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2
3 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
4 ORDINANCE OF THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING
5 CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 14, T8N, R17E,
6 TOWN OF OCONOMOWOC FROM THE A-P AGRICULTURAL LAND PRESERVATION
7 DISTRICT TO THE P-I PUBLIC AND INSTITUTIONAL DISTRICT (SZ-1468)
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9

10 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by
11 the Waukesha County Park and Planning Commission, after Public Hearing, and giving the
12 requisite notice of said hearing, and the recommendation thereon reported to the Land Use, Parks
13 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha
14 County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
17 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance District
18 Zoning Map for the Town of Oconomowoc, Waukesha County, Wisconsin, adopted by the
19 Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to rezone from the
20 A-P Agricultural Land Preservation District to the P-I Public and Institutional District, certain
21 lands located in part of the
22 SW ¼ of Section 14, T8N, R17E, Town of Oconomowoc, and more specifically described in the
23 "Staff Report and Recommendation" and map on file in the office of the Waukesha County
24 Department of Parks and Land Use and made a part of this Ordinance by reference (SZ-1468)
25 and subject to the following conditions:
26

- 27 1. Access to C.T.H. "P" shall be by way of a private 66' wide easement. Notwithstanding
28 the fact that the easement may be shown on a Certified Survey Map, it is necessary that
29 an Easement Agreement be entered into in a form approved by the Town Attorney. The
30 private drive to be located on the Access Easement shall be constructed to Town road
31 specifications with an acceptable turnaround at the end of the drive, which turnaround
32 shall be sufficient to accommodate emergency vehicles. ProHealth Care, Inc., shall
33 maintain the driveway.
34
35 2. If, for whatever reason, the proposed hospice care facility ceases to be operated on the
36 property, the zoning of the property shall automatically revert to the A-P Agricultural
37 Land Preservation Zoning District. No other use shall be allowed on the subject parcel
38 unless it is determined by the Town Plan Commission, Town Board and the Waukesha
39 County Department of Parks and Land Use (WCDPLU), that such use is identical in
40 nature to the hospice care facility. If the hospice care facility ceases to operate, any
41 future use, shall require an appropriate zoning ordinance amendment.
42
43 3. A Site Plan and Plan of Operation shall be reviewed and approved by the Town Plan
44 Commission and the WCDPLU for the entire site including, but not limited to, the
45 following plans: Parking, Landscaping, Signage, Lighting, and Waste Disposal. These
46 plans must be approved prior to the issuance of any permits.
47
48 4. The Landscape Plan must provide for extra landscaping along the property lines to
49 provide a visual buffer from the adjacent properties.

- 50
51 5. A Certified Survey Map shall be prepared for the parcel of land upon which the hospice
52 care facility is to be located. The Certified Survey Map shall be reviewed and approved
53 by the Town Plan Commission, Town Board and the WCDPLU prior to the P-1 Public
54 and Institutional District zoning becoming final.
55
56 6. It is required that the WCDPLU approve an on-site waste disposal system and proof of
57 such approval shall be provided to the Town Planner and WCDPLU.
58
59 7. An Access Permit from the property to C.T.H. "P" (Brown Street) shall be required from
60 the Waukesha County Department of Public Works, and proof of such Access Permit
61 shall be submitted to the Town Planner and the WCDPLU.
62
63 8. In addition to the plans required in Paragraph 3 hereof, a Grading and Stormwater
64 Management Plan shall be prepared and submitted to the WCDPLU and the Land
65 Resources Division, for approval. Approval by that agency is required prior to
66 commencement of any grading or construction activities.
67
68 9. Plans for the proposed access road shall be approved by the Town Engineer. The
69 construction of the access road shall be inspected by the Town Engineer to ensure that the
70 access road is constructed to Town road specifications.
71

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

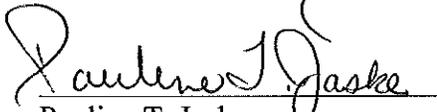
74
75 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
76 approval and publication.

77
78 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of
79 provisions of this Ordinance are hereby repealed.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE OF THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING
CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 14, T8N, R17E,
TOWN OF OCONOMOWOC FROM THE A-P AGRICULTURAL LAND PRESERVATION
DISTRICT TO THE P-I PUBLIC AND INSTITUTIONAL DISTRICT (SZ-1468)

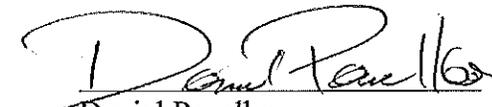
Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair

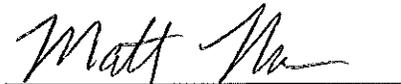

Pauline T. Jaske

Absent
James Jeskewitz

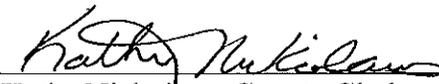

Scott J. Klein


Daniel Pavelko


Vera Stroud


Matt Thomas

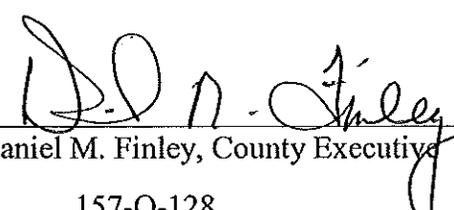
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, was presented to the County Executive on:

Date: 3-28-03, 
Kathy Nickolaus, County Clerk

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

Approved:

Vetoed:

Date: 3-31-03, 
Daniel M. Finley, County Executive

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

FILE NO.: SZ-1468

DATE: February 20, 2003

TAX KEY NO.: OCOT 0487.998

NAME OF PETITIONER: Matt Wade
ProHealth Care Inc.
725 American Avenue
Waukesha, WI 53188

NAME OF OWNER: Robert Schowalter
N71 W35498 Mapleton Lake Road.
Oconomowoc, WI 53066

LOCATION OF PROPERTY:

A part of the SW ¼ of Section 14, T8N, R17E, Town of Oconomowoc. More specifically, the property is located on the east side of C.T.H. "P" and approximately ¾ mile north of C.T.H. "K" on the Schowalter property, containing approximately eight acres.

PRESENT ZONING:

A-P Agricultural Land Preservation District.

PRESENT LAND USE:

Agricultural.

PROPOSED ZONING:

P-I Public and Institutional District (Conditional).

PROPOSED LAND USE:

In-patient hospice care facility.

PUBLIC HEARING DATES:

November 21, 2002 and continued on January 16, 2003.

PUBLIC REACTION:

Residents expressed concerns about the rezoning of agriculturally preserved lands, the loss of prime farmland, whether water, septic, traffic and screening has been addressed, the loss of wildlife in the area, a public road accessing the property, what would happen to lands in front of the facility, and whether this would be better suited in an urban setting. Members of the public speaking in favor of the facility indicated that this facility should be in more of a rural setting, that there is a definite need in the area, and that people should be allowed to come to a facility that has familiar surroundings.

TOWN PLAN COMMISSION ACTION:

The Town of Oconomowoc Plan Commission, on January 20, 2003 voted to approve the rezoning request, subject to a number of conditions.

TOWN BOARD ACTION:

The Town of Oconomowoc Board, on February 3, 2003, voted to approve the rezoning request, subject to the following conditions recommended by the Plan Commission with minor modifications:

1. The access drive from C.T.H. "P" shall be via a private easement for the exclusive use of ProHealth Care, Inc. and said driveway shall be utilized for ingress and egress through an easement in a form approved by the Town Attorney. Said driveway shall be constructed to Town road specifications with an acceptable turn-around at the end of the drive able to accommodate emergency vehicles. ProHealth Care, Inc shall provide the driveway maintenance.
2. If, for whatever reason, the proposed Hospice Care Facility ceases to exist on the property, the property shall automatically revert back to it's A-P Agricultural Land Preservation Zoning category. No other uses shall be allowed unless it is determined by the Town Plan Commission and Town Board that such use is similar in nature to the proposed Hospice Care Facility. Any other use (even if determined to be similar) shall require a Zoning Amendment to change the ownership and intended use of the property.
3. A Site Plan/Plan of Operation shall be reviewed and approved by the Town Plan Commission for the entire site, including but not limited to a Parking Plan, Landscaping Plan, signage, lighting and waste disposal prior to issuance of any permits.
4. The proposed Landscaping Plan shall include extra landscaping along the property lines to provide adequate (visual) buffer from the adjacent properties.
5. A Certified Survey Map shall be prepared for the parcels of land to be included as part of the Hospice Care Facility. The Certified Survey Map shall be reviewed and approved by the Town of Oconomowoc Plan Commission and Town Board, prior to the P-I zoning taking effect.
6. Documentation shall be submitted to the Town Planner, that Waukesha County Department of Parks and Land Use has approved an adequate onsite waste disposal system or the use of a holding tank.
7. Documentation shall be submitted to the Town Planner that an Access Permit onto C.T.H. "P" (Brown Street) has been issued by the Waukesha County Department of Public Works.
8. The Waukesha County Department of Parks and Land Use, Land Resources Division, prior to commencement of any construction activities, shall approve the Grading and Storm Water Management Plans.
9. The Town of Oconomowoc Engineer shall approve the proposed road plans to ensure all Town specifications are complied with.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF OCONOMOWOC LAND USE PLAN:

The Town of Oconomowoc Master Land Use Plan and Waukesha County Development Plan designates this area in a 35-acre agricultural category. However, the Waukesha County Shoreland and Floodland Protection Ordinance allows public and semi-public buildings and uses in the A-P Agricultural Land Preservation District. Therefore, the proposed hospice is a permitted Conditional Use and is compatible with the Town of Oconomowoc Master Land Use Plan and Waukesha County Development Plan. Note: The Town of Oconomowoc has recently amended their Land Use Plan to incorporate a 35-acre density standard rather than 35-acre minimum lot size.

OTHER CONSIDERATIONS:

The petitioners are proposing to rezone approximately eight (8) eight acres of a much larger parcel of land from the A-P Agricultural Land Preservation District to the P-I Public and Institutional District. The purpose of the rezone is to allow the petitioners to create a smaller parcel of land on which to operate the proposed Hospice facility. The petitioners could have created a 35-acre parcel and applied for a Conditional Use Permit to operate the proposed facility. However, in order to preserve the agricultural integrity of the area to the greatest extent possible, the petitioners are attempting to create the smaller parcel while allowing the owner of the property to maintain the rest in agricultural uses. The petitioners indicate 1.93 acres of prime farmland will be lost by the construction of the facility and associated parking. The property will be accessed via a private easement constructed to Town road specifications, and lands along C.T.H. "P" will continue to be farmed. Soil tests have been conducted for the site which indicates the proposed parcel has adequate area for on-site waste disposal for the proposed use. The petitioners indicate that waste will be equivalent to seven (7), four (4) bedroom homes, and that water usage will be less than that of a mid-sized farm. A traffic study was conducted and acceleration/deceleration lanes will be constructed on CTH "P" as part of this proposal. The Waukesha County Department of Public Works has indicated they will allow access onto CTH "P" directly across from Ashippun Shores Drive.

ProHealth Care, the parent organization of Oconomowoc Memorial and Waukesha Memorial Hospitals, has been given the opportunity to participate in developing an inpatient hospice facility, expanding our current in-home services, offered since 1991. Being the only facility of this type in Waukesha County, the proposed building will be made possible by community philanthropy and will be a not-for-profit, tax-exempt corporation. This type of facility is used to provide care to terminally ill patients, and focuses care on improving quality of life when a cure is not possible. The emphasis of patient care will focus on control of pain and symptoms of the illness, and in meeting the physical, emotional and spiritual needs associated with this time of life. The proposed facility, in preliminary design stages, suggests fifteen (15) patient rooms in a facility containing one-story and 16,500 sq. ft. Each of these rooms is designed to allow access to the outdoors, and also are sized to allow overnight stays for family members within the patient room. Other program components support the patient areas, including family space independent of the patient area, and nursing space necessary for care. The building will also contain a chapel, children's play areas and dining facilities. Support services, including storage and utilities are proposed for a lower level. This building is situated on the site to take advantage of the existing natural surroundings and has been shifted as far east as possible, to minimize impact to surrounding land. Walking paths and garden areas will highlight the features of the pond and surrounding wooded areas. The facility will operate 24 hours per day, seven days per week. Staffing is estimated at up to 15 full-time employees on the day shift.

STAFF RECOMMENDATION:

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

1. Access to C.T.H. "P" shall be by way of a private 66' wide easement. Notwithstanding the fact that the easement may be shown on a Certified Survey Map, it is necessary that an Easement Agreement be entered into in a form approved by the Town Attorney. The private drive to be located on the Access Easement shall be constructed to Town road specifications with an acceptable turnaround at the end of the drive, which turnaround shall be sufficient to accommodate emergency vehicles. ProHealth Care, Inc., shall maintain the driveway.
2. If for whatever reason the proposed hospice care facility ceases to be operated on the property, the zoning of the property shall automatically revert to the A-P Agricultural Land Preservation Zoning District. No other use shall be allowed on the subject parcel unless it is determined by the Town Plan Commission, Town Board and the Waukesha County Department of Parks and Land Use (WCDPLU), that such use is identical in nature to the hospice care facility. If the hospice care facility ceases to operate, any future use, shall require an appropriate zoning ordinance amendment.
3. A Site Plan and Plan of Operation shall be reviewed and approved by the Town Plan Commission and the WCDPLU for the entire site including, but not limited to, the following plans: Parking, Landscaping, Signage, Lighting, and Waste Disposal. These plans must be approved prior to the issuance of any permits.
4. The Landscape Plan must provide for extra landscaping along the property lines to provide a visual buffer from the adjacent properties.
5. A Certified Survey Map shall be prepared for the parcel of land upon which the hospice care facility is to be located. The Certified Survey Map shall be reviewed and approved by the Town Plan Commission, Town Board and the WCDPLU prior to the P-1 Public and Institutional District zoning becoming final.
6. It is required that the WCDPLU approve an on-site waste disposal system and proof of such approval shall be provided to the Town Planner and WCDPLU.
7. An Access Permit from the property to C.T.H. "P" (Brown Street) shall be required from the Waukesha County Department of Public Works, and proof of such Access Permit shall be submitted to the Town Planner and the WCDPLU.
8. In addition to the plans required in Paragraph 3 hereof, a Grading and Stormwater Management Plan shall be prepared and submitted to the WCDPLU and the Land Resources Division, for approval. Approval by that agency is required prior to commencement of any grading or construction activities.
9. Plans for the proposed access road shall be approved by the Town Engineer. The construction of the access road shall be inspected by the Town Engineer to ensure that the access road is constructed to Town road specifications.

As conditioned, the use will provide a needed facility in the area, while not jeopardizing the future use of this property and surrounding properties. By allowing a small portion of prime farmland to be rezoned, the agricultural integrity of the area will be preserved which is within the best interest of property owners within the area, the Town of Oconomowoc, and Waukesha County.

Respectfully submitted,



Brian P. Depies
Senior Land Use Specialist

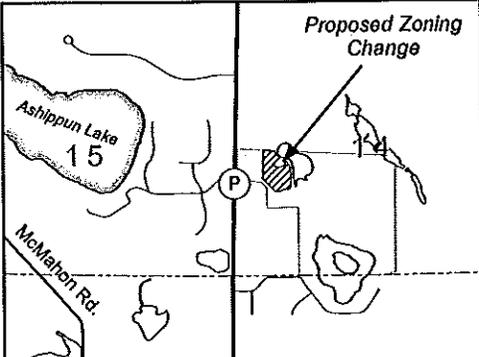
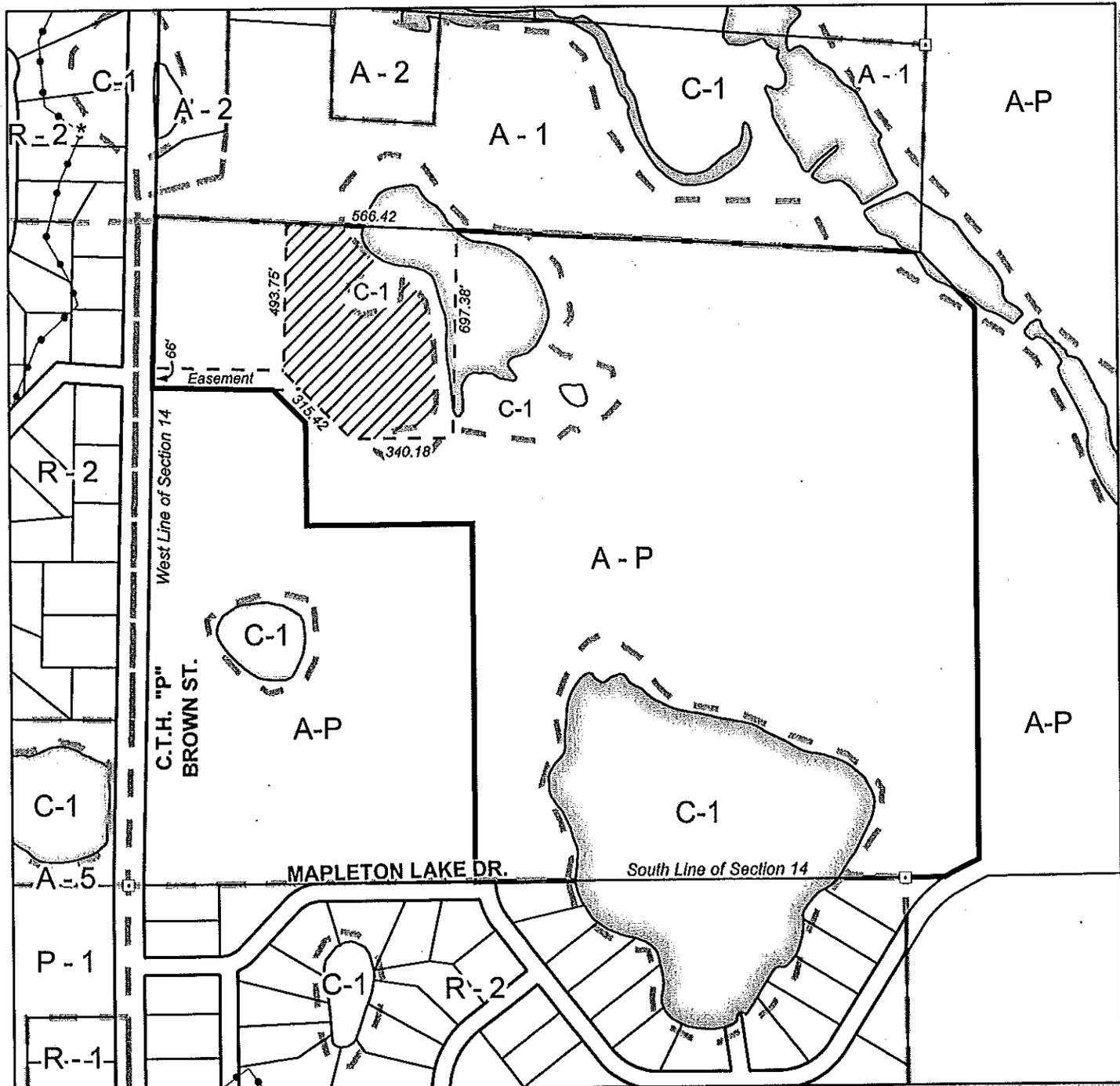
BPD:smv

Attachments: Map

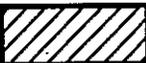
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ZONING MAP AMENDMENT

PART OF THE SOUTHWEST 1/4 OF SECTION 14
TOWN OF OCONOMOWOC



Proposed Zoning Change

 **CONDITIONAL ZONING CHANGE FROM A-P (AG. LAND PRES. DISTRICT) TO P-1 (PUBLIC & INSTITUTIONAL DISTRICT)**

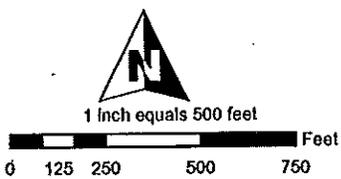
FILE.....SZ-1468

DATE.....2-20-03

AREA OF CHANGE.....5.8 ACRES

TAX KEY NUMBER.....OCOT 0487,998

Prepared by the Waukesha County Department of Parks and Land Use



V

DATE-03/25/03

(ORD) NUMBER-1570128

1 K. HERRO.....AYE
 3 D. STAMSTA.....AYE
 5 J. MARCHESE.....AYE
 7 J. JESKEWITZ.....AYE
 9 P. HAUKOHL.....AYE
 11 K. HARENDA.....
 13 J. MORRIS.....
 15 D. SWAN.....AYE
 17 J. BEHREND.....AYE
 19 M. SONNENTAG.....
 21 W. KOLB.....AYE
 23 P. PRONOLD.....AYE
 25 K. CUMMINGS.....AYE
 27 D. PAULSON.....AYE
 29 M. THOMAS.....AYE
 31 V. STROUD.....AYE
 33 D. PAVELKO.....AYE
 35 C. SEITZ.....AYE

2 R. THELEN.....AYE
 4 H. CARLSON.....AYE
 6 D. BROESCH.....AYE
 8 J. DWYER.....AYE
 10 S. WOLFF.....AYE
 12 J. GRIFFIN.....AYE
 14 J. LA PORTE.....AYE
 16 R. MANKE.....AYE
 18 D. FANFELLE.....AYE
 20 M. KIPP.....AYE
 22 G. BRUCE.....AYE
 24 A. SILVA.....AYE
 26 S. KLEIN.....AYE
 28 P. JASKE.....AYE
 30 K. NILSON.....AYE
 32 P. GUNDRUM.....AYE
 34 R. SINGERT.....AYE

TOTAL AYES-32

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-32