

ENROLLED ORDINANCE 174-021

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR
WAUKESHA COUNTY (1A – TOMICH/GAUDION/LEGEND OF BRANDYBROOK
ESTATES, SECTION 3, T6N, R18E, TOWN OF GENESEE)

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 21, 2019, 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 April 18, 2019, 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 April 18, 2019, 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.

1. In the Town of Genesee, the following request is being made:
 - A. ***Carl Tomich and Jack Gaudion, representing The Legend of Brandybrook Estates, LLC***, N8 W22520-L Johnson Drive, request property located in part of the NE ¼ of Section 3, T6N, R18E, Town of Genesee (Tax Key GNT 1449.988.001), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Primary Environmental Corridor categories to the Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit) and Primary Environmental Corridor categories, to allow a proposed 12 lot single-family residential subdivision.

The request is approved subject to the following condition:

1. An evergreen landscape buffer shall be provided along the proposed west and north lines of proposed Lot 12 to substantially screen the development from the two abutting neighboring properties to the north.

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 Genesee.

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2019 Amendment to the Comprehensive Development Plan for Waukesha County, (1A – Tomich/Gaudion/Legend of Brandybrook Estates, Section 3, T6N, R18E, Town of Genesee) hereby recommends **conditional approval.**

PARK AND PLANNING COMMISSION

April 18, 2019




Robert Peregrine, Chairman



William Mitchell, Vice Chairman

Absent

Richard Morris



James Siepmann




William Maslowski





Thomas Michalski

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR
WAUKESHA COUNTY (1A – TOMICH/GAUDION/LEGEND OF BRANDYBROOK
ESTATES, SECTION 3, T6N, R18E, TOWN OF GENESEE)

Presented by:
Land Use, Parks, and Environment Committee

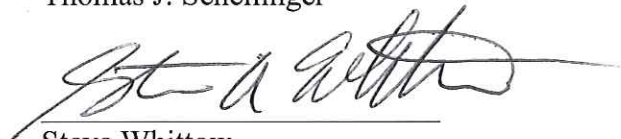

David D. Zimmermann, Chair


Kathleen M. Cummings


Keith Hammitt


William A. Mitchell

absent
Thomas J. Schellinger


Steve Whittow

absent
Chuck Wood

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

Date: 5/30/19, 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____
Date: 5/30/19, 
Paul Farrow, County Executive

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2019 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(1A – CARL TOMICH/JACK GAUDION/THE LEGEND OF BRANDYBROOK
ESTATES, LLC), TOWN OF GENESEE

DATE: April 18, 2019

PUBLIC HEARING DATE:

Thursday, February 21, 2019, 1:00 p.m.

REQUEST:

1 (A) Year 2019 amendment to the Comprehensive Development Plan.

Carl Tomich and Jack Gaudion, representing The Legend of Brandybrook Estates, LLC, N8 W22520-L Johnson Drive, request property located in part of the NE ¼ of Section 3, T6N, R18E, Town of Genesee (Tax Key GNT 1449.988.001), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Primary Environmental Corridor categories to the Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit) and Primary Environmental Corridor categories, to allow a proposed 12 lot single-family residential subdivision.

EXISTING LAND USE CATEGORY

Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Primary Environmental Corridor categories.

PROPOSED LAND USE CATEGORY

Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit) and Primary Environmental Corridor categories.

PUBLIC REACTION

- Max Jenkins, a neighboring property owner stated the reason he moved to his property is so he could have more acreage. If the petitioner can change the zoning what would stop others from doing so and where would it start and stop? There are large parcels of property east of the golf club that could also be purchased and the area developed. He stated he was opposed to the change. Mr. Jenkins added that 12 new homes are being proposed and planned to be added to the area. Prior to this, up on the hill going south on Brandybrook Road, the Village of Wales approved nine (9) new homes. The tax base will increase, however, more children will be attending the nearby schools. Brandybrook Road is a very busy, dangerous road with hills and curves. With 12 new homes, traffic will increase. He urged the Commission members to come and view the road and property.
- John Marx, neighbor, stated that there would be an increase in traffic and headlights would shine in his living room and bedroom windows all night. He was opposed to the change.
- Jeff Berg, adjacent neighbor to the north and 30-year resident, stated that this request will drastically change the rural concept (sizeable blocks of land) that largely brought many of the residents to the area. He stated he is opposed to the change.
- Mr. Fruth noted that written comments were received from Scott and July Grady and others in opposition of the change and they also expressed concerns regarding increase in traffic and the general change in the rural environment.

- Dewain Purgill, adjacent neighbor to the north and 35-year resident, stated the proposal indicates a driveway running all the way alongside his property line and the placement of two (2) homes directly behind his residence. The reason he moved here was to have open space and a larger lot. He stated he was opposed to the change.
- Jim Koble, neighbor to the north, was also opposed to the change. He stated that the golf course was on a deep well. He expressed concerns regarding the watershed as far as a higher density creating more septic systems and wells.
- Pat Bandomir, neighbor to the north, spoke in opposition of the request. She stated she has owned her property for approximately 60 years. She has a larger lot (10.5 acres) and enjoys the rural area. She said when the Legend went in, traffic increased and with 12 new additional homes it would increase further. She indicated it is difficult to pull out of her driveway at times.

TOWN PLAN COMMISSION ACTION

At their February 11, 2019 meeting, the Town of Genesee Plan Commission approved an ordinance for the related town plan amendment for the subject property. On March 11, 2019, they unanimously affirmed their action to approve.

TOWN BOARD ACTION

The Town of Genesee Board approved the amendment on a 4-1 vote at their March 11, 2019, meeting (Resolution 19-6R).

STAFF ANALYSIS:

The subject property is located immediately to the north of the Legend at Brandybrook golf course. The property abuts the Village of Wales. There are two golf course-oriented developments within the immediate area. Brandybrook subdivision to the southwest contains single-family homes on lots that are generally approximately $\frac{3}{4}$ acres in size. Regency Fairway Villas are located to the northwest of the property. To the north and east of the property, lot sizes become larger and the setting is more rural residential with parcels generally ranging from three to twenty acres. Most of the parcels are being used as rural estates.

The existing rural plan designation currently applies to all of the properties along Brandybrook Road to the northeast of the property to a point north at the Delafield/Genesee town line. Lands to the south and west are planned in a variety of categories by the Village of Wales.

The submitted concept plan (see Exhibit A) shows a 12-lot conservation design subdivision with twelve lots ranging between roughly 20,000 and 35,000 square feet. Common open space is proposed along Brandybrook Road and two other outlot areas would contain existing wetlands and proposed stormwater management facilities. Of the 15.1 acres, approximately 6.5 would remain in open space. The existing home would remain on Lot 9, while the existing pole building would be removed. An existing tree line on the abutting property to the northeast provides a good amount of screening of the site. The concept plan shows additional plantings proposed along the west edge of proposed Lot 12 and also a dense buffer along Brandybrook Road.

As noted above, a number of nearby property owners spoke against the amendment at the public hearing. Comments were offered about the loss of open land, concern about other properties also developing in the future, increase in traffic, etc. The town Planner indicated that the town carefully considered the matter and that Board members drove Brandybrook Road to assess neighborhood impacts. After deliberating, the town approved of the related town plan amendment.

STAFF RECOMMENDATION:

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

1. An evergreen landscape buffer shall be provided along the proposed west and north lines of of proposed Lot 12 to substantially screen the development from the two abutting neighboring properties to the north.

The proposed change in land use category and intensity of land use is mitigated, in part, by the provision of common open space being provided along Brandybrook Road and the north and east property lines. The addition of eleven new homes should present modest increases in traffic on Brandybrook Road. Brandybrook Road is a collector road that is intended to accommodate traffic from a broader area. The presence of a golf course provides a unique opportunity for the subdivision to be connected to this amenity. This amendment essentially moves the urban/rural “edge” in this area one property northward.

Respectfully submitted,

Jason Fruth

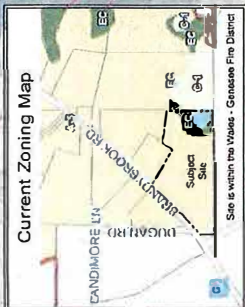
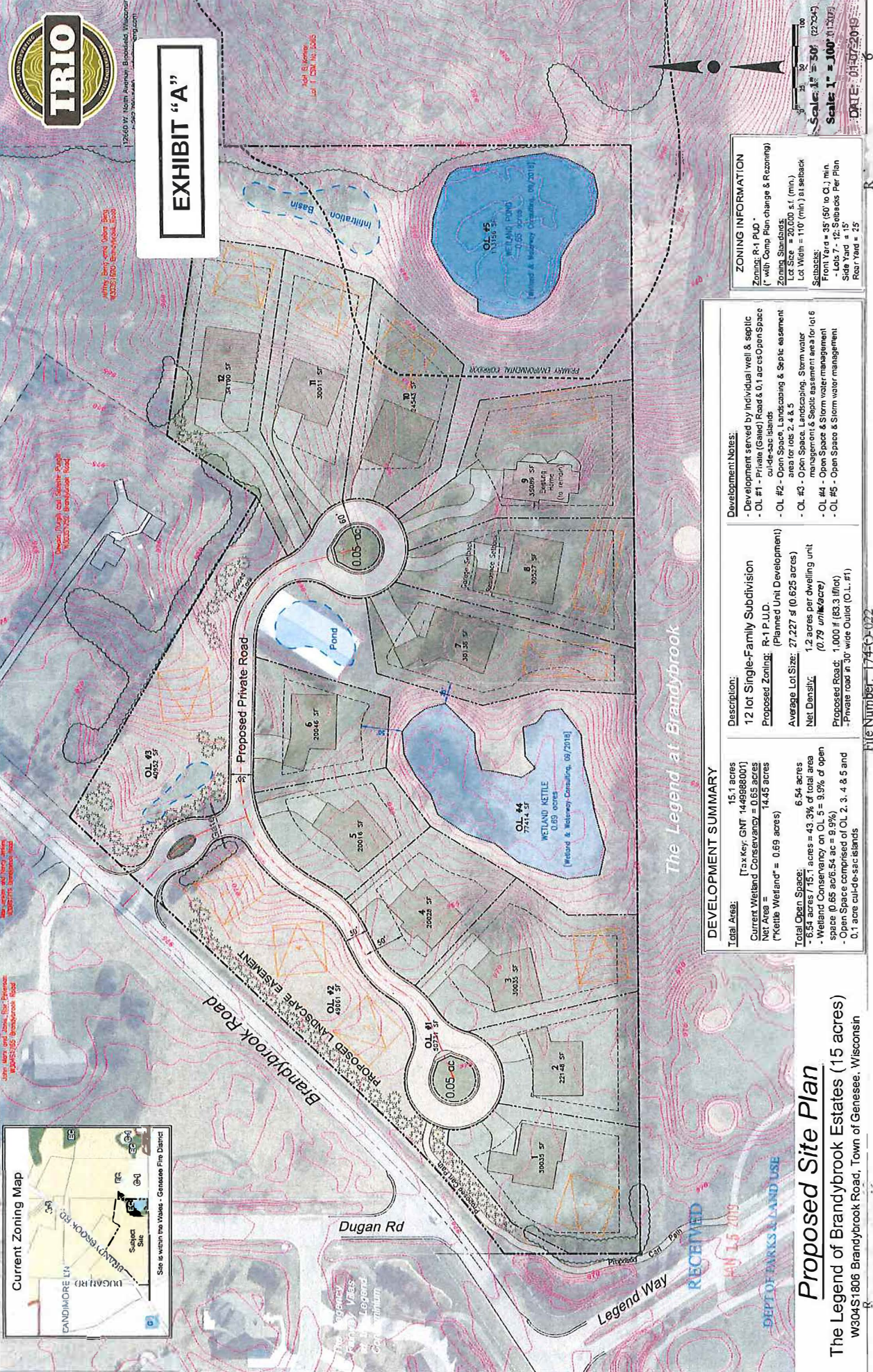
Jason Fruth
Planning and Zoning Manager

Attachment: Exhibit A
Map

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EXHIBIT "A"



ZONING INFORMATION
 Zoning: R-1 P.U.D.
 (* with Comp Plan change & Rezoning)
 Zoning Standards:
 Lot Size = 20,000 s.f. (min.)
 Lot Width = 110' (min.) @ setback
 Setbacks:
 Front Yard = 95' 60" to C.L. min.
 Side Yard = 45' 30" setbacks Per Plan
 Rear Yard = 25'

Development Notes:
 - Development served by individual well & septic
 - OL #1 - Private (Gravel) Road & 0.1 acres Open Space
 - OL #2 - On-site sub-sewer area for lots 2, 4 & 5
 - OL #3 - Open Space, Landscaping, Storm water management & Septic easement area for lot 6
 - OL #4 - Open Space & Storm water management
 - OL #5 - Open Space & Storm water management

Description:
 12 lot Single-Family Subdivision
Proposed Zoning: R-1 P.U.D.
Average Lot Size: 27,227 sf (0.625 acres)
Net Density: 1.2 acres per dwelling unit (0.79 units/acre)
Proposed Road: 1,000 ft (83.3 ft/lot)
 - Private road at 30' wide Outer (O.L. #1)

DEVELOPMENT SUMMARY
Total Area: 15.1 acres
 (Tax Key: GNT 144988001)
Current Wetland Conservancy = 0.65 acres
Net Area = 14.45 acres
 ("Kettle Wetland" = 0.69 acres)
Total Open Space: 6.54 acres
 - 6.54 acres / 15.1 acres = 43.3% of total area
 - Wetland Conservancy on OL #5 = 9.9% of open space (0.65 ac/6.54 ac = 9.9%)
 - Open Space comprised of OL 2, 3, 4 & 5 and 0.1 acre cul-de-sac islands

Proposed Site Plan
 The Legend of Brandybrook Estates (15 acres)
 W304S1806 Brandybrook Road, Town of Genesee, Wisconsin

Scale: 1" = 50' (22794)
 Scale: 1" = 100' (11397)
 DATE: 01/30/2019

The Legend at Brandybrook

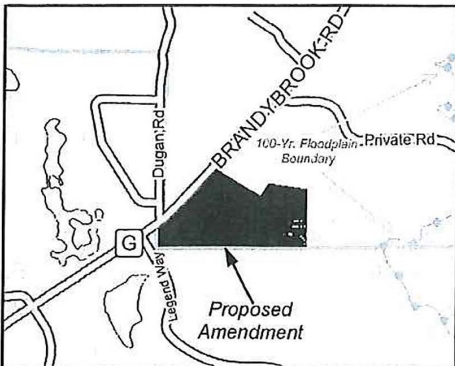
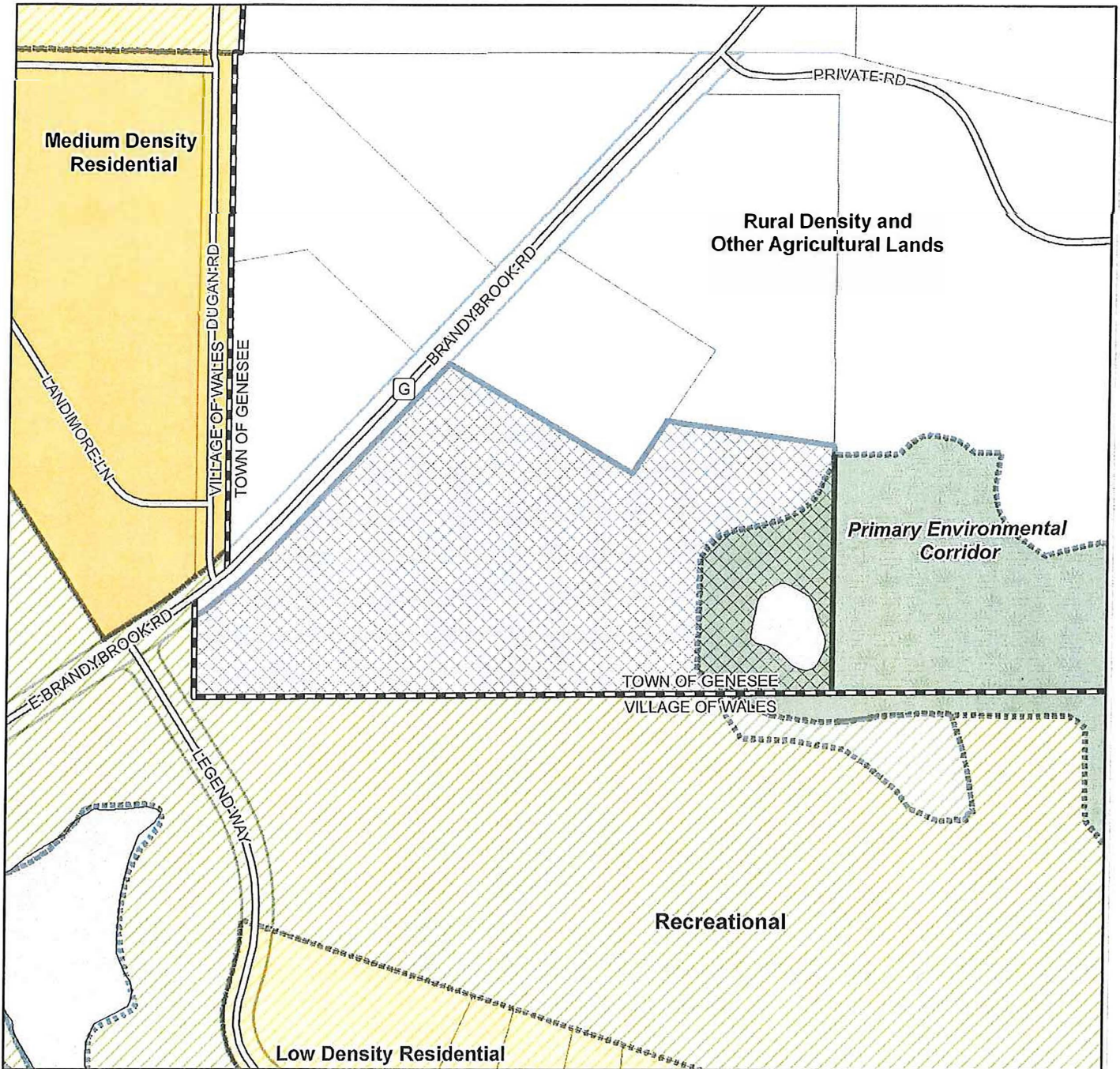
RECEIVED

DEPT OF PARKS & LAND USE

File Number: 174C-022

DEVELOPMENT PLAN AMENDMENT

PART OF THE NE 1/4 OF SECTION 3
TOWN OF GENESEE



COUNTY DEVELOPMENT PLAN AMENDMENT FROM RURAL DENSITY AND OTHER AGRICULTURAL LANDS AND PRIMARY ENVIRONMENTAL CORRIDOR CATEGORIES TO LOW DENSITY RESIDENTIAL AND PRIMARY ENVIRONMENTAL CORRIDOR CATEGORIES

PETITIONER.....1A Carl Tomich and Jack Gaudion

DATE OF PARK & PLANNING COMMISSION.....04/18/19

AREA OF CHANGE.....15.1 ACRES

TAX KEY NUMBER.....GNT 1449.988.001

1 inch = 300 feet

0 150 300 Feet

Prepared by the Waukesha County Department of Parks and Land Use

File Number: 174-O-022



Voting Results for Ordinance 174-O-022

Year 2019 Amendment To The Comprehensive Development Plan For Waukesha County (1A - Tomich) Gaudium Legend Of Braeslybrook Estates, Section 3, TON, R16E, Town Of Greencreek

Passed By Majority Vote

AYE: 25 **NAY: 0**

ABSENT: 0

D1 - Foti	AYE
D2 - Zimmermann	Motion
D3 - Morris	AYE
D4 - Batzko	AYE
D5 - Dondlinger	AYE
D6 - Walz	AYE
D7 - Grant	AYE
D8 - Michalski	AYE
D9 - Heinrich	AYE
D10 - Swan	AYE
D11 - Howard	AYE
D12 - Wolff	AYE
D13 - Decker	AYE

D14 - Wood	AYE
D15 - Mitchell	AYE
D16 - Crowley	AYE
D17 - Paulson	AYE
D18 - Nelson	AYE
D19 - Cummings	AYE
D20 - Schellinger	AYE
D21 - Gaughan	AYE
D22 - Wysocki	AYE
D23 - Hammitt	Second
D24 - Whittow	AYE
D25 - Johnson	AYE