

ENROLLED ORDINANCE 164-91

YEAR 2010 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT
PLAN FOR WAUKESHA COUNTY (2A - TOWN OF EAGLE PLAN
COMMISSION AND TOWN BOARD, TOWN OF EAGLE)

WHEREAS on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled Ordinance No. 163-81, approved a Comprehensive Development Plan for Waukesha County, and

WHEREAS said Comprehensive Development Plan for Waukesha County provides for annual update and amendment procedures, and

WHEREAS on February 4, 2010, 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 Comprehensive Development Plan for Waukesha County, and

WHEREAS the staff has identified in a "Staff Report and Recommendation" dated February 18, 2010, a summary of the Public Hearing, comments and Staff Recommendations for the proposed changes to the Comprehensive Development Plan for Waukesha County, and

WHEREAS said "Staff Report and Recommendation" was reviewed by the Waukesha County Park and Planning Commission on February 18, 2010, and a recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required in the Comprehensive Development Plan for Waukesha County and as set forth in the "Chart of Actions," on file in the Department of Parks and Land Use.

THE WAUKESHA COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following amendment is hereby approved to the Year 2035 Comprehensive Development Plan for Waukesha County.

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

A. ***The Town of Eagle Plan Commission and Town Board*** requested various changes to the Town's Comprehensive Land Use Plan, proposing to change a number of areas in the Town from their present Land Use designation to new Land Use designations, as outlined on the copy of the Land Use Plan submitted with the application and subject to the following condition:

"The five (5) residential areas of change will be mapped in the Suburban II Density Residential (SDRII) and the Rural Density Residential and Other Agricultural Lands (RDROAL) categories and the Industrial Park/Business area east of the Village of Eagle is changed from the Commercial category to the Mixed Use category as shown on the map attached to the Staff Report and Recommendation."

BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment are on file in the office of the Waukesha County Department of Parks and Land Use.

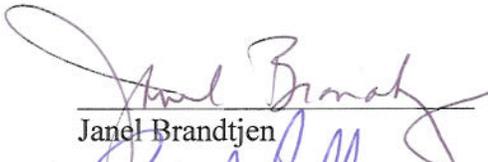
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Eagle.

YEAR 2010 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT
PLAN FOR WAUKESHA COUNTY (2A - TOWN OF EAGLE PLAN
COMMISSION AND TOWN BOARD, TOWN OF EAGLE)

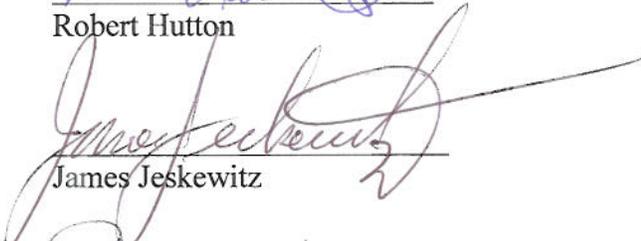
Presented by:
Land Use, Parks, and Environment Committee

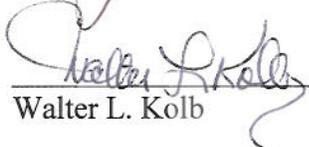
< ABSENT >

Fritz Ruf, Chair

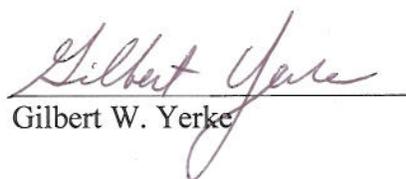

Janel Brandtjen


Robert Hutton


James Jeskewitz


Walter L. Kolb

< ABSENT >
Ted Rolfs


Gilbert W. Yerke

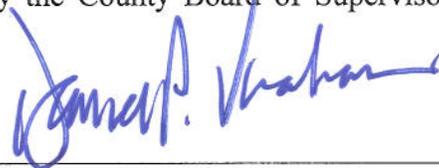
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 3/30/2010, 
Kathy Nickolaus, County Clerk

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

Approved: X

Vetoed: _____

Date: 3-30-10, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-03/23/10

(ORD) NUMBER-1640094

1 D. FALSTAD.....AYE
3 R. HUTTON.....AYE
5 J. JESKEWITZ.....AYE
7 P. HAUKOHL.....AYE
9 J. HEINRICH.....AYE
11 F. RUF.....AYE
13 P. DECKER.....AYE
15 P. MEYERS.....
17 J. TORTOMASI.....AYE
19 S. WIMMER.....AYE
21 W. ZABOROWSKI.....AYE
23 J. PLEDL.....AYE
25 G. YERKE.....AYE

2 T. ROLFS.....
4 J. DWYER.....AYE
6 J. BRANDTJEN.....
8 T. SCHELLINGER....AYE
10 D. SWAN.....AYE
12 P. WOLFF.....AYE
14 B. MORRIS.....AYE
16 D. PAULSON.....AYE
18 K. CUMMINGS.....AYE
20 P. JASKE.....AYE
22 P. GUNDRUM.....
24 W. KOLB.....AYE

TOTAL AYES-21

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

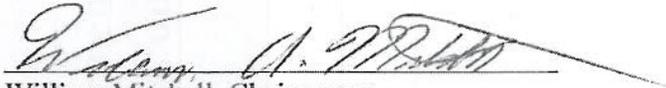
TOTAL VOTES-21

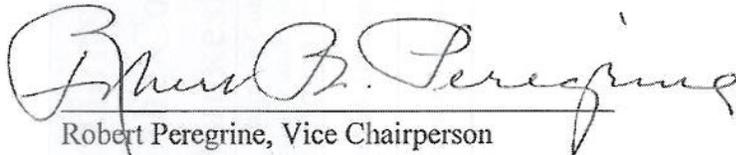
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2010 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (2A – Town of Eagle Plan Commission and Town Board, Town of Eagle) hereby recommends approval in concurrence with the attached chart entitled "Year 2010 Amendments to the Comprehensive Development Plan for Waukesha County" (actions taken by the Park and Planning Commission).

PARK AND PLANNING COMMISSION

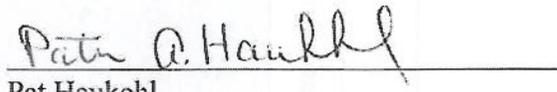
February 18, 2010

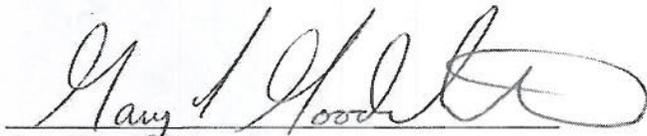

William Mitchell, Chairperson

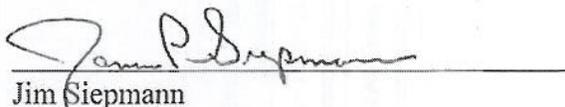

Robert Peregrine, Vice Chairperson


Walter Kolb


Bonnie Morris


Pat Haukohl


Gary Goodchild


Jim Siepmann

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
YEAR 2010 AMENDMENTS TO THE COMPREHENSIVE
DEVELOPMENT PLAN FOR WAUKESHA COUNTY

DATE: February 18, 2010

NATURE OF REQUEST:

Year 2010 amendments to the Comprehensive Development Plan for Waukesha County pursuant to the procedures outlined in the Plan.

PUBLIC HEARING DATE:

Thursday, February 4, 2010, 10:00 a.m.

PUBLIC REACTION:

In the case of the Town of Brookfield request, only one party was present who owned one of the two parcels north of the Galleria West Shopping Center, which contain approximately 0.9 acres each and on which a residence presently exists although it has been used for limited commercial purposes in the past. He indicated that he had recently acquired the property and may be interested in redeveloping the site with multi-family uses. The Town also included a brief description of the process that they went through in considering their request for amendment. The Town Plan Commission took action on January 26, 2010, immediately following the public hearing and recommended in favor of the change for the subject properties from the Commercial and Multi-Family categories to the Mixed Use category. At its meeting of February 2, 2010, the Town Board voted unanimously in favor of the Town Plan Commission's recommendation to change the land use category to the Mixed Use category. An adjacent property owner to the north and the owner of the multi-family structure, included with this request, a letter in support of the proposed change but suggested that the County and the Town be cautious in how they review and approve future projects for the two (2) small parcels north of Galleria West Shopping Center, and suggested they be combined with other properties so as to provide a development that is consistent with the scale of other properties in the area.

Regarding the Town of Eagle Plan Commission's request, the Town Chairman and the Planner responsible for assisting the Town were present and made a brief presentation on the proposed changes. The Planning and Zoning Division Staff had recommended changes to five (5) different developed subdivisions that had been mapped for two (2) acre densities on the proposed Town Plan and that said areas be mapped in the original County Plan designation recognizing the fact that all five (5) of those projects included open space common to all the property owners in those developments and that those lot sizes were determined on the basis of the overall site including the common areas. The Town indicated their agreement with that change.

With respect to the Town of Waukesha request, there were numerous people including most of the owners of the subject area of change, with the exception of Mr. Kolb who were all opposed to the change in designation for their properties which was proposed in the plan amendment for numerous reasons. Mr. Kolb excused himself from the hearing and made no comment during any of the hearing processes related to his property which was the largest part of the Town of Waukesha area request.

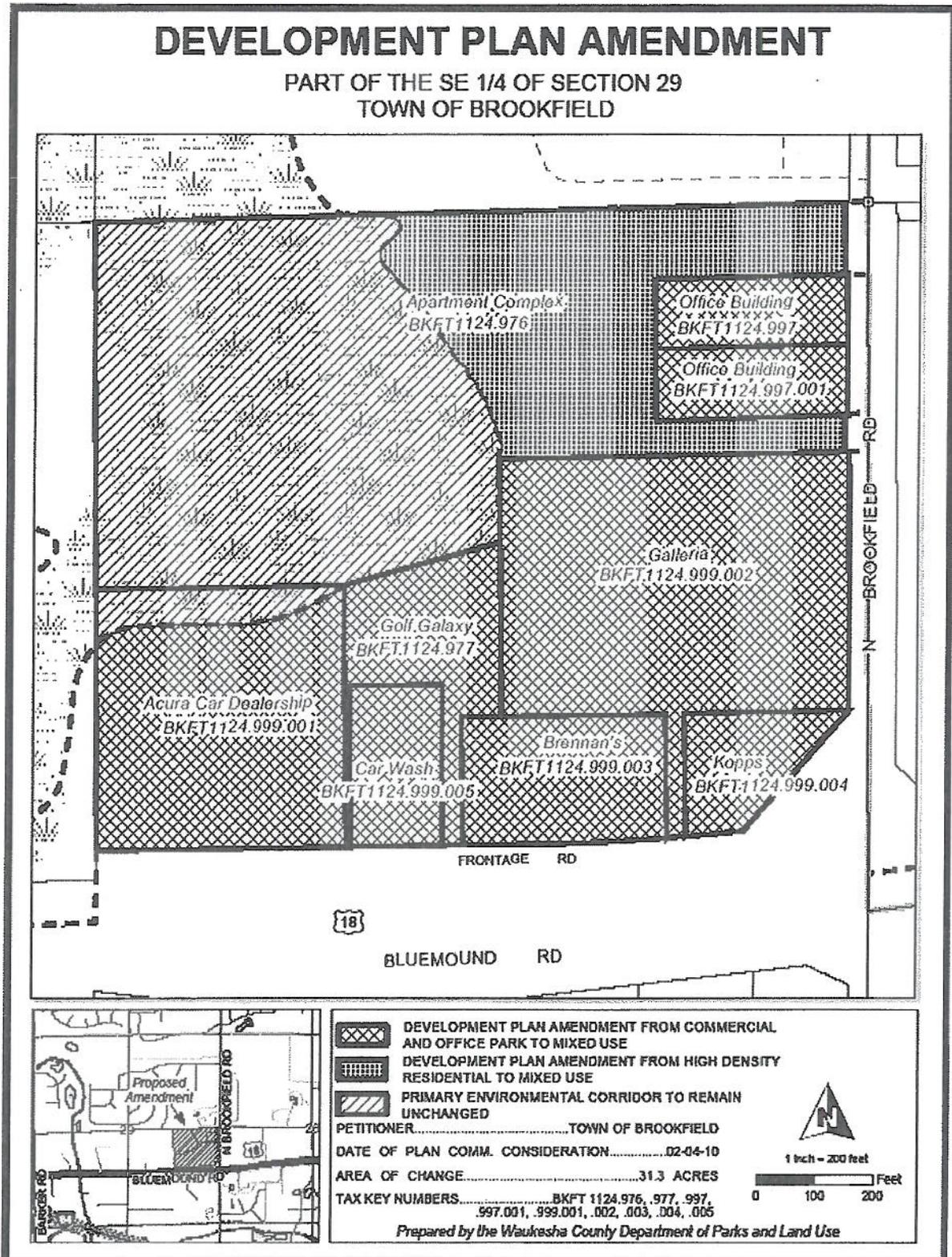
A copy of the public hearing Minutes and the maps associated with the various properties requested for change are included herein as attachments (see Exhibit "A").

STAFF REVIEW AND RECOMMENDATION:

1. In the Town of Brookfield, the following request is being made:
 - A. *The Town of Brookfield Plan Commission and Town Board*, requests that nine (9) parcels on the northwest corner of Brookfield Road and Bluemound Road (including an auto dealership, Galleria, Kopp's, Brennan's, a car wash, two (2) small office buildings and the apartment complex to the north of Galleria) be amended from the Commercial and High Density Residential category to the Mixed Use category. The parcels in question include the following nine (9) Tax Key No.'s (BKFT 1124.976, BKFT 1124.977, BKFT 1124.997, BKFT 1124.997.001, BKFT 1124.999.001, BKFT 1124.999.002, BKFT 1124.999.003, BKFT 1124.999.004, and BKFT 1124.999.005) all located in the SE ¼ of Section 29, Town of Brookfield. No change to the Primary Environmental Corridor designation on the subject site is being proposed.

The subject area of change is located at the northwest corner of S.T.H. 18 (Bluemound Road) and Brookfield Road. The property is presently occupied by a number of businesses including a car dealership, Kopp's Custard, Brennan's Market, Galleria retail stores, etc. and to the north is the senior housing facility owned by Pro Health Care not including their nursing type facility, along with the two (2) lots that were the primary subject of discussion and which prompted this request by the Town. Those two (2) properties are only 0.9 acres in size each and are occupied by a former residence that has been used for limited retail uses and a second 0.9 acre parcel occupied by the law offices of Kay and Kay Attorney's located to the north of the aforementioned residence. There is essentially no undeveloped property within the proposed change area, although a large portion of some of these property holdings are occupied by Primary Environmental Corridor consisting of wetlands. Access is available directly onto Brookfield Road at five different locations and to Bluemound Road only by a frontage road which connects with Bluemound Road in front of the car dealership. The request to modify the land use plan was prompted by a request from the present owner of the Galleria West Shopping Center who recently purchased the aforementioned residential house, immediately north of the Galleria West Shopping Center. This property along with the law offices property were the impetus for the Town to decide to request this land use change to the Mixed Use category due to the existing mix of uses throughout the area. They felt that a mixed use category was a more appropriate designation to allow for flexibility in the future for redevelopment of various parcels within the subject area.

Uses surrounding the site include a nursing home to the east and north, wetlands to the northwest, the Eble Ice Arena facility to the west and on the south side of S.T.H. 18, there is all Commercial uses including a gas station, a small shopping center including a variety of uses and a tavern. To the southeast, on the southeast quadrant of Brookfield Road and Bluemound Road, is an auto parts store and a McDonald's. The owner of the south 0.9 acre parcel recently purchased the subject building with the intent to consider its redevelopment, with one concept presented to the Town for multi-family uses, although no specific proposal has been made at this

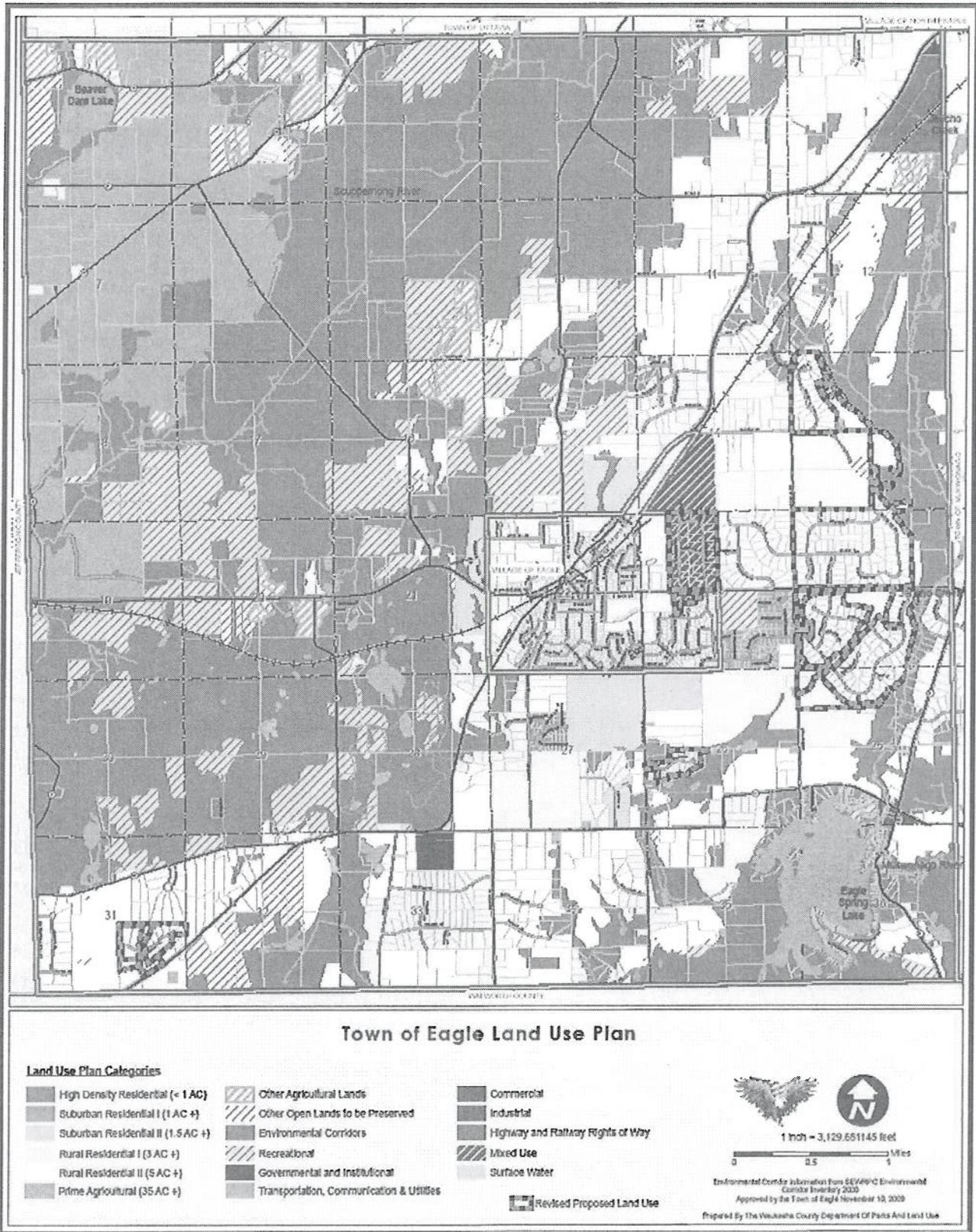


point and it was this issue which prompted the request. The property owner to the west and north (ProHealth Care) represented by Mark Wimmer, was concerned with how such a small parcel of land could be developed and integrated into a project that would fit within the context of the other uses that are occurring in the area, especially since each of the parcels in question are owned by separate entities and are fairly small. Access to Brookfield Road was a concern and he felt that the Mixed Use designation was appropriate, however, he felt the Town needed to pay special attention to how redevelopment of those two (2) parcels could occur in the future, keeping in mind how they fit in and relate to the adjacent and surrounding uses.

It is the opinion of the Planning and Zoning Division Staff that this request to modify the Land Use Plan to provide for the Mixed Use category in this area of the Town of Brookfield be approved. While we share the landowners to the north's concern about how these small parcels could be redeveloped and compliment other uses in the area while also paying particular attention to their relatively small size, the Town will have to consider those issues in planning and approving redevelopment. Quite possibly, the best way to redevelop those would be in combination with adjacent lands. The Planning and Zoning Division Staff has no strong opinion one way or the other as to whether they should be used for commercial or residential uses, although they likely would be best redeveloped for multi-family or office type uses in light of their location next to residential type uses. Based upon the limited accessibility they have to Brookfield Road, hopefully the internal road pattern that already exists on the surrounding properties could be better utilized to accommodate redevelopment so as to minimize the number of access points onto Brookfield Road.

2. In the Town of Eagle, the following request is being made:
 - A. *The Town of Eagle Plan Commission and Town Board*, have requested that various changes to the Town's Comprehensive Land Use Plan are proposed to change a number of areas in the Town from their present Land Use designation to new Land Use designations as outlined on the copy of the Land Use Plan submitted with the application.

The Town's previous plan was prepared in 1983, adopted on November 8, 1988 and formally updated in 1991. Given that it has been more than two (2) decades since the creation of the plan, the plan has grown out of date. Eagle was the only town in the county that did not submit a local land use plan for inclusion into the Comprehensive Development Plan for Waukesha County (CDPW) that was adopted in February of 2009. The Town began a collaborative effort with the Village of Eagle to create a new land use plan in 2007, but the Town Plan was not complete in advance of the completion of the CDPW, and consequently, could not be incorporated. The Town Planner did sit on the County Comprehensive Plan Advisory Committee, which steered the creation of the CDPW. The Town Plan draws upon the majority of the principles, objectives and standards of the CDPW with local refinements. In addition, the data sets generated out of the County Planning effort were utilized in the local planning effort. Consequently, there is a high level of consistency between the adopted County Plan and the proposed Town Plan. The Town Plan was approved by the Town Plan Commission on November 2, 2009 and was adopted by the Town Board on November 11, 2009.



The proposed plan emphasizes a desire to maintain the rural atmosphere of Eagle. Major focal points of the plan include a desire to formulate some sort of growth control or allotment system, a desire for conservation or cluster type development, and a stated interest in creating a development plan evaluation process. Other points of emphasis include recommendations to investigate border or cooperative agreements with the Villages of Eagle and North Prairie, to support the continuation of agricultural uses and to support new commercial and/or industrial uses but only where compatible with the surrounding uses.

The proposed Land Use Plan map is generally consistent with the adopted CDPW map but does contain a number of areas of difference. The Town Plan contains a new category called "Other Agricultural Areas," which are farmed areas that may be considered for possible residential growth in the future. A number of agricultural parcels are proposed to be placed in the Town's three (3) acre Rural Residential category, whereas the County Plan showed these in a five (5) acre category. These areas of change were generally near the Village of Eagle boundaries and in the S.T.H. 59 area in the northeast part of the Town. Given the Town's stated desire to concentrate development near existing developed areas or along major highway corridors, these changes seem consistent with County planning principles.

There are a number of developed subdivisions within the Town that are proposed to be placed into a different category than the category in which they were developed. It appears as though the Town's effort intended to categorize existing developments by lot size, whereas the County Plan has mapped lands based upon density. Therefore, it is the recommendation of Staff that the County Plan designation be maintained for such existing subdivisions. In addition, the business park area along C.T.H. "NN" is shown on the Town Plan as Commercial, but the CDPW Mixed Use category is also appropriate as such category can accommodate both commercial and light industrial type uses, which is representative of the development mix within that area.

It is the recommendation of the Planning and Zoning Division Staff that this request to adopt and incorporate the provisions of the newly adopted Eagle Land Use Plan be conditionally approved and that the CDPW be amended to reflect those new designations as shown on the Plan, with the condition that existing development should be mapped on the CDPW according to density. The Eagle Plan map shows these five (5) areas that Planning Staff recommends be mapped differently on the CDPW from the Town Plan and should be shown in the Suburban II Density Residential (SDRII) and Rural Density Residential and Other Agricultural Lands (RDROAL) categories. It should be noted that the Town of Eagle did not oppose these differences at the February 4, 2010 public hearing. Further, the Staff recommends that the subject business park east of the Village be shown in the mixed use category, which will better suit the uses presently located therein and which will afford somewhat more flexibility in the future. The Planning and Zoning Division Staff feels that the new Eagle Plan, as revised, maintains a high level of consistency with the recently adopted CDPW and is a significant step forward, as the plan has been brought into date and sets forth a progressive approach to land use planning that accommodates conservation design and calls for comprehensive development design review and monitored growth.

3. In the Town of Waukesha, the following request is being made:
- A. *The Town of Waukesha Plan Commission and Town Board*, requests that the designation on nine (9) parcels in the NE ¼ of Section 35, the NW ¼ of Section 36, the SW ¼ of Section 25 and the SE ¼ of Section 26, Town of Waukesha, be changed from the Suburban Density II Residential category (3.0 to 4.9 acres per dwelling unit) to the Suburban Density I Residential category (1.5 to 2.9 acres per dwelling unit). The nine (9) parcels in question include the following Tax Key No.'s (Tax Key WAKT 1395.998, WAKT 1395.998.001, WAKT 1395.998.002, WAKT 1400.997.001, WAKT 1400.997.002, WAKT 1400.997.003, WAKT 1400.997.004, WAKT 1433.999 and WAKT 1433.999.001). There are some portions of these lands that are located in the Primary Environmental Corridor designation and those areas are not being revised.

This request was withdrawn by the Town of Waukesha.

Respectfully submitted,

Richard L. Mace / kab

Richard L. Mace
Planning and Zoning Manager

RLM:kab

Attachment: Exhibit "A" (Public Hearing Minutes)

**MINUTES – JOINT PUBLIC HEARING
 WAUKESHA COUNTY PARK AND PLANNING COMMISSION
 AND LAND USE, PARKS AND ENVIRONMENT COMMITTEE
 TO CONSIDER 2010 AMENDMENTS TO THE COMPREHENSIVE
 DEVELOPMENT PLAN FOR WAUKESHA COUNTY**

Thursday, February 4, 2010, 10:00 a.m., Room AC 255/259

Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha WI

CALL TO ORDER

Bill Mitchell, Chairperson, Waukesha County Park and Planning Commission called the Public Hearing to order at 10:00 a.m.

Waukesha County Park and Planning Commission Members Present:	Bill Mitchell, Chairperson Bonnie Morris Bob Peregrine	Gary Goodchild Jim Siepmann	Walter Kolb Pat Haukohl
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Commission Members Absent:	None
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Waukesha County Land Use Parks and Environment Committee Members Present:	Fritz Ruff, Chairperson James Jeskewitz	Janel Brandtjen Walter Kolb	Gilbert Yerke Ted Rolfs
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Waukesha County Land Use Parks and Environment Committee Members Absent:	Robert Hutton
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Staff Members Present:	Richard L. Mace, Planning and Zoning Manager Kathy Brady, Secretary Supervisor Mark Mader, County Board, Chief of Staff Sarah Spaeth, Legislative Policy Advisor Jason Fruth, Senior Planner Sandy Scherer, Senior Planner
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Guests Present:	Brian Pionke Howard Wurglar Gary Jackson Annette Larson Bill Honeyager Joseph McCarthy Chris Stergiou	Tom Delacy Cori Wurglar Wayne Borchardt Mary Oberst Pamela Meyer Tim Kay	Bob Kwiatkowski Robert Szmanda Bill Bode Lisa Boehm Barb Holtz Kathy Kerrigan
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- Public Hearing to Consider Amendments to the Comprehensive Development Plan for Waukesha County.

Chairperson Mitchell moved to the items noted on the agenda.

1. In the Town of Brookfield, the following request is being made:
 - A. *The Town of Brookfield Plan Commission and Town Board*, requests that nine (9) parcels on the northwest corner of Brookfield Road and Bluemound Road (including an auto dealership, Galleria, Kopp's, Brennan's, a car wash, two (2) small office buildings and the apartment complex to the north of Galleria) be amended from the Commercial and High Density Residential category to the Mixed Use category. The parcels in question include the following nine (9) Tax Key No.'s (BKFT 1124.976, BKFT 1124.977, BKFT 1124.997, BKFT 1124.997.001, BKFT 1124.999.001, BKFT 1124.999.002, BKFT 1124.999.003, BKFT 1124.999.004, and BKFT 1124.999.005) all located in the SE ¼ of Section 29, Town of Brookfield. No change to the Primary Environmental Corridor designation on the subject site is being proposed.

Mr. Mace pointed out the properties in question, surrounding businesses and the environmental corridor on the aerial photograph. He indicated, that correspondence was submitted to the County and read into the record from Mr. Mark Wimmer, Executive Director of Prohealth Care Regency Senior Communities (property located to the north) who expressed concerns regarding two (2) of the properties (Tax Key No. BKFT 1124.997 and BKFT 1124.997.001) which are office type uses located on Brookfield Road, north of the Galleria West Shopping Center. Concern was expressed as to how the two small parcels, very limited in size, could be integrated into the proposed Mixed Use category. If the parcels were to be combined, it could allow an appropriately scaled project consistent with other properties in the district. The correspondence also indicated their frustrations with the lack of communication with the Town of Brookfield Board and Plan Commission regarding the request. Mrs. Morris asked if there was a list of acceptable uses in the Mixed Use category, or would each use be required to obtain a Conditional Use in order to operate? Mr. Mace replied, the Mixed Use category primarily accommodates a combination of retail, limited industrial and residential uses. Mrs. Morris asked, if a proposed use falls into any of those uses, would a Conditional Use Permit be required? Mr. Mace responded, "Not necessarily, it would depend on how the Town Zoning Ordinance reads and how the uses are regulated." He added, the specifics of each parcel will not be determined in this amendment process. In the future, a rezone amendment to the Mixed Use Zoning District would be necessary for properties proposing a specific use. Mrs. Haukohl cautioned that the Mixed Use category allows for a mixture of uses and it may cause concern for surrounding property owners. Mr. Mace agreed, and stated his concerns were with traffic, vision and access issues to the two parcels indicated above. Regarding access to the parcels, he indicated there is a private easement immediately to the south of said two (2) small parcels to access the Galleria West Shopping Center but currently there is no access available to that easement for the parcels to the north. Due to congestion in the area and a hill restricting vision to the north along Brookfield Road, access may pose problems to those parcels and any future development.

Mr. Mace also read into the record correspondence from Mr. Gary Lake (Town of Brookfield Building Inspector) related to the amendment request which included the Town Plan Commission and Town Board Minutes. Mr. Bode, from Brayton Management Company, indicated his offices are located at the Galleria West Shopping Center and he and his partners own one of the two office building properties in question and was involved with the development of the original 30 acre farm in 1984 into the Galleria West Shopping Center and since then. He agreed that a Mixed Use category would enable them to go forward with redevelopment of the subject parcel in the future.

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

2. In the Town of Eagle, the following request is being made:
 - A. *The Town of Eagle Plan Commission and Town Board*, have requested that various changes to the Town's Comprehensive Land Use Plan are proposed to change a number of areas in the Town from their present Land Use designation to new Land Use designations as outlined on the copy of the Land Use Plan submitted with the application.

Mr. Fruth, Senior Planner presented an overview of the request to the Commission and Committee. He indicated the Town of Eagle did not have their planning effort complete when the Waukesha County Comprehensive Development Plan was adopted last year. A collaborative effort was established with the Village of Eagle beginning in 2007 for an update and was completed at the end of 2009. The Town's comprehensive document is similar to the Waukesha County Comprehensive Development Plan and the majority of the principles, objectives and standards from the County's plan were rolled into the plan with local refinements. The Town of Eagle's original plan was prepared in 1983 by a local consultant and formally adopted in the late 1980's with an update in the early 1990's. Some of the updated plan's key principle's are: a strong desire to maintain rural atmosphere, the encouraging of conservation design, to establish an allotment/growth management tool and consider working with neighboring communities on possible border agreements.

Mr. Fruth referred to a map illustrating the key areas of change. He indicated there was a consolidation of categories with seven to eight categories being eliminated. In addition, a new category was created "Other Agricultural Lands" and is described as lands that are envisioned to stay in agricultural use for the present time and are different than the Prime Agricultural Lands category. He pointed out several parcels in the northeast corner of the Town showing increases in density being proposed. The Town Plan emphasizes that development areas should be directed towards either existing urban development (around the Village of Eagle in particular, and an area south of the Village of Eagle and southwest of North Prairie along S.T.H. 59.) Mr. Yerke asked if the Industrial area on the map was new? Mr. Fruth replied, "No". He further explained it was a plan amendment a few years ago to accommodate a business park but with the downfall in the economy it has not been developed. Mr. Mace added the amendment also included three (3) acre areas west of S.T.H. 59. Mr. Fruth pointed out that in some areas subdivisions that were previously developed have had the categories changed from the County categories to more dense categories based on lot size rather than overall density. Mr. Pionke, Town of Eagle Planner, submitted a Memorandum to the Commission and Committee members summarizing the map amendments. He pointed out on the map all areas located in the "Other Agricultural Lands" category. These areas contain lands that are 35 acres in size, are currently farmed and intended to remain in farming in the long term but are not Prime Agricultural lands. Another change involved eliminating categories and now there are 17. He pointed out several areas in the "Other Open Lands to be Preserved" category on the map and explained these are lands purchased by the DNR or the Land Conservancy and are intended to be left as preserved lands.

Mr. Kwiatkowski, Town of Eagle Chairperson, said the Town's long-range plans are for future growth in areas southeast of the State Forest. Mr. Mace added that there has been a good working relationship/communication between the Town of Eagle and Waukesha County.

Mr. Siepmann asked if any workforce housing has been taken into account? Mr. Kwiatkowski replied, not in our current plan. Mr. Fruth indicated there was discussion regarding affordable housing. Mr. Kwiatkowski said that affordable housing areas are located in and around the Village with smaller lot sizes. Mr. Yerke asked about the Industrial category located in the northeast corner on the map? Mr. Kwiatkowski answered that the business park in Section 1 was put on hold based on the economy. The Industrial category was chosen because of the railroad and highway accesses. Mr. Yerke expressed concerns with an industrial site being so close to Jericho Creek and its potential negative effects. He added that the Town of Mukwonago has gone to great measures to protect Jericho Creek. Mr. Pionke and Mr. Kwiatkowski said the eventual uses in the business park would be light industrial/manufacturing and business/office uses and there is language in the plat that protects Jericho Creek with setbacks, etc. Mr. Mace added that the amendment had protection built into the rezone.

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

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

- A. *The Town of Waukesha Plan Commission and Town Board*, requests that the designation on nine (9) parcels in the NE ¼ of Section 35, the NW ¼ of Section 36, the SW ¼ of Section 25 and the SE ¼ of Section 26, Town of Waukesha, be changed from the Suburban Density II Residential category (3.0 to 4.9 acres per dwelling unit) to the Suburban Density I Residential category (1.5 to 2.9 acres per dwelling unit). The nine (9) parcels in question include the following Tax Key No.'s (Tax Key WAKT 1395.998, WAKT 1395.998.001, WAKT 1395.998.002, WAKT 1400.997.001, WAKT 1400.997.002, WAKT 1400.997.003, WAKT 1400.997.004, WAKT 1433.999 and WAKT 1433.999.001). There are some portions of these lands that are located in the Primary Environmental Corridor designation and those areas are not being revised.

Mr. Kolb excused himself from the table due to a conflict of interest regarding the amendment as he was a major landowner in the area of change. Mr. Mace pointed out the properties affected on the aerial photograph and indicated there is no specific development proposal being made at this time for any of the properties. Mrs. Haukohl asked what categories surround the properties in question? Mr. Mace replied, Low Density Residential (LDR) category to the north and west (0.5 to 1.5 acres of area per dwelling unit), Suburban Density II category to the south and east (3.0 to 4.9 acres of area per dwelling unit) and Other Open Lands to be Preserved. Mr. Rolfs questioned what would be the logic of increasing the density with Primary Environmental Corridor and other SDR II lands surrounding the properties? Mr. Mace replied, the request was submitted from the Town of Waukesha and he has no reason to discuss this at this public hearing stage. Mrs. Morris asked if the LDR category was sewered and watered, to which Mr. Mace responded, "No".

Mr. Delacy from the Town of Waukesha explained the Town felt the proposed request is a good transition from the one acre category to the north, and to the three to five acre categories to the south, east and west. Mr. Siepmann asked what is the total area of change and how many acres are Primary Environmental Corridor (PEC)? Mr. Delacy responded, approximately 200 acres and added that he was unsure of the amount of PEC. Mr. Mace said the PEC may be included in the total number of acres but he had not done a calculation.

The hearing was opened for public comment and questions. Many neighbors and concerned citizens all spoke in opposition of the project. Their concerns are summarized below:

- Mr. Kolb originally requested a change to his property. The Town included other property owners with the amendment request and none of the other property owners wanted this change.
- Several persons residing on the adjacent Cottontail Trail expressed concerns regarding the affects of adverse drainage and runoff to their properties if development were to occur. Their properties are situated lower than the subject properties included in this amendment (with more density there will be additional impervious surfaces). Currently, during major rain events and spring thaws, water pools in their yards. Years ago, the Town of Waukesha was supposed to put in a water retention area but it was never done.
- Increasing the density would be a mistake, and wanted the density retained as it currently is.
- Two petitions (on file) were submitted with 165± signatures all opposing the request.
- Residents moved to this area to have larger parcels of land, a more rural environment, to be able to have horses and open lands and were opposed to increased densities.
- The negative effect on property values.
- Reject the requested amendment and send it back to the Town of Waukesha.
- The property owners included in this amendment were frustrated that they were not notified of the proposed request by the Town of Waukesha, but were notified by the County for this public hearing.
- Maps submitted at the Town of Waukesha Public Hearing were inaccurate.
- Questioned the benefit of the proposed amendment for the property owners?
- The wishes of the property owners were not heard by the Town.
- Why would the Town want 1.5 to 3.0 acre parcels in between 5, 10 and 20 acre parcels?
- One property owner was frustrated that his property wasn't included on any of the Town's paperwork or at the Town's public hearing and now his parcel is included in the amendment which he blamed the Town for.
- At the Town's public hearing not one person spoke in support of the request, only the property owner who originally requested a change to his own property.
- Why should a decision favoring one land owner be made at the expense of approximately 40 adjoining and nearby property owners who have five acre or larger parcels?

Chairperson Mitchell asked if there were any other comments from the audience, Committee or Commission?

Mrs. Morris asked if the Commission and Committee could review copies of the Minutes of the Town Public Hearing, Town Plan Commission and Town Board relating to the Town of Waukesha amendment request? Mr. Mace replied that he would contact the Town and forward the Minutes by e-mail to the Commission and Committee members.

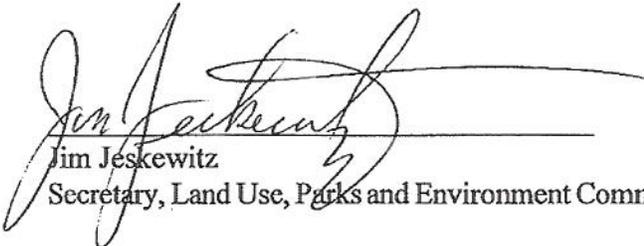
Mr. Mace announced that after the Public Hearing, the Waukesha County Department of Parks and Land Use Staff will have recommendations prepared for the above requests and on February 18, 2010, the Park and Planning Commission will meet to vote on the requests. The Land Use, Parks and Environment Committee will be invited to the February 18, 2010 meeting however, will not vote until their meeting on March 16, 2010. The Waukesha County Board of Supervisors will vote at their meeting of March 23, 2010. After the Waukesha County Board's action, the appropriate changes are made a part of the permanent record and the Comprehensive Development Plan for Waukesha County is amended as approved by the Waukesha County Board.

With no other comments, Mrs. Haukohl moved, seconded by Mr. Siepman and carried unanimously to adjourn the public hearing at 12:05 p.m.

Respectfully submitted,



Bonnie Morris
Secretary, Park and Planning Commission



Jim Jeskewitz
Secretary, Land Use, Parks and Environment Committee