

ENROLLED ORDINANCE 178-76

YEAR 2023 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(3B – SPHEERIS/LAKELANDS INC, 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 August 17, 2023, 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 November 16, 2023, a summary of the town 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 November 16, 2023, 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.

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

- B. **Jon Spheeris**, 175 E. Wisconsin Ave., Suite A, Oconomowoc, WI, 53066, representing property owned by **Lakelands, Inc.**, W296 S7739 Crossgate Drive, Mukwonago, WI, 53149-8774, requests property located in part of the S ½ and SE ¼ of Section 20, T8N, R17E, Town of Oconomowoc (Tax Key No. OCOT 0512.994), be amended from the Rural Density and Other Agricultural Land category (5.0 to 34.9 acres of area per dwelling unit or equivalent density) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to allow for the development of 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 Oconomowoc.

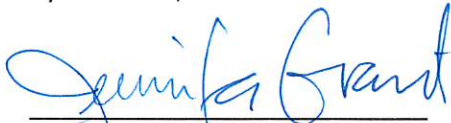
YEAR 2023 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(3B – SPHEERIS/LAKELANDS INC., TOWN OF OCONOMOWOC)

Presented by:

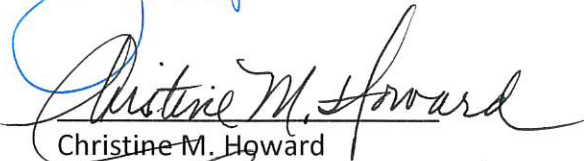
Land Use, Parks, and Environment Committee



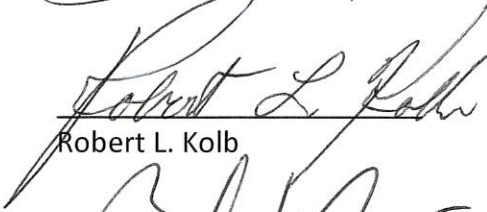
Tyler J. Foti, Chair



Jennifer Grant



Christine M. Howard



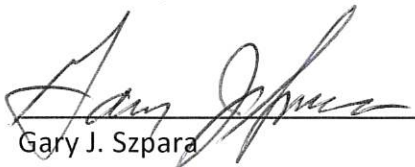
Robert L. Kolb



Brian Meier



Chris Mommaerts



Gary J. Szpara

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

Date: 1/3/2024, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____


Date: 1/3/2024, 
Paul Farrow, County Executive

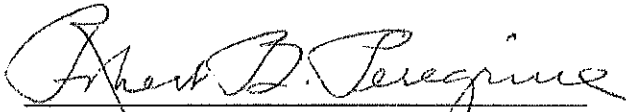
COMMISSION ACTION

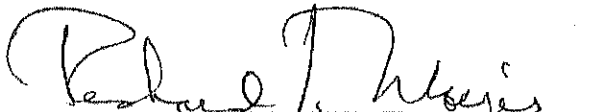
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2023 Amendment to the Comprehensive Development Plan for Waukesha County, (3B – Spheeris_Lakelands Inc.) hereby recommends approval.

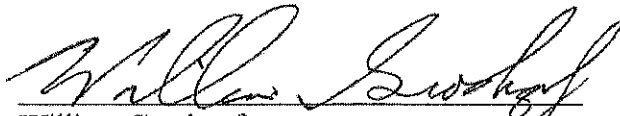
PARK AND PLANNING COMMISSION

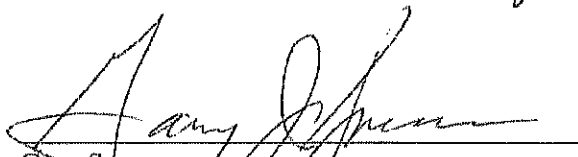
November 16, 2023


James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf


Gary Szpara

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2023 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
3(B) JON SPHEERIS/LAKELANDS, INC.,
TOWN OF OCONOMOWOC

DATE: November 16, 2023

PUBLIC HEARING DATE:
Thursday, August 17, 2023, 1:00 p.m.

REQUEST:
3(B) In the Town of Oconomowoc, the following request is being made:

Jon Spheeris, 175 E. Wisconsin Ave., Suite A, Oconomowoc, WI, 53066, representing property owned by Lakelands, Inc., W296 S7739 Crossgate Drive, Mukwonago, WI, 53149-8774, requests property located in part of the S ½ and SE ¼ of Section 20, T8N, R17E, Town of Oconomowoc (Tax Key No. OCOT 0512.994), be amended from the Rural Density and Other Agricultural Land category (5.0 to 34.9 acres of area per dwelling unit or equivalent density) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to allow for the development of a single-family residential subdivision.

EXISTING LAND USE CATEGORY:
Rural Density and Other Agricultural Land category.

PROPOSED LAND USE CATEGORY
Low Density Residential category.

PUBLIC REACTION:
None.

TOWN ACTION:
On October 16, 2023, the Town of Oconomowoc Plan Commission approved the request to amend the Town of Oconomowoc Land Use Plan maps from the Rural Density and Other Agricultural Land category to the Low Density Residential category, with a recommendation to the Town Board of the same.

On October 16, 2023, the Town Board approved the request to amend the Town of Oconomowoc Land Use Plan maps from the Rural Density and Other Agricultural Land category to the Low Density Residential category.

STAFF ANALYSIS:
The petitioner is proposing to amend from the Rural Density and Other Agricultural Land category to the Low-Density Residential category, to allow for the development of a single-family residential subdivision. The petitioner has submitted a concept plan for a 23 lot, single-family residential development on approximately 39.3 acres located on N. Lake Road and Lac La Belle Drive (see Exhibit A).

The property to the east and properties abutting Lac La Belle are also located in the Low-Density Residential category. Properties located to the south are in the High Density Residential and Medium Density Residential categories. There are two subdivisions developed in the late 1990's

to the north and west, (Woodlake and Woodlake Preserve) which are in the Rural Density and Other Agricultural Land category. At that time, the County had a townwide density banking system for the Rural land use category which is no longer utilized. The rural areas were calculated on a townwide basis and there was a calculation of all the agricultural, natural resource lands, etc. The method was complex to keep up with and was since discontinued. That system allowed property to the west to be developed in a similar manner to the proposal.

The petitioner originally submitted a concept plan with 24 lots, which has since been reduced to 23 lots, per staff recommendations. The concept is subject to change with regard to the subdivision layout and/or number of lots. The property is east of Woodlake subdivision and south of Woodlake Preserve subdivision. The lots would be served by private well and septic, likely mound systems. The proposed overall density would be 1.7 acres per dwelling unit, which is consistent with the surrounding residential developments.

The property has variable topography, with the site generally sloping from east to west. There are limited areas of steep slopes, primarily on the east side of the property adjacent to N. Lake Road. There are two internally drained kettles, one of which will be utilized as a primary source to contain stormwater runoff. There is a large, mapped wetland complex on the northwest corner of the property which will be preserved in an Outlot. There are several other small wetland pockets which are also proposed to be preserved on Outlots. A small area of Environmental Corridor exists on the southeast corner of the property which will also be preserved.

The GIS indicates that certain areas of the property have soil types known to contain seasonal high groundwater. Preliminary soil tests show wet soil conditions and neighboring residents also expressed concerns about wet soils and wanted to ensure that the project would not adversely affect their drainage. Additional soil tests will be required to ensure each lot is suitable for an on-site private septic system as well as meeting required basement separation standards. Stormwater management requirements and/or basement separation requirements could result in layout changes or further reduction of the lot count.

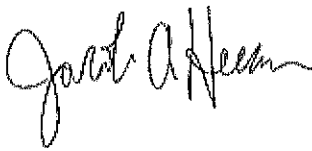
Town and County staff met with the Developer and Project Engineer after the public hearing for the proposed change to the Town's Development Plan after residents raised concerns over high groundwater and wet soil conditions. The Project Engineer indicated that the majority of the homes will have fully exposed basements which will utilize gravity drain systems. Stormwater run-off will be captured on-site and may improve drainage for the surrounding neighbors as compared to the current runoff condition. Stormwater management will be further refined during the plat review process. The Land Resources Division and Town Engineer are confident that application of town and county codes will ensure that adverse conditions will not be created. An Engineering report prepared by the project engineer is attached as Exhibit B.

The development has proposed access off of N. Lake Road and Woodlake Circle. A Certified Survey Map was recorded in 1983 creating several lots west of the proposed development. The Certified Survey Map also dedicated Outlot 1 for roadway purposes which today is Woodlake Circle. An unimproved roadway stub was also included which would link the proposed development to Woodlake Circle. The Town and Developer both relayed that it was always the intent for roadway to be extended. The Town Engineer will review the connection of N. Lake Road for sight distance requirements. The Town Engineer concurs with the developer's engineer that a proposed new intersection on N. Lake Road will be a safer condition for neighbors to the west than the existing Lac La Belle Dr/N. Lake Road intersection just to the south.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The amendment would bring the property into a category that is consistent with the surroundings. The proposed density would align with similar densities in the area and provide infill development near and adjacent to existing neighborhoods. The proposed concept plan generally avoids disturbance of steep slope areas and proposes to contain wetlands and environmental corridors in undevelopable Outlots. Stormwater management and off-site drainage will be fully reviewed, pursuant to the Waukesha County Stormwater Management Ordinance as part of the subdivision review.

Respectfully submitted,



Jacob Heermans

Senior Land Use Specialist

Attachments:

Exhibit A
Exhibit B
Map

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION\2023\3B Spheeris_Lakelands, Inc oct.docx

Exhibit A



EXHIBIT A

SCALE 1" = 120'

0 60 120 240 FEET

CONCEPTUAL LAND USE PLAN (2023)

BUTCHART PROPERTY SPHERE'S DEVELOPMENT

TAX KEY # OCOT 0512994

SE 1/4 S20, T8N, R12E, TOWN OF OCONOMOC

LAKE COUNTRY ENGINEERING, INC.

Consulting Engineers - Surveyors

970 S Shaw Lane Spaulding, Suite 105 Oconomowoc, WI 53066

Phone (262) 569-9331 Fax (262) 569-9318

DATE: SEPTEMBER 28, 2023

CHECKED BY: JLD

DRAWN BY: JLD

SCALE: 1" = 150'

REVISION DATE

REMARKS

Exhibit B

LAKE COUNTRY ENGINEERING, INC.

Rob Davy, P.E.

Development Plan Narrative
Butchart Lands, TK# OCOT0512994
Town of Oconomowoc, Waukesha County, WI

Project No: 22-3481

September 29, 2023

The Butchart Lands proposed project is to add 23 residential lots to a 39.1-acre parcel with 1.81 acres of wetlands and 1.40 acres of P.E.C. (Exhibit A).

The first item is location of the subdivision road where it intersects with N. Lake Drive. On September 18, 2023, a mark was painted on the side of N. Lake Drive where this new Center Line will be located. Pictures were taken in both directions of cars approaching this point (Exhibit B). The pictures included show cars approaching the intersection from both the north and south direction; the cars could be seen the entire distance needed to meet the sight distance requirements. At preliminary plat time we will demonstrate (using actual grades located on the road and a plan profile) that this intersection meets the AASHTO requirements for sight distance at intersections.

The second item is the storm water design of the site. The site generally has 4 discharge points. One to the Northeast, one to the Southwest, and one to the Northwest, and one in the North Middle.

Over half of the area on this property will drain to the wetlands in the Southwest corner of the property, and a majority of this area drains to an isolated kettle on-site. In theory, we would have wet pond fore bay draining into an infiltration cell. With the presence of the high ground water at times, the infiltration cell would need to get the overburden (silty and sandy clay) removed and replaced with sand and very fine sand excavated from the wet pond. This would create an infiltration layer where the storm water will drain into the existing sand and very fine sand layer where the ground water is currently flowing underground to the wetlands in the Southwest corner of the site where it flows into a wetland's complex west of S. Woodlake Road and eventually into Lac LaBelle.

The Northeast and Northwest drainage areas will have a similar design with the storm water from the Northwest drainage area flowing into the isolated wet kettle in that corner, and storm water from the Northeast flowing through an existing 24" concrete culvert and into the wetlands in the Northeast corner of the property.

The storm water flowing off the site in the North Middle of the site will be limited to just parts of the homes and rear yard grass of the lots to keep the storm water flows the same or less than the storm water currently flowing there.

Please note that per the County ordinance a development once completed can not discharge any more storm water under proposed conditions than what was being discharged under existing conditions.

Also note that a subdivision like this one with 30,000 sq.ft. lots, a minimal road pattern, and over 17.5 of the 39.1 acres of outlot that will be primarily grass, in theory, will generate less overland storm water than a row cropped field.

The third item is how the new storm water BMP's will affect the existing homes on Lac LaBelle Drive.

Using the existing topo information to estimate the ground grade at each house, then visibly looking to estimate how much of their foundations is sticking out of the ground and using a 9' foundation wall, I calculated the approximant basement elevation of each house (see Exhibit D). The lowest basement elevation was calculated to be 862+/- . The soil boring in the bottom of the kettle is at 861.63 and the ground water estimated at 852.4 from the soil test performed at this location.

Note that the wetlands west of this location is at an elevation 855 or lower. The basements at the western end of Lac LaBelle Drive are above the ground water.

One of the areas of concern is at the eastern end of Lac LaBelle Drive where there are delineated wetlands in the middle of the field. The estimated ground water at this point is 869.3, approximately 3' above the basement to the south of this location. The objective here will be to create a swale leading the water from this area and into the bottom of the kettle where it will be captured in the storm water BMP created and away from the properties to the south.

Another swale created in the outlot behind Lots 21 and 22, above the proposed 100-year storm elevation of the kettle in this outlot, but below the existing 100-year frozen flood elevation of the existing kettle, to ensure the neighbors to the south are not flooded during a spring thaw.

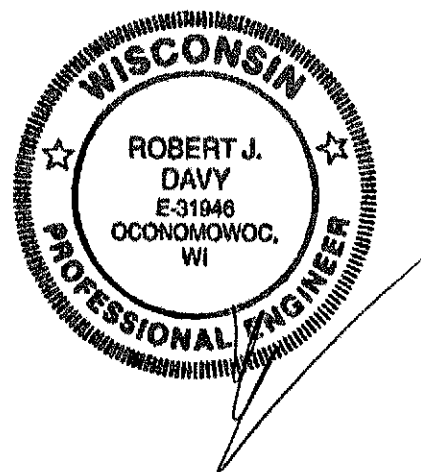
The fourth item is in the Northwest corner of the site were there is an isolated kettle with wetlands in it. This kettle extends off site. The highest low point (emergency overflow) of this kettle is approximately 866.5 and the flow path is shown in blue arrows in Exhibit D.

The existing 100-year frozen flood elevation of this isolated kettle will be calculated and the storm water design will need to make sure the proposed 100-year frozen flood elevation of this isolated kettle's elevation will be at or lower than the existing one.

The fifth item is how the seasonal high ground water will affect the basement elevations. All of the lots have been laid out to have access to an outlot, with 17 of the 23 lots are able to be fully exposed. All of the lots will either need to show that the basement will either be 1 foot above seasonal high ground water or prove they can get the basement footing to gravity drain somewhere.

Lots 1-3, and 8-21 are anticipated to be full walk out basements so getting a drain tile below the basement floor to gravity drain should not be an issue. There is enough drop in Outlot 2 for Lots 22 and 23 basement's drain tile to gravity drain. An easement will be granted to these lots to install and maintain the drain system. A storm sewer will be installed in Outlot 1 behind Lots 3, 4, and 5 for Lot's 4 and 5 basements drains to drain into. Lots 6 and 7 have the most drainage issues. To address Lots 6 and 7 drainage issues a Form "A" will be completed for these 2 lots and the subdivision will be designed such that these basements will be above 1' above the seasonal high ground water elevation.

All of the builders will be required to submit a Form "A" and comply to the seasonal high ground water elevations or submit a design that conforms to the County design requirements to get the basement floor to gravity drain properly.





Referred on: 11/27/23

File Number: 178-O-075

Exhibit A of Engineering Report

10

EXHIBIT A		LAKE COUNTRY ENGINEERING, INC.		REVISION	REMARKS
CONCEPTUAL LAND USE PLAN (2023)		Consulting Engineers - Surveyors		DATE	
BUTCHART PROPERTY SPHREERIS DEVELOPMENT		970 S. Silver Lake Street, Suite 105, Oconomowoc, WI 53066		DRAFTED BY: R.DAVY	
TAX KEY # OCOT 0512994		Phone (262) 569-9331 Fax (262) 569-9316		CHECKED BY: R.J.D.	
SE 1/4 S20, T8N, R17E, TOWN OF OCONOMOWOC				DATE: SEPTEMBER 26, 2023	
SHEET #	PROJ. #				
22-3481					

EXHIBIT B (of Engineering Report)
LOOKING SOUTH



EXHIBIT B (of Engineering Report)
LOOKING NORTH

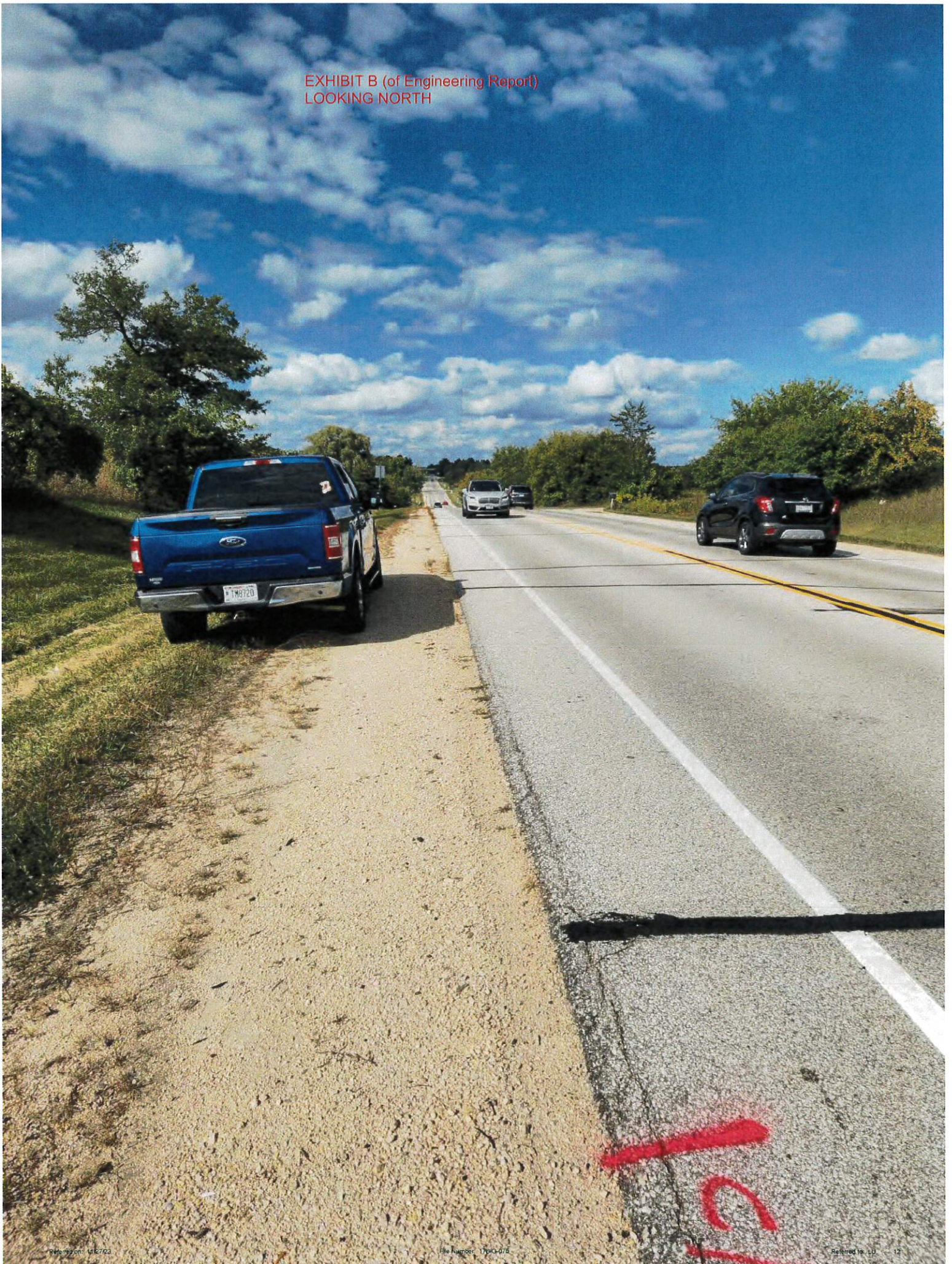




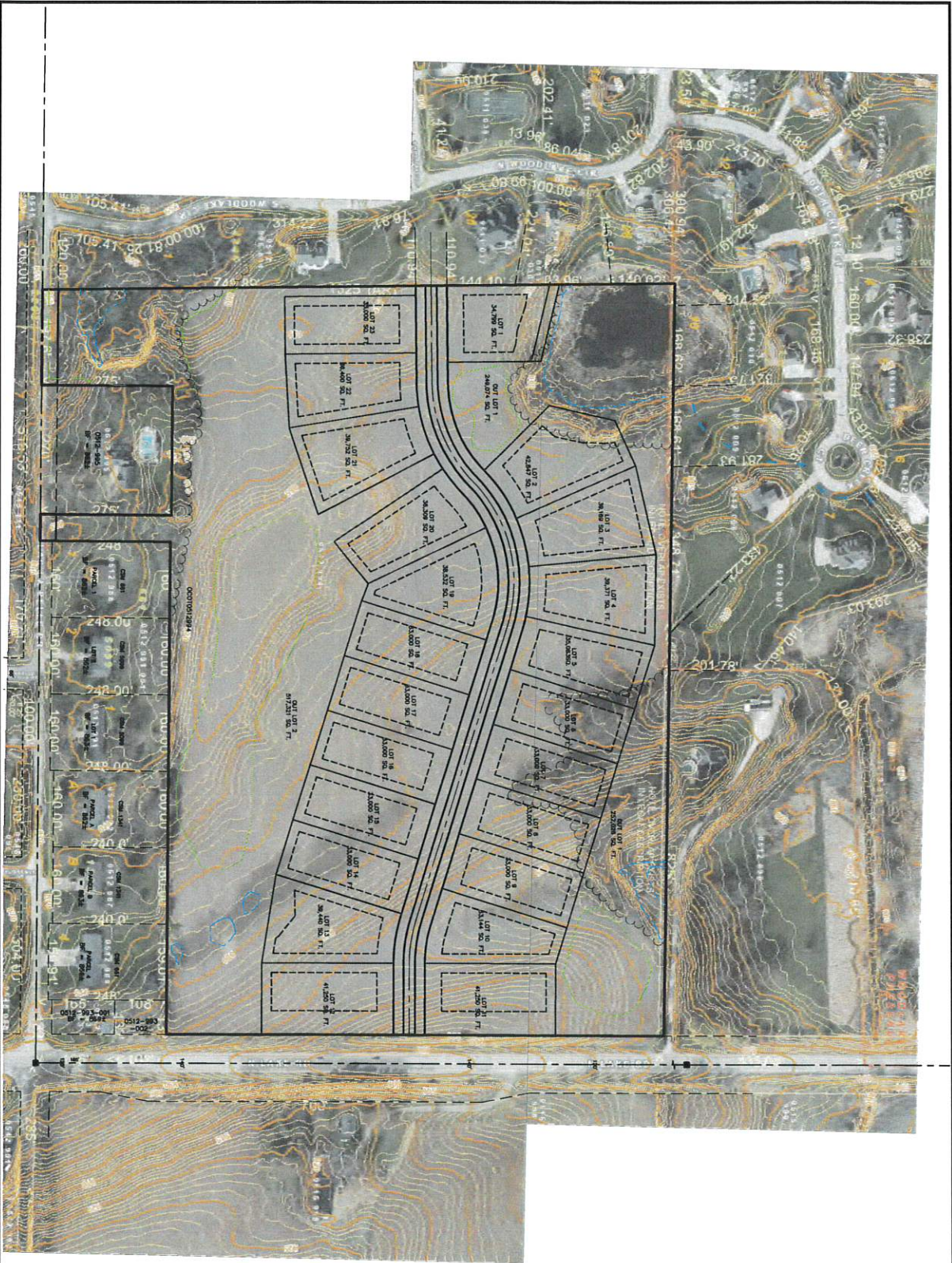
EXHIBIT C

STORM WATER SOIL BORING LOCATIONS
 BUTCHART PROPERTY SPHREERIS DEVELOPMENT
 TAX KEY # OCOT 0512994
 SE 1/4 S20, T8N, R17E, TOWN OF OCONOMOWOC

LAKE COUNTRY ENGINEERING, INC.
 Consulting Engineers - Surveyors
 970 S. Silver Lake Street, Suite 105, Oconomowoc, WI 53066
 Phone (262) 569-9331 Fax (262) 569-9316

SCALE 1" = 150'	REVISION DATE	REMARKS
DRAFTED BY: R.DAVY		
CHECKED BY: R.A.D.		
DATE: SEPTEMBER 28, 2023		

SHEET #
 PROJ. #
 22-5481



Referred on: 11/27/23

File Number: 178-O-075

Exhibit D of Engineering Report

14

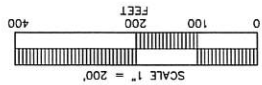


EXHIBIT D

OVER ALL TOPO MAP
 BUTCHART PROPERTY SPHEREIS DEVELOPMENT
 TAX KEY # OCOT 0512994
 SE 1/4 S20, T8N, R17E, TOWN OF OCONOMOWOC

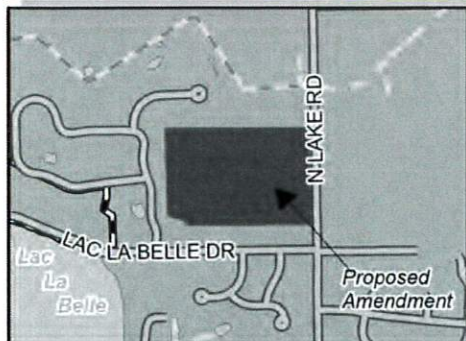
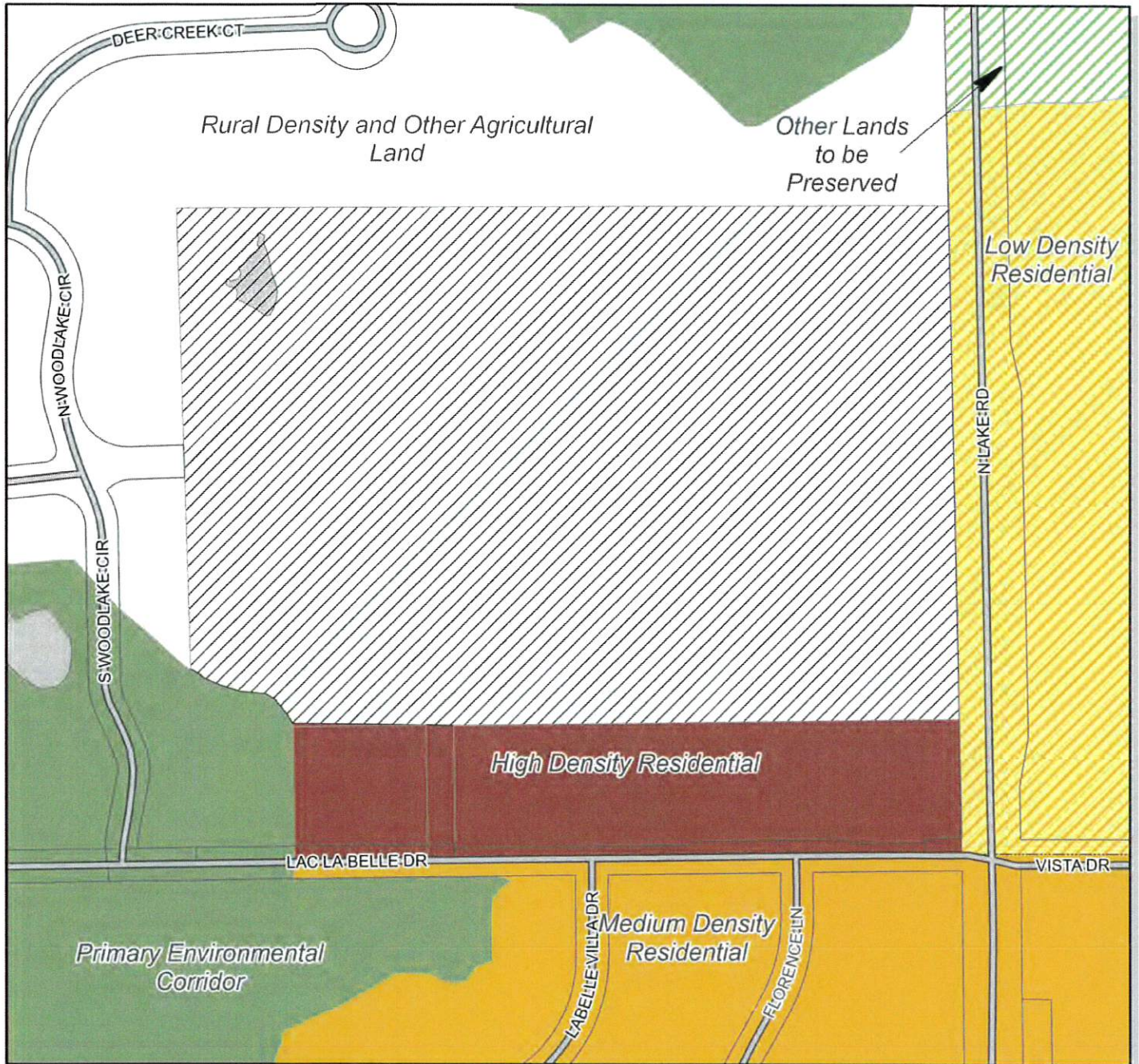
LAKE COUNTRY ENGINEERING, INC.
 Consulting Engineers - Surveyors
 970 S Silver Lake Street, Suite 105, Oconomowoc, WI 53066
 Phone (262) 569-9331 Fax (262) 569-9316

REVISION DATE	REMARKS
SCALE: 1" = 200'	
DRAFTED BY: R.JAVY	
CHECKED BY: R.J.D.	
DATE: SEPTEMBER 26, 2023	

PROJ. #
22-3481
SHEET #

DEVELOPMENT PLAN AMENDMENT

PART OF SECTION 20,
TOWN OF OCONOMOWOC



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

PETITIONER.....Jon Spheeris_Lakelands, Inc.
 HEARING.....8/17/23
 AREA OF CHANGE.....37 ACRES



Prepared by the Waukesha Department of Parks and Land Use



VOTE RESULTS >

25

YES

0

NO

0

ABSTAIN

0

ABSENT

Ordinance 178-O-075

Ordinance 178-O-075: Year 2023 Amendment to the Comprehensive Development Plan for Waukesha County (Economowoc)



Passed By Majority Vote

D1 - Foti	AVE	D10 - Thieme	AVE	D19 - Enriquez	AVE
D2 - Weil	AVE	D11 - Howard	AVE	D20 - Schellinger	AVE
D3 - Morris	AVE	D12 - Wolff	AVE	D21 - Gaughan	AVE
D4 - Batzko	AVE	D13 - Decker	AVE	D22 - Szpara	AVE
D5 - Grant	AVE	D14 - Mommaerts	AVE	D23 - Hammitt	AVE
D6 - Walz	AVE	D15 - Kolb	AVE	D24 - Bangs	AVE
D7 - LaFontain	AVE	D16 - Crowley	AVE	D25 - Johnson	AVE
D8 - Koremenos	AVE	D17 - Meier	AVE		
D9 - Heinrich	AVE	D18 - Nelson	AVE		

10th Meeting, 178th Year of the County Board of Supervisors - December 19 2023 06:06 PM

December 19, 2023

