

Enrolled Ordinance 172-07

YEAR 2017 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (3B - WARREN MUNDSCHAU/ST. BRUNO'S CONGREGATION, SECTION 8, T6N, R17E, TOWN OF OTTAWA)

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 May 18, 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 May 18, 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, In the Town of Ottawa, the following requests are being made:

**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 Y4 and SE Y4 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.

The request is approved subject to the follow condition:

1. The one (1) acre parcel to be amended and the existing six (6) acre cemetery parcel adjacent to the northeast shall not to be sold separately.

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.

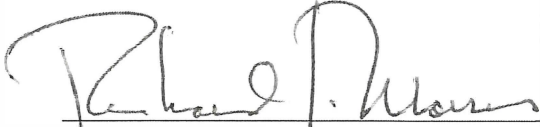
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified  
copy of this Ordinance with the Town Clerk of Ottawa.

COMMISSION ACTION

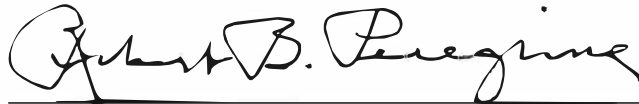
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2017 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (3B – Warren Mundschau/St. Bruno's Church), Section 8, T6N, R17E, Town of Ottawa) hereby recommends approval.


PARK AND PLANNING COMMISSION

May 18, 2017

  
Richard Morris, Chairperson

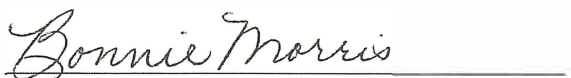
Absent  
William Mitchell

  
Robert Peregrine

  
James Siepmann

ABSENT  
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**  
**(3B WARREN MUNDSCHAU, ST. BRUNO'S**  
**CONGREGATION, TOWN OF OTTAWA)**

**DATE:** May 18, 2017

**PUBLIC HEARING DATE:** February 23, 2017

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

**REQUEST:**

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

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

- B. *Warren Mundschau, representing St. Bruno's Congregation*, 226 W. Ottawa Avenue, Dousman, WI 53118, requests one (1) acre of 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 the acre of land for cemetery use.

**EXISTING LAND USE CATEGORY:**

The subject parcel, including the one-acre portion to be amended, is designated as Farmland Preservation. The remainder of the parcel is designated as Primary Environmental Corridor, and will not be amended.

**PROPOSED LAND USE CATEGORY:**

Governmental and Institutional

**PUBLIC REACTION:** None.

**TOWN PLAN COMMISSION ACTION:**

On March 6, 2017, the Town of Ottawa Plan Commission unanimously approved the request with the condition that the one-acre parcel to be amended and the existing six-acre cemetery parcel adjacent to the northeast not be sold separately.

**TOWN BOARD ACTION:**

On May 8, 2017, the Ottawa Town Board of Supervisors unanimously approved the request with the condition that the one-acre parcel to be amended and the existing six-acre cemetery parcel adjacent to the northeast not be sold separately.

**STAFF ANALYSIS:**

E-R Acres, LLC, has donated a one (1) acre parcel to St. Bruno's Congregation and St. Bruno's request is to amend the Comprehensive Development Plan map from the Farmland Preservation category to the Governmental and Institutional category, although the land will likely remain in agricultural use in the near term. This action will require DA TCP certification. The subject parcel is adjacent to the southwest of the existing six-acre cemetery owned by St. Bruno's Church and the church intends to add the one acre to the existing cemetery holdings. The additional land would allow for up to 800 graves. In order to do

that however, the land must comply with the County Comprehensive Development Plan as well as be appropriately zoned. As noted above, the PEC land use designation will not be amended and the 54.4-acre remnant parcel will still comply with the density requirement of the Farmland Preservation land use category of one unit per 35 acres. In addition to the PEC, the remnant parcel contains wetland, 100-year floodplain, steep slopes in excess of 12%, and hydric soils.

The existing cemetery is six (6) acres in size and has been in existence since the mid-1800's and contains the original church building. There are two deeds, also from the Igls, dating back to 1958. The current cemetery road was constructed in the mid to late 1960's and the loop driveway was completed in the 1970's. It appears as though a small accessory building was built along the east lot line in the early 2000's.

The 55.4-acre parcel is zoned Farmland Preservation and Farmland Conservancy with a Conservancy Overlay District (wetland and floodplain) and an EC Environmental Corridor Overlay (PEC). The cemetery is zoned AD-10 Agricultural Density District. The surrounding lands are zoned Farmland Preservation to the north and west, AD-10 Agricultural Density District 10 to the east, and RRD-5 Rural Density District 5 to the south. As part of a pending map modernization project, the County will advance a zoning change for both the one-acre parcel and the cemetery property to Public and Institutional District. The land uses surrounding the one-acre parcel are Government and Institutional to the east, Rural Density Residential and Other Agricultural Land to the northeast and southeast, Farmland Preservation to the north and west, and Suburban II Density Residential to the south and southwest. Since the cemetery is already designated Government and Institutional on the CDP, rezoning both the cemetery parcel and the subject one-acre parcel to Public and Institutional would thus comply with the amended CDP.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. Based on the above analysis, the approval of the request would amend a small amount of farmland preservation designated land (one acre) for expansion of a needed public use, while preserving and protecting the remainder of the farm unit for continued farm use in accordance with the Farmland Preservation Plan addendum of the Comprehensive Development Plan. This will in turn preserve the character and aesthetics of the rural landscape in the Town of Ottawa while providing for continued agricultural and open space use while allowing for a minor expansion of a public and institutional use. Upon finalization of the amendment process, both the subject parcel and the adjacent cemetery will be rezoned to Public and Institutional which will further the standards and objectives of the CDP by zoning the lands as used.

Respectfully submitted,

*Sandra L. Scherer*

Sandy Scherer  
Senior Planner

Attachment: Exhibit A (Public Hearing Minutes)  
Map



# EXHIBIT "A"

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.

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- 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. Siepmann 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.

Attorney Hoffmann, representing St. Bruno's Congregation, asked for clarification as to when the Town and County approvals would happen? Ms. Barrows explained that before the request can move forward for action, the County would like to have the Town's action. Mr. Fruth added that it would depend on when the Town acts on the amendment, however, the County would anticipate a one month delay if the Town does not act at their March meeting.

Mr. Tabat, representing St. Bruno's Cemetery Committee, said there is still existing room at the current cemetery, however, if the one-acre parcel is not acquired at this time, the cemetery may become landlocked and would not be able to expand. Acquiring the one-acre parcel would allow for approximately 780 to 800 additional graves.

Chairperson Morris asked if there were any other comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 1:35 p.m.

- **ZT-1844 (Town of Eagle Board), Town of Eagle**

Mr. Fruth indicated the request is for a text amendment to repeal and re-create the Town of Eagle Zoning Code and Official Zoning Map.

Mr. Fruth explained that the request is a complete update and re-write of the Town of Eagle Code. He explained that the Town has been working on updating their code for the past three (3) years. The Town wished to put their code into a new alternative structure. Updates to the Code include Farmland Preservation, Wellhead Protection Overlay District, Hydric Soil Overlay District and Natural Resource overlays for use in Farm Preservation areas. Two (2) districts have been renamed or replaced. The Town of Eagle retained the Waukesha County Planning and Zoning Division Staff to prepare the Zoning Map for the new Town Code and the County is willing to continue to provide Zoning Map services going forward. A wide range of new or emergent uses/trends have been accommodated such as telecommunications, wedding barn type venues, agri-tourism, etc. He mentioned that regarding planned unit developments, the minimum required open space has been adjusted from 20% to what the Southeastern Wisconsin Regional Planning Commission recommends, which is 40%. The Town was willing to accommodate smaller lot sizes ( $\frac{3}{4}$  acre) in Planned Unit Developments. In addition, the Town accepted a 35' road setback in an effort to reduce overall impervious surfaces. Mr. Fruth noted that the Town had shared a draft of the proposed amendments shortly before the public hearing. The Planning Staff offered a number of comments and questions and there has been much dialogue with the Town Planner. The particular issues of concern have been addressed. He explained that the initial draft deleted all multi-family housing accommodations but that the County urged that such accommodations be provided for. This version of the Town Code includes multi-family provisions that are tailored for the Town's rural environment. In closing, Mr. Fruth added that the new code has come together nicely and said the Planning and Zoning Division Staff is recommending approval.

*After discussion, Mr. Mitchell moved, seconded by Mrs. Morris and carried unanimously for approval, in accordance with the "Staff Report and Recommendation".*

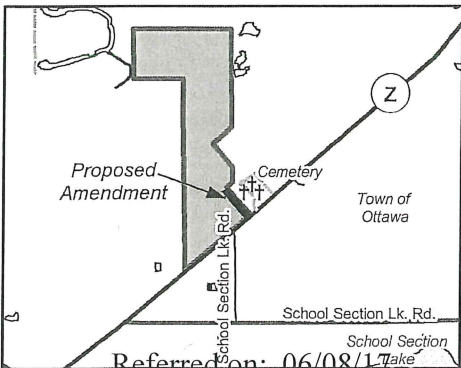
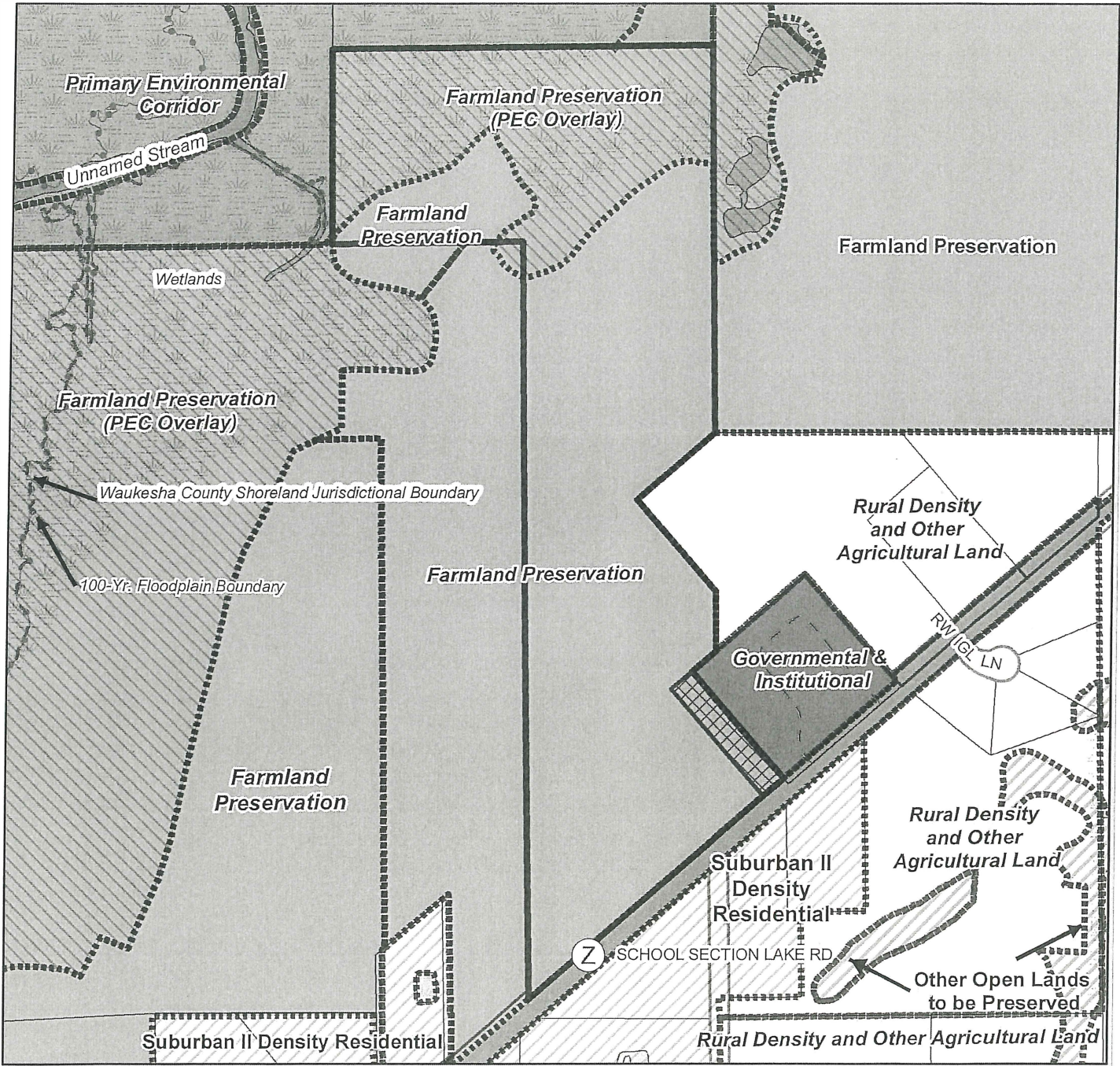
- **ZT-1846 (Curt Bauer) Town of Waukesha**

Mr. Fruth indicated the request is for a text amendment to Section 13-2-6 (a) of the Town of Waukesha Zoning Code relating to drainage regulations.



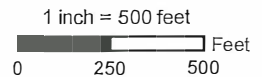
# DEVELOPMENT PLAN AMENDMENT

PART OF THE S 1/2 OF SECTION 8  
TOWN OF OTTAWA



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM FARMLAND PRESERVATION TO GOVERNMENTAL AND INSTITUTIONAL

PETITIONER.....E-R ACRES, LLC (3B)  
 DATE OF PLAN COMM. CONSIDERATION.....05/18/17  
 AREA OF CHANGE.....1.02 ACRES  
 TAX KEY NUMBER.....OTWT 1614.997



Referred on: 06/08/17

Prepared by the Waukesha County Department of Parks and Land Use  
 File Number: 172-O-007

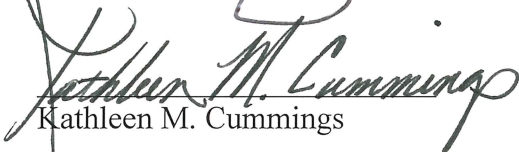
Referred to: 1.1



YEAR 2017 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT  
PLAN FOR WAUKESHA COUNTY (3B – WARREN MUNDSCHAU/ST. BRUNO'S  
CONGREGATION, SECTION 8, T6N, R17E, TOWN OF OTTAWA)

Presented by:  
Land Use, Parks, and Environment Committee

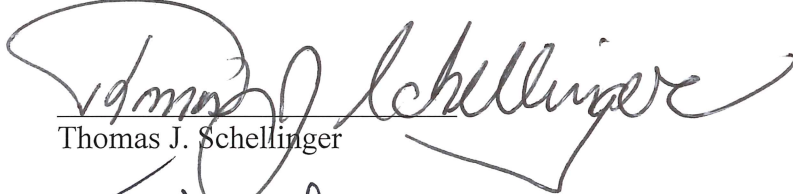
  
David D. Zimmermann, Chair

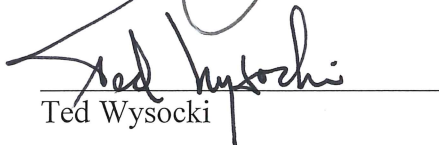
  
Kathleen M. Cummings

  
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: 6/29/17,   
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 7/7/17,   
Paul Farrow, County Executive

<b>D1 - Kolb</b>	<b>AYE</b>	<b>D14 - Wood</b>	<b>Absent</b>
<b>2 - Zimmermar</b>	<b>(M) AYE</b>	<b>D15 - Mitchell</b>	<b>AYE</b>
<b>D3 - Morris</b>	<b>AYE</b>	<b>D16 - Crowley</b>	<b>AYE</b>
<b>D4 - Batzko</b>	<b>AYE</b>	<b>D17 - Paulson</b>	<b>AYE</b>
<b>D5 - Dondlinge</b>	<b>Absent</b>	<b>D18 - Nelson</b>	<b>AYE</b>
<b>D6 - Walz</b>	<b>AYE</b>	<b>D19 - Cumming</b>	<b>(2) AYE</b>
<b>D7 - Grant</b>	<b>AYE</b>	<b>D20 - Schelling</b>	<b>AYE</b>
<b>D8 - Michalski</b>	<b>AYE</b>	<b>D21 - Zaborows</b>	<b>AYE</b>
<b>D9 - Heinrich</b>	<b>AYE</b>	<b>D22 - Wyszocki</b>	<b>AYE</b>
<b>D10 - Swan</b>	<b>AYE</b>	<b>D23 - Hammitt</b>	<b>Absent</b>
<b>D11 - Howard</b>	<b>AYE</b>	<b>D24 - Whittow</b>	<b>AYE</b>
<b>D12 - Wolff</b>	<b>AYE</b>	<b>D25 - Johnson</b>	<b>AYE</b>
<b>D13 - Decker</b>	<b>AYE</b>		

172-0-007

Passed (22 Y - 0 N - 3 Absent)

Majority Vote

