

ENROLLED ORDINANCE 174-012

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR
WAUKESHA COUNTY (4A – WAUKESHA COUNTY PARK AND PLANNING
COMMISSION/DOWNTOWN OKAUCHEE, SECTION 35, T8N, R20E AND
SECTION 36, T8N, R17E, TOWN OF OCONOMOWOC)

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 21, 2019, 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 21, 2019, a summary of the Public Hearing comments and a Staff Recommendation 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 21, 2019, 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 **conditionally approved** to the Year 2035 Comprehensive Development Plan for Waukesha County.

4. In the Town of Oconomowoc, the following request is being made:
 - A. ***The Waukesha County Park and Planning Commission***, 515 West Moreland Blvd., Waukesha, WI 53188, requests a comprehensive amendment for the Downtown Okauchee area within the Town of Oconomowoc. Approximately 83 acres of land in the downtown area are proposed for designation as a Downtown Okauchee special planning area with an underlying Mixed Use designation. Approximately 29.2 acres of land within the project area are proposed to be amended from the Medium Density Residential (6,000 to 19,999 sq. ft. of area per dwelling unit), Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit), Governmental and Institutional, Commercial and Office Park categories to the Mixed Use category. Other lands within the project area already planned for Mixed Use will remain in that category with special provisions applying to the entirety of the area. The Environmental Corridor and Isolated Natural Resource Areas will remain the same. The amendment is being requested to create a more detailed plan to help invigorate the downtown area.

The request is approved subject to the following condition:

1. Land uses within the Downtown Okauchee Special Planning Area shall be consistent

with the use requirements of the Downtown Okauchee District, as specified within the Waukesha County Shoreland and Floodland Protection Ordinance.

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.

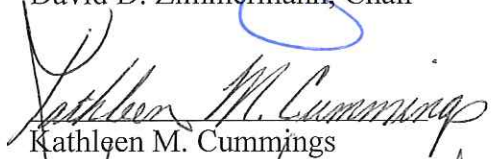
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR
WAUKESHA COUNTY (4A – WAUKESHA COUNTY PARK AND PLANNING
COMMISSION/DOWNTOWN OKAUCHEE, SECTION 35, T8N, R20E AND
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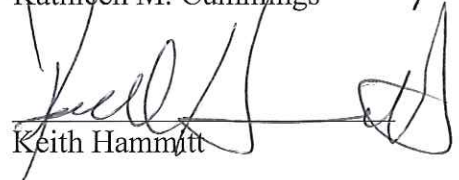
Presented by:
Land Use, Parks, and Environment Committee



David D. Zimmermann, Chair



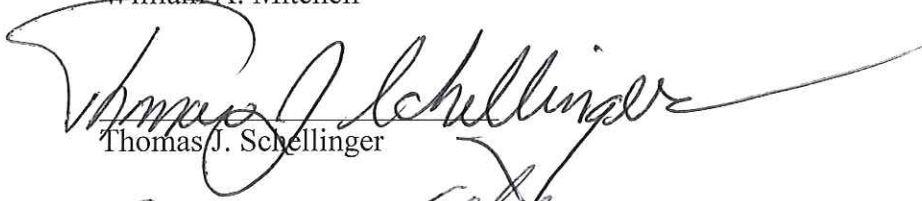
Kathleen M. Cummings



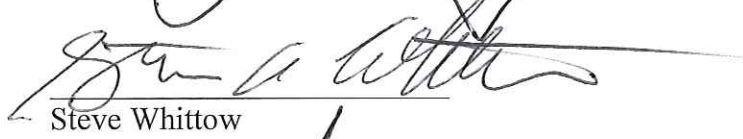
Keith Hammit



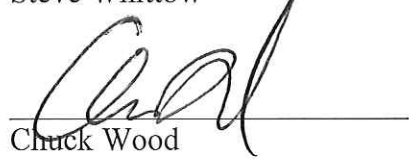
William A. Mitchell



Thomas J. Schellinger




Steve Whittow



Chuck Wood

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

Date: April 26 2019 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 4/29/19 
Paul Farrow, County Executive

COMMISSION ACTION

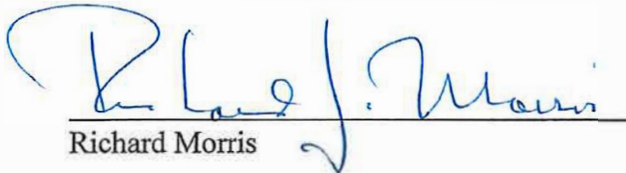
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2019 Amendment to the Comprehensive Development Plan for Waukesha County, (4A – Waukesha County Park and Planning Commission/Downtown Okauchee District, Section 35, T8N, R20E and Section 36, T8N, R17E, Town of Oconomowoc) hereby recommends **conditional approval**.

PARK AND PLANNING COMMISSION

March 21, 2019


Robert Peregrine, Chairman


William Mitchell, Vice Chairman


Richard Morris


James Siepmann

Absent
William Maslowski


Thomas Michalski

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2019 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(4A -- WAUKESHA COUNTY PARK AND PLANNING COMMISSION),
TOWN OF OCONOMOWOC

DATE: March 21, 2019

PUBLIC HEARING DATE:
Thursday, February 21, 2019, 1:00 p.m.

REQUEST:
4 (A) Year 2019 amendment to the Comprehensive Development Plan.

The Waukesha County Park and Planning Commission, 515 West Moreland Blvd., Waukesha, WI 53188, requests a comprehensive amendment for the Downtown Okauchee area within the Town of Oconomowoc. Approximately 83 acres of land in the downtown area are proposed for designation as a Downtown Okauchee Special Planning Area with an underlying Mixed Use designation. Approximately 29.2 acres of land within the project area are proposed to be amended from the Medium Density Residential (6,000 to 19,999 sq. ft. of area per dwelling unit), Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit), Governmental and Institutional, and Commercial and Office Park categories to the Mixed Use category. Other lands within the project area already planned for Mixed Use will remain in that category. Special provisions will apply to the entirety of the area. The Environmental Corridor and Isolated Natural Resource Areas will remain the same. The amendment is being requested to create a more detailed plan to help invigorate the downtown area.

EXISTING LAND USE CATEGORY

Medium Density Residential (6,000 to 19,999 sq. ft. of area per dwelling unit), Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit), Governmental and Institutional, Commercial and Office Park, and Mixed Use.

PROPOSED LAND USE CATEGORY

Downtown Special Planning Area with an underlying Mixed Use designation.

PUBLIC REACTION

The following comments and concerns were provided during the land use plan amendment and/or zoning amendment public hearings related to the downtown Okauchee area. Additional comments based on the Public Open House are included in the Staff Report and Recommendation for the zoning amendment to create the Downtown Okauchee District (RZ29).

- Peter Puestow, a Downtown Okauchee Advisory Committee member, stated that he has been a resident of the area for 65 years and many residents in the area are in favor of the change to initiate more business in the area.

➤ Three other citizens provided the following comments:

- *Could additional properties on the north side of W. Wisconsin Ave. between the project area and the existing bar/restaurant at N50 W35124 Wisconsin Ave. be included in the project area?*

Response: The area was part of discussions, but because the area is planned, zoned, and primarily used for residential, it was not included. The DOD zoned area could be expanded at some point in time as part of a future rezone amendment. It would not be appropriate to include the area at this time without appropriate public notice or analysis.

- *Many of the properties located on Road B are served by point wells. New wells should not be allowed that will result in drying up the point wells. Who will be responsible when the wells no longer function properly?*

The site design requirements of the Downtown Okauchee District require that all state well code and groundwater supply provisions be complied with. Larger development projects generally require the construction of a high capacity well system, which requires prior approval by the Department of Natural Resources. The existing high capacity well system that serves Mission Lakes Condominiums consists of two wells, 298 ft. and 551 ft. deep, which terminate in a sandstone aquifer. A review of several well construction reports from nearby residential properties indicate that the wells serving these residences tend to be between 50 ft. to 100 ft. deep and terminate in a sand and gravel aquifer. Driven point wells are even shallower. Since the shallow wells and high capacity wells do not terminate within the same aquifer, they do not have an impact on each other.

- *Residents were not fairly represented on the committee. The residents on the committee are largely in the real estate business and have a special interest in development.*

Response: The committee included a mixed representation of business owners, developers, and residents. The residents represented different areas of the project area and consisted of different demographics. The committee was limited in size due to the highly technical nature of the proposed code amendments. The recommendations of the committee were brought forth to the public through the public open house and public hearing process, as well as a dedicated county webpage.

- *The amendments affect an area greater than the downtown Okauchee area.*

Response: Yes, the related zoning amendments affect the county's overall zoning jurisdictional area. These amendments were noticed in the paper and were part of the zoning amendment public hearing, but were not part of the public open house. The public open house was specific to the new Downtown Okauchee District standards. The proposed land use plan amendment is also specific to the downtown Okauchee area.

- *The amendments are more restrictive than current standards for all lake residents. Many of the amendments refer to nonconforming properties.*

Response: The proposed amendments to nonconforming structure rules required by state statute are not material to the proposed land use plan amendment.

- *About 10 years ago, sewers, sidewalks, and a new bridge were constructed, which was supposed to revitalize the downtown area. There are currently eight or nine businesses vacant, so it was ineffective. Okauchee is too small to become a downtown Delafield. Residents have to deal with traffic, narrow roads, and sidewalks that limit the area for snow storage. Therefore, there is no purpose for the proposed change.*

Response: The goal of the Downtown Okauchee Special Planning Area is to accommodate economic growth with diverse uses that are compatible with existing uses. The hope is that business vacancies are reduced as the local setting becomes more active. New residential uses within walking distance of a downtown bring more customers to businesses. Multi-family is also a recommended use by the regional planning commission in urbanized areas that are within walking distance of a business center. A modernized land use plan and zoning scheme is just one element of strengthening a downtown.

TOWN RECOMMENDATION

On February 25, 2019, the Town of Oconomowoc Plan Commission and Board submitted their support in writing. The Town has received favorable comments from Okauchee committee members, business owners, residents, and the general public on the proposed amendments. See attached Exhibit A.

STAFF ANALYSIS:

The Downtown Okauchee area, which is the subject of this amendment, is proposed to be designated as a Special Planning Area with an underlying Mixed-Use designation. The special planning area is proposed to promote economic growth and vitality while preserving and enhancing the character of downtown Okauchee. The mixed-use category provides for a combination of residential, business, and public and institutional uses. The mixed-use category is recommended in urban areas. The Town's plan recommends that existing urban areas be renewed and redeveloped.

Much of the 83 acre special planning area is already designated Mixed Use. This amendment extends the Mixed Use category to 29 additional acres (see map). A new Downtown Okauchee Zoning District is proposed to help execute the vision of the proposed special planning area. The new district specifically identifies what uses are allowed within specific use zones, such as mixed-use, multi-family, commercial, and/or single-family residential.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved, subject to the following condition:

1. Land uses within the Downtown Okauchee Special Planning Area shall be consistent with the use requirements of the Downtown Okauchee District, as specified within the Waukesha County Shoreland and Floodland Protection Ordinance.

The proposed Downtown Okauchee Special Planning Area and Mixed Use designation, in harmony with the Downtown Okauchee District, provide a more detailed vision for Downtown Okauchee. The new zoning district that accompanies the land use plan amendment has been tailored to make improvement of properties within Okauchee more feasible, thus promoting economic growth. The advisory committee that guided the Okauchee project and the Town of Oconomowoc have been enthusiastic in their support of these amendments.

Respectfully submitted,

Amy Barrows

Amy Barrows
Senior Planner

Attachment: Exhibit A
Map



EXHIBIT "A"

W359 N6812 BROWN STREET OCONOMOWOC WI 53066 PHONE: (920) 474-4449 FAX: (920) 355-4091
February 21, 2019

Mr. Jason Fruth
Planning and Zoning Manager
Waukesha County Department of Parks and Land Use
515 W. Moreland Boulevard
Waukesha, WI 53188

RE: Proposed Amendments to Waukesha County Shoreland and Floodland Protection Ordinance.

Dear Mr. Fruth,

Unfortunately, I may not be able to attend the Public Hearing (RZ-31 – Text Amendments – Waukesha County Shoreland and Floodland Protection Ordinance) today to consider the adoption of the DOD Downtown Okauchee District (“DOD”) into the Shoreland and Floodland Protection Ordinance (SFPO).

On behalf of the Town of Oconomowoc, I am writing to let you know that the Town of Oconomowoc Plan Commission and Town Board have in open session rendered support of the proposed changes as they pertain to the DOD. The Town has received favorable comments from Okauchee committee members, business owners, residents and the general public on the proposed DOD. Waukesha County Staff should be commended on the great job they have done in assisting the Town of Oconomowoc in this monumental task. Hopefully, this is the first step in making the Okauchee Business Area a better place to work, live and recreate.

Again, thank you for all your hard work and effort putting this together. If you have any questions or concerns, please do not hesitate to contact me directly.

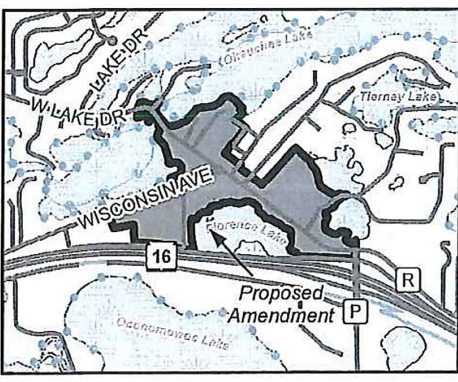
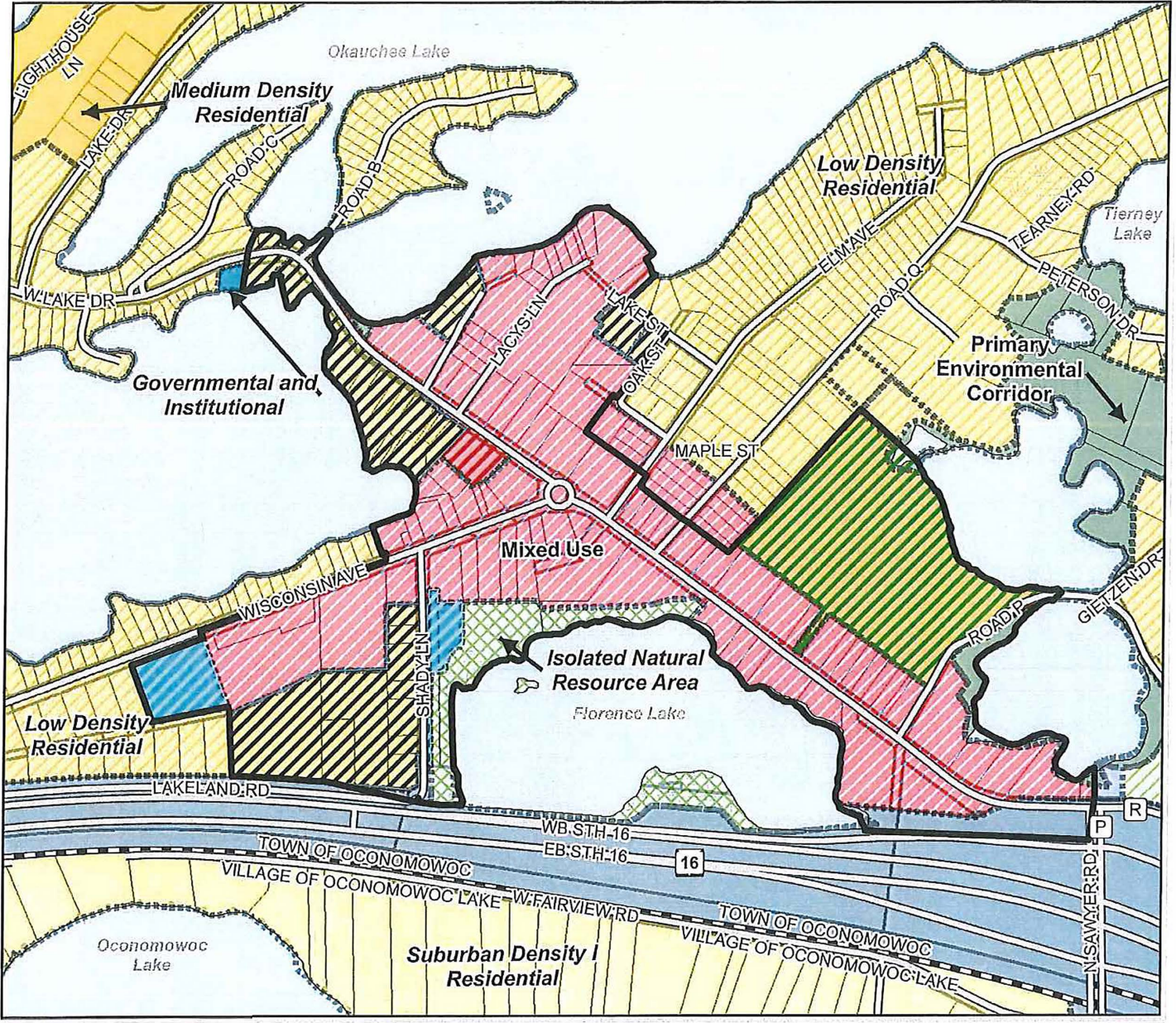
Sincerely,






Jeffrey C. Herrmann, AICP
Administrator-Planner

cc: Town of Oconomowoc Clerk
Town of Oconomowoc Board
Town of Oconomowoc Plan Commission

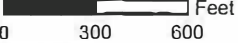
DEVELOPMENT PLAN AMENDMENT

PART OF SECTION 35 AND SECTION 36
TOWN OF OCONOMOWOC



	PROPOSED DOWNTOWN OKAUCHEE SPECIAL PLANNING AREA
	AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL TO MIXED USE
	AMENDMENT FROM COMMERCIAL AND OFFICE PARK TO MIXED USE
	AMENDMENT FROM LOW DENSITY RESIDENTIAL TO MIXED USE
	AMENDMENT FROM LOW DENSITY RESIDENTIAL TO MIXED USE

PETITIONER 4A Waukesha County Park and Planning Commission
 DATE OF PARK & PLANNING COMMISSION MEETING 03/21/19
 AREA OF CHANGE 83 ACRES

1 inch = 600 feet

 0 300 600 Feet



Prepared by the Waukesha County Department of Parks and Land Use



Voting Results for Ordinance 174-O-011

Item 0175 Amendment to The Comprehensive Zoning Ordinance for Waukesha County (Ord. 174 - Waukesha County (Mil. And Planning Commission/Ordinance/Resolution/Section 13, 18A, 202 And Section 20, 18A, 171L, Item 01) Ordinance)

Passed By Majority Vote

AYE: 22 **NAY: 3**

0 **ABSENT: 3**

D1 - Foti	Second	AYE
D2 - Zimmermann	Motion	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		ABSENT
D12 - Wolf		ABSENT
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 - Gaughan		AYE
D22 - Wysocki		AYE
D23 - Hammitt		AYE
D24 - Whittow		ABSENT
D25 - Johnson		AYE