

ENROLLED ORDINANCE 163-2

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP FOR LANDS ANNEXED BY THE CITY OF OCONOMOWOC BY REZONING CERTAIN LANDS LOCATED IN THE SE ¼ OF SECTION 10, T7N, R17E, CITY OF OCONOMOWOC FROM THE B-4 COMMUNITY BUSINESS AND R-3 RESIDENTIAL DISTRICTS TO THE P-I PUBLIC AND INSTITUTIONAL DISTRICT AND TO WAIVE THE APPLICATION OF CONDITION NO. 2 OF ENROLLED ORDINANCE 155-86 REGARDING INTRUSION ON SHORELAND SETBACKS TO PROVIDE FOR A STORMWATER RETENTION AND INFILTRATION BASIN (SVZ-1392A)

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

WHEREAS Enrolled Ordinance 155-86 provided for minimum requirements for grading and building near various wetlands to the north of the proposed rezone area and the description and explanation set forth in the “Staff Report and Recommendation and its Exhibits” and map on file in the office of the Waukesha County Dept. of Parks and Land Use (SVZ-1392) provides for reasons to allow limited modification of these minimum requirements for stormwater infiltration purposes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for lands in the former Town of Summit and annexed by the City of Oconomowoc, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to rezone certain lands located in the SE ¼ of Section 10, T7N, R17E, City of Oconomowoc, from the B-4 Community Business and R-3 Residential Districts to the P-I Public and Institutional District and to waive the application of Condition No. 2 of Enrolled Ordinance 155-86 regarding intrusion on shoreland setback requirements.

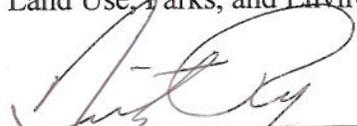
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Clerk of the City of Oconomowoc.

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

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

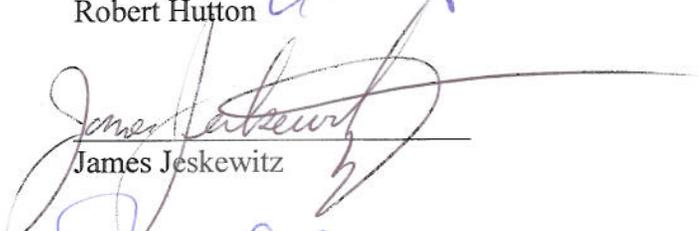
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE
DISTRICT ZONING MAP FOR LANDS ANNEXED BY THE CITY OF OCONOMOWOC BY REZONING
CERTAIN LANDS LOCATED IN THE SE ¼ OF SECTION 10, T7N, R17E, CITY OF OCONOMOWOC FROM
THE B-4 COMMUNITY BUSINESS AND R-3 RESIDENTIAL DISTRICTS TO THE P-I PUBLIC AND
INSTITUTIONAL DISTRICT AND TO WAIVE THE APPLICATION OF CONDITION
NO. 2 OF ENROLLED ORDINANCE 155-86 REGARDING INTRUSION ON
SHORELAND SETBACKS TO PROVIDE FOR A STORMWATER
RETENTION AND INFILTRATION BASIN (SVZ-1392A)

Presented by:
Land Use, Parks, and Environment Committee

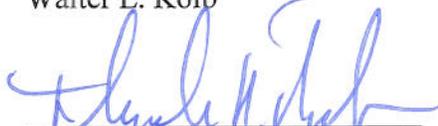

Fritz Ruf, Chair

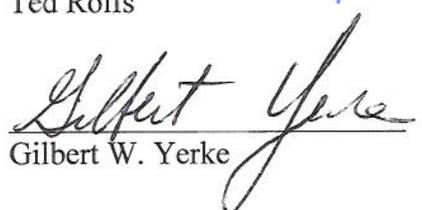

Janel Brandtjen


Robert Hutton


James Jeskewitz

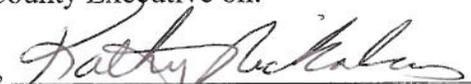

Walter L. Kolb


Ted Rolfs


Gilbert W. Yerke

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

Date: 5/30/08

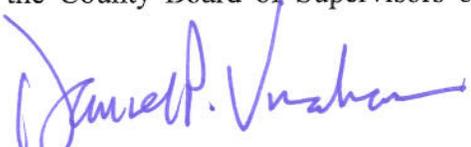

Kathy Nickolaus, County Clerk

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

Approved: X

Vetoed: _____

Date: 6-2-08


Daniel P. Vrakas, County Executive

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

DATE: May 1, 2008

FILE NO: SVZ-1392A

PETITIONER: City of Oconomowoc
174 East Wisconsin Ave.
Oconomowoc, WI 53066

TAX KEY NO.: OCOC:0616.999.012 and part of OCOC:0616.999.011

LOCATION:

The property is located in the SE ¼ of Section 10, T7N, R17E, City of Oconomowoc. More specifically the property consists of Lot 1 of Certified Survey Map No. 10499 as well as a small portion of Parcel 11 of Certified Survey Map No. 9172, all east of S.T.H. 67 and north of the Wisconsin Electric Power Company (WEPCO) right-of-way.

PRESENT ZONING:

B-4, Community Business and R-3, Residential Districts.

PRESENT LAND USE:

Vacant pasture.

PROPOSED ZONING:

P-I, Public and Institutional District and a revision to certain conditions contained in Enrolled Ordinance No. 155-86, regarding intrusion on shoreland setbacks.

PROPOSED LAND USE:

City of Oconomowoc Fire Station and a stormwater management basin.

PUBLIC HEARING DATE:

April 9, 2008.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION ACTION:

At its meeting following the public hearing on April 9, 2008, the Plan Commission recommended unanimously in favor of the proposed amendment and to modify a previously Enrolled Ordinance No. 155-86, to provide for the stormwater retention and infiltration basin.

COMMON COUNCIL ACTION:

On April 15, 2008, the City of Oconomowoc Common Council endorsed the Plan Commission's recommendation.

CONFORMANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE CITY OF OCONOMOWOC LAND USE PLAN:

The County Development Plan identifies this area in a combination of low to medium density residential and commercial office uses. The proposed change to accommodate a public works facility, (fire station) conforms with those categories, in that it is a public service which is necessary to accommodate and serve all urban uses.

OTHER CONSIDERATIONS:

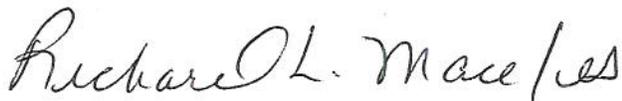
The subject property is part of a much larger tract of land which is under consideration for development known as the "Pabst Farms". This particular parcel lies on the north side of the WEPCO right-of-way and will front on the proposed eastward extension of the Oconomowoc Parkway. This fire station location is at the east terminus of said Parkway, as it will not continue further east. There is other development contemplated that will extend off of this Parkway to both the north, south and west of the proposed fire station site. It was also learned at the public hearing that the City of Oconomowoc is strongly considering accepting an offer by the Pabst Farms to dedicate 20 +/- acres of land area to the north and east of the subject site for long term preservation in park and open space type uses, which would be a very significant addition to the open space network in and around the City of Oconomowoc. Another issue is the stormwater and infiltration basin that is proposed for the land area immediately north of the proposed three (3) acre site for the fire station. The proposed basin is a regional basin that is being constructed to accommodate stormwater runoff from a larger area than just the three acre fire station site. Because of the configuration of some of the wetlands (potholes) that lie to the north of the fire station site and the necessity for having a minimal size infiltration basin and stormwater basin, the need to encroach within 75 ft. of one of these wetland areas is appropriate to accommodate the construction of the basin and the berm surrounding the basin. The basin is not intended to be placed in any wetland area; however the berms surrounding the basin will be within the 75 ft. setback area, which was established in Ordinance No. 155-86 in the year 2000. That Ordinance was the subject of a considerably larger area of change to the business and residential categories and also included numerous small and isolated wetlands, as well as larger wetlands surrounding some very large pond areas to the north and east of the subject site. Although the subject wetland setback encroachment is a very small wetland area (.02 acres), there were some minimum standards set forth in the 2000 Ordinance amendment as far as what kind of and where development could occur within that larger area to the north of the subject site. One of the standards in Condition No. 2 was that there shall be no grading exposing the natural soil within the 75 ft. setback on any portion of these shoreland/wetlands. In discussions with the City of Oconomowoc and its engineer concerning this proposed specific development, the basin has been modified, redesigned and partially relocated in order to meet that standard, so as not to encroach within the 75 ft. shoreland setback area on the larger more significant wetland areas lying to the east and northeast of the subject site, however the subject wetland encroachment (.02 acres) is a very small basin, which was identified as a wetland, just to the immediate north of the site and it is the basin from which the overflow pipe out of the infiltration basin will be directed, rather than the other more significant and larger wetland areas to the east and northeast. This was done in order to protect those more valuable and desirable wetland areas to the north and east from any encroachment or impact. The subject basin, which also contains a 75 ft.

setback area, will be encroached upon and will accommodate an emergency overflow pipe. That wetland area contains little if any natural elements usually related to or consistent with a wetland. It is in fact, a grassed and pastured hollowed out area that has, over the years, been a collection point for surface water runoff, and contains very little, if any, significant natural features or vegetation that is considered by the Staff to be of significant value. The area of the wetland itself will be left untouched, but the area within the 75 ft. setback will be graded and a stormwater overflow pipe will be directed to that small basin, but will not directly be placed in the wetland area. All of the changes to occur within that buffer area will be on upland grass and pasture field which deviates from the standards contained in Ordinance No. 155-86. We are suggesting, in this case, a modification to the shoreland buffer be allowed to accommodate the proposed stormwater and infiltration basin, as designed and shown in the attachments made a part of this Ordinance (Exhibits 1 and 2). It is also noted that the proposed grading will not affect any of the cedar tree growth surrounding this very small wetland, as the basin was specifically designed to avoid disturbing said trees.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved. We feel the proposed use of this property for a future fire station to serve the City of Oconomowoc and its environs, along with a slight modification to the standard set forth in Condition No. 2 of Enrolled Ordinance No. 155-86 is justified, in that the area affected has little or no significance to the overall natural conditions that lie on this site. The most significant portions of this property lying to the north and east of the fire station site will continue to be protected and preserved, as grading activities have been relocated to avoid such areas. Much of the higher quality wetland and uplands east of this site may in fact be donated to the City of Oconomowoc for permanent preservation. We feel that the proposed encroachment in the 75 ft. setback area of this small, grassy .02 acre wetland area represents a very minor and almost insignificant encroachment and will have virtually no affect on the overall quality of the larger wetland complex surrounding the area to the north and east of the City of Oconomowoc site. Finally, the use of this property for a fire station is in conformance with the intent of the Waukesha County Comprehensive Development Plan.

Respectfully submitted,



Richard L. Mace
Planning and Zoning Manager

RLM:es

Attachments: Enrolled Ordinance No. 155-86
Map
Exhibits 1 and 2

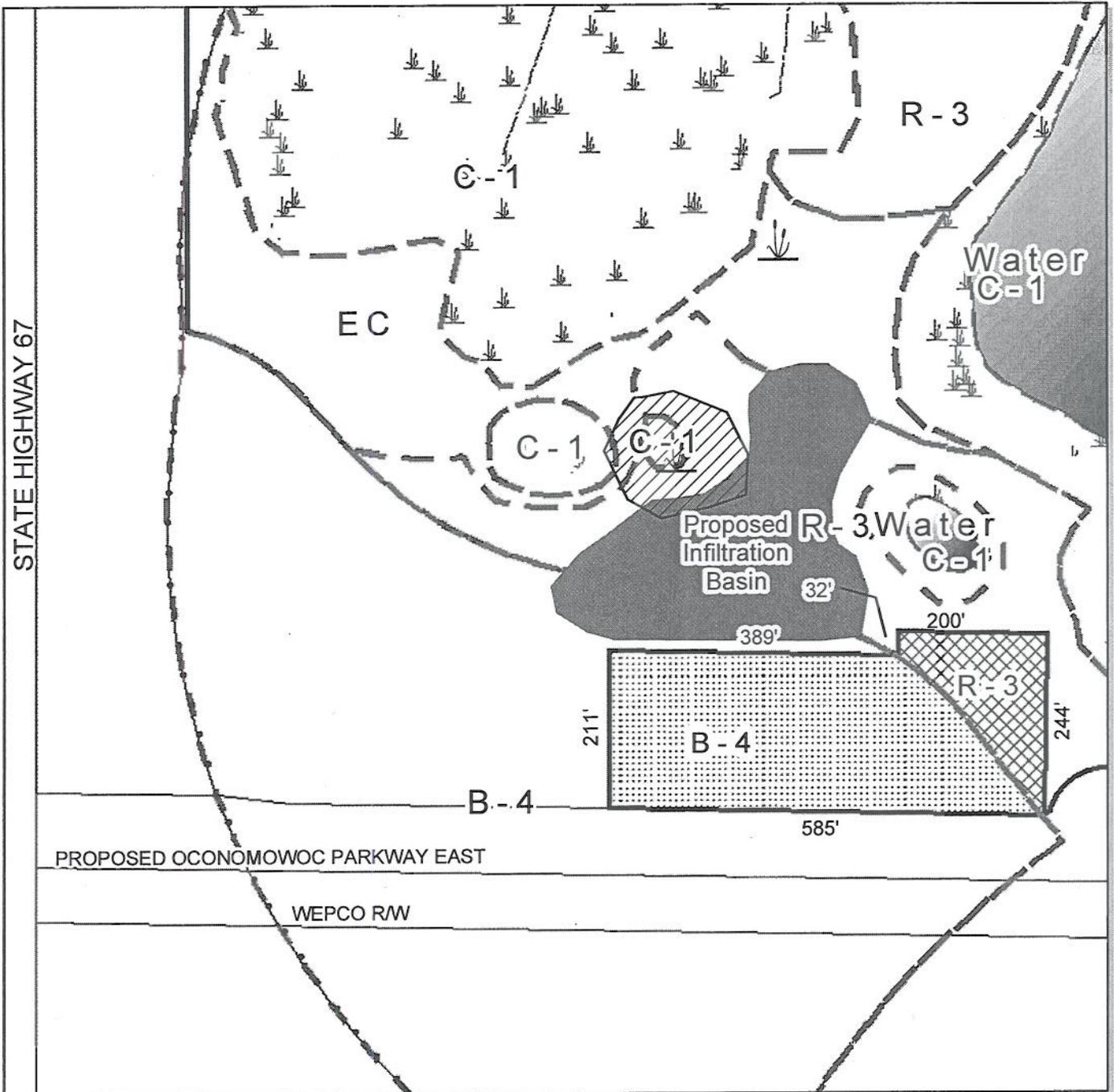
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163-0-002

5.

ZONING MAP AMENDMENT

PART OF THE NE 1/4 OF SECTION 10
CITY OF OCONOMOWOC



-  SHORELAND ZONING CHANGE FROM B-4 COMMUNITY BUSINESS TO P-I PUBLIC AND INSTITUTIONAL DISTRICT (2.39 ACRES)
-  SHORELAND ZONING CHANGE FROM R-3 RESIDENTIAL DISTRICT TO P-I PUBLIC AND INSTITUTIONAL DISTRICT (0.61 ACRES)
-  WETLAND BUFFER (75 FT.) ORD. #155-86

FILE.....SVZ-1392A
 DATE.....05-01-08
 AREA OF CHANGE.....3.0 ACRES
 TAX KEY NUMBER.....OCOC 0616.999.012 & .011



1 inch equals 200 feet
 0 50 100 200 Feet

Prepared by the Waukesha County Department of Parks and Land Use

163-0-002

6.

ENROLLED ORDINANCE 155-86

AMEND WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP FOR LANDS IN TOWN OF SUMMIT AND
ANNEXED BY CITY OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN
LANDS LOCATED IN THE NE ¼ AND SE ¼ OF SECTION 10 AND SW ¼ OF SECTION 11,
ON THE SOUTH SIDE OF PABST ROAD AND EAST OF S.T.H. 67; A SMALL AREA
LOCATED ON THE WEST SIDE OF S.T.H. 67 IN THE NW ¼ OF SECTION 22 AND A
SMALL AREA EAST OF DOUSMAN ROAD AND SOUTH OF I-94 IN THE SW ¼ OF
SECTION 15, ALL IN T7N, R17E, CITY OF OCONOMOWOC AND TOWN OF SUMMIT,
FROM A-1 AGRICULTURAL DISTRICT TO B-4 COMMUNITY BUSINESS, B-P MIXED
USE BUSINESS PARK, R-1 AND R-3 RESIDENTIAL AND EC ENVIRONMENTAL
CORRIDOR DISTRICTS
(SVZ-1392)

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

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for lands in the Town of Summit and annexed by the City of Oconomowoc, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to conditionally rezone certain lands located in the NE ¼ and SE ¼ of Section 10 and SW ¼ of Section 11, on the south side of Pabst Road and east of S.T.H. 67; a small area located on the west side of S.T.H. 67 in the NW ¼ of Section 22 and a small area east of Dousman Road and south of I-94 in the SW ¼ of Section 15, all in T7N, R17E, City of Oconomowoc and Town of Summit, from the A-1 Agricultural District to the B-4 Community Business, B-P Mixed Use Business Park, R-1 and R-3 Residential and EC Environmental Corridor Districts, , and more specifically described in the staff report and recommendation and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this ordinance by reference (SVZ-1392), subject to the following conditions:

1. The area of development for the residential part of this site shall be limited to the approximately 9 acres of land which lies between the two wetlands and highlighted on the attached map, while the rest of the R-3, EC and C-1 lands north of the WEPCO right-of-way shall be retained in common open space, or owned by the City of Oconomowoc for open space uses. The open-space area should also be kept in a natural state with the exception of minor improvements to accommodate walking trails.
2. The 75' shoreland setback standard of all structures shall not be varied by the City. There shall be no grading of any sort exposing the natural soil within the 75' setback on any portion of the site. No improvements, retaining walls or other

Referred on: 11/28/00	File Number: 1550-099	Referred to: LU
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163-0-002

such items should be allowed within that area.

3. Erosion and Sediment Control Permits and Stormwater Management facilities shall be planned and provided throughout the area of Shoreland Jurisdiction and said improvements and facilities relating to the Erosion and Sediment Control and Stormwater Management shall be accomplished in accordance with the Waukesha County Erosion and Stormwater Management Ordinance and subject to review and approval of the Land Conservation Division of the Waukesha County Department of Parks and Land Use, prior to any construction activity within the Shoreland area.
4. The detailed Development Plan for the approximate 9 acre site, referred to in Condition No. 1 above, shall be submitted to the staff of the Waukesha County Department of Parks and Land Use for final review and approval prior to construction occurring on that site.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this ordinance with the City of Oconomowoc and Town of Summit Clerk.

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

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

Referred on: 11/28/00	File Number: 1550-099	Referred to: LU
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163-0-002

8.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/27/08

(ORD) NUMBER-1630002

1 D. FALSTAD.....AYE
3 R. HUTTON.....AYE
5 J. JESKEWITZ.....AYE
7 P. HAUKOHL.....AYE
9 J. HEINRICH.....AYE
11 F. RUF.....AYE
13 J. BEHREND.....AYE
15 P. MEYERS.....AYE
17 J. TORTOMASI.....AYE
19 S. WIMMER.....AYE
21 W. ZABOROWSKI.....AYE
23 J. PLEDL.....AYE
25 G. YERKE.....AYE

2 T. ROLFS.....AYE
4 J. DWYER.....AYE
6 J. BRANDTJEN.....AYE
8 T. SCHELLINGER....AYE
10 D. SWAN.....AYE
12 P. WOLFF.....AYE
14 B. MORRIS.....AYE
16 D. PAULSON.....AYE
18 K. CUMMINGS.....AYE
20 P. JASKE.....AYE
22 P. GUNDRUM.....AYE
24 W. KOLB.....AYE

TOTAL AYES-25

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-25