

Enrolled 157-79
~~PROPOSED ORDINANCE 157-81~~

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2
3 AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA
4 COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY
5 REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 18,
6 T8N, R17E, TOWN OF OCONOMOWOC, FROM THE A-T AGRICULTURAL LAND
7 PRESERVATION TRANSITION DISTRICT TO THE R-2
8 RESIDENTIAL DISTRICT (CZ-1463)
9

10
11 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by
12 the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of
13 requisite notice of said hearing, and a recommendation for approval thereon reported to the Land
14 Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors,
15 Waukesha County, Wisconsin, as required by Section 59.69 of the Wisconsin State Statutes.
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
18 ORDAIN that the Town of Oconomowoc District Zoning Map of the Waukesha County Zoning
19 Code, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on
20 February 26, 1959, is hereby amended to conditionally rezone certain lands from the A-T
21 Agricultural Land Preservation Transition District to the R-2 Residential District, located in part
22 of the SW ¼ of Section 18, T8N, R17E, Town of Oconomowoc, and more specifically described
23 in the "Staff Report and Recommendation" and map on file in the office of the Waukesha
24 County Department of Parks and Land Use, and made a part of this Ordinance by reference
25 (CZ-1463), subject to the following conditions:
26

- 27 1. No direct vehicular access onto the 16/67 by-pass shall be permitted from any
28 existing or proposed residential lot.
29
30 2. The overall density of these parcels shall be limited to not more than one (1) unit
31 per 30,000 sq. ft. with a minimum average width of 120', which would allow
32 three (3) parcels along Lang Road.
33
34 3. A Certified Survey Map must be submitted for review and approval by the Town
35 Plan Commission and the Waukesha County Parks and Land Use Department.
36
37 4. The issue concerning the property line dispute shall be resolved prior to the
38 submittal of any proposed development of the site. Written documentation from
39 the property owners in question shall be submitted to the Town Planner prior to
40 any proposed development of the property.
41

42 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
43 this Ordinance with the Town Clerk of Oconomowoc.
44

45 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
46 approval and publication.
47

48 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the
49 provisions of this Ordinance are hereby repealed.

Referred on: 11/12/02

File Number: 157-O-083

Referred to: LU

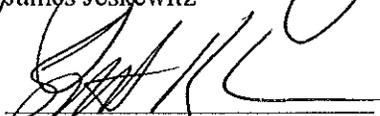
AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 18, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE R-2 RESIDENTIAL DISTRICT (CZ-1463)

Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair


Pauline T. Jaske


James Jeskewitz

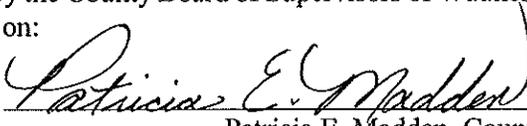

Scott J. Klein


Daniel Pavelko


Vera Stroud


Matt Thomas

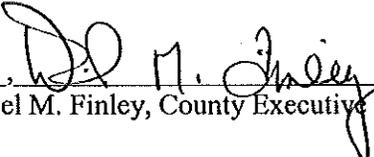
The foregoing legislation ^{as amended} adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: December 2, 2002, 
Patricia E. Madden, County Clerk

The foregoing legislation ^{as amended} adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: ✓

Vetoed: _____

Date: 12-3-02, 
Daniel M. Finley, County Executive

Amendment to 157 - O - 083

Supervisor Kolb moved to amend the First Ordained paragraph , subparagraph 2. as follows:

“delete three (3) parcels and insert four (4) parcels” and

substitute the revised map for the one attached to the original ordinance

Seconded by Supervisor Jaske

Vote on amendment: 31 - 0

Vote on ordinance as amended: 31 - 0

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

FILE NO.: CZ-1463

DATE: November 7, 2002

PETITIONER: Gravel Gal, Inc.
9 Terrance Court
Plymouth, WI 53073

OWNER: Gramling Farms LLC
W228 S2438 Oriole Drive
Waukesha, WI 53186

TAX KEY NO.: OCOT 0509.999

LOCATION:

Being a part of the SW ¼ of Section 18, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin, located on the north side of Lang Road, south of the proposed State Highway 16/67 bypass, approximately ½ mile east of the Waukesha County line (1.31 acres).

PRESENT ZONING:

A-T Agricultural Land Preservation Transition District.

PROPOSED ZONING:

R-2 Residential District.

PRESENT LAND USE:

Vacant.

PROPOSED LAND USE:

Single-Family Residential.

PUBLIC HEARING DATE:

September 16, 2002.

PUBLIC REACTION:

An adjacent neighbor to the east expressed concerns because on the east property line there was an ownership question of 70' from the petitioner's property and the neighbor's property. It was stated at the public hearing that both landowner's have attorneys who are working towards settling the dispute. The Plan Commission stated that the lot line dispute would need to be worked out between the two property owners and was not a concern for the rezoning public hearing.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

The Town of Oconomowoc Plan Commission, at their meeting of October 14, 2002, recommended approval of the request from the A-T Agricultural Land Preservation Transition District to the R-2 Residential District subject to the following conditions:

1. No direct vehicular access onto the 16/67 by-pass shall be permitted from any existing or proposed residential lot.
2. The overall density of this parcel shall be limited to no more than one (1) unit per 30,000 sq.ft. with on-site private waste disposal systems.
3. The issue concerning the property line dispute shall be resolved prior to the submittal of any proposed development of the site. Written documentation from the property owners in question shall be submitted to the Town Planner prior to any proposed development of the property.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The Waukesha County Development Plan designates this area in the Low Density Residential category consisting of single-family dwellings units of .67 to 2.1 dwelling units per acre, which represents lot sizes ranging from 20,000 sq.ft. to 1.5 acres. Therefore, the proposed use is compatible with the Waukesha County Development Plan.

OTHER CONSIDERATIONS:

Currently, the property consists of 104 acres of land, which will be split by the proposed 16/67 bypass. The southern remainder of this 104 acres is being cropped but when the proposed bypass splits the land it will leave approximately seven acres on the south side of the proposed bypass un-farmable. Approximately 4.5 acres is zoned A-P Agricultural Land Preservation District and 2.45 acres are zoned A-T Agricultural Land Preservation Transition District. The petitioner is proposing to rezone approximately 2.45 acres of land from the A-T Agricultural Land Preservation District to the R-2 Residential District and at this time is not proposing to change the A-T District zoning on the property. A-T Agricultural Land Preservation Transition District lands are recognized as possessing development potential consistent with adopted plans for the community, which this area is recognized as such, because of the development along Lang Road. The adjoining properties on the east and west sides of the subject parcel are currently zoned R-2 Residential District, which require 30,000 sq.ft. minimum lot sizes. The proposed development of the site will result in the creation of three (3) new lots on septic systems and private wells. The lots will then be used for the relocation of residences that were going to be razed to construct the proposed 16/67 by-pass.

STAFF RECOMMENDATION:

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

1. No direct vehicular access onto the 16/67 by-pass shall be permitted from any existing or proposed residential lot.
2. The overall density of these parcels shall be limited to not more than one (1) unit per 30,000 sq.ft. with a minimum average width of 120', which would allow three (3) parcels along Lang Road.
3. A Certified Survey Map must be submitted for review and approval by the Town Plan Commission and the Waukesha County Parks and Land Use Department.

This proposal is consistent with the purpose and intent of the A-T Agricultural Land Preservation Transition District, which is recognizing the need to provide lands for growth and development that is consistent with the long-range land use plan of the Community. Therefore, this proposal is compatible with the purpose and intent of the Waukesha County Zoning Code.

Respectfully submitted,

Michelle Staff / kb

Michelle J. Staff
Senior Land Use Specialist

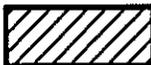
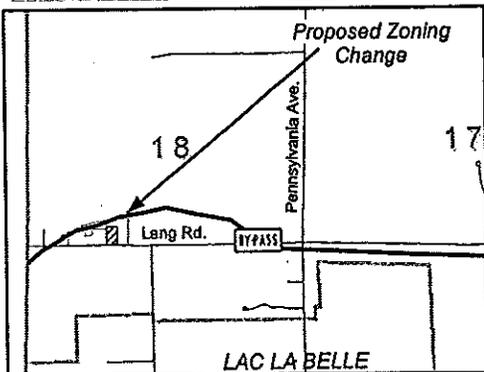
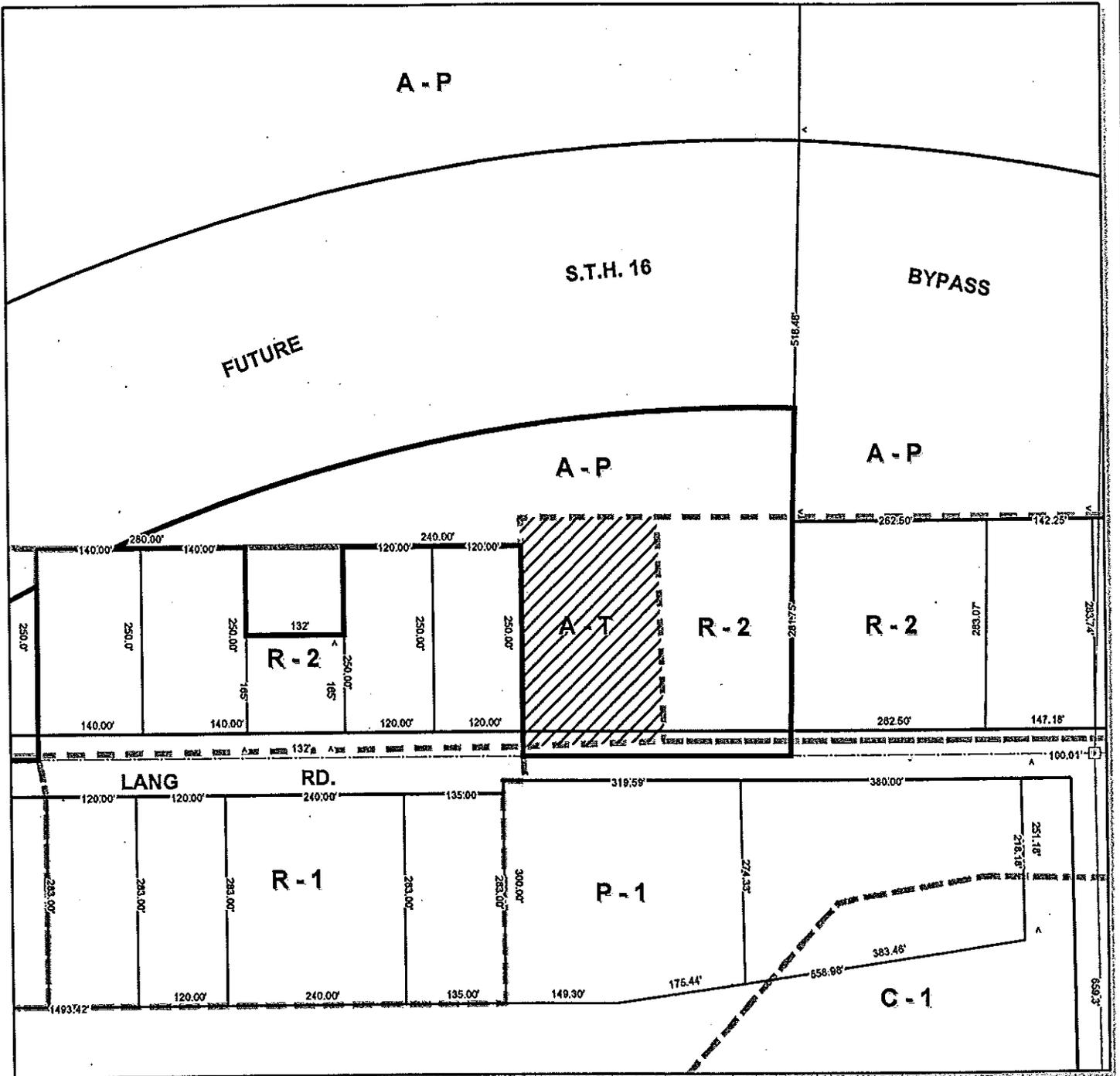
MJS/kb:smv

Attachment: Map

N:\PLU NEW FILE SYSTEM (IN-PROGRESS)\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1463_OCT(GRAVEL GAL, INC.).DOC

ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 18
TOWN OF OCONOMOWOC



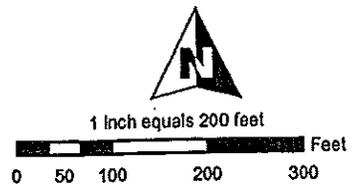
CONDITIONAL ZONING CHANGE FROM A-T (AG. LAND PRES. TRANSITION DISTRICT) TO R-2 (RESIDENTIAL DISTRICT)

FILE.....CZ-1463

DATE.....11-7-02

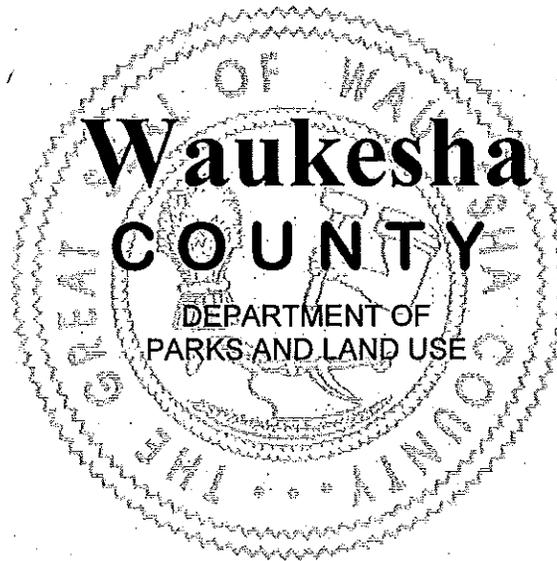
AREA OF CHANGE.....1.31 ACRES

TAX KEY NUMBER.....OCOT 0503.997



Prepared by the Waukesha County Department of Parks and Land Use

157-0-083



MEMORANDUM

To: Waukesha County Board of Supervisors

From: Richard L. Mace, Planning & Zoning Manager

Date: November 26, 2002

Re: Addendum to Zoning Amendment CZ-1463

On November 25, 2002, the staff identified a problem with the amending Ordinance CZ-1463, in that an area to the west of the parcels identified on the zoning map amendment, which accompanied the staff's recommendation, dated November 7, 2002, was not properly shown. The revised map now properly indicates the area to be rezoned. Both these areas are zoned "A-T" and are part of the original Gramling Farms, which has now been severed by the State Department of Transportation Highway 16/67 Bypass Project, leaving approximately 1.84-acres of land zoned "A-T". The westerly piece should be included in the rezoning petition, as the application included the subject area, as well as the notice of public hearing was sent to all the persons required to receive said notice within 300 feet of this subject area.

It is also important to note that this project needs to go forward as soon as possible because the parcels are being created and rezoned in order to accommodate the relocation of a number of houses, which are being required to be moved by the State's road project and which need to have foundations built. If this were delayed to a later date, say January, a problem would exist for the contractor to relocate the houses and may not be able to construct proper foundations and basements based upon cold weather conditions that we normally get during the winter months. I also confirmed with the Town Plan Commission Chairman that the Town did intend to include this additional parcel on the west as part of the rezoning and that they concur in its being rezoned to the "R-2" category.

RLM:rmb

N:\PLU New File System (In-Progress)\Planning & Zoning\Rezoned (RZ)\Memo\Addendum to CZ-1463(11-25-02).doc

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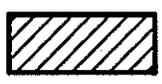
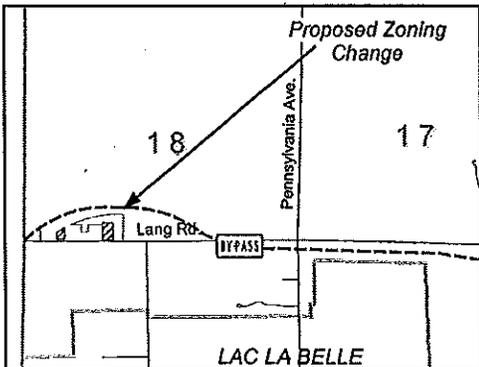
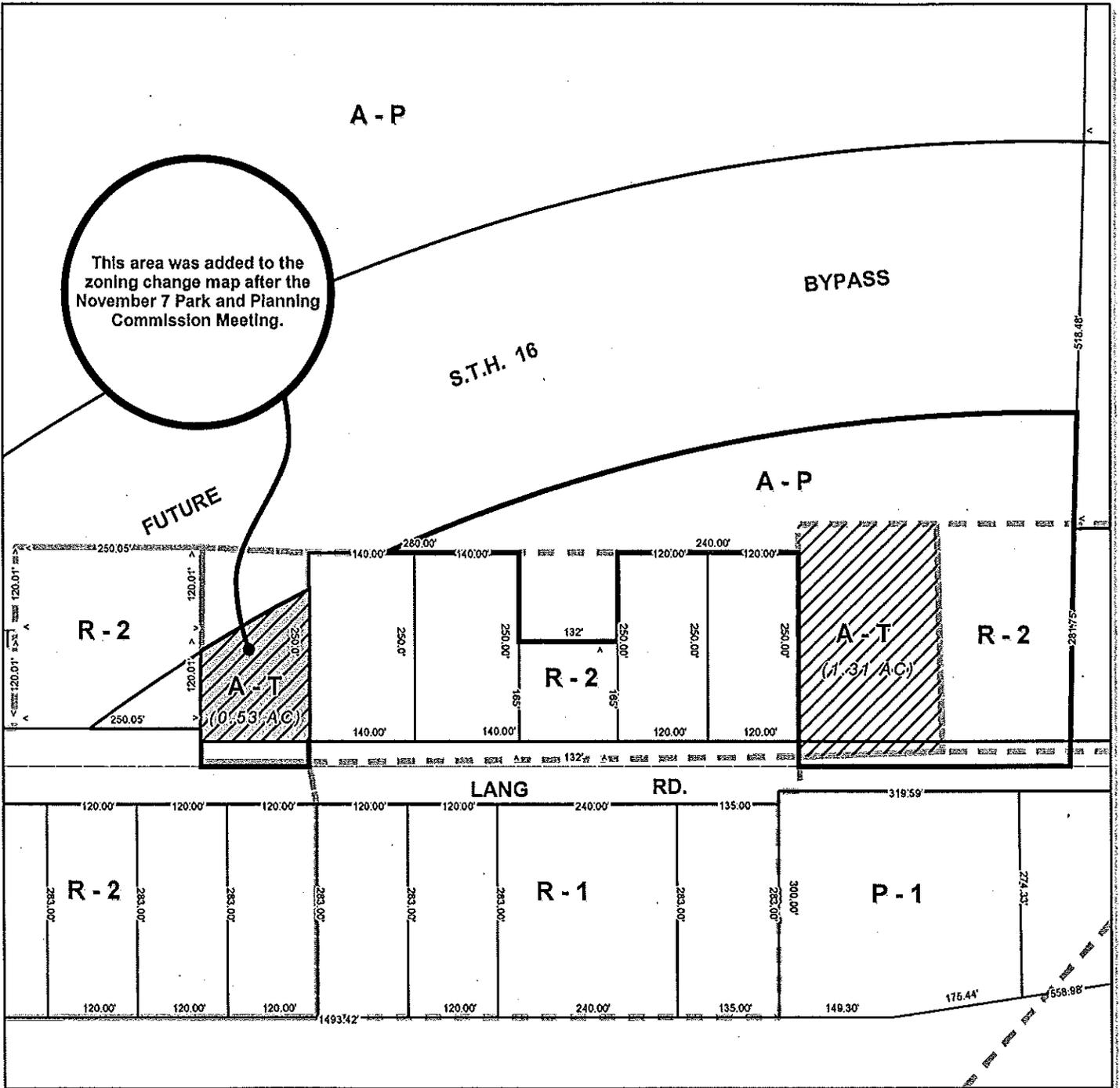
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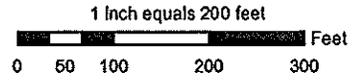
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FILE.....CZ-1463
 DATE.....11-7-02
 AREA OF CHANGE.....1.84 ACRES
 TAX KEY NUMBER.....OCOT 0503.997



Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/26/02

(ORD) NUMBER-1570083

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 M. SONNENTAG.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 D. FANFELLE.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....
- 34 R. SINGERT.....AYE

TOTAL AYES-31

TOTAL NAYS-00

CARRIED X
as amended

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-31