

ENROLLED ORDINANCE 172-083

YEAR 2018 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (3A – GAUDION/LEGEND AT MERRILL HILLS, LLC, SECTION 18, T6N, R19E, TOWN OF WAUKESHA)

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 22, 2018, the Waukesha County Park and Planning Commission held a 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 March 1, 2018, a summary of the Public Hearing comments and a Staff Recommendation for the proposed change to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on March 1, 2018, and a recommendation was 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.

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

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

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

The request is approved subject to the following conditions:

1. The property shall be developed as a Planned Unit Development in substantial conformance with the Concept Plan dated February 14, 2018 and attached as Exhibit “A” of the Staff Report and Recommendation dated March 1, 2018.

2. The Isolated Natural Resource Area shall be protected in substantial conformance with the Septic Plan South Plan Sheet S1.2 dated February 23, 2018 and attached as Exhibit “B” of the Staff Report and Recommendation dated March 1, 2018.

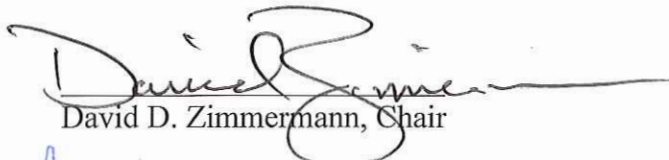
3. A storm water management plan shall be implemented that is in substantial compliance with the preliminary storm water management plan dated 12/5/2017, as approved by the Waukesha County Department of Parks and Land Use - Land Resources Division.

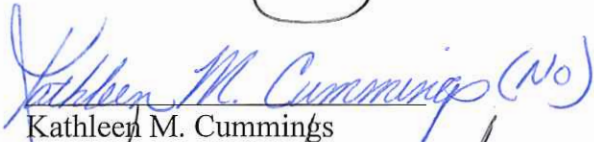
BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

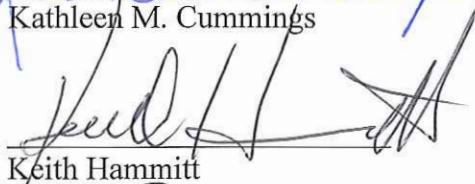
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Waukesha.

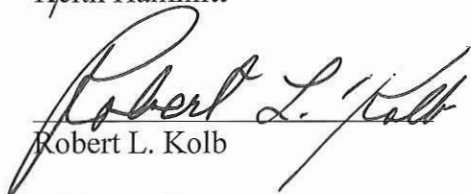
YEAR 2018 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (3A – GAUDION/LEGEND AT MERRILL HILLS, LLC, SECTION 18, T6N, R19E, TOWN OF WAUKESHA)

Presented by:
Land Use, Parks, and Environment Committee

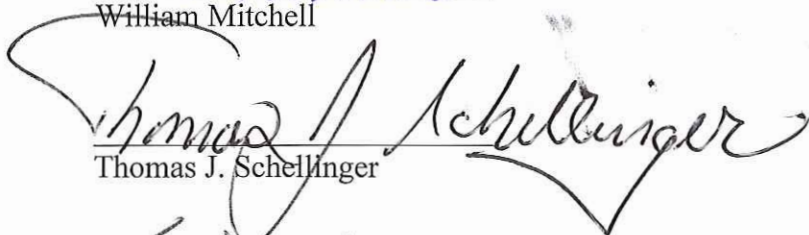

David D. Zimmermann, Chair

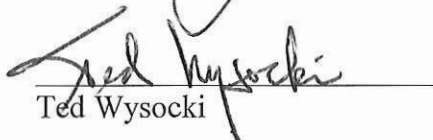

Kathleen M. Cummings


Keith Hammitt


Robert L. Kolb



William Mitchell


Thomas J. Schellinger


Ted Wysocki

as amended

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

Date: 3/27/18, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

Date: 3/30/18, 
Paul Farrow, County Executive

D1 - Kolb	AYE	D14 - Wood	AYE
D2 - Zimmermann	(M) AYE	D15 - Mitchell	(2) AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Zaborowski	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	Absent
D13 - Decker	AYE		

172-0-083

Passed (24 Y - 0 N - 1 Absent)

Majority Vote




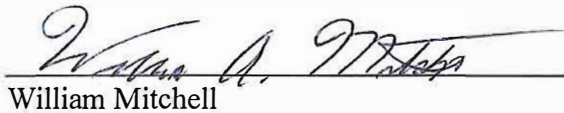
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2018 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (3A – Gaudion/Legend and Merrill Hills LLC, Section 18, T6N, R19E, Town of Waukesha) hereby recommends **approval**.

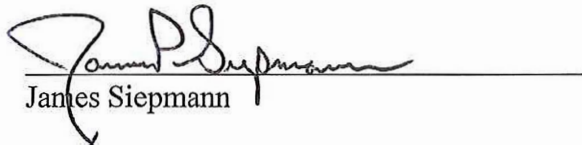
PARK AND PLANNING COMMISSION

March 1, 2018


Richard Morris, Chairperson


William Mitchell


Robert Peregrine


James Siepmann

Absent
William Maslowski


Bonnie Morris

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A
YEAR 2018 AMENDMENT TO THE COMPREHENSIVE
DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(3A – JACK GAUDION/THE LEGEND AT MERRILL HILLS, LLC)
TOWN OF WAUKESHA

DATE: March 1, 2018

PUBLIC HEARING DATE:

Thursday, February 22, 2018, 1:00 p.m.

REQUEST:

3 (A) Year 2018 amendment to the Comprehensive Development Plan.

Jack Gaudion, representing The Legend at Merrill Hills, LLC, 1325 E. Bristlecone Drive, Hartland, WI 53029, requests property located in part of the SE ¼ of Section 18, T6N, R19E, Town of Waukesha (Tax Key No. 1368.978.003), be amended from the Recreational category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to accommodate a Planned Unit Development containing 32 single-family homes within a gated golf course community.

EXISTING LAND USE CATEGORY

Recreational and Isolated Natural Resource Area (County).

PROPOSED LAND USE CATEGORY

Low Density Residential category (20,000 sq. ft. to 1.4 acres per dwelling unit), with an Isolated Natural Resource Area and the northern portion of subject parcel to remain Recreational.

TOWN LAND USE PLAN:

The Town of Waukesha's Land Use Plan designates the subject portion of the property as Low Density Residential (20,000 sq. ft. to 1 acre per dwelling unit).

PUBLIC REACTION

- Lori Barton, a representative of the Estate of Gerald C. Barton (WAKT1368978002, 1368.977), expressed concerns that the petitioner's survey does not accurately reflect the correct property boundaries. Ms. Barton also indicated tree cutting has occurred on some of the lands in question, including apple, wild cherry and maple trees. She asked that the survey discrepancies be resolved before the project proceeds. She submitted written correspondence expressing the same (See Exhibit "C").
- Written correspondence was received from Attorney Kevin Bublitz (See Exhibit "C"), who represents the Estate of Gerald C. Barton ("Estate"). The correspondence was addressed to the subject property owner and raises concerns about property lines and vegetation removal.
- Laurie Longtine, a resident on Oak Knoll Drive (WAKT1368.996), read from a letter and expressed numerous concerns and expressed that she felt that the process had failed them. Ms. Longtine indicated that she does not oppose the idea of development but objects to many issues. She stated that drainage issues for the area have increased since the driving range was installed, whereas she and others were told that the driving range and its related stormwater plans would improve neighborhood conditions. Ms. Longtine stated that this has not

occurred, nor has the developer followed through with contacting a specific property owner (James and Laura Schroeder) who currently experiences significant drainage issues. Ms. Longtine also expressed concerns about the potential for increased runoff from the proposed installation of the emergency access road from Oak Knoll Road.

- Shaun Mularkey, the Town of Waukesha Planner, spoke and indicated that he felt that the Town has followed all correct processes in reviewing this development. He explained that the Town also held a very lengthy public hearing on this matter. Mr. Mularkey stated that the Town felt, at the very least, the improvements will not increase the drainage problems, but rather will likely correct many of the issues nearby residents are experiencing.
- Peter Urlacher, an abutting resident to southeast (WAKT1368.976), expressed concerns that this development will increase the amount of standing water he experiences on his property. He is concerned about high groundwater and noted the wetlands in the area. He also expressed that there may be more wetland than what was located. He also expressed that the INRA will be important for wildlife in the area after a [proposed] four-lane bypass is constructed.
- Ron Agen, an abutting resident to the southeast (WAKT1368.991, WAKT1368.990), stated the subject property is filled with drain tile, which has not been taken into consideration. He also stated a concern about high ground water and noted that his property contains clay soils and he believed the subject property did as well. He raised concerns that all the additional runoff will adversely affect the septic systems. He also described that all owners along Oak Knoll Dr. had signed a petition against access to that road. He stated that developers on the Town Board have imbalanced views and he was glad to hear that the project would be a gated community with large lots. Ron and Ginger Agen also submitted written correspondence (see Exhibit "C") expressing concerns about tree cutting, wild life decrease and well and septic impacts.
- Dyann Harp submitted written correspondence in opposition of the change (attached as Exhibit "C")

STAFF ANALYSIS:

The 52-acre subject property is located immediately south of The Legend at Merrill Hills country club (formerly Merrill Hills Country Club) and contains a 12-acre driving range; the range/practice areas are proposed to remain. The remainder of the property is undeveloped. An approximately 8-acre wooded Isolated Natural Resource Area (INRA), which is proposed to remain, is located in the southeast part of the property. There are areas of isolated wetlands, both within and to the southeast of the INRA.

There are single-family subdivisions to the east and west of the property. Single-family residences also abut the south lot line along S.T.H. "59." While the property has frontage along S.T.H. "59," direct access to the property from the highway is restricted per WisDOT and is prohibitive because of wetlands near the highway. The surrounding lands to the east, south and west are planned in the Low-Density Residential category, with areas of INRA to the east and Recreational to the north. The Town's Land Use Plan designates the subject property in the Low-Density Residential category.

The petitioner is proposing to amend the designation of approximately 33 acres of land from the Recreational category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres per dwelling unit). The petitioner has provided a concept plan as part of the plan amendment request that depicts a 32-unit single-family condominium development. An existing parcel and home located on Oak Knoll Drive to the east has been acquired by the developer and that parcel would accommodate a secondary emergency access to the development. The development would be a gated community that is associated with the adjacent Country Club. All roads within the development will be private roads, with a golf cart path connecting the neighborhood to the existing clubhouse. Access to the proposed development would be via Merrihill Parkway and Sun Valley Trail which currently serve the Merry Hill neighborhood to the west. Sun Valley Trail is platted to the west property line and currently ends in a cul de sac. There was significant public opposition to a second access to the property from Oak Knoll Drive to the east. The Town ultimately conditionally agreed to the above mentioned second emergency access from Oak Knoll Drive.

The property is subject to Town zoning and the Town conditionally approved a Conditional Use for a Residential Planned Unit Development on December 14, 2017. The approval is subject to numerous conditions, including a requirement that the subject County Land Use Plan amendment be approved. The conditional approval would permit a maximum of 33 total units with a minimum condominium lot size of 20,000 sq. ft. If this plan amendment is approved, a Condominium Plat will be prepared. Stormwater management and private septic plans must be reviewed and approved prior to approval of a Site Plan or condominium plat. All building pads are proposed to be located outside of the INRA. While some lot lines encroach into the INRA, those areas are proposed to be placed in a conservation easement to protect them from development.

Residents of the surrounding subdivisions have raised concerns regarding adverse drainage and stormwater management. Land Resources Division staff has confirmed that there are a number of difficult existing drainage patterns surrounding the subject lands. Land Resources Staff has explained that the project engineer has prepared a preliminary stormwater plan that considers and addresses these off-site issues. The preliminary stormwater management plan shows that multiple infiltration basins will be utilized to capture stormwater generated on-site. In addition, natural drainage patterns will be re-routed in some instances to divert water to infiltration areas. Land Resources has given approval to the preliminary stormwater management plan for the proposed development. If successfully implemented, the drainage pattern for the area will likely be improved and areas of the site that previously generated significant runoff will be treated on site.

The development will be served by private septic systems and private wells. Due to soil limitations, many of the septic systems will be mound systems. In addition, a number of septic systems would be located within designated easements on commonly held open space. There are seven (7) condominiums that would be served by septic systems located within the fringe areas of the INRA. Environmental Health staff confirmed that topography and soils are such that serving these seven units with on-site systems is likely not practicable. In order to limit the proposed disturbance within the INRA, the petitioner is proposing to utilize a type of septic system that reduces the area of a standard mound system by [up to] 40%. Access, installation and maintenance of the septic systems is proposed to disturb less than 10% of the existing INRA, which is within the limitations set forth by the County Development Plan. No wells are proposed within the INRA.

STAFF RECOMMENDATION:

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

1. The property shall be developed as a Planned Unit Development in substantial conformance with the Concept Plan dated February 14, 2018 and attached as Exhibit "A".
2. The Isolated Natural Resource Area shall be protected in substantial conformance with the Septic Plan South Plan Sheet S1.2 dated February 23, 2018 and attached as Exhibit "B".

The amendment will allow residential densities on the subject property that are consistent with the surrounding pattern of development. The affiliated concept plan will bring a different form of housing option to this part of the Town by making a single-family condominium form of ownership available. The housing element of the County Development Plan calls for a broad range of housing types to be provided within the County. It is expected that the single-family condominium concept will be attractive to "empty nesters" and senior buyers, a growing demographic both locally and nationally. The proposed request complies with the objectives and standards of the Comprehensive Development Plan for Waukesha County. Specifically, the preliminary approved Stormwater Management Plan proposes to incorporate facilities that will reduce and re-direct runoff to help address existing drainage issues in the surrounding neighborhoods. The proposed disturbance to the INRA is limited and is in line with the recommendations of the Comprehensive Development Plan. The remainder of the INRA and all wetland areas are proposed to be placed in commonly owned outlots, which helps to further protect these environmentally sensitive areas from future development. The concept plan being considered would bring forward a fairly small residential community that would include substantial open space and preserved woodlands, thus benefitting the environment and the surrounding community.

Respectfully submitted,

Rebekah Leto

Rebekah Leto
Senior Land Use Specialist

Reviewed and approved by

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachment: Exhibit "A" Concept Site Plan
Exhibit "B", INRA Septic Plan South
Exhibits "C", Written Public Comments
Map

SITE DATA		DEVELOPMENT SUMMARY	
- Gross Acreage =	33 LOTS	- Proposed Zoning: R-1 (PUD)	
- Less Driving Range =	52.42 acres	- Town of Waukesha	
- Gross Development Area =	12.13 acres	- 32 - NEW single family units	
- Add Newmnan Parcel =	40.29 acres	+ 1 - Existing single family residence	
- PUD Area =	+2.00 acres	- Private, wooded units throughout	
- Less 80% of Wetlands =	42.29 acres	- 12 units > 20,000 s.f.	
- Total Residential Area =	-1.41 acres	7 units > 30,000 s.f.	
- Common Open Space = 40% (17.12 ac)	40.88 acres	3 units > 43,000 s.f.	
(Areas 1 - 7, excluding Driving Range)		- Graded Private Roads	
- Net Density = 53,962 s.f./lot > 41,000 s.f./lot		in 30' Wide Common Area	
- Total Road Length = 3,600 l.f. (109 l.f./lot)		- Private Path to Clubhouse	
- PUD Allowable Density (30% open space):		Unit Characteristics:	
1,780.7 ± s.f./41,000 s.f. = 43 units		- Unit Area: 20,000 l.f. (minimum)	
		- Ave Unit Size: 28,827 s.f.	
		- Average Unit Width = 130' m'n.	
		(Note: Unit = Single 70'-80' Lot)	
		- Building setbacks:	
		Front = 35' (50' to C)	
		Side = 15' Rear = 25'	

SITE PLAN

The Legend at Merrill Hills

Waukesha, WI

Prepared For:
The Legend at Merrill Hills LLC
1325 E. Bristolcove Drive
Harland, WI 53029



12650 W. FISH Avenue, Brookfield, WI 53005
P (262) 780-1480 F (262) 780-1481
jrc@trioinc.com

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FEB 15 2018

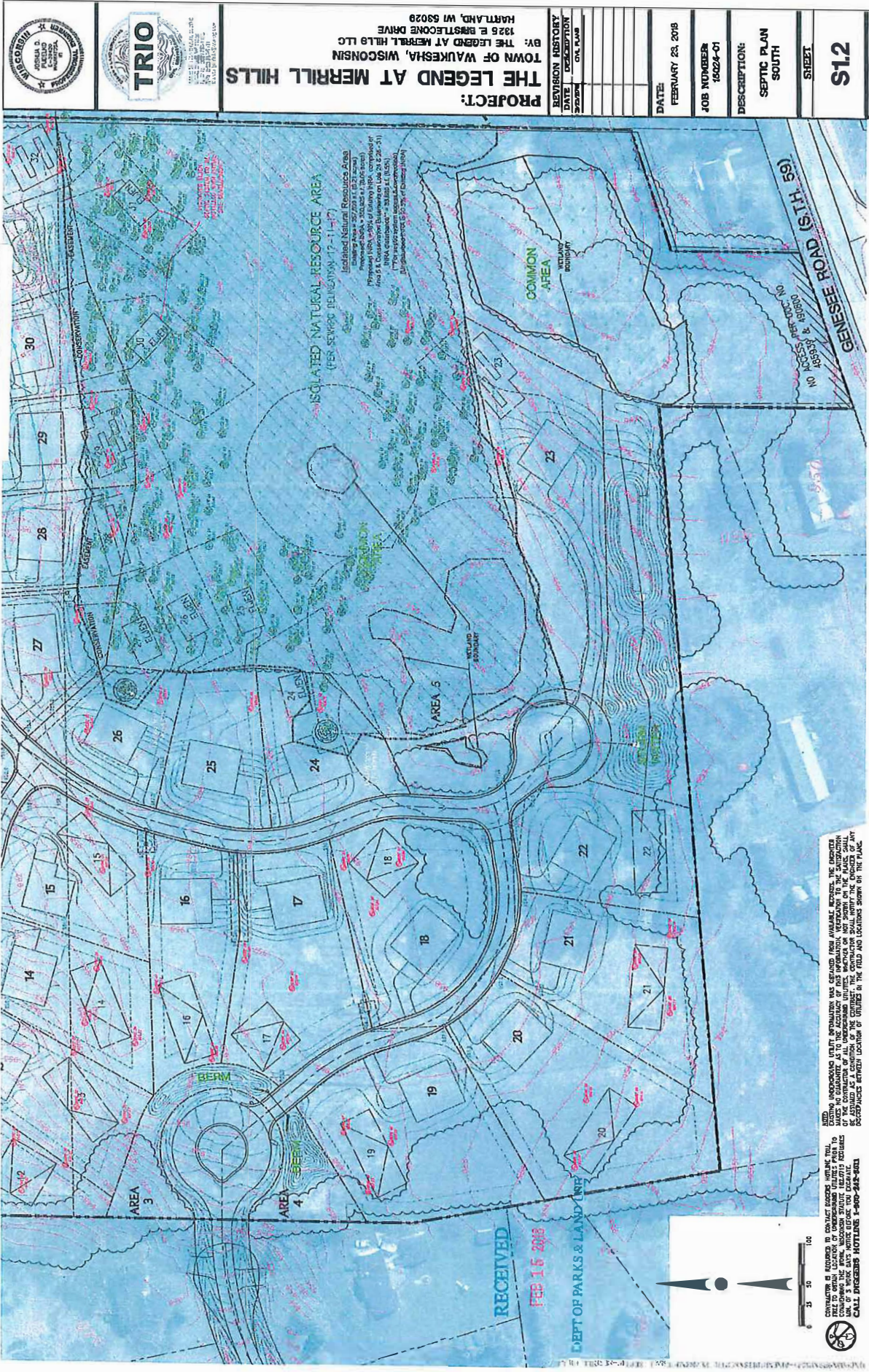
DEPT OF PARKS & LAND USE



COVENANTS AND RESTRICTIONS FOR THE PRIVATE SEPTIC SYSTEM EASEMENT AREAS IN THE LEGEND AT MERRILL HILLS:

1. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, & 11 in the single family development have been selected to show how individual septic systems to be installed partially in easement in the common open areas of the development.
2. These easement areas are established and described on the Ordinance Plat and the terms of the easements are recited by 15-5117 (Public Act 2015) and 15-5118 (Public Act 2015) of the Wisconsin Statutes.
3. All portions for the septic system, including, but not limited to, the septic tank, distribution box, and all necessary infrastructure shall be installed within the limits of the septic system easement.
4. At the time of all work proposed to be installed or installed on the lot, the owner shall have prepared the final design and location for the proposed septic system to be installed on the lot and/or within the easement provided. The final design and location shall be approved by the Wisconsin State Agency, including but not limited to the Department of Natural Resources, Department of Health Services, and Department of Transportation.
5. The lot owner shall be solely responsible to properly place and maintain all portions of the septic system placed within such easement.
6. The lot owner shall be solely responsible for the proper planning and maintenance of ground or subsurface systems within the easement and shall be responsible for maintaining the ground surface structures such that water infiltration and/or any other water shall not be allowed to enter the septic system or any other structure within the easement.
7. The lot owner shall be solely responsible to properly place and maintain all portions of the septic system placed within such easement.
8. The lot owner shall be solely responsible for the proper planning and maintenance of ground or subsurface systems within the easement and shall be responsible for maintaining the ground surface structures such that water infiltration and/or any other water shall not be allowed to enter the septic system or any other structure within the easement.
9. The lot owner shall be solely responsible to properly place and maintain all portions of the septic system placed within such easement.
10. The lot owner shall be solely responsible for the proper planning and maintenance of ground or subsurface systems within the easement and shall be responsible for maintaining the ground surface structures such that water infiltration and/or any other water shall not be allowed to enter the septic system or any other structure within the easement.

EXHIBIT "B"



NOTED: INFORMATION ON THIS PLAN IS BASED ON AERIAL PHOTOGRAPHS AND FIELD SURVEY DATA. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS REVIEWED ALL RECORDS AND DATA. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE INFORMATION PROVIDED AND DOES NOT EXTEND TO ANY OTHER INFORMATION OR DATA. THE ENGINEER'S LIABILITY IS LIMITED TO THE INFORMATION PROVIDED AND DOES NOT EXTEND TO ANY OTHER INFORMATION OR DATA.

RECEIVED
FEB 16 2008
DEPT OF PARKS & LAND CENTER



PROJECT:
 THE LEGEND AT MERRILL HILLS
 TOWN OF WAUKESHA, WISCONSIN
 BY: THE LEGEND AT MERRILL HILLS LLC
 1326 E. BRISTOL DRIVE
 WAUKESHA, WI 53092

REVISION HISTORY	DATE	DESCRIPTION	BY

DATE: FEBRUARY 23, 2008
JOB NUMBER: 16204-01
DESCRIPTION: SEPTIC PLAN SOUTH
SHEET: S12

My name is Lori Barton. I am here to represent the Barton family and the Gerald Barton estate regarding this project. **EXHIBIT "C"**

Our father Gerald Barton sold Merrill Hills ~~golf course~~ Country Club the land that is being used for this project in 1998.

Recently it has come to our attention that the survey lines for the southern boundaries of this project ~~can~~ appear to contain several errors and do not appear to match the legal description.

The surveyor that we hired found that their survey line ~~is~~ encroaches seven feet into the northern part of the Orflacher property and runs through their backyard shed.

The line that they are using for the eastern edge of our property encroaches into our property and the line they are using for our northern boundary encroaches as much as 44 and a half feet into our property at the western edge.

In addition, they appear to have come some distance into our property removing several trees, including apple and wild cherry

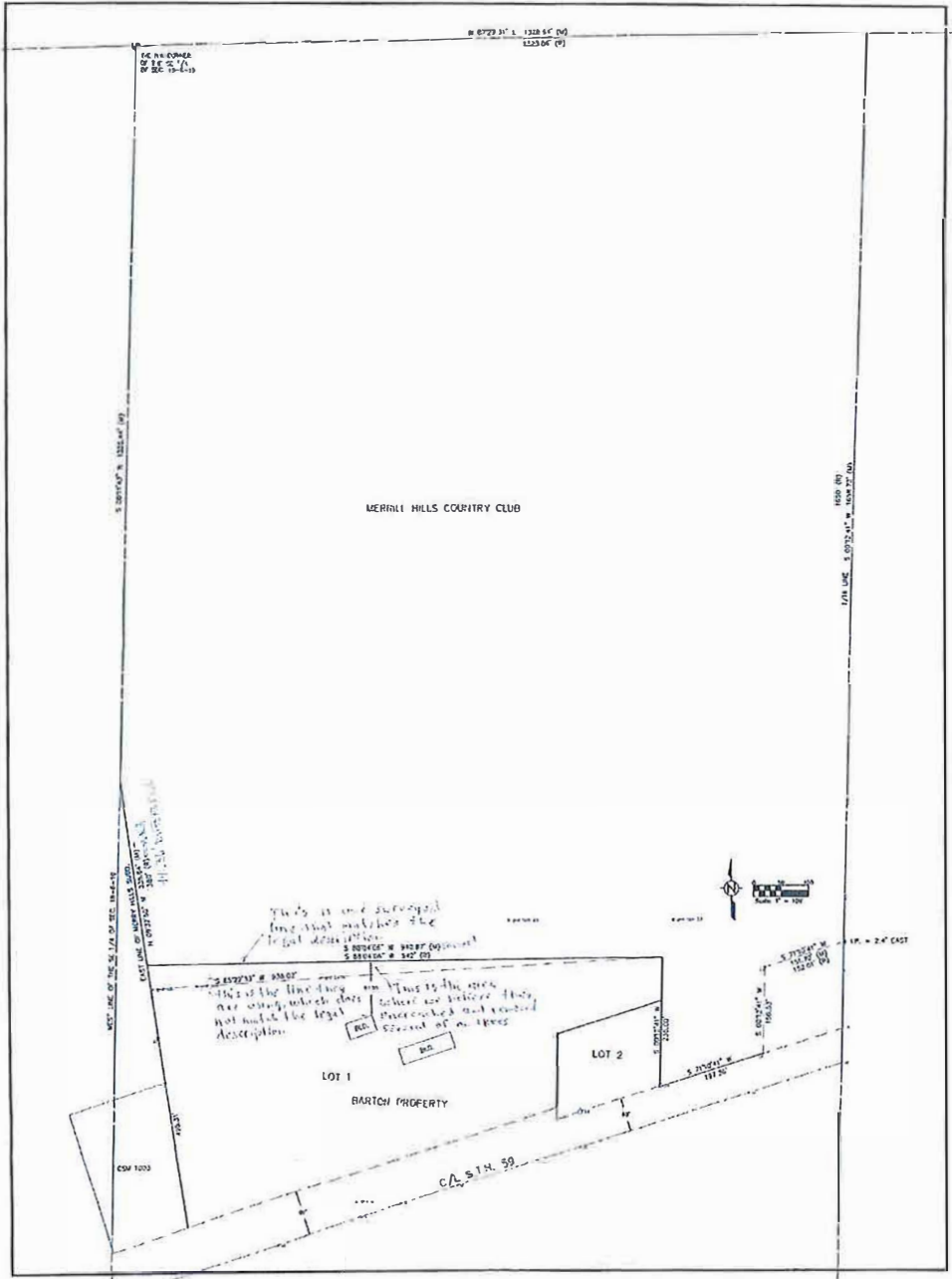
trees without our consent.

We have retained legal counsel in this matter

We believe this matter should be brought to your attention and these issues need to be resolved before they proceed further with this project.

Thank you for your time

RECEIVED
FEB 22 2018
DEPT OF PARKS & LAND USE



RECEIVED
 FEB 2 2 2008
 DEPT OF PUBLIC LANDS

From: Ginger Agen [mailto:gingeragen@hotmail.com]

Sent: Monday, February 19, 2018 9:45 AM

To: Fruth, Jason <JFruth@waukeshacounty.gov>

Subject: THE LEGEND AT MERRILL HILLS PROJECT

RECEIVED

FEB 19 2018

Dear Mr. Fruth,

DEPT OF PARKS & LAND USE

I am writing in regard about the project the Legend of merrill hills. My husband and I live next to the green space that abuts to our land and woods. For the past three years we have heard the noise of the equipment and the destroying of several hundreds of trees being cut down. We dread as spring comes the noise and destruction of this land Jack Gaudion is destroying. Not only is it affecting the people in the subdivision, Sun Valley Rd., but all the people on Oak Knoll Dr.. This project does not benefit anyone but Jack Gaudion! This is an environmental disaster! We have seen a decrease in our wild life, Deer, birds, turkeys and so forth. This will affect our wells and septic. This project should have never been started!

Thank You,

Ron and Ginger Agen

S37 W27234 Genesee Rd

S37 W27196 Genessee Rd and corner of Oak knoll Rd. We own both homes



SCHOTT, BUBLITZ
& ENGEL s. c.
ATTORNEYS AT LAW

Writer's Direct Line
(262) 827-8921

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FEB 21 2018

DEPT OF PARKS & LAND USE

February 20, 2018

Mr. Jack Gaudion
The Legend at Merrill Hills, LLC
1325 E. Bristlecone Drive
Hartland, WI 53029

Re: *Survey Issues*

Dear Mr. Gaudion:

We represent the Estate of Gerald C. Barton ("Estate"). The Estate owns the land which adjoins the southern lot line of the property that The Legend at Merrill Hills, LLC is currently developing identified as WAKT1368978003 ("Merrill Property"). The surveyor retained by our client, Jason Mayer of MRM Surveying LLC, has indicated that portions of the southern lot line of the Merrill Property which adjoin the property owned by the Estate are not accurately reflected in the documents prepared by Chaput Land Surveys LLC and Land Tech Surveying LLC.

We request that you refrain from entering the property owned by the Estate and immediately cease removing any vegetation or altering the areas adjoining the property owned by the Estate until the lot lines are properly established.

We propose that Mr. Mayer meet with a representative of your survey company to review the relevant documentation and discuss the proper location of the lot lines.

Please contact our office to confirm if this proposed meeting will be acceptable. If agreeable to this meeting, please provide contact information for your survey company.

Thank you for your anticipated cooperation. Please contact our office with any questions or comments you may have with regard to this matter.

Very truly yours,

SCHOTT, BUBLITZ & ENGEL s.c.


Kevin L. Bublitz

640 W. Moreland Blvd., Waukesha, WI 53188
P: 262.827.1700 F: 262.827.1701
www.sbe-law.com

From: Dyann Harp [mailto:sweet2299.dh@gmail.com]

Sent: Monday, February 19, 2018 11:19 AM

To: Fruth, Jason <JFruth@waukeshacounty.gov>

Subject: Public Hearing February 22, 2018

Please review our letter, and I will thank you in advance for taking the time to do so. Would you also share with

Richard Morris, Chairman
James Siepman, Vice-Chairman
William Mitchell, Secretary
William Maslowski
Robert Peregrine

Robert Hamilton Alternate
Bonnie Morris- Alternate

RECEIVED

FEB 19 2018

DEPT OF PARKS & LAND USE

thank you again and please find our letter attached, We are against the County's Land Use Plan being amended to change from Recreational we strongly believe that it should remain as it is!

RECEIVED
2/19/2018
DEPT OF
PARKS & LAND
USE

February 19, 2018

To the Waukesha County Park and Planning Commission Members:

The planned Condo Development at the Legends of Merrill Hills and the process that has been taken to approve this development has been difficult at best to understand and follow. It seems to most of the adjacent property owners, otherwise known as neighbors have come to the conclusion that this was a "done deal" from the start as far as the Board of the Town of Waukesha was concerned. Our concerns have been dismissed and many of us have been treated rudely by Town members and by Town of Waukesha staff. The town has told us items and concerns "that's not our jurisdiction, and that's the county's and then no attempt was made to include the county, and that the P & P board may be our last and only resort to have our collective concerns addressed.

There are many concerns, but one now is the isolated natural area (INA) in the SE portion of the property and the fact that wells of some of the proposed homes are incurring on those INAs (any incursion is too much) and these is an environmental corridor that connects Pebble Creek wetland to the open areas west of here-across the back half of Laurie's Longtine's property, across the middle of Rausch's property and onto the proposed condominium development property. Environmental corridors are green spaces that wildlife and birds use to travel from on "safe" place to another. In an increasingly developed world, such safe spaces and the environmental corridors that connect them are increasingly fragmented if not disappearing altogether. Placing 32 homes, driveways, golf cart paths and interior roads with traffic into the middle of the space will do nothing to help or maintain the flow of wildlife and birds through the corridor. In short there will be the demise and loss of wildlife, displaced from a vital natural area that Waukesha County and the Town of Waukesha should be protecting not allowing it to be destroyed forever.

Our question is, have the proper authorities from the DNR been consulted in regards to the harm this development will have on this INA? Is it acceptable at all to have any wells or septic placed in these areas? What will happen to the wildlife that exists in this area, will this harm fragile species, we are interested to see what studies have been done and what the appropriate persons and departments expert opinions are in regards to these concerns?

Thank you so much for your time and attention to these important matters. The decisions made by this board will affect generations to come and once the land is disturbed and destroyed it can never be gotten back.

Dyann Harp

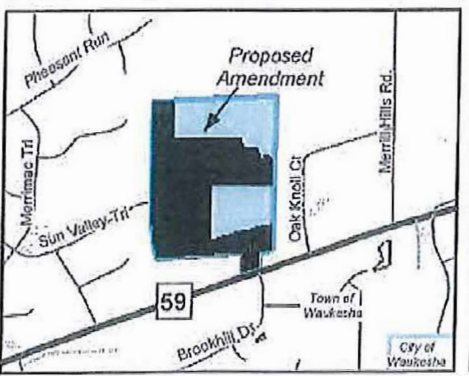
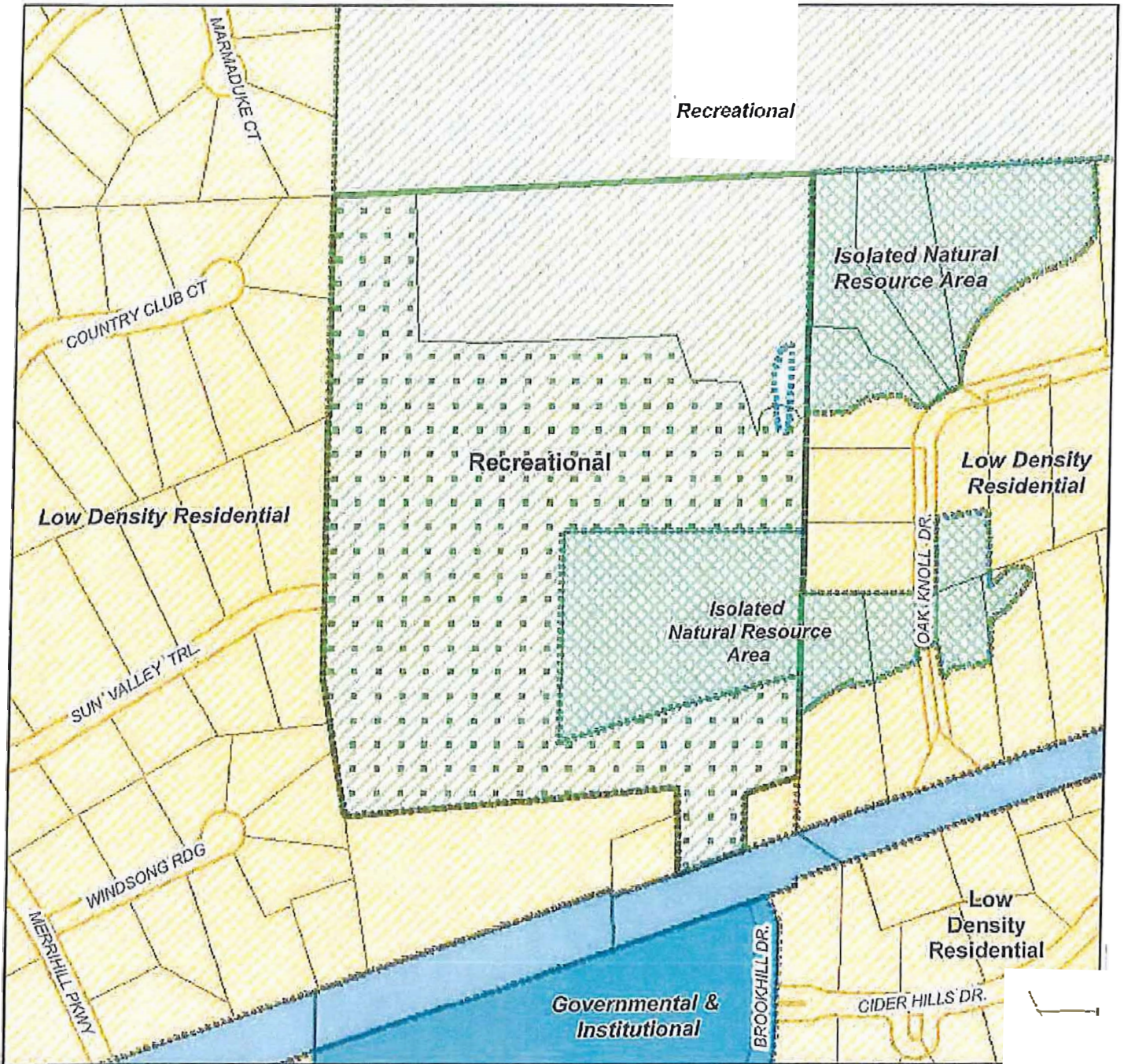
David Bertsch


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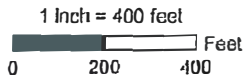
DEVELOPMENT PLAN AMENDMENT

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



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM RECREATIONAL TO LOW DENSITY RESIDENTIAL

PETITIONER.....THE LEGEND AT MERRILL HILLS LLC (3A)
 DATE OF PLAN COMM. CONSIDERATION.....03/01/18
 AREA OF CHANGE.....32.8 ACRES
 TAX KEY NUMBER.....WAKT 1368.978.003



Prepared by the Waukesha County Department of Parks and Land Use