

Enrolled Ordinance 171-090

YEAR 2017 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE
DEVELOPMENT PLAN FOR WAUKESHA COUNTY (2A - BRADLEY
ROZANSKI/MILESTONE DEVELOPMENT PARTNERS, LLC SECTION 17, T5N,
R18E, TOWN OF MUKWONAGO)

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 23, 2017, 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 March 16, 2017, 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 March 16, 2017, 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 approved to the Year 2035 Comprehensive Development Plan for Waukesha County.

2 In the Town of Mukwonago, the following request is being made:

- A. *Bradley Rozanski, Milestone Development Partners LLC*, 3215 Golf Road Suite 132, Delafield, WI 53018-2157, requests property located at W327 S8040 Highway EE, in part of the NW 1/4 of Section 17, T5N, R18E, Town of Mukwonago (Tax Key No. MUKT 1938.999), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres of area per dwelling unit) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to allow for a single-family residential subdivision.

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 Mukwonago.

COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2017 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (2A – Bradley Rozanski, Milestone Development Partners, LLC) Section 17, T5N, R18E, Town of Mukwonago) hereby recommends approval.

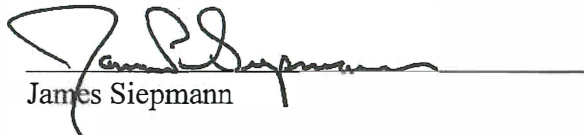
PARK AND PLANNING COMMISSION

March 16, 2017


Richard Morris, Chairperson

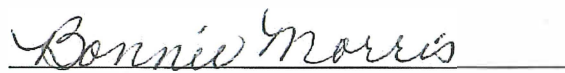

William Mitchell


Robert Peregrine


James Siepmann


Keith Hammit


William Maslowski


Bonnie Morris

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A
YEAR 2017 AMENDMENT TO THE COMPREHENSIVE
DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(2A MILESTONE DEVELOPMENT PARTNERS, LLC,
TOWN OF MUKWONAGO)

DATE: March 16, 2017

PUBLIC HEARING DATE:
Thursday, February 23, 2017, 1:00 p.m.

A copy of the Public Hearing Minutes associated with the request is included herein as an attachment (see Exhibit "A").

REQUEST:
Year 2017 amendment to the Comprehensive Development Plan for Waukesha County pursuant to the procedures outlined in the Plan.

2. In the Town of Mukwonago, the following request is being made:

- A. ***Bradley Rozanski, Milestone Development Partners LLC***, 3215 Golf Road Suite 132, Delafield, WI 53018-2157, requests property located at W327 S8040 Highway EE, in part of the NW ¼ of Section 17, T5N, R18E, Town of Mukwonago (Tax Key No. MUKT 1938.999), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres of area per dwelling unit) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to allow for a single-family residential subdivision.

EXISTING LAND USE CATEGORY

Rural Density and Other Agricultural Land (5.0 to 34.9 acres of area per dwelling unit).

PROPOSED LAND USE CATEGORY

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

PUBLIC REACTION

- The owners of property located at S79 W32479 Sugden Road (northeast of the subject property) expressed their objection in writing stating that the property should remain as is.
- The owners of property located at W327 S8040 C.T.H. "EE" (directly east of the subject property) expressed their objection and specific concerns in writing. The letter is attached as Exhibit "B".
- County Board Supervisor Darlene Johnson attended the public hearing and expressed the concerns of the property owners located at W327 S8040 C.T.H. "EE."
- An owner of property located at W326 S7954 Memory Lane Court (west of the subject property in the Country Bliss Subdivision) expressed concern related to drainage and adequate water supply. She also asked if consideration would be given to preserving the tree line along the west lot line of the subject property.

TOWN PLAN COMMISSION ACTION

At their meeting on April 6, 2016, the Town of Mukwonago Plan Commission made a recommendation to the Town Board for approval of the request to amend the Town of Mukwonago’s Comprehensive Plan from the Agricultural Residential land use category (3.2 acres of area per dwelling unit) to the Low Density Residential land use category (1 acre of area per dwelling unit) (Resolution 2016-R-57).

TOWN BOARD ACTION

The Town of Mukwonago Board unanimously approved the Town plan amendment at their June 1, 2016 meeting (Ordinance 2016-O-35).

STAFF ANALYSIS:

The subject property consists of approximately 10 acres and contains a single-family residence, barn, old foundation and outhouse. There is some emerging tree coverage and steep slopes on the property. The property is bordered by one (1) to two (2) acre residential lots along the north, west and southeast lot lines. There are a few larger residential lots along the east lot line that contain Isolated Natural Resource Area. There is also a 150-acre property to the east that is currently being farmed. The 150-acre property is identified as proposed Town ownership on the Waukesha County Park and Open Space Plan, which is an element of the Comprehensive Development Plan.

The petitioner is proposing to amend the County’s Land Use Plan from the Rural Density and Other Agricultural Land category (5.0 to 34.9 acres of area per dwelling unit) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres per dwelling unit) in order to accommodate an eight (8) lot single-family residential subdivision (see Concept Plan attached as Exhibit “C”). The property is subject to the Town of Mukwonago Zoning Code. The Town has the property zoned R-1 Residential, which requires a minimum lot size of one (1) acre.

The proposed plan category would allow more density than is permitted via the existing zoning designation. However, the more restrictive zoning and area requirements for private sewage systems are likely to be the more controlling factors relative to the future number of lots. The petitioner must comply with all land division requirements of the Town and County.

There are several factors that must be considered as part of the land division review process. The Department of Public Works has suggested that the proposed access location is most reasonable because it aligns with the road on the opposite side of C.T.H. “EE” and it will not require the removal of any mature oaks. Stormwater management is currently being reviewed. The developer is proposing to infiltrate a portion of the runoff, which may mitigate existing concerns regarding runoff to the Country Bliss Subdivision. The property has suitable soils for septic and well placement. The Environmental Health Division reviewed well construction reports for several wells adjacent to the subject property and concluded that the wells needed to serve the proposed development would likely not adversely affect the water supply of the existing wells in the area. The Town of Mukwonago will need to consider preservation of topography and whether landscape buffering along the existing property boundary is warranted as part of their land division review. It should be noted that the Town’s zoning ordinance requires a 20 ft. setback from the rear lot lines and the properties to the northeast contain wooded conditions.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The request will allow residential densities on the subject property that are compatible with the surrounding residential uses. The proposed request complies with the objectives and standards of the Comprehensive Development Plan for Waukesha County. Specifically, there are no agricultural or environmentally sensitive areas impacted. Surface and ground water resources will be managed through the land division review process.

Respectfully submitted,

Amy Barrows

Amy Barrows
Senior Planner

Attachment: Exhibit "A" (Public Hearing Minutes)
Exhibit "B" (Public Comment Letter)
Exhibit "C" (Concept Plan)
Map

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION2017\Staff Recommendation 2A Milestone Dev Partners LLC T Mukwonago.doc

EXHIBIT "A"

SCHEDULED MATTER

- 1:05 p.m. Public Hearing for the 2017 Amendments to the Comprehensive Development Plan for Waukesha County.

Ms. Barrows, described the annual amendment process. She 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 March 16, 2017, 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 18, 2017. The Waukesha County Board of Supervisors will consider the same at their meeting of April 25, 2017. 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. Ms. Barrows read the Notice of Public Hearing into the record.

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

- A. *The Waukesha County Department of Parks and Land Use*, 515 W. Moreland Blvd., Waukesha, WI 53188, requests property owned by Survivors Trust U/Alex & Sadie Roitblat Trust, Marna Stein Et Al, P.O. Box 1750, Santa Ynez, CA 93460, located in part of the SW ¼ of Section 35, T6N, R18E, Town of Genesee (Tax Key No. GNT 1579.998), be amended from the Transportation, Communication and Utilities category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to recognize that these lands are not needed for future transportation uses.

Ms. Barrows indicated the property is located at the corner of S.T.H. 83 and C.T.H. "X" containing approximately 12 acres. The property is currently being utilized for agricultural purposes. At this time, the current property owners have no intentions of selling the property. The Transportation, Communication and Utilities category was intended to preserve the land for future transportation uses. The Town of Genesee and Waukesha County do not feel there is any reason to keep the property in that category since S.T.H. 83 has recently been reconfigured with a new roundabout at the intersection of S.T.H. 83 and C.T.H. "X". The Waukesha County Department of Parks and Land Use agreed to be the applicant for this amendment and is proposing to amend the category to the Low Density Residential category. Adjacent properties include a residential subdivision containing one (1) acre lots to the north also in the Low Density Residential category.

Chairperson Morris 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. In the Town of Mukwonago, the following request is being made:

- A. *Bradley Rozanski, Milestone Development Partners LLC*, 3215 Golf Road Suite 132, Delafield, WI 53018-2157, requests property located at W327 S8040 Highway EE, in part of the NW ¼ of Section 17, T5N, R18E, Town of Mukwonago (Tax Key No. MUKT 1938.999), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres of area per dwelling unit) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to allow for a single-family residential subdivision.

Ms. Barrows indicated the property is located north of C.T.H. "EE". The approximate 10-acre property contains a residence, barn foundation and outhouse, which is located on the southwest portion of the property. Nearby residential properties are generally approximately one (1) to two (2) acres in size. A few properties to the northeast are larger and designated in the Isolated Natural Resource Area category. In addition, there is a 150-acre parcel located to the east, which is utilized for agricultural uses. The petitioner is proposing an eight (8)-lot subdivision containing one (1) acre lots. A preliminary plat was submitted in advance of obtaining the land use plan amendment. The petitioner is aware this land use plan amendment does not guarantee the approval of the plat or the densities proposed.

Ms. Barrows noted that the adjacent subdivision to the southwest (Country Bliss) was the subject of some drainage, basement/groundwater problems in the past. She indicated that the Waukesha County Land Resource Division Staff has commented that off site runoff is expected to generally lessen with the proposed subdivision. A more detailed review would occur as part of the plat review process. Some drainage may go toward C.T.H. "EE", which the Waukesha County Public Works Division Staff will need to address. The property contains some steep slopes that exceed 12 to 20%. Ms. Barrows noted that vegetation on the subject property is relatively new growth, however, the adjacent properties to the east contain mature vegetation. The Town is considering requiring a Landscape Easement along the east property line to protect the existing trees.

Mr. Fruth pointed out that two (2) letters of opposition were received from adjacent neighbors who were unable to come to the meeting today. He asked the Commission members if they had received copies of the opposition letters sent by e-mail, to which all members indicated that they had, and are now part of the record. He summarized the neighbors' concerns as; loss of the adjacent open field that the neighbors have grown accustomed to and a request for consideration of buffering for adjacent property owners to the northeast. The Planning and Zoning Division Staff contacted the Town Planner and inquired as to what the concerns and discussions at the Town level were. The Town does not notify neighbors regarding land use plan amendments and had not heard about the neighbors' concerns. The County notifies all neighbors within 300' of the proposed requests. The Town Planner did indicate that there would be some sensitivity to the tree line, which extends along the east side of the property. Chairperson Morris asked if the tree line contained mature hardwood trees? Mr. Fruth replied that he suspected that there is mature vegetation leading into the adjacent Isolated Natural Resource Area. Ms. Barrows indicated that the Town expressed concerns regarding the oak trees along C.T.H. "EE", however, the Waukesha County Department of Public Works did not believe that any of the oak trees would need to be removed to accommodate the road. She noted the access point for the proposed subdivision would be located directly across from Jericho Road.

Darlene Johnson, County Board Supervisor, spoke on behalf of neighbors Paul and Deborah Ostrenga. She indicated their concerns were related to the designation and the differences in proposed lot size versus nearby parcels and changing the permitted use would change the rural nature of the area, reduce the light, air, open space, and endanger the natural resource area. In addition, the neighbors expressed concerns regarding permitting a density increase of up to 1,000% noting the change is too drastic for this rural setting.

Christine Makovec, neighboring property owner, expressed concerns if there would be consideration for the tree line along the west lot line, past flooding and drainage issues along C.T.H. "EE" and wells in the area. Ms. Barrows replied that the Ostrengas also expressed concerns regarding the wells. She indicated that the Planning Staff would speak with the Waukesha County Environmental Health Division regarding well concerns. She indicated that generally, wells go into the shallow aquifer not the deep-water aquifer and there is usually a regeneration of the water supply not a loss. Mr. Fruth added that well issues have been mentioned over the years with different situations and there is general guidance and understanding from the regional planning commission on this issue. The Waukesha County Environmental Health Division can examine

whether there are any unique problems in this area. Ms. Makovec, asked how many homes are being proposed? Mr. Fruth replied that it is important to remember that there was only a concept plan submitted along with the land use plan amendment application, Ms. Barrows replied that eight (8) lots are being proposed.

Chairperson Morris 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.

3. In the Town of Ottawa, the following requests are being made:

- A. **Gary Heath**, W350 S1951 Waterville Road, Oconomowoc, WI 53066, requests property located at W350 S1401 Waterville Road, in part of the NE ¼ of Section 2, T6N, R17E, Town of Ottawa (part of Tax Key No. OTWT 1589.999), be amended from the Governmental and Institutional category to the Rural Density and Other Agricultural Lands category (10.0 to 34.9 acres of area per dwelling unit [Ottawa Rural density]), to allow for a future single-family residence.

Ms. Barrows indicated that Lad Lake is a treatment facility for at risk youth and was interested in selling off some of their holdings. The petitioner, Mr. Heath recently purchased approximately 30 acres of land located on the southeast portion of the parcel. The west half of the acreage sold contains floodplain, wetland, primary environmental corridor and isolated natural resource area. The petitioner acquired the property to construct a new residence on the upland area of the site sometime in the future. Surrounding properties include Environmental Corridor, Isolated Natural Resource lands and Other Lands to be Preserved.

Chairperson Morris 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.

- B. **Warren Mundschau, representing St. Bruno's Congregation**, 226 W. Ottawa Avenue, Dousman, WI 53118, requests property owned by E-R Acres LLC, c/o Anthony J. Igl, 140 North Prairie Drive, Oconomowoc, WI 53066, and located at W385 S2927 C.T.H. "Z", in part of the SW ¼ and SE ¼ of Section 8, T6N, R17E, Town of Ottawa (part of Tax Key No. OTWT 1614.997), be amended from the Farmland Preservation category (>35 acres of area per dwelling unit or greater) to the Governmental and Institutional category, to allow the conveyance of one (1) acre of land for cemetery use.

Ms. Barrows indicated the adjacent six (6) acre property, located to the east, is currently owned by St. Bruno's Congregation and is utilized for cemetery purposes. St. Bruno's is looking to acquire an additional acre of land from the property owner located to the southwest for future cemetery plots. The property to the southwest is approximately 55 acres in size and located in the Farmland Preservation category (one unit per 35 acres). The remnant parcel would comply with the density requirements.

Ms. Barrows explained that the Town of Ottawa action is pending and the County will defer action until it is approved by the Town. Ms. Scherer, Town Planner, said the Town Board would meet the second Monday in March. She cautioned that it would be up to the Town Attorney if the Town Board would be able to act on this matter at their March meeting.

Mr. Siepman notified the Chairman that he would need to recuse himself from voting on this matter when it comes before the Park and Planning Commission in March due to a conflict of interest.

EXHIBIT "B"

RECEIVED

FEB 08 2017

DEPT OF PARKS & LAND USE

February 9, 2017

Dear Park and Planning Commission members:

Because my work schedule does not permit me to appear before you in person for your February 23rd Public Hearing, I am writing to ask that you **vote not to approve the amendment** to the 2009 Comprehensive Development Plan for Waukesha County requested by Bradley Rozanski on behalf of Milestone Development Partners, LLC. The proposed amendment seeks to change the use designation for a 9.8 acre parcel located at W327 S8040 Highway EE, from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres of area per dwelling unit) to Urban Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit).

I ask that you **deny the request as submitted** for the following reasons:

1. As shown on the attached map, the 9.8 acre parcel under discussion abuts 2 parcels that the Comprehensive Plan has delineated as "Isolated Natural Resource Area" (3.49 acres) and "Rural Density and other Agricultural Land" (150 acres). The remaining 9 abutting parcels include five between 1.5 and 1.88 acres each and four between 1.1 to 1.34 acres each.
2. The Comprehensive Plan states that zoning "seeks to confine certain land uses to areas of the community, which are particularly well suited to those uses, thereby encouraging the most appropriate use of land throughout the community. Zoning seeks to assure adequate light, air, and open space for each building; to reduce fire hazard; and to prevent the overcrowding of land, traffic congestion, and the overloading of the utility systems. Zoning also provides an important means for protecting and preserving the natural resource base." Given the designation and size of the adjacent parcels, changing

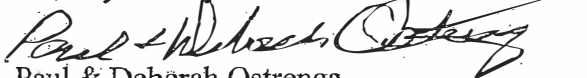
the permitted use to include a density of 20,000 sq. ft. to 1.4 acres per dwelling would change the rural nature of the area, reduce light, air and open space, and put the natural resource base at risk.

3. Rural density residential development generally occurs at a density of no more than one dwelling unit per 5 acres with only a fraction of the total site area intensively developed as home sites. To achieving the designated overall rural density, the balance of the land is retained as permanent open space use.

4. The developer's current plan shows an **increase in the current allowed density by 400%**. However, the requested amendment would **permit a density increase of 1000%** if the 20,000 sq. ft. density number was achieved. Either change is too drastic in this rural setting. With a declining water supply it is not responsible to significantly increase the density to such a level.

While I understand that some development may be desirable, **I respectfully request that any amendment to the Comprehensive Plan as it relates to this parcel of land be limited to a density of 1.5 to 3 acres of area per dwelling and that it also require a significant minimum setback from adjoining properties with landscape berms and vegetative screening provided in the setback area.** This would provide a smoother transition from the current nonurban environmental and agricultural uses to the urban residential areas to the east. Without such protections, there will be a substantial adverse effect on the property values and general desirability of neighborhood.

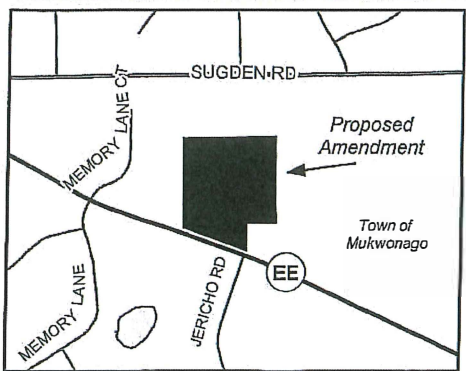
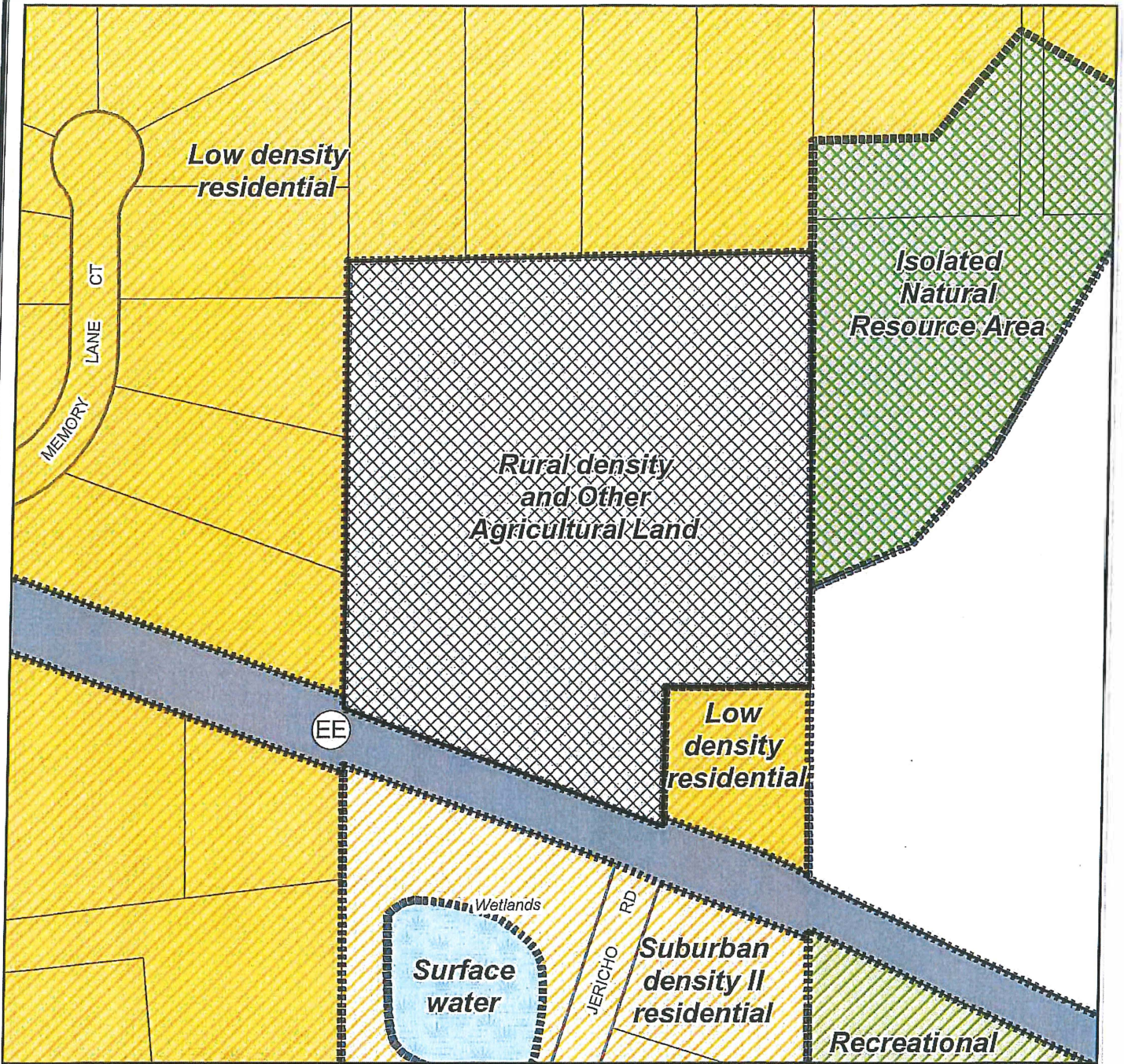
Thank you for your c onsideration.




Paul & Deborah Ostrenga
S79 W32451 Sugden Road
Mukwonago, WI 53149
Cell: 262-363-4545


DEVELOPMENT PLAN AMENDMENT

PART OF THE NW 1/4 OF SECTION 17
TOWN OF MUKWONAGO




 COUNTY DEVELOPMENT PLAN AMENDMENT FROM RURAL DENSITY AND OTHER AGRICULTURAL LANDS TO LOW DENSITY RESIDENTIAL

PETITIONER.....MILESTONE DEVELOPMENT PARTNERS LLC (2A)
 DATE OF PLAN COMM. CONSIDERATION.....02/23/17
 AREA OF CHANGE.....9.99 ACRES
 TAX KEY NUMBER.....MUKT1938.999



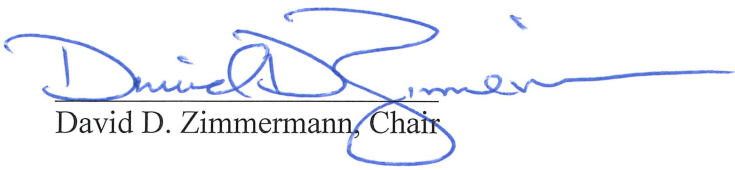
1 inch = 200 feet

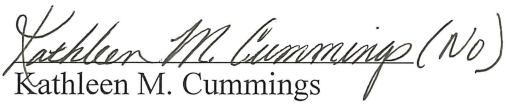
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0 100 200

Prepared by the Waukesha County Department of Parks and Land Use

YEAR 2017 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (2A – BRADLEY ROZANSKI/MILESTONE DEVELOPMENT PARTNERS, LLC SECTION 17, T5N, R18E, TOWN OF MUKWONAGO)

Presented by:
Land Use, Parks, and Environment Committee

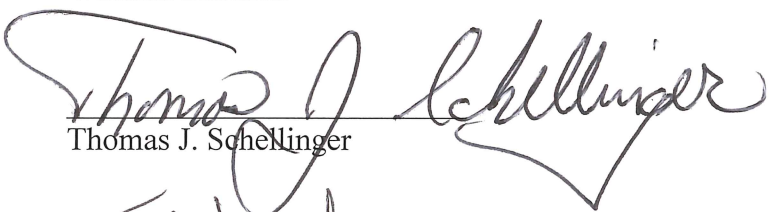

David D. Zimmermann, Chair

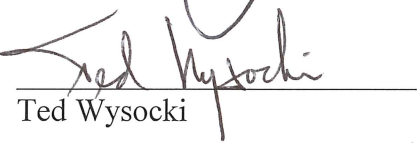

Kathleen M. Cummings

(ABSENT)
Keith Hammitt



Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki


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

Date: 4/25/17, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

Date: 5/4/17, 
Paul Farrow, County Executive

Roll Call	Discussion	Voting...	Results	Agenda	Setup	Options
D1 - Kolb			AYE			
D2 - Zimmermann			(M) AYE			
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 - Zaborowski						(2) AYE
D22 - Wysocki						AYE
D23 - Hammitt						AYE
D24 - Whittow						AYE
D25 - Johnson						AYE

171-0-091

Passed (25 Y - 0 N - 0 Absent)

Majority Vote

