

ENROLLED ORDINANCE 170-6

YEAR 2015 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (1A – TERRY AND JILL VAN LARE LIVING TRUST, SECTION 26, T8N, R17E, TOWN OF OCONOMOWOC)

WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled Ordinance 163-O-81, approved a Comprehensive Development Plan for Waukesha County, and

WHEREAS, the Comprehensive Development Plan for Waukesha County provides for annual update and amendment procedures, and

WHEREAS, on March 19, 2015, 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 2, 2015, a summary of the Public Hearing, comments and Staff Recommendations 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 2, 2015, 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 and as set forth in the attached “Chart of Actions”

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

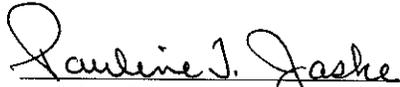
1. In the Town of Oconomowoc, the following request is being made:
 - A. ***Terry and Jill Van Lare Living Trust***, W357 N6101 Spinnaker Drive, Oconomowoc, WI 53066, request property located in part of the NW ¼ of Section 26, T8N, R17E, Town of Oconomowoc (Tax Key No. OCOT 0534.998.005), be amended from the Low Density Residential category to the Medium Density Residential category to allow for future multi-family use.

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 Oconomowoc.

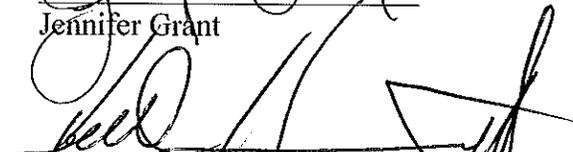
Year 2015 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County(1A – Terry And Jill Van Lare Living Trust, Section 26, T8N, R17E, Town Of Oconomowoc)

Presented by:
Land Use, Parks, and Environment Committee


Pauline T. Jaske, Chair

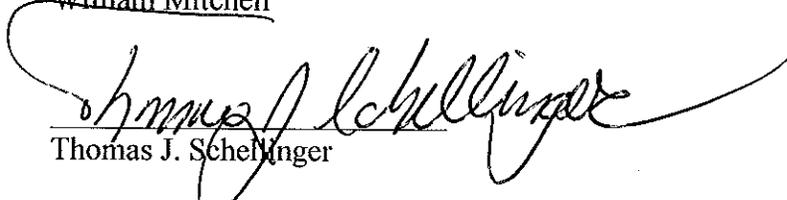

Jim Batzko


Jennifer Grant

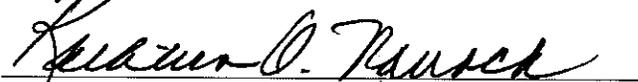

Keith Hammit


Eric Highum


William Mitchell


Thomas J. Schellinger

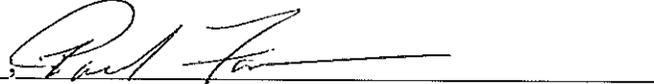
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 4/28/15, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

Date: 5-1-15, 
Paul Farrow, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/28/15

NUMBER-170002

1 R. KOLB.....	AYE	2 D. Zimmermann.....	AYE
3 R. MORRIS.....	AYE	4 J. BATZKO.....	
5 J. BRANDTJEN.....	AYE	6 J. WALZ.....	AYE
7 J. GRANT.....	AYE	8 E. HIGHUM.....	AYE
9 J. HEINRICH.....	AYE	10 D. SWAN.....	AYE
11 C. HOWARD.....	AYE	12 P. WOLFF.....	AYE
13 P. DECKER.....	AYE	14 C. PETTIS.....	AYE
15 B. MITCHELL.....	AYE	16 M. CROWLEY.....	AYE
17 D. PAULSON.....	AYE	18 L. NELSON.....	AYE
19 K. CUMMINGS.....	AYE	20 T. SCHELLINGER....	AYE
21 W. ZABOROWSKI.....	AYE	22 P. JASKE.....	AYE
23 K. HAMMITT.....	AYE	24 S. WHITTOW.....	AYE
25 G. YERKE.....	AYE		

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

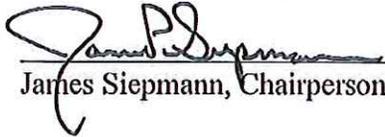
TOTAL VOTES-24

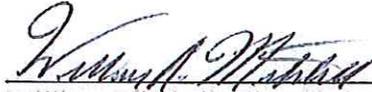
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2015 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (1A – Terry and Jill Van Lare Living Trust, Section 26, Town of Oconomowoc) hereby recommends approval in concurrence with the attached chart entitled "Year 2015 Amendments to the Comprehensive Development Plan for Waukesha County" (actions taken by the Park and Planning Commission).

PARK AND PLANNING COMMISSION

April 2, 2015

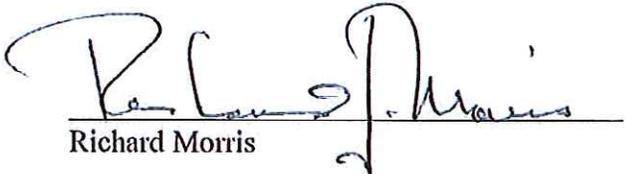

James Siepmann, Chairperson


William Mitchell, Vice Chairperson

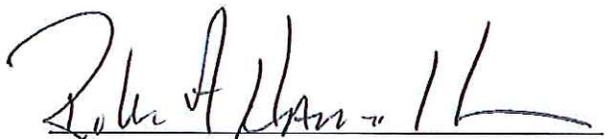

Robert Peregrine

Absent
Gary Goodchild

Absent
Keith Hammit


Richard Morris


William Maslowski


Robert Hamilton

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATIONS FOR THE
YEAR 2014 AMENDMENTS TO THE COMPREHENSIVE
DEVELOPMENT PLAN FOR WAUKESHA COUNTY

DATE: April 2, 2015

PUBLIC HEARING DATE:
Thursday, March 19, 2015, 1:00 p.m.

A copy of the public hearing Minutes associated with the requests are included herein as an attachment (see Exhibit "A").

REQUESTS:
Year 2015 amendments to the Comprehensive Development Plan for Waukesha County pursuant to the procedures outlined in the Plan.

1. In the Town of Oconomowoc, the following request is being made:
 - A. *Terry and Jill Van Lare Living Trust*, W357 N6101 Spinnaker Drive, Oconomowoc, WI 53066, request property located in part of the NW ¼ of Section 26, T8N, R17E, Town of Oconomowoc (Tax Key No. OCOT 0534.998.005), be amended from the Low Density Residential category to the Medium Density Residential category to allow for future multi-family use.

LAND USE CATEGORY
Low Density Residential (20,000 sq. ft. to 1.4 acres per dwelling unit).

PROPOSED LAND USE CATEGORY
Medium Density Residential (6,000 to 19,999 sq. ft. of area per dwelling unit).

PUBLIC REACTION
One nearby owner expressed a preference for condominium type development rather than rentals and expressed concern about privacy from future development. Another nearby property owner expressed concern about uncapped wells from the old homestead and water runoff from a future development. She also expressed concern about possible necessary roadway improvements because of the close proximity to the intersection of C.T.H. "P" and C.T.H. "Z".

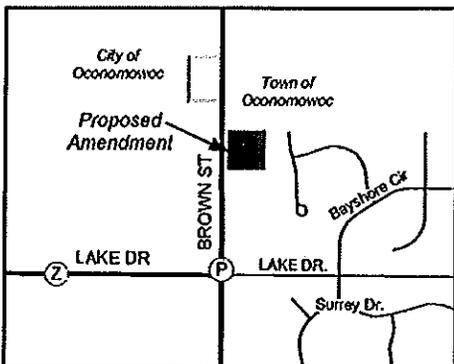
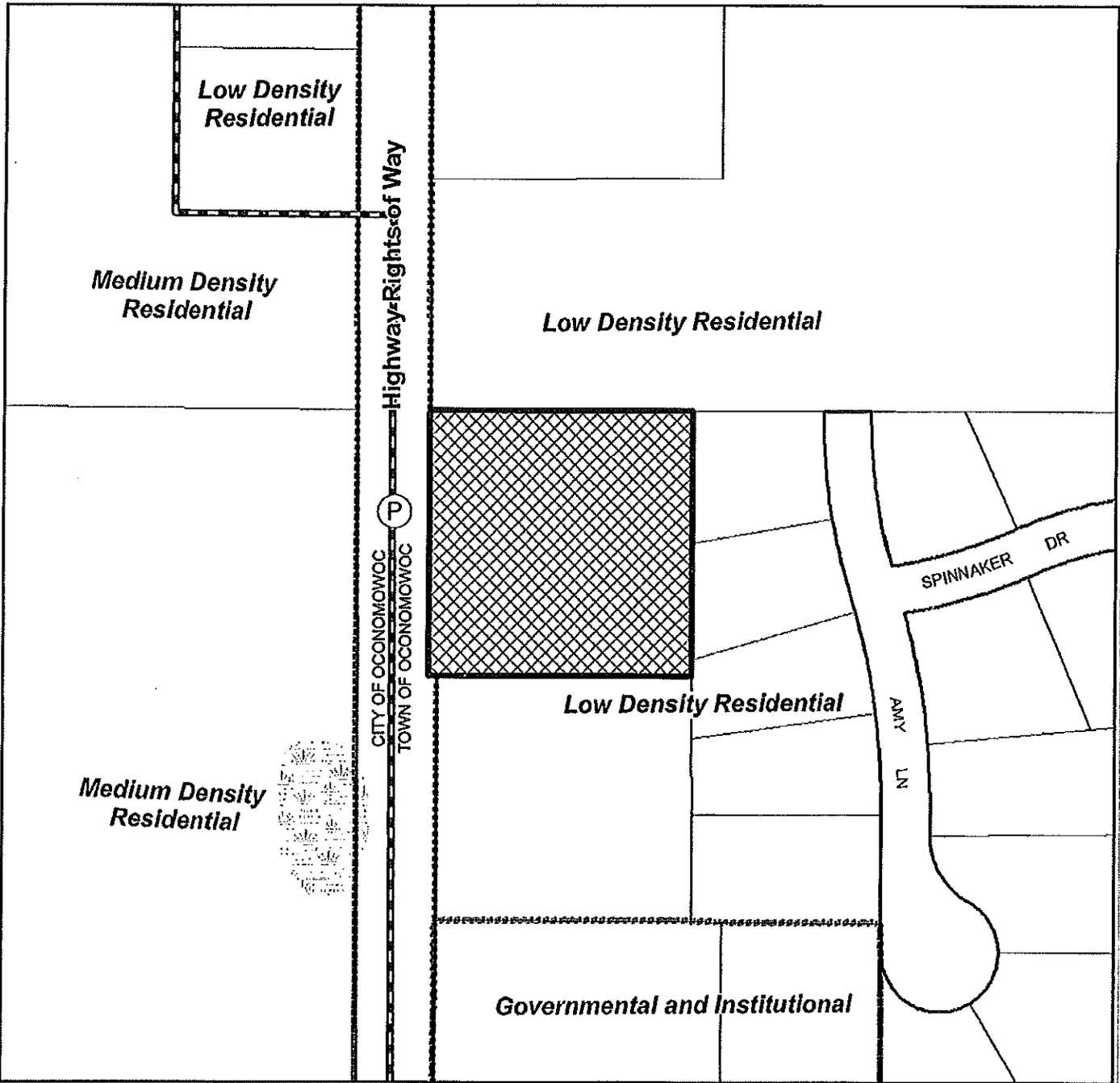
TOWN PLAN COMMISSION ACTION
The Town of Oconomowoc Plan Commission unanimously approved the amendment at their December 15, 2014, meeting.

TOWN BOARD ACTION
The Town of Oconomowoc Board unanimously approved the amendment at their January 19, 2015, meeting.

STAFF ANALYSIS:
The subject three acre parcel is located to the northeast of the intersection of C.T.H. "P" and C.T.H. "Z". The lands have approximately 360' of frontage on C.T.H. "P". A residential subdivision abuts the lands to the east and undeveloped farmland is located to the north and opposite of the site to the east of the highway. The lands east of the highway are located within the City of Oconomowoc. A

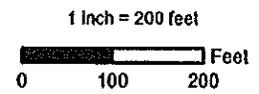
DEVELOPMENT PLAN AMENDMENT

PART OF THE NW 1/4 OF SECTION 26
TOWN OF OCONOMOWOC



COUNTY DEVELOPMENT PLAN AMENDMENT FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL

PETITIONER.....TERRY & JILL VAN LARE LIVING TRUST (1A)
 DATE OF PLAN COMM. CONSIDERATION.....04/02/15
 AREA OF CHANGE.....2.98 ACRES
 TAX KEY NUMBER.....OCOT0534.998.005



Prepared by the Waukesha County Department of Parks and Land Use

church is located at the northeast corner of the subject intersection and commercial uses are located to the south of the intersection along both sides of C.T.H. "P".

The petitioner is requesting a change in land use categories to allow for an increase in the permissible number of dwelling units on the site. The current plan designation of Low Density Residential would allow for a maximum of six dwelling units. The proposed Medium Density Residential category allows for a density range of 6,000 to 19,999 square feet per dwelling unit, which would yield a maximum of 21 dwelling units at the subject site. However, the petitioner has presented a concept plan that shows just eight dwelling units (see Exhibit "B"). The Zoning Code's Multiple Family Use Conditional Use provisions would similarly allow a maximum of eight dwelling units on the site if a rezoning to the R-3 District is obtained in the future.

Highway access would need to be coordinated with the Department of Public Works. The Public Works Staff has suggested that a shared access with the property to the south might be the most preferable arrangement. Storm water and septic considerations would need to be taken into consideration during the review of any subsequent Conditional Use/Site Plan request for a multi-family development project. The Conditional Use process involves another public hearing, so nearby property owners would again have opportunity to comment regarding specific project site design details.

During concept discussions with the petitioner, it was suggested that consideration be given to coordinating the proposed land use plan change with the owner of a similar three acres to the south of the subject lands. Said landowner indicated to Town Planning Staff that he preferred not to be included in the request at this time, as he is waiting to see how the lands to the west of the highway develop first.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved. The proposed amendment allows the possibility for potential multi-family development along a busy highway in an area that is mixed use in nature. Specific design elements can be further considered at the time of rezoning and Conditional Use consideration to ensure that any future project is harmonious with the neighborhood.

2. *The Waukesha County Department of Parks and Land Use*, requests a comprehensive map amendment to the Recommended Land Use Plan for Waukesha County – 2035 to incorporate the newly available SEWRPC 2010 Environmental Corridor inventory mapping.

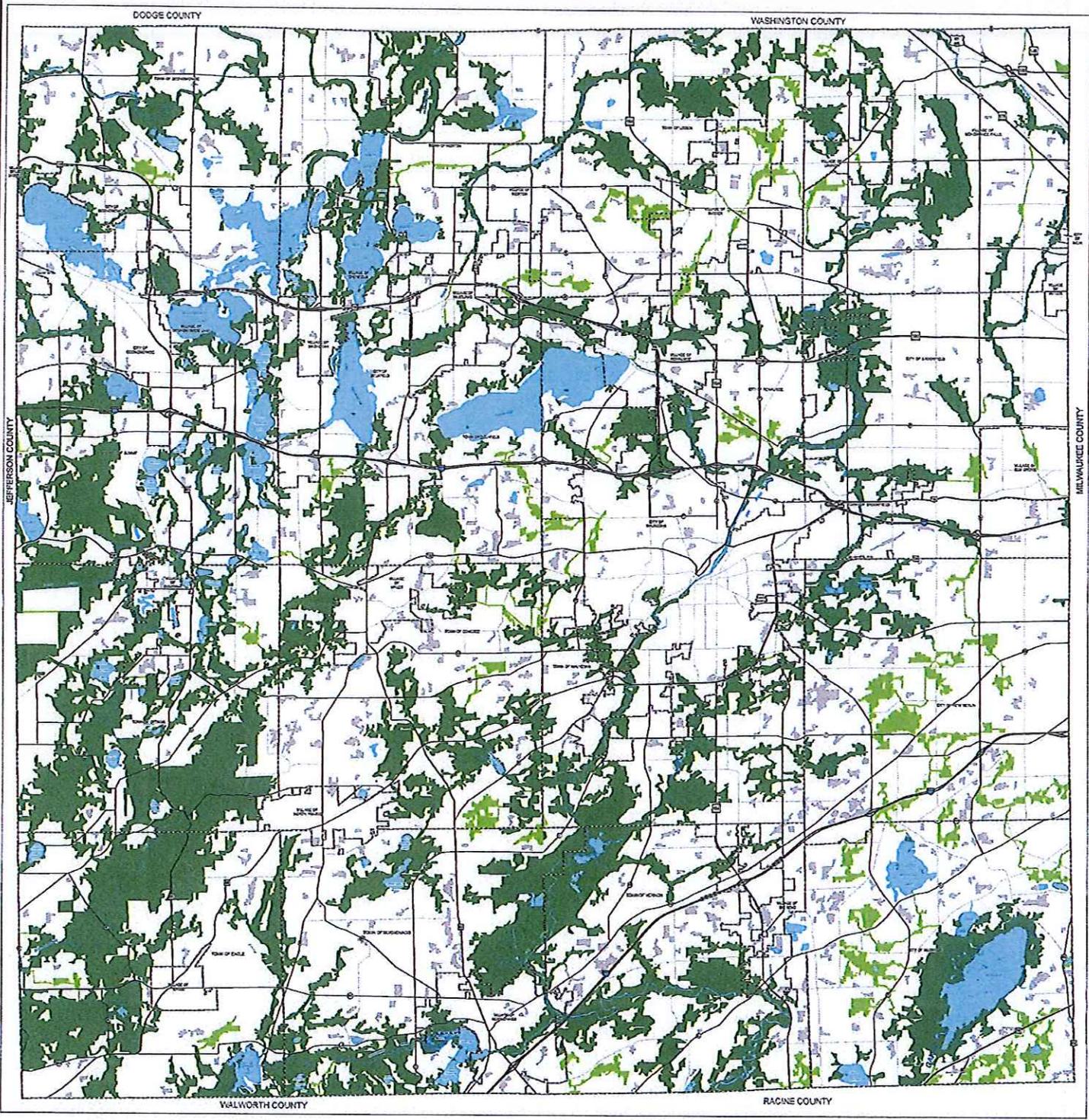
PUBLIC REACTION:

None.

STAFF ANALYSIS:

The Southeastern Wisconsin Regional Planning Commission (SEWRPC) typically updates its environmental corridor mapping inventory for the region at five year intervals. Environmental corridors are the best remaining elements of the region's natural resource base. SEWRPC considers twelve natural resource type elements that are essential to the maintenance of the ecological balance, natural beauty and overall quality of life in delineating environmental corridors. Primary Environmental Corridors are at least 400 acres in size and two miles in length, Secondary

**DEVELOPMENT PLAN AMENDMENT (COUNTYWIDE)
 PLANNED ENVIRONMENTAL CORRIDORS & ISOLATED NATURAL RESOURCE AREAS
 IN WAUKESHA COUNTY: 2010**



- Legend**
- Primary Environmental Corridor (PEC)
 - Secondary Environmental Corridor (SEC)
 - Isolated Natural Resource Area (INRA)
- } Place in Environmental Corridor Category

Source: SEWRPC & Waukesha County

Date of Plan Commission Consideration: 4/2/15



Environmental Corridors are at least 100 acres in size and one mile in length and Isolated Natural Resource Areas are at least five acres in area. Woodlands, wetlands, unfarmed floodplains and surface waters are key features within said resources.

The County Development Plan underwent a comprehensive update in 2009. At the time of plan adoption, the most current available environmental corridor inventory was the year 2000 inventory. The proposed amendments would incorporate the new 2010 environmental corridor mapping into the Recommended Land Use Plan Map of the plan. Said map is a "living" map that is updated each time a city or village amends its own local plan over time and is updated each year for changes initiated within unincorporated areas. The attached map depicts the lands to be mapped within the Environmental Corridor category.

The environmental corridor mapping is SEWRPC's generalized interpretation of natural resource boundaries based upon their analysis of aerial photography, vegetative cover, soils data and topographic conditions. In field determinations that have been made by SEWRPC, biologists are also brought into the inventory. Final boundary in-field determinations are routinely requested by County and local planning staff to further refine boundaries at the time of development proposals.

A review of 2010 inventory mapping against 2000 inventory mapping shows that areas of environmental corridor have been lost in some areas, which is either a result of development within said areas or because of a change in classification. In addition, new areas are identified as environmental corridor, either because vegetative cover has changed over time or because of in-field determination. Overall, the area of total environmental corridor acreage increased by approximately 6.3% (6,757 acres) from 2000 to 2010.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved. The incorporation of the most current available environmental corridor inventory mapping into County Development Plan mapping will ensure the availability of the best information to the general public, the development community and local and County staff and officials. Protection of environmental corridors is a key recommendation of the County Development Plan and incorporating current inventories into County mapping is important in ensuring protection of these sensitive natural resources which contributes to overall quality of life within the County.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Exhibit A (Public Hearing Minutes)
Exhibit B (Van Lare – Concept Plan)

EXHIBIT "A"

SCHEDULED MATTER

- 1:05 p.m. Public Hearing for the 2015 Amendments to the Comprehensive Development Plan for Waukesha County

Mr. Fruth explained the annual amendment process. He indicated that after the Public Hearing, the Waukesha County Department of Parks and Land Use Staff will have a recommendation prepared for the requests and on April 2, 2015, the Park and Planning Commission will meet and vote on the requests. The Land Use, Parks and Environment Committee will consider the amendments on April 21, 2015. The Waukesha County Board of Supervisors will consider the same at their meeting of April 28, 2015. After the Waukesha County Board's action, the appropriate changes are made a part of the permanent record and the Comprehensive Development Plan for Waukesha County is amended as approved by the Waukesha County Board.

At 1:05 p.m. Mr. Fruth read the Notice of Public Hearing into the record.

1. In the Town of Oconomowoc, the following request is being made:

- A. *Terry and Jill Van Lare Living Trust, W357 N6101 Spinnaker Drive, Oconomowoc, WI 53066, request property located in part of the NW ¼ of Section 26, T8N, R17E, Town of Oconomowoc (Tax Key No. OCOT 0534.998.005), be amended from the Low Density Residential category to the Medium Density Residential category to allow for future multi-family use.*

Mr. Fruth indicated the parcel is located east of C.T.H. "P" and north of C.T.H. "Z" and is approximately three (3) acres in size. Surrounding properties include a single family subdivision to the east, agricultural lands to the west (City of Oconomowoc), agricultural lands to the north, a vacant parcel to the south and a church on the corner of Lake Drive and C.T.H. "P". The petitioner met with Town and County Staff regarding the possibility of locating a commercial use on the parcel, however, it was suggested that some form of residential use would be more acceptable because of the subdivision immediately to the east. The property owner of the vacant parcel to the south was contacted by the Town regarding changing the land use category as well, however, he declined being part of the request at this time, as he was waiting to see how the lands west of C.T.H. "P" develop.

Mr. Fruth presented the conceptual plan, submitted by the petitioner, showing vegetative screening along C.T.H. "P" and eight (8) multi-family units. The petitioner indicated to Staff that he did not have a specific proposal in mind as to whether they would be condominium or rental units. The petitioner also spoke with the Waukesha County Environmental Health Staff regarding options for servicing the property with septic and well. The County Environmental Health Codes state, if there are more than two (2) dwelling units going into a singular septic system, it would require the approval of the Town of Oconomowoc to be responsible for the system. The petitioner indicated, at most, he would have two (2) dwelling units going into a singular septic facility. The Town and County Staff advised the petitioner that it would be important to provide screening for the residences to the east.

Mr. Fruth explained the current Low Density Residential category allows for six (6) dwelling units and the change to the Medium Density Residential category matches the land use category for lands opposite of C.T.H. "P". The Zoning Code multi-family Conditional Use section provisions provide for a maximum of eight (8) units on the three (3) acre site. The Medium Density Residential category could allow more than eight (8) units, however, the zoning caps the units at eight (8). At the Town's Public Hearing, concerns

were expressed regarding the density of the property and whether the development would contain condominiums or rental units.

Chairperson Siepmann asked if there were any comments from the audience, Committee or Commission?

Mr. Fehr, W358 N6191 Amy Lane, stated his property is located east of the property in question. He clarified, according to the zoning, the maximum amount of units allowed would be eight (8) vs. the Medium Density Residential category allowing more. He expressed concerns regarding privacy and traffic safety especially if the vacant lot to the south would be developed in the future. In addition, he preferred condo or owner occupied properties instead of rentals, so the surrounding property values would not decrease.

Ms. Snyder, W359 N6280 Brown Street, stated her 80 acre farm is located immediately north of the property in question. She said when the property came on the market, she was told by the County that parcels located within a certain distance of the intersection of C.T.H. "Z" and C.T.H "P" could not have additional turn lanes and changes to the roadway because it would be too dangerous. She expressed concerns regarding traffic, what direction water flows, six (6) uncapped wells from the old homestead and what effect it would have on the development.

Chairperson Siepmann noted that the request is regarding the land use category of the property and all of the details/issues would be considered at a future date and studied both by the County as well as the Town of Oconomowoc.

Chairperson Siepmann asked if there were any other comments from the audience, Committee or Commission, there being none, he moved on to the next item on the agenda.

2. *The Waukesha County Department of Parks and Land Use*, requests a comprehensive map amendment to the Recommended Land Use Plan for Waukesha County – 2035 to incorporate the newly available SEWRPC 2010 Environmental Corridor inventory mapping.

Mr. Fruth explained, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) has completed analyzing the most recent aerial photography for the County. Their process includes examining the detailed in-field delineations which they have completed, corridor areas which have expanded or contracted as a result of development activities or changes in vegetative cover. He presented an aerial photograph (sample) of a wooded property where there was a significant change in the updated mapping. The effort will bring the best, most current available data integrated into the Comprehensive Development Plan map.

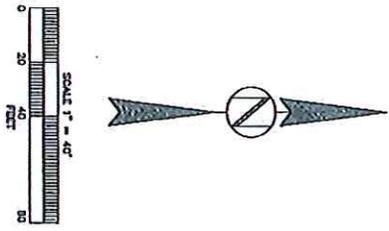
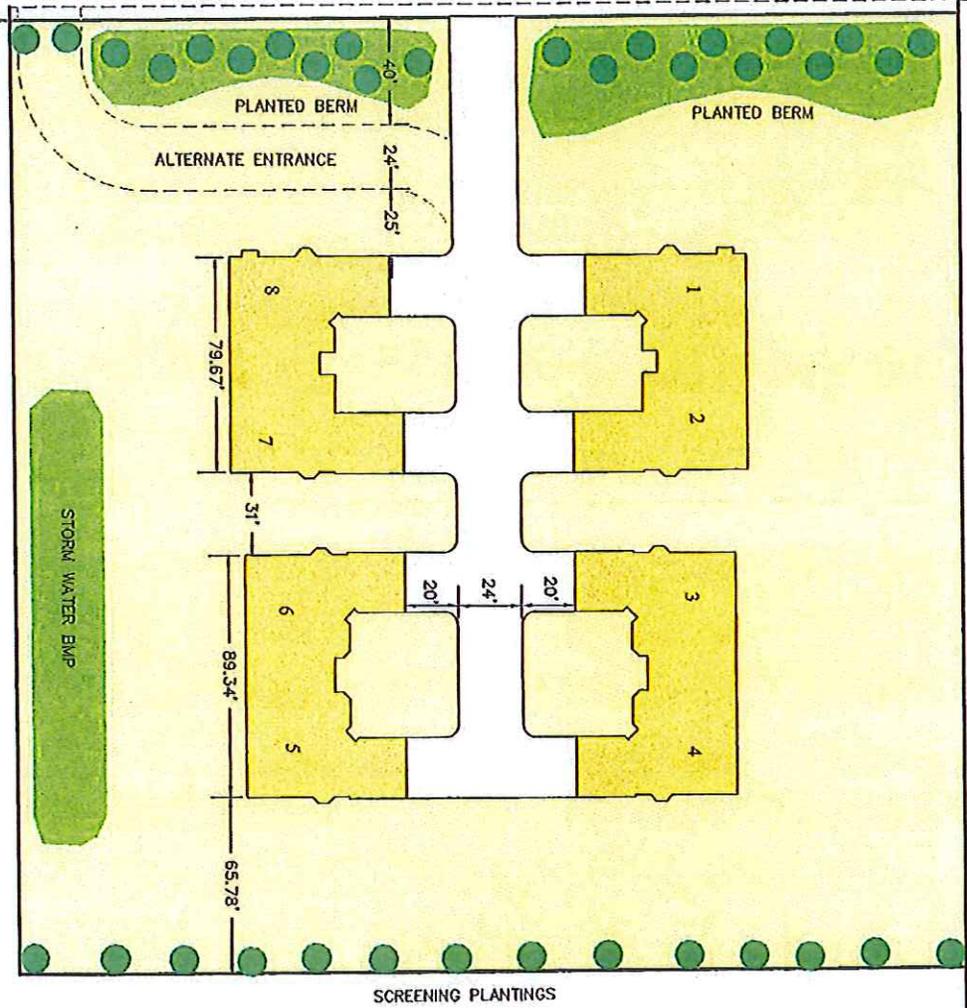
Chairperson Siepmann asked if there were any comments from the audience, Committee or Commission?

Chairperson Siepmann asked if a property owner could have their property field-verified to make sure the mapping was accurate. Mr. Fruth replied "Yes". Chairperson Siepmann asked if there would be some type of overlay showing past vs. the new mapping. Mr. Fruth responded, that the County GIS is the best way to view the comparison. He said he did not know how much effort would be involved for the County GIS Staff to prepare statistics relative to changes, but he would inquire about it. He advised that it would be difficult to see on a paper map of the entire County and suggested viewing individual properties on the County's GIS mapping system.

Chairperson Siepmann asked if there were any comments from the audience or Commission, there being none he closed the Public Hearing at 1:27 p.m.

EXHIBIT "B"

BROWN STREET (CTH P)



CONCEPTUAL LAND USE PLAN W259 N6168 BROWN STREET (OCOT0534998005) TERRY D & JILL A VANLARE REVOCABLE LIVING TRUS NW 1/4 S26, T.8N., R.17E., TOWN OF OCONOMOWOC	LAKE COUNTRY ENGINEERING, INC. Consulting Engineers - Surveyors 8175 Grand Lakes Street, Suite 200, Oconomowoc, WI 53066 Phone (262) 529-8331 Fax (262) 529-0118	REVISION DATE	REMARKS
		SCALE: 1" = 40' DRAWN BY: RAVAY CHECKED BY: J.A. DATE: OCTOBER, 2014	

The Chart of Actions has been updated to reflect the decision and vote of the LUPE Committee.

Chart of Actions Year 2015 Amendments to the Comprehensive Development Plan for Waukesha County					
Item No. (Outlined in the Staff Report and Recommendation)	Town	Staff Recommendation	Park and Planning Commission Decision and Vote 4/2/15	LUPE Decision and Vote 4/21/15	County Board Decision and Vote 4/28/15
1A – Terry and Jill Van Lare Living Trust	Oconomowoc	Approval	Approval: Unanimous	Approved: 7-0	
2 – Waukesha County Department of Parks and Land Use – Environmental Corridor Inventory Mapping	-----	Approval	Approval: Unanimous	Approved: 7-0	