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August 22, 2022

Via E-Mail Only

Waukesha Plan Commissioners
201 Delafield St.
Waukesha, WI 53188

Re: Letter to Objection — Rezoning of Willow Drive/Klotz Property
August 24, 2022 Meeting Agenda – Item PC22-0273

Honorable Mayor Reilly and Plan Commissioners:

I am writing to you as a life-long Waukesha resident, the last 18 of which have been at 3823 Stillwater Circle with my wife and family. To orient you, our residence is on the east side of Stillwater such that our front window has a view of the Klotz property. Upon hearing about the proposed rezoning, I had intended to appear at the meeting in-person to express our objections to the proposal. Unfortunately, I have been asked to make an appearance at the library board in one of my client communities that evening, so I am no longer able to attend.

Before addressing our objections, I would like to note that I have not previously appeared or objected to any of the proposed development in the area. As a municipal attorney, I understand that vacant lands will ultimately become developed. However, that development must make sense. Thus, for example, I did not object to the Clearwater Apartments because the marketing materials for the Rivers Crossing Subdivision had long-shown this area to be multi-family. Similarly, I did not object to the potential rezoning of the Brunner Trust property on Rapids as there is little difference between the proposed apartments, and potential commercial development under the current B-5. The proposal before you is different, however.

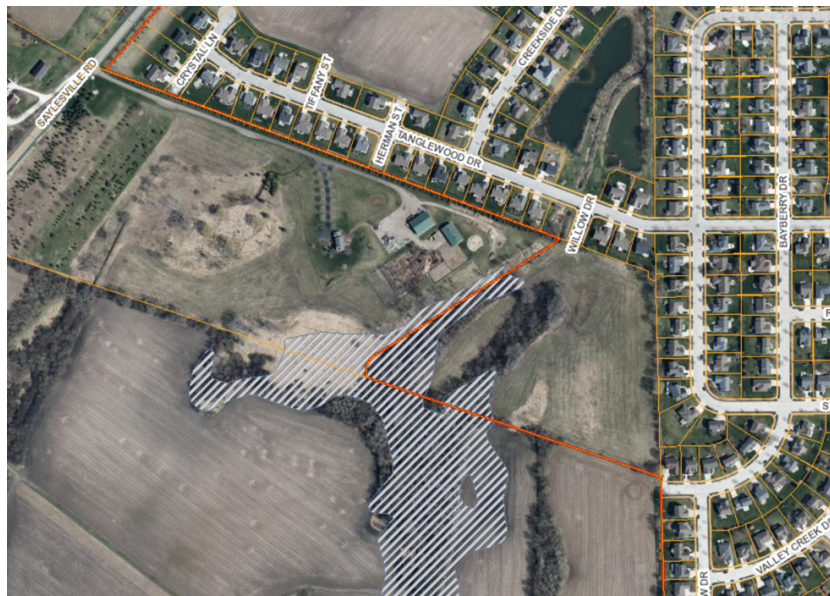
We have numerous objections to the proposed rezoning. Clearly, the zoning on the property must be changed from its current Temporary Zoning assigned upon annexation. However, we believe that the subject property should be zoned RS-3 to match the zoning of the adjacent parcels in the City. The basis for this belief is found in the following objections, many of which become interrelated thereby compounding the problems with the proposed development.

Objection 1 — Density

Over the course of my career, one thing is always certain; developer’s always seek to maximize density. This proposal is no different. Every one of my objections ultimately stem from the developer’s decision to maximize profit, by maximizing density, to the detriment of everything else. While the developer certainly would highlight that the front and rear setbacks, and the distance between the buildings is all fairly consistent with the surrounding parcels, the density is much higher. One way they do this is a result of the RD-2 zoning allowing nearly twice the density for 2-family structures than the 5.5 dwelling units per acre of the RS-3 zoning on the adjacent parcels. The second way they increase the density is by making the road a private road. Instead of the 60-foot right-of-way that is found on the adjacent lands, the developer here is utilizing a 27-foot wide road surface. The front setback for the development is then calculated from the edge of the road, instead of the ROW, resulting in a net increase of 33 feet of “developable” land within which is push up the total density. Thus, not only is the density higher because of the 2-family nature of the development, they density is also maximized by eliminating ROW from the development.

Objection 2 — Circulation/Traffic

City staff’s write-up in the coversheet on this item notes that “[t]he project would extend Willow Drive as a private drive to the south property line, where it would provide a connection for future development on land to the south.” On this point, I question staff’s position. As you can see from the aerial view below, there is no question that Willow Drive should be extended to the south to provide access — such access likely being a connection to an extension of Bayberry Drive along the southern edge of the Klotz property.



Critically, the property to the south contains approximately 190 acres, and is within the City's Urban Service Area (e.g., the property is planned for sewer and water service). Presumably this area would be developed with public streets. For that reason, the street through the Klotz property should also be public to ensure appropriate circulation, to ease city plowing operations (under the proposed private street, city plows would plow only the existing stub of Willow Drive – highly inefficient), and the like. I do not understand how staff can say that the private road provides a connection to future development. If such a connection is intended, the connection should be public ROW.

Objection 3 — Bus Stops

This objection is, in part, intertwined with the prior two objections. Presently, the school bus stop for all students in River's Crossing Addition No. 3 (basically everything along Tanglewood Drive west of Willow Drive) is at the corner of Tanglewood Dr. and Stillwater Cir. because there is no traffic circulation to allow a bus to maneuver in this area without backing up. Obviously, a public road through the Klotz property would ultimately help address this situation once a connection is made to the south. More importantly, until such circulation can be provided for, and based upon the proposed density, the development will only exacerbate an already bad situation. This bus stop is already dangerous based on the number of children at the corner. Students who live on Stillwater Cir. in eyesight of the bus stop must walk to stops for other bus routes to the east because of crowding both at the corner and on the bus itself. The proposed development calls for 16 duplexes, or a total of 32 additional dwelling units. That equates to 32 more homes with kids that will utilize this bus stop. Depending on the household, potentially 32-64+ more vehicles driving through an already crowded intersection during school pick-up and drop-off.

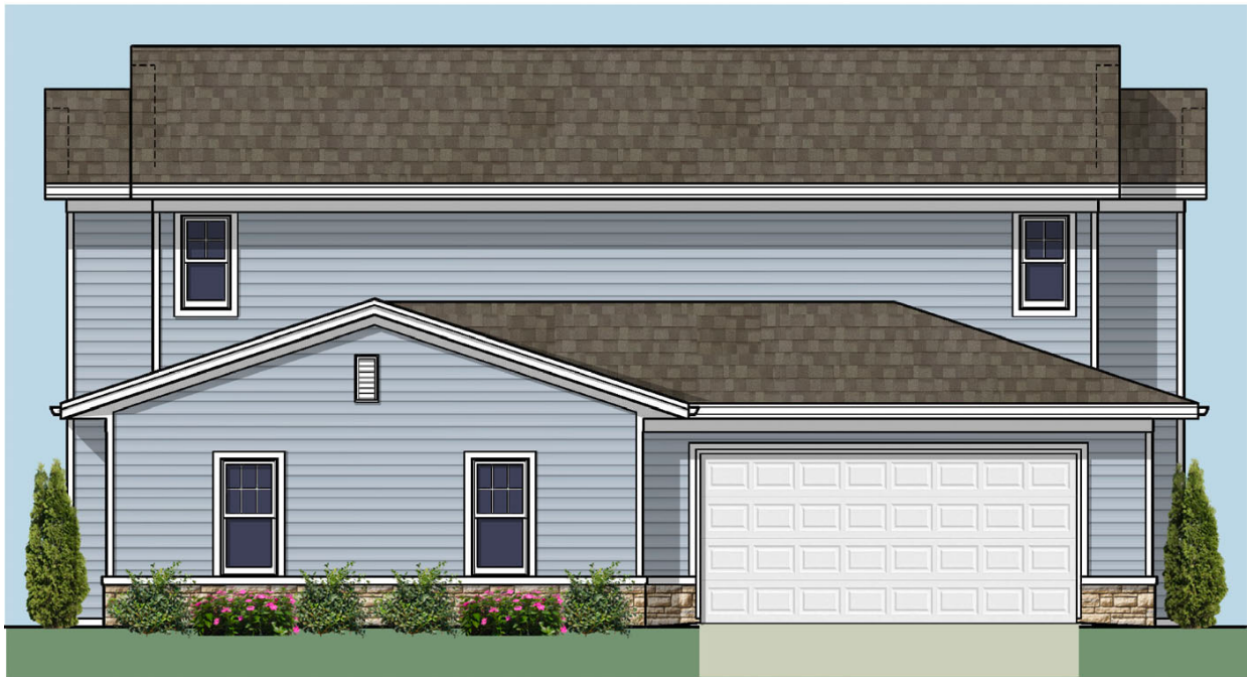
Objection 4 — Mass and Building Style

Not only is the density higher than the surrounding areas, but the proposed development also calls for more mass than the surrounding properties. Obviously, two-family structures will be bigger than the single-family structures in the existing subdivision adjacent to the development. However, the proposed development plan (again, in an effort to maximize density), masses all of the two-story buildings along the eastern property line. Compare that to the abutting parcels along Stillwater Cir, where there is a mix of 4 two-story and 5 ranch homes. Not only does this result in massing all of the development along the adjacent single-family lots (which is inconsistent with good development practices where you would transition or buffer the mass so the impacts to adjoining parcels in minimized), but it also becomes inharmonious with the existing neighborhood which required a mix of buildings to eliminate a monotonous look.

Furthering the problems of monotony is the fact that there are only two building elevations – ranch and 2 story. This is compounded by the fact that the elevations are, in my opinion, perhaps the worst design I have ever seen proposed in any community. If not for the fact that they are labeled, I challenge anyone to identify which elevation is the front, side, and rear. Even the

Clearwater Apartments provide a better sense of place and harmony with the surrounding properties than the proposed development.

Indeed, in order to maximize the density, the long and narrow two-story buildings are used along the east property line, which will result in a road with 7 buildings in a row that look like this from the road:



Is this attractive to anyone? Would you want to live in an area where that is what you see? And that does not even address some of the other odd design choices they used. For example, on the rear elevation of both buildings, why is there a single door in the center?

Objection 5 — Wetlands, Floodplain and Water

What can be said here? The property is near the Fox River, it is low, and it is surrounded by property that also has drainage issues. While the concept plan map does correctly show two of the existing drainage easements adjacent to the property in the northeast corner of the parcel, it does not show the drainage easements on the north side:



Nor does the picture show that the rear yards of the adjoining parcels along Stillwater Cir. are effectively a river during rain events. The map also does not show that Outlot 8 (on the west side of Willow) is a stormwater conveyance facility. In light of all of this, maximizing density, filling of wetlands (which I understand he has the right to do), and placing buildings and the stormwater detention pond immediately adjacent to the floodplain and wetlands – especially as the incidence of the 100 year and 500 year flood event appears to be increasing (whether because of climate change or some other unidentified reason), the proposed development appears likely to worsen stormwater problems in the area.

Objection 6 — Consistency with Comprehensive Plan

As the Commission is undoubtedly aware, Wis. Stat. § 66.1001(3) requires that a rezoning ordinance be consistent with the City’s Comprehensive Plan. In this case, rezoning the property to the higher density RD-2 zoning is inconsistent with the Comprehensive Plan. In this case, you have a property that contains both environmental corridor (floodplain and wetlands) and uplands (while the property does generally slope approximately 7 feet over the span of the developable lands, that probably does not constitute a “steep” slope). Under the implementation section of the City’s 2009 Comprehensive Plan, “[u]pland woodlands and areas of steep slopes should generally be placed in appropriate upland conservancy, rural-density residential, or park and recreation districts. Through proper zoning, residential development should be confined to upland portions of environmental corridors, excluding areas of steep slopes.” Comprehensive Plan, p. 7-15. The clear intent of the Plan is to minimize density in areas adjacent to environmentally sensitive lands. As discussed above, the proposed development does not do that, nor does rezoning to RD-2, which allows higher density. As such, the proposed rezoning is not consistent with the Comprehensive Plan in violation of the statutes.

Objection 7 — Selection of Property Type

For numerous reasons, the default proposal in the market is presently to just make everything rental units. It is my understanding that this is true of the proposed development. However, the City's 2019 Housing Study and Needs Assessment makes it clear that the City faces a shortage of owner-occupied homes. Housing Study, p. 2-6. More importantly, there is limited ability for owners to upsize. As the report notes, "there is sufficient supply of homes a lower monthly cost and value levels which could be made available if there were greater opportunities for homeowners to upsize. Id. at 2-5. Yet, the report also stresses that available land is a significant challenge. If the City desires to address the shortage of single-family and owner-occupied homes, it cannot continue to allow the development of apartments or other rental homes on every available piece of vacant land. This is especially true where the adjacent land is medium density single-family development on one side and 190 acres of available agricultural lands that would be suitable for similar medium density single-family development on the other (recognizing that the Town's incorporation complicates this discussion).

Further, perhaps as a reflection of the increased demand for parking due to rentals adding more than a single family to a dwelling unit (which also further impacts the bus stop issue identified above) and/or a recognition that the narrower road creates issues, the selection of property type creates a development with 21 off-street parking stalls – a look wholly inconsistent with the surrounding area.

Objection 8 — Compatibility with Surrounding Zoning

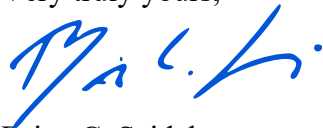
Our final objection centers on the incompatibility of the proposed zoning with the adjacent zoning. Under the RS-3 zoning of the River's Crossing subdivision, a two-family development would be allowed only if it is adjacent to or within 100 feet of a less restrictive district. Again, this concept makes sense from the perspective of good planning — you allow for potential transitioning/buffering from the single-family use to the adjoining zoning district. However, in order to accomplish this, the owner would be required to obtain a conditional use for the two-family structure.

Under the proposed zoning, there is no conditional use required. The ability to place a two-family structure is permitted by right. Unfortunately, and as described above, the proposed development does not effectively transition or buffer the changed density and massing. Instead, the development places the biggest and highest buildings directly adjacent to the RS-4 district. I would be shocked if the Commission would grant a conditional use for a similar structure to any of the parcels adjacent to the proposed development. If the assumption that a conditional use would not be granted is correct, then there is no reason why the proposed zoning should be adopted either.

For these reasons, we object to the requested rezoning. Please note, that we do not have any objection to a rezoning of the Klotz parcel to an RS-3 zoning that is consistent with the adjacent subdivision. It is also unlikely (subject to site design concerns) that we would have an objection to a cluster-style single-family development with an underlying 5.5 acre density for the full parcel.

Thank you for considering our concerns and objections to this proposal.

Very truly yours,



Brian C. Sajdak
Kimberly Sajdak

cc: Planning Staff (via e-mail)
Common Council (via e-mail)