

ORDINANCE NO. 385

AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN FOR THE VILLAGE OF DOUSMAN PERTAINING TO MULTI-FAMILY DENSITY AND PLANNED LAND USES FOR PROPERTIES KNOWN AS LAD LAKE

WHEREAS, the Village of Dousman, Waukesha County, Wisconsin, pursuant to Sections 62.23 and 61.35 of the Wisconsin Statutes, has established a Plan Commission; and

WHEREAS, the Village Board of Trustees adopted a Land Use Plan of the Village of Dousman, also known as the Comprehensive Plan (hereinafter the "Plan"), on April 5, 2006; and

WHEREAS, the adopted Village of Dousman Comprehensive Plan contemplates regular and periodic review and amendment, to allow the plan to remain current and vital to the community; and

WHEREAS, the consideration of the proposed amendment to the Plan has been initiated by the Village of Dousman Plan Commission (herein after the "Commission") upon discussion and review after the Commission met with the Village Board during a special meeting held on June 28, 2021 to discuss the proposal to develop, for the betterment and orderly development of the Village, the properties at the southeast corner of U. S. Highway 18 and State Trunk Highway 67, known as the Lad Lake properties; and

WHEREAS, while the subject properties are currently within the jurisdiction of the neighboring Village of Summit, pursuant to the 2009 Cooperative Boundary Agreement between the Village of Dousman and the then Town of Summit, when the properties are further subdivided and developed the properties will be attached to and become under the jurisdiction of the Village of Dousman; and

WHEREAS, for the orderly development of the subject and neighboring properties, this proposal also recommends revising the Plan for a portion of a property within the jurisdiction of the neighboring Town of Ottawa, and

WHEREAS, this amendment to the Plan includes a request by the prospective developer of the Lad Lake property to increase the maximum density allowed within the High-Density Multi-Family land use category from 10 to 15 dwelling units per acre that also applies to other properties designated with High-Density Multi-Family land use category within the entire Village; and

WHEREAS, the Plan Commission, in conjunction with its consultant and Village Staff, has prepared the Comprehensive Plan amendment attached hereto and incorporated herein by reference as Exhibit A, which complies with the requirements of Sections 62.23 and 66.1001 of the Wisconsin Statutes; and

WHEREAS, on or about 9/22, 2021, the Village of Dousman Plan Commission recommended the Comprehensive Plan amendment to the Village Board, by Resolution adopted by a majority vote of the entire Plan Commission of the Village of Dousman; and

WHEREAS, the Commission found the Plan, with the proposed amendments, contained all of the required elements specified in Section 66.1001 (2) of the Wisconsin Statutes and that the Plan with the proposed amendment is internally consistent; and

WHEREAS, on Monday, November 8, 2021, a public hearing was held by the Village Board to take public testimony regarding said amendment after publication and mailing of notices as required by Section 66.1001 of State of Wisconsin; and

WHEREAS, upon due consideration of all the information received for this matter, and the recommendation of the Commission, the Village of Dousman Village Board finds that the changes to the Village of Dousman Land Use Plan will not be contrary to the public health, safety or welfare, and will promote the public health, safety and welfare of the Village of Dousman, will not be hazardous, harmful, noxious, offensive or nuisance by reason of noise, dust, smoke, traffic congestion, odor or other similar factors; and will not for any other reason cause substantial adverse effect on the property values and the general desirability of the affected properties.

NOW, THEREFORE, BE IT RESOLVED the Village Board of the Trustees of the Village of Dousman, by a majority vote of the members-elect of the Village Board, approve amendment No. 5 to the Village of Dousman Plan as identified below.

Section 1

A. Table 8 on page 23 of the Plan is modified as depicted within Exhibit A to present the maximum density of 15 dwelling units per acre within the High-Density Multi-Family land use category, attached hereto and made a part of this Resolution.

B. Within the section of the Plan entitled "Land Use Sub-Areas" commencing on page 27, sub-section number 12, entitled "Southeast Corner of Highways 18 and 67," shall be added to the text of the Plan as appears within Exhibit B, attached hereto and made a part of this resolution.

C. Map 5, entitled "Proposed Land Uses" within the Plan along with all other related maps within the Plan shall be amended to include the proposed land uses described within the text of Exhibit B for the area highlighted within Exhibit C, attached hereto and made a part of this Resolution.

Section 2. Filing. The Village Clerk is directed to provide a copy of this ordinance and a copy of the Village of Dousman Comprehensive Plan Amendment that is hereby adopted to the persons and entities described in Wisconsin Statutes Section 66.1001(4)(b), as required by Wisconsin Statutes Section 66.1001(4)(c).


Section 3. Severability. The several sections and portions of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any

other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

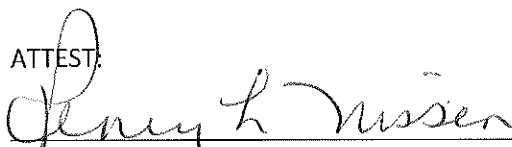
Section 4. Effective date. This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

ADOPTED THIS 8th day of November, 2021.

BY THE VILLAGE BOARD
VILLAGE OF DOUSMAN



Jack Nissen, Village President

ATTEST:


Penny L. Nissen, Village Clerk
Village of Dousman
Waukesha County

Published and/or posted this 8th day of November, 2021.

EXHIBIT A

Table 8: Residential Land Use Categories

| Residential Land Use Category | Dwelling Types | Density |
|--------------------------------------|---|--|
| Small-Lot Single Family | Single Family | Maximum lot of 14,999 square feet |
| Medium-Lot Single Family | Single Family | Minimum lot of 15,000 square feet Maximum lot of 29,999 square feet |
| Large-Lot Single Family | Single Family | Minimum lot of 30,000 square feet Maximum lot of 45,000 square feet |
| Mixed Residential | Single Family and Multi-Family Dwellings | Maximum density of one dwelling per 26,000 square feet of gross land area |
| Low-Density Multi-Family | Two Family and Multi- Family Dwellings | Maximum density of 6 dwelling units per acre |
| High-Density Multi-Family | Two Family and Multi- Family Dwellings | Maximum density of 15 dwelling units per acre |

EXHIBIT B

Addition to Village of Dousman Land Use Plan (a/k/a Comprehensive Plan)

LAND USE SUB-AREAS; page 27

12. Southeast Corner of Highways 18 and 67

Background

At the southeast corner of U.S. Highway 18 and State Trunk Highway 67 lie approximately 120 acres commonly known as the Lad Lake properties extending about 3,950 feet east of Highway 67. Although within the Village of Summit as of 2021, when the properties are further subdivided and/or developed, the 2009 Cooperative Boundary Agreement between the two neighboring communities of the Village of Dousman and the Town of Summit (now Village of Summit) calls for the properties to be attached to the Village of Dousman. The properties will be attached to Dousman via the boundary agreement because of the availability of a public water supply and public sanitary sewer extension to serve the development via the Dousman utility system.

The 2006 Village of Dousman Land Use Plan recommended two distinct land uses for the properties separated by preservation of a Primary Environmental Corridor (PEC). The PEC is recognized by the Southeastern Wisconsin Regional Planning Commission and includes wetlands, woodlands and a narrow vein of 30 percent steep slopes. The PEC wraps around flat terrain approximately 30 acres in size at the immediate corner of the two highways. In the 2006 plan the 30 acres are recommended for a "business" land use (Map 5). The business land use correlates to the current B-2 Highway Business Zoning District.

To the east, the steep slopes of the PEC transition into more gentle slopes and then into slightly rolling terrain covering approximately 60 acres. The 2006 plan recommends this east portion of the Lad Lake properties as "Large-lot Single-Family /Agriculture (more than 45,000 square feet)". The recommended land use correlates to the SR-3 Single-Family Residential District or the RR Rural Residence District. The 2006 land use was recommended before it was known this area would eventually be within Dousman with access to a public water source and sanitary sewer.

A single, older residential structure located along the eastern edge of the PEC is the only man-made development currently within the properties. The lands beyond the bounds of the PEC historically have been tilled with crops. The Glacial Drumlin Trail owned and maintained by the Wisconsin Department of Natural Resources outlines the edges of the north, east and west sides of the properties.

Recommended Land Uses

The properties at the southeast corner of Highways 18 and 67 have the development potential to generate a distinctive mixed-use land use scheme beneficial to the long-term economic (increased tax base) and aesthetic well-being of the Village. Located only five miles south of the Interstate 94 and Highway 67 interchange, this area can capture the residual impact of the high-density market of land

uses surrounding the interchange in the Village of Summit and the City of Oconomowoc, it can accomplish that while also transitioning into a moderate value of business and residential properties consistent with the history of Dousman and its environs.

Bounded by the environmental features of the preserved PEC, the self-contained 30 acre corner property with excellent highway access and visibility is suited for a combination of "Business" and "High-Density Multi-Family" land uses. The business land uses could cover about one-third of the area with well-designed and aesthetically appearing sites. The businesses could include retail establishments, offices and service businesses that cater to residents within a three to five mile radius of the corner while capturing regional drive-by customers. Adding to the customer base would be a multi-family land use that could support a mixture of multi-family types but developed in a unified scheme on the remaining two-thirds of the corner area at a maximum density of 15 dwelling units per acre. The one-third/two-thirds mix of the land uses is flexible given factors such as location of access points and, if required, storm water management and water quality run-off facilities designed individually or shared jointly between land uses. This mixture of uses combined with the level of multi-family density properly takes advantage of the presence of a major highway intersection similar to the development of other similar highway intersections throughout Waukesha County.

Zoning district assignments for the land uses would be the B-2 Highway Business Zoning District and GR General Residence District. It is recommended that the maximum density of 15 dwelling units per acre allowed for the High-Density Multi-Family land use be approved as uniformly designed and managed multi-family developments, and remain under a Conditional Use Permit approval process. An alternate zoning approval process could be a Planned Unit Development which could grant deviations to standards of the underlying base zoning district, except for maximum density.

East of the PEC the prominent land use recommended is "Small-Lot Single-Family (less than 15,000 square feet)," although flexibility is encouraged to create a diversity of lot sizes and housing types and costs. The commensurate zoning district would be the SR-1 Single-Family Residential District. Although more recent subdivisions throughout the Village with SR-1 zoning have been approved and constructed with a minimum lot size of 15,000 square feet and a minimum lot width of 100 feet, current SR-1 zoning allows a minimum single-family lot size of 12,000 square feet and a minimum lot width of 100 feet. Given the availability of Village water and sewer utilities and the need within Waukesha County for a diverse spectrum of quality housing types suitable to residents from young entry level wage earners to empty nester households nearing or at retirement age, the smaller lot sizes with flexibility of an infusion of alternative housing types meets a need. In addition, the smaller lot sizes are consistent with the historical single family lot size in the Village before the larger lot The Pines Subdivision was platted in 2000.

The flexibility that can be applied by the Village and developers can take on several forms. One form is to provide a mixture of single family lot sizes as small as 10,000 square feet with 80 foot widths, all the way up to lots within the range of 15,000 square feet or larger with 100 foot widths. Another method is to incorporate a limited number of attached dwelling units, such as two side-by-side ranch units, commonly called townhomes or garden apartments. The side-by-side townhome or garden apartments

could provide an excellent design solution along the PEC eastern line. Within Dousman there is a limited supply of older to slightly newer side-by-side attached residential units provided by the private sector and a local non-profit agency. Increasing the supply would open housing options for older residents of the Village, and in turn would increase the supply of moderately priced single-family detached homes for younger families.

Zoning for the single-family portion east of the PEC would be the SR-1 Single-Family Residential District. However, municipal code amendments may be needed to allow lot sizes below 12,000 square feet and lot widths less than 100 feet. Modifications allowed under Planned Unit Development approval might be an option to create the flexibility needed to meet the intent of diversity of lot sizes, housing types and costs.

The anticipated development referenced in this section will provide a positive influence upon Village finances via a much stronger long term tax base. But within the uses of business, multi-family residential and single-family residential there must be land set aside for either immediate or long-term public use. The land use needs to include space for a Village water tower, a sanitary sewer pumping and/or lift stations, and a neighborhood park that could incorporate active and passive park space either within or outside of the PEC, with the potential of passive park space within the PEC. All of these planned features, along with other necessary public facilities would need to be determined as the neighborhood is engineered and must be part of the development approval processes.

Design Considerations

Development of the southeast corner of Highways 18 and 67 has long been a goal of Village officials and determined to be beneficial to the long-term economic and aesthetic well-being of the Village. To achieve the goal, many features must be considered and incorporated into the design of the developments within the neighborhood. The primary design considerations are addressed below, while other important design considerations will occur and be addressed during plan approval processes.

- It is anticipated the 30 acre corner area will be allowed one access point each from Highway 18 and Highway 67. The residential area east of the PEC will most likely be allowed two access points from Highway 18. Plan design discussion must include the Wisconsin Department of Transportation early in the process.
- Before development design, the boundaries of the PEC and other environmental features must be clearly defined.
- It is important for all components of this mixed-use development to make use of the Glacial Drumlin Trail. This means providing a mixture of direct and indirect, and dedicated and undedicated connections to the trail from each land use component. Connections will allow trail riders accessibility to the business area, and will allow for safe pedestrian and bicycle traffic routes throughout the development. Early in the plan design process the Wisconsin Department of Natural Resources must be consulted regarding connections to the trails, especially how crossing of the trail to gain highway access will be designed, and any required building setback requirements from the trail easement.

- The approval process of each land use component must consider if public street sidewalks dedicated bike lanes, or a combination of both will be incorporated into the design of the street cross sections and if so, where the sidewalks and/or bike lanes may be located.
- All through streets within the various components of the development where customers and residents will gain access to the land uses, may be public or private streets and must be designed according to public street standards to ensure long term maintenance for public safety and a positive appearance to retain consistent property values.
- All public streets must be constructed with concrete curb and gutter, unless otherwise approved by the Village, such as in circumstances for improvement storm water drainage and water quality. Concrete curb and gutter allows for long term proper maintenance, a positive appearance and most importantly provides a workable storm water collection and drainage system that does not impede the use and appearance of private properties.
- Provisions must be made in the layout of the residential public street system east of the PEC to connect to neighboring properties to the south.
- The business land use component may be further subdivided to create individual lots for single or multi-tenant business entities. Each lot must have frontage along a public street, have accessibility to an internal public street, and be designed with a minimum depth of 250 feet.
- For consistency of a quality appearance and long term proper maintenance the development of the multi-family component within the 30 acre corner area must be designed with compatible architecture and internal ingress/egress connections between potentially different multi-family types. The multi-family must be developed under a unified maintenance plan.
- Each component of the entire development area must be developed with proper urban design principals to ensure public safety and long term quality and value. Proper urban design principals include, but are not limited to, unabated external and internal ingress and egress for pedestrians, bicyclists, vehicles, delivery vehicles and emergency vehicles; the proper amount and layout of vehicle parking drives and spaces; a sufficient amount of parking locations and spaces for bicycles and vehicles; proper design of loading and unloading areas where needed; use of quality and proper mixture of building materials with colors consistent with buildings of surrounding properties; and the planting and long term care of a good mixture of landscape planting materials.
- In conjunction with the approval processes of development of the entire area, consideration must be given toward the private ownership and continual proper protection and maintenance of the PEC.
- Dedication of land for a Village public park space must be incorporated into the overall development area. The public park space for active and passive uses may be within or outside of the PEC.
- Dedication of land for a Village water tower site and possibly other Village utility functions must be incorporated into the design of the entire development area, as determined by the Village.

Overall, development of this southeast corner of Highways 18 and 67 will have a positive economic and visual impact upon the Village. To sustain the economic and visual impact, it is important proper urban

design principals are incorporated into the planning, approval, construction and long term maintenance of each development component.

Town of Ottawa Jurisdiction

Immediately south of the property previously described as the southeast corner of Highways 18 and 67, lies approximately 32 acres of land within the Town of Ottawa. Roughly one-third of the west side of this area, south of the business and high density multi-family planned land uses to the north, is within the PEC. The roughly eastern two-thirds of the area could be developed into single-family or a small mixture of limited multi-family development. The PEC portion of this area must be preserved.

These 32 acres, presently owned by Lad Lake, could be added to the development, although the current boundary agreement between the Village of Dousman and the Town of Ottawa contemplates this land remaining within the jurisdiction of Town of Ottawa. Development of the 32 acres within the Town could require access to the Dousman sanitary sewer system at the expense of Town of Ottawa or the developer according to the provisions of the boundary agreement, or Dousman and Ottawa could agree to annex the land to Dousman.

Regardless of jurisdiction, the Village finds it appropriate that the proposed land use within the 32 acres should be Small-Lot Single-Family (less than 15,000 square feet), consistent with the land use proposed for the property to the north as previously described. A small mixture of limited multi-family development would also be appropriate.

EXHIBIT C

The proposed land uses within Map 5 and all other associated maps within the Plan on properties highlighted below outlined by a solid black line shall be amended as described within Exhibit B.



Source: Waukesha County Geographic System and Village of Dousman