

Emroled 158-64  
PROPOSED ORDINANCE 158-70

1  
2  
3 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
4 ORDINANCE OF THE TOWN OF OCONOMOWOC, BY REZONING CERTAIN LANDS  
5 LOCATED IN PART OF THE SE ¼ OF SECTION 24, T8N, R17E, TOWN OF  
6 OCONOMOWOC, FROM THE A-T AGRICULTURAL LAND PRESERVATION  
7 TRANSITION DISTRICT TO THE R-3 RESIDENTIAL DISTRICT  
8 (SZ-1492)  
9

10 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by  
11 the Waukesha County Park and Planning Commission, after Public Hearing, and giving the  
12 requisite notice of said hearing, and the recommendation thereon reported to the Land Use, Parks  
13 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha  
14 County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.  
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
17 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance District  
18 Zoning Map for the Town of Oconomowoc, Waukesha County, Wisconsin, adopted by the  
19 Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to rezone from the  
20 A-T Agricultural Land Preservation Transition District to the R-3 Residential District, certain  
21 lands located in part of the SE ¼ of Section 24, T8N, R17E, Town of Oconomowoc, and more  
22 specifically described in the "Staff Report and Recommendation" and map on file in the office  
23 of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance  
24 by reference (SZ-1492).  
25

26 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
27 this Ordinance with the Town of Oconomowoc Clerk.  
28

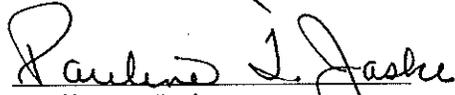
29 BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect upon passage,  
30 approval and publication.  
31

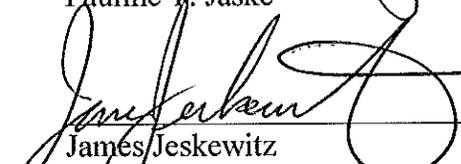
32 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of  
33 provisions of this Ordinance are hereby repealed.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE OF THE TOWN OF OCONOMOWOC, BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 24, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SZ-1492)

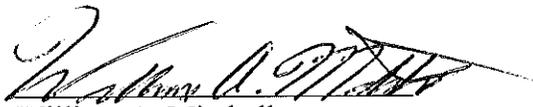
Presented by:  
Land Use, Parks, and Environment Committee

  
Walter L. Kolb, Chair

  
Pauline T. Jaske

  
James Jeskewitz

  
Scott J. Klein

  
William A. Mitchell

  
Daniel Pavelko

  
Vera Stroud

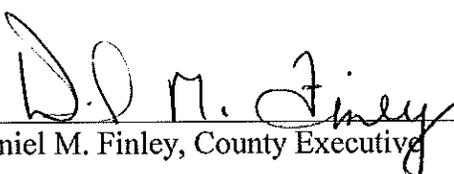
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 10-17-03,   
Kathy Nickolaus, County Clerk

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

Approved:

Vetoed:

Date: 10-22-03,   
Daniel M. Finley, County Executive

COMMISSION ACTION

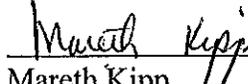
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of SZ-1492 (Milton Babinec) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

September 4, 2003

  
\_\_\_\_\_  
Betty Willert, Chairperson

\_\_\_\_\_  
Absent  
Vy Janusonis

  
\_\_\_\_\_  
Mareth Kipp

  
\_\_\_\_\_  
Ellen Gennrich

  
\_\_\_\_\_  
Walter Kolb

  
\_\_\_\_\_  
Joseph LaPorte

\_\_\_\_\_  
Absent  
Walter Baade

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

**FILE NO.:** SZ-1492

**TAX KE NO.:** OCOT 0528.994.002

**DATE:** September 4, 2003

**PETITIONER:** Rebecca J.R. Roeker  
Murn & Martin, S.C.  
W229 N1792 Amber Lane  
Waukesha, WI 53186-1184

**OWNER:** Milton G. Babinec Survivor's Trust  
N67 W34419 C.T.H. K  
Oconomowoc, WI 53066

**LOCATION:**

The property is all of Lot 1 of Certified Survey Map No. 8324, and in part of the SE ¼ of Section 24, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N64 W34300 Bayview Road, containing approximately 2.2 acres of land.

**PRESENT ZONING:**

A-T Agricultural Land Preservation Transition District.

**PRESENT LAND USE:**

Single-family residential units.

**PROPOSED ZONING:**

R-3 Residential District.

**PROPOSED LAND USE:**

Divide the existing 2.2-acre parcel into an additional parcel on which to construct a new residence.

**PUBLIC HEARING DATE:**

July 17, 2003.

**PUBLIC REACTION:**

There was no opposition to the proposed change. However, two persons were concerned with the fact that this site may be divided into three lots. It was explained to them that the width of the parcel in question could not accommodate a division into three lots and would have to be limited to two.

**TOWN PLAN COMMISSION:**

The Town of Oconomowoc Plan Commission, at their meeting of July 17, 2003, recommended approval of the request.

158-0-068

**TOWN BOARD ACTION:**

The Town of Oconomowoc Board, at their meeting of July 17, 2003, approved the rezoning request in accordance with the recommendations of the Plan Commission.

**COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF OCONOMOWOC LAND USE PLAN:**

The County Development Plan and the Town Land Use Plan both indicate this area to be in a Low Density Residential category. The proposed rezoning to allow two, one-acre parcels complies with those designations which provide for densities ranging from ½ acre to 1.4 acres.

**OTHER CONSIDERATIONS:**

The property in question is a 2.2-acre parcel fronting on Bayview Road on which an existing residence lies. The petitioner proposes to divide the parcel in a way to accommodate a second residence on the acreage, which will conform with the proposed R-3 Residential category. The same R-3 Residential category lies along the west and north sides of the property with more restrictive zoning categories to the east and south. All of the land surrounding this property is already developed or in the process of being developed with residential uses. Soils in the area appear to contain suitable conditions, based on the USDA soil maps, to accommodate on-site waste disposal systems.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff this request be **approved**. We feel this proposed amendment is consistent with the recently amended Town and County Land Use Plans and the proposed use of this site for an additional single-family residential lot is compatible with all of the surrounding land uses. The soils are adequate to accommodate on-site waste disposal systems.

Respectfully submitted,



Richard L. Mace  
Planning and Zoning Manager

RLM:kab

Attachments: Map

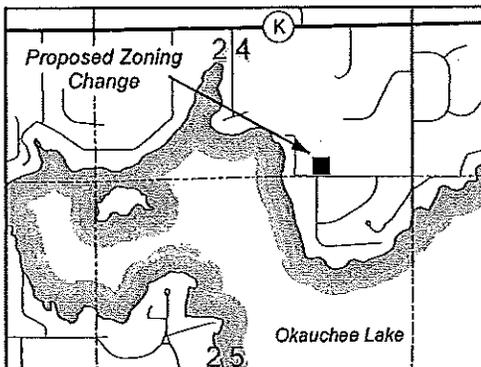
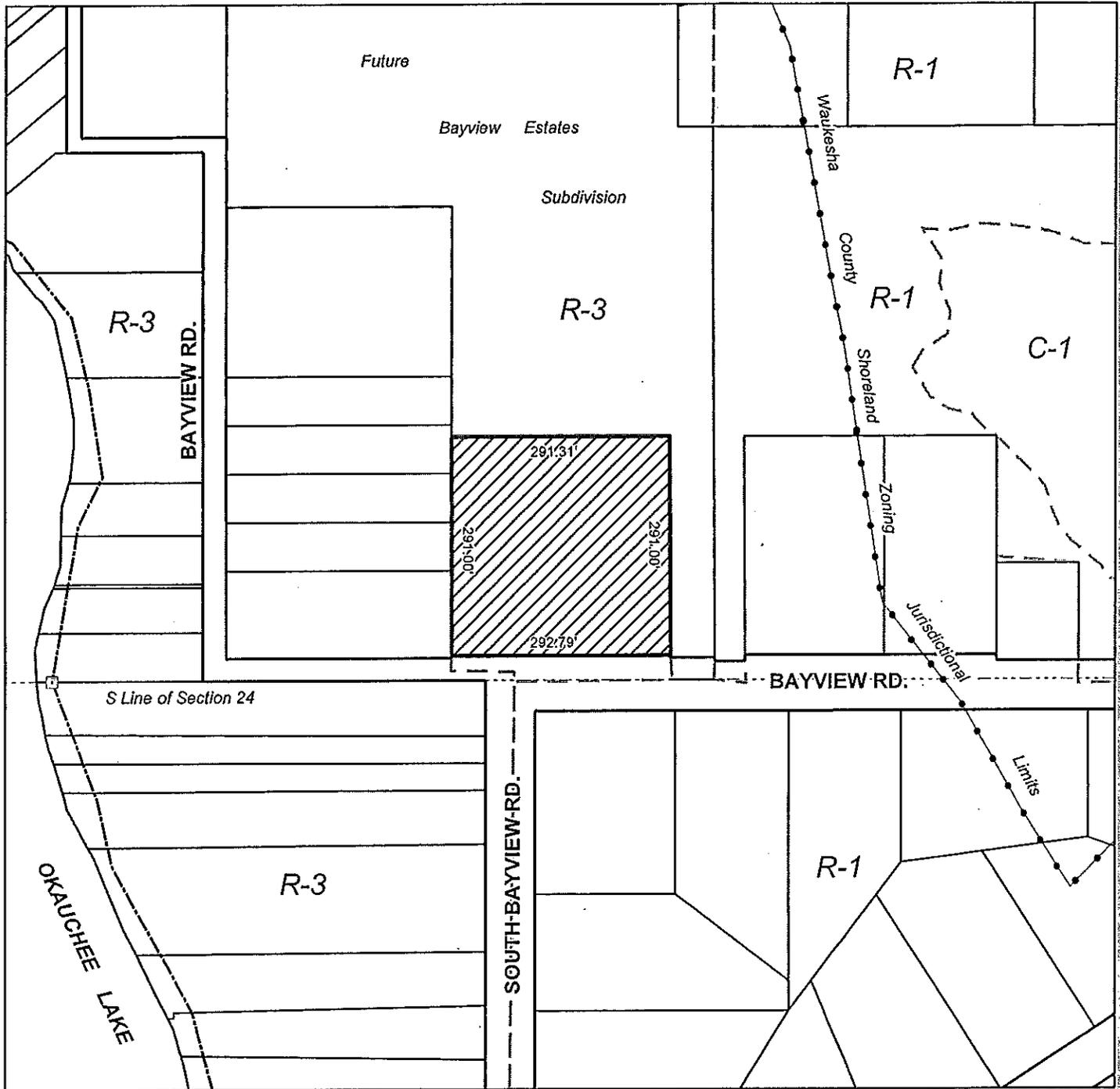
N:\PLU FILES\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1492 (MILTON BABINEC)\_OCT.DOC

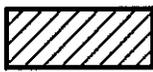
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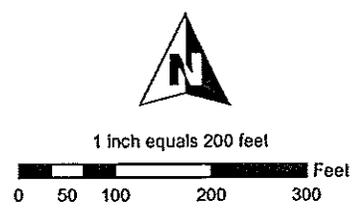
# ZONING MAP AMENDMENT

PART OF THE SOUTHEAST 1/4 OF SECTION 24  
TOWN OF OCONOMOWOC



 SHORELAND ZONING CHANGE FROM A-T AG. LAND PRES. TRANSITION DISTRICT TO R-3 RESIDENTIAL DISTRICT

FILE.....SZ-1492  
 DATE.....9-04-03  
 AREA OF CHANGE.....2.2 ACRES  
 TAX KEY NUMBER.....OCOT 0528.994.002



Prepared by the Waukesha County Department of Parks and Land Use

158-0-068

WAUKESHA COUNTY BOARD OF SUPERVISORS E0158-64

V

DATE-10/14/03

(ORD) NUMBER-1580068

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 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 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....NAY
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-32

TOTAL NAYS-01

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-33