was opposed to the requested amendment. Mrs. McNelly, resident of the Town of Mukwonago, spoke in opposition of the proposed amendment due to over development in the area and detrimental environmental concerns to the Mukwonago River.

Mr. Mace asked if there were any Town of Mukwonago Board members in the audience? Ms. Holtz, identified herself as a member of the Town of Mukwonago Plan Commission. Mr. Mace asked what the official position of the Town Board is regarding preservation of the Mukwonago River corridor? Ms. Moore answered, the last time the Town amended their Land Use Plan, the citizens were asked to support the WCLDP for the corridor and to include the WCLDP and the Waukesha County Park and Open Space element in their Plan. The citizens who resided along the river were adamantly against it going into public ownership and the Town removed the incorporation of the Mukwonago River from the proposed plan amendment. Mr. Mace expressed disappointment that the Town has not supported the WCLDP along the Mukwonago River and no official action has been taken since 1997 to do anything about it. Mrs. Kipp added, "It needs to start at the local level". Ms. Holtz opposes the requested amendment as does the Town of Mukwonago Board. Mrs. Cramer, long time resident, also expressed concerns and opposes the amendment. Ms. Meyer, adjacent landowner, submitted correspondence reflecting her opposition to the proposed amendment. Mr. Bishop pointed out that additional traffic in the area will cause a major impact on the roads, more fatalities, etc.

8. In the Town of Oconomowoc, the following requests are being made:

- A. *Thomas Roth, James Roth and Julie and Jason Bobrowitz*, request the properties owned by Richard and Arnold Roth, located in Section 9, Town of Oconomowoc (Tax Key No. OCOT 0466.996.003), be amended from the PEC and Recreational categories to the SDRII category for the purpose of creating single-family residential lots.

Mr. Mace indicated there is a private drive, which serves approximately six residences to the north. Ms. Roth said the request is to divide a section of the property into two, single-family lots, three to four acres in size each for family members. Access will be from the private drive. In addition, a small section (approximately 3 acres in size) to the south will be for another residence for a family member. Mr. Roth would like to place a septic system on the south side of the private road for his existing residence on the north side of the road. Mr. Mace said the Roth property is identified on the County's Plan for acquisition of additional lands to be added to Ashippun Park. Mrs. Kipp asked Mr. Mace to point out the PEC? Mr. Mace said the PEC encompasses the wetland and goes up along a steep hill containing rugged terrain. Mrs. Kipp asked if the areas in the proposed amendment are outside of the PEC? Mr. Mace replied, "Yes". Mrs. Jaske asked how many residences will be built? Mr. Mace answered, "Three."

- B. *The Town of Oconomowoc*, recently amended the Town of Oconomowoc Land Use Plan for the township and requests to incorporate the newly adopted Town Land Use Plan amendments as an amendment to the Waukesha County Development Plan.

Mr. Herrmann, Town of Oconomowoc Planner, noted the Town's Land Use Plan has been adopted by the Town of Oconomowoc Plan Commission and Town Board. The original Plan was done in 1993. Some of the major changes include the addition of the S.T.H. 16/67 bypass and a 100' to 500' buffer on each side of the bypass within the next five years. No land use categories were changed along the bypass, at this point, due to the City and Town of Oconomowoc's Municipal Agreement. He noted the area south of C.T.H. "K", west of C.T.H. "P" may be annexed to the City. The Van Lare Development will be transferring hands shortly to a new owner. At the corner of C.T.H. "P" and C.T.H. "K", both corners were in the Agricultural Preservation category and now are in the Low Density Residential. He noted the area may be annexed to the City in the future. The Town is concentrating on keeping development south of C.T.H. "K". In addition, rather than going to 35-acre parcel sizes, it is being recommended that farmers go to a 35-acre density. It would allow a farmer who owns 350 acres to have some developable portion of his property to create one-acre lots while preserving the rest of his farmland. If there was an area not conducive to farming with poor soils it could be developed as residential.

Mrs. Kipp asked if each farm was looked at separately, whether they requested changes or not? Mr. Herrmann replied "Yes," each individual parcel was looked at separately and anyone requesting a change was given until December 2001 to submit their request.

The Robinson Farm on the existing WCLDP is located in the Prime Agricultural category. The Town changed the area to five-acre density with a cluster type development. He explained, there is not much prime agricultural soils on the property defined by the County's definition. Mrs. Brown, adjacent neighbor to the Robinson Farm, opposes the category change on the Town's Plan. She noted, on the County's recommended Build Out Plan, dated June 2002, the parcel is in the Prime Agricultural category. The Town of Oconomowoc's Plan is in conflict with the County's recommendation for the use of the land. As she understands, the only reason this parcel is being changed is by the request of Mr. Robinson. She said he knew when he purchased the property it could only be divided into, two 35-acre parcels. There was discussion about the soils not being suitable for agriculture on the property. The land is presently being farmed and during the six years she has lived on her property it was farmed with either corn or soybeans. She feels the change is not necessary because the main goal of the Town Plan was to keep the residential development south of C.T.H. "K" and west of C.T.H. "P". She submitted a petition from the surrounding property owners opposing the requested amendment. Chairperson Kolb asked if she was totally against development in the area as a whole? Mrs. Brown answered "No, not in the entire Town of Oconomowoc". Mrs. Kipp asked if the petitioner requested changes on his 113 acres east of C.T.H. "K"? Mrs. Brown replied "Yes". Mr. Baade mentioned that when the Master Plan was being discussed, two area farmers,

Mr. Runyard and Mr. Miller both agreed that the land in question is not prime agricultural. Mr. Herrmann agreed.

Ms. Moore asked if there is an Implementation Chapter in the Plan? Mr. Herrmann responded, "Yes". Ms. Moore asked if the Town has considered creating any more zoning districts such as a 10-acre, 20-acre or 5-acre mini farm district? Mr. Herrmann answered "Yes, a 20-acre district and a mini farm district is mentioned in Chapter 7. Mr. Mace asked if it had been mapped at this point? Mr. Herrmann replied "No".

With regard to Mr. Robinson's land, Mrs. Nelson, adjacent neighbor, opposes the category change on the Town's Plan and asked that the land be left in the Prime Agricultural category for 10 years before reviewing again. She said it is productive farmland and if the change is allowed, good farmland will go to waste.

Ms. Moore asked Mr. Herrmann, how do the acreages and suggested densities calculate with the suggested population for the next 20 years, and is all this land needed for the projected populations, which have been made? Mr. Herrmann, replied "No", the Town is over on the amount of acreage needed, based on a 7% growth rate. He noted, on the proposed Town Plan, 576 acres are in the 5-acre category and the previous plan had 374 acres in the 5-acre category. In the previous plan, low density had 613 acres vs. 1,272 acres in the new plan. The medium density went down from 485 acres to 257 acres and multi-family increased.

Mr. Herrmann submitted the new Town Land Use Plan Map showing the categories for the Commission and Committee for their review.

9. In the Town of Summit, the following request is being made:

- A. *The Town of Summit*, has requested that its Land Use Plan, adopted by the Town Board in June 2001, be incorporated as an amendment to the Waukesha County Development Plan.

Mr. Elling, Town Planner, said the entire plan is in compliance with the Smart Growth Legislation. Included in the Plan is the annexation of the Pabst Farms to the City of Oconomowoc and a long-term agreement with the City. He noted by April 2003, the Zoning Ordinance will be completed for the Commission and Committee's review which updates and incorporates all of the land use designations on the Master Plan. Specific changes include, an old quarry from the Extraction to Medium Density Residential. Mr. Mace asked if the area has been restored? Mr. Elling replied, "The site has been minimally restored." The Boundary Agreement with the City of Oconomowoc as part of the Pabst Farm discussion included extending sanitary sewer and water south of I-94. The City of Oconomowoc would extend sewer west of the Pabst property, east along C.T.H. "DR" south of I-94 and east to Sawyer Road. A Preliminary Facilities Plan has been completed for sanitary sewer to be extended to all properties around Silver Lake.

Seven properties are proposed to be changed from Medium Density Residential to Industrial, various lands west of Dousman Road, north of C.T.H. "DR" and south of I-94. Two commercial sites, one being a vacant restaurant (Suburban I Residential to Commercial) and the other, a bait shop and small concession stand (Low Density to Commercial). The Town recently purchased 80 acres of land on Genesee Lake Road west of Dousman Road for a new Town Park (Rural Density Residential to Recreational). In the future it may include new Town Hall facilities. Another general change includes land identified by the Town for future single-family residential development. It would then be placed in a residential single-family zoning. The balance of the land area which is not developed has been shown as three-acre density single-family residential.

158-R-001, 002

Referring to the map submitted from the Town of Summit, Mr. Mace asked if the larger pink areas contained densities of three acres per unit? Mr. Elling, replied, "Yes" it is essentially three-acre density but is shown as 2.4 acre density, which excludes roads, wetlands and floodplain. Mr. Mace asked "What is the overall density of the single-family residential and PEC's? Mr. Elling replied, he could not answer that specifically. Mrs. Jaske asked, why it would it go from five acres to three acres? Mr. Elling answered, as part of the Town's Zoning Ordinance, more cluster development and having the capabilities to provide additional open space are supported and would still have the same number of residential units. Mrs. Haukohl asked about public opinion? Mr. Elling said most of the discussions with the public had to do with the Pabst Farms and Delafield Road Corridor.

10. In the Town of Waukesha, the following request is being made:

- A. *Lee McInnis, representing the Waukesha Bible Church*, requests an amendment for a portion of their property located in the SE ¼ of the SE ¼ of Section 27, Town of Waukesha (Tax Key No. WAKT 1404.997), from the existing Government and Institutional category to the LDR category to permit the creation of two residential parcels on the church lands.

Mr. Mace indicated the property is located at the intersection of Glendale Road and S.T.H. 164 in the Town of Waukesha. A veterinary facility is located on the north side of Glendale Road. Mr. McInnis said they wish to sell approximately 2.75 acres on the northwest corner of the parcel to generate revenue for various repairs needed for the church. The church could not expand in that direction due to the fact there is a pipeline easement located there. He explained, that portion of the property is not much use for the church. Two lots are being proposed, approximately 1.4 acres in size each, with access to Glendale Road. On June 13, 2002, the church received conceptual approval from the Town of Waukesha. Mr. Mace asked how much of the proposed Parcel No. 1 is affected by the pipeline? Mr. McInnis answered the pipeline makes a jog across the southern half of Parcel No. 1. Mr. Jeskewitz said any building would have to be located 50 to 100 feet away from the pipeline. Mr. McInnis said there is a 75' easement which belongs to the School District. Mr. Mace explained it is an ownership strip not an easement. He asked, why not have the access for the two lots off of the new public road? Mr. McInnis said it would take longer to develop and if access was off of the new road for the proposed lots, the church would have to pay for a portion of the road. Ms. Moore asked if there was a Conditional Use on the church property, which would need to be amended to reduce the land? Mr. McInnis answered the church is located in the Public and Institutional category. Mr. Mace noted the town needs to rezone the lands.

It was decided the Joint Meeting of the Park and Planning Commission and the Land Use, Parks and Environment Committee for the Year 2003, Amendments to the Waukesha County Development Plan will take place be at 9:00 a.m. on April 15, 2003.

There being no one and no further business to come before the Joint Committee and the Waukesha County Park and Planning Commission, Chairperson Kolb adjourned the Public Hearing at 2:30 p.m.

Respectfully submitted,

Mareth Kipp / kb

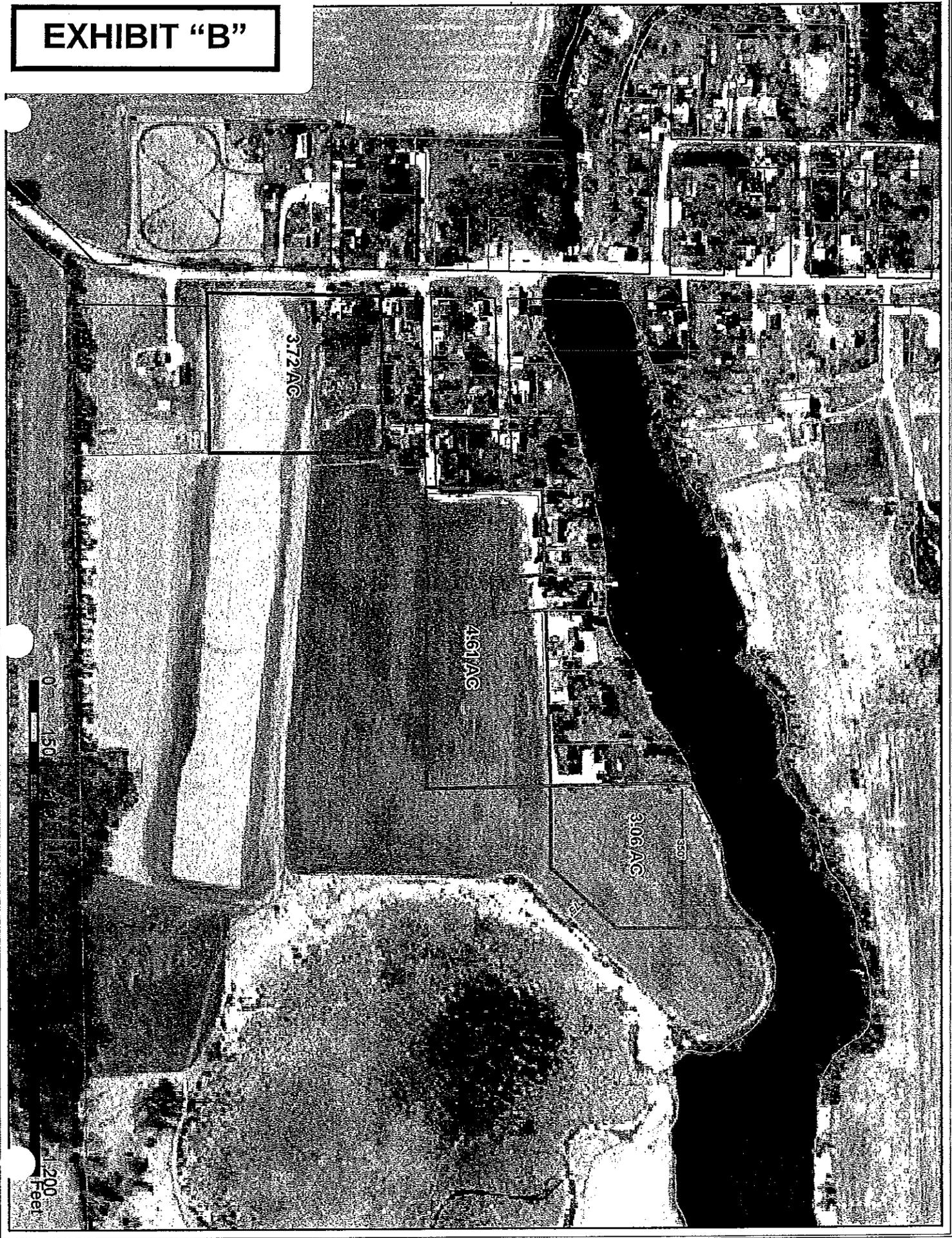
Mareth Kipp, Secretary
Park and Planning Commission

Pauline T. Jaske, Secretary
Land Use, Parks and Environment
Committee

MK:kb

158-R-001, 002

EXHIBIT "B"



158-R-001.002