



City of Waukesha
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Committee: Plan Commission	Date: 10/25/2023
Common Council Item Number: PC23-0455	Date: 10/25/2023
Submitted By: Doug Koehler, Principal Planner	City Administrator Approval: Click here to enter text.
Finance Department Review: Click here to enter text.	City Attorney's Office Review: Click here to enter text.
Subject: PUD Amendment – Grandview Square Outlot 1 – A request to allow Outlot 1 of Grandview Square Planned Unit Development, located along Madison Street, to be developed into four single family lots, when Outlot 1 is to be maintained as common open space.	

Details: The original Planned Unit Development Agreement for Grandview Square was approved in 1976 and the subdivision was built soon after. Grandview Square is a residential PUD which encompasses the homes on Kilps Drive, a portion of Lander Lane, and five cul de sacs in their immediate vicinity. The development includes a mix of single family and two-family homes.

The PUD agreement specifies that the development must include a green space buffer between the new homes and County Highway T, which at the time included the adjacent section of Madison Street to the north. The buffer was to be owned and maintained by a homeowner's association and all residents were to have access to it. After the development was completed the homeowner's association failed to maintain the property and it was confiscated in 1984 by Waukesha County in a tax foreclosure process. Since then several developers have owned the property and have tried to build on it, without success. Most recently, in 2018 the Council denied a request to build one single family home there.

The current proposal is to divide the green space into four lots and build single family homes on each of them. All of them would have access from Kilps Court West, since direct access to Madison Street is not permitted. The applicant has not provided detailed development plans or a formal rezoning petition, which would normally be required for a PUD amendment.

It is staff's understanding that a deed restriction on the property prevents any construction without the approval of all property owners in the neighborhood. Until the applicant obtains that permission, or some form of relief from the deed restriction, staff recommends denial of the proposed PUD amendment. The applicant has not obtained that permission or relief yet. He has stated that he expects the application to be denied and that he believes it is a necessary step to take prior to filing a lawsuit.

Options & Alternatives:
[Click here to enter text.](#)

Financial Remarks:
No financial impact to the City.

Staff Recommendation:

Staff recommends denial of the proposed PUD amendment for Outlot 1 of the Grandview Square Planned Unit Development.