

ENROLLED ORDINANCE 164-105

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 NW ¼ OF SECTION 35, T8N, R19E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE R-2 RESIDENTIAL DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT (CZ-1696)

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 a recommendation for approval thereon reported to the Land Use, Parks and Environment Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.69 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Town of Oconomowoc District Zoning Map of the Waukesha County Zoning Code, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on February 26, 1959, is hereby amended to conditionally rezone certain lands located in part of the NW ¼ of Section 35, T8N, R19E, Town of Oconomowoc, from the R-2 Residential District to the B-2 Local Business District, 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 (CZ-1696), subject to the following conditions:

1. The Zoning Amendment to the B-2 Local Business District shall be limited to a restaurant/tavern use only. No other B-1 or B-2 District uses are allowed unless the zoning is amended, following all proper procedures of the Waukesha County Zoning Code.
2. A Certified Survey Map (CSM) combining both lots into one parcel shall be submitted to the Town of Oconomowoc Plan Commission, Town Board and the Waukesha County Parks and Land Use – Planning and Zoning Division Staff for review and approval. Said CSM shall be submitted for review and approval no later than at the time the Site Plan/Plan of Operation is submitted and shall comply with all of the requirements of the Town of Oconomowoc Land Division Ordinance.
3. A vegetative buffer and man made fence of five (5) feet in height shall be provided along the eastern most property line to screen the adjacent residential property from the restaurant/tavern use allowed herein. A Landscaping Plan shall be submitted to the Town Planner and the Waukesha County Planning and Zoning Division Staff for review and approval prior to the issuance of any permits, in order to determine the sufficiency of said Landscape Plan to effectively buffer the adjacent property. The vegetative buffer shall contain an initial height of not less than six (6) feet and shall contain a mixture of coniferous trees or non-deciduous trees as well as mid-level shrubs and ground cover.
4. A Site Plan and Plan of Operation including the Landscape and Planting Plan shall be submitted for the proposed restaurant/tavern prior to the issuance of an Occupancy Permit. The new Site Plan shall not include any parking spaces in the established right of

way of either Brown Street (100 ft.) or Lake Drive (80 ft.) and shall also be set back a minimum of 10 ft. from said right of way. The Landscape Plan shall also consider the landscaping along both roads in order to provide an appropriate screening of the parking spaces.

5. This conditional rezoning shall not take effect unless and until a Site Plan/Plan of Operation Permit is issued consistent with the above conditions for a restaurant/tavern operation. The restaurant/tavern use shall be initiated within five (5) years from the date of the County Board's approval of this rezoning amendment. Failure to commence the use within that time period will result in the rezoning of the site reverting to the R-2 Residential District upon due process procedures being followed, according to the provisions of the County Zoning Code.

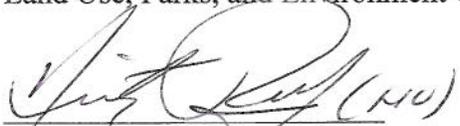
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

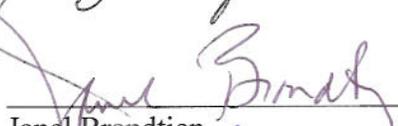
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

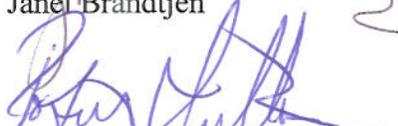
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

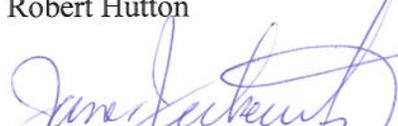
AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 35, T8N, R19E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE R-2 RESIDENTIAL DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT (CZ-1696)

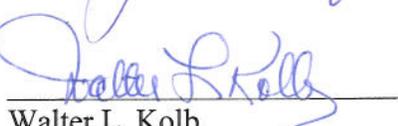
Presented by:
Land Use, Parks, and Environment Committee


Fritz Ruf, Chair

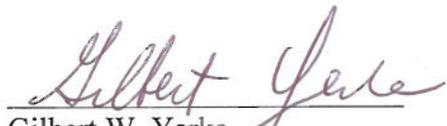

Janel Brandtjen


Robert Hutton


James Jeskewitz


Walter L. Kolb

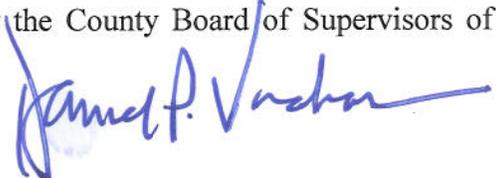

Ted Rolfs


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: 4-16-10, 
Kathy Nickolaus, County Clerk

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

Approved: x
Vetoed: _____
Date: 4-19-10, 
Daniel P. Vrakas, 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 Zoning Code, hereby recommends approval of (CZ-1696 Mary Kosalos) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

March 11, 2010



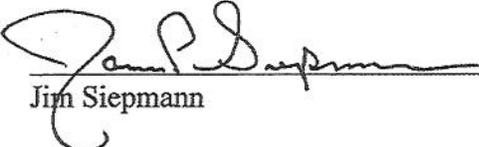
William Mitchell, Chairperson

Bob Peregrine, Vice Chairperson

*Abstain
ABSENT*



Gary Goodchild



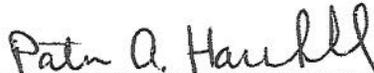
Jim Siepmann



Bonnie Morris



Walter Kolb



Pat Haukohl

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

DATE: March 11, 2010

FILE NO: CZ-1696

PETITIONER/OWNER: Mary Kosalos
Mary Jane Kosalos Revocable Trust of 2010
N59 W34840 Lake Drive
Oconomowoc, WI 53066

AGENT: Terry Donahue and Jon Spheeris
311 E. Wisconsin Avenue
Oconomowoc, WI 53066

TAX KEY NO's: OCOT 0570.995 and OCOT 0570.996

LOCATION:

The properties to be rezoned are located in part of the NW ¼ of Section 35, T8N, R19E, Town of Oconomowoc. The two (2) adjacent properties are located in the northeast corner of the intersection of Brown Street (C.T.H. "P") and W. Lake Drive. The address of the property located at the intersection is N53 W35994 W. Lake Drive and it is approximately 26,970 sq. ft. in size. The adjacent property to the east does not have its own address and it is approximately 13,680 sq. ft. in size. The lots combined are 40,650 sq. ft. in size.

PRESENT ZONING:

R-2, Residential District

PRESENT LAND USE:

Currently, the property is not occupied, however, there is a principal structure and two (2) garage-type structures. The principal structure was previously occupied as a restaurant and tavern known as "Ron's Cozy Corner".

PROPOSED ZONING:

B-2, Local Business District

PROPOSED LAND USE:

The petitioner is proposing to sell the property and would like to market the property for business uses.

PUBLIC HEARING DATE:

On November 16, 2009, a hearing was held for OCOT 0570.996, which is the property located at the intersection of Brown Street and W. Lake Drive and on which the tavern sits. A second hearing was held on December 21, 2009 to include the vacant parcel to the east so as to be combined to provide more space and to eliminate its condition as a non-conforming parcel.

PUBLIC REACTION:

A petition against the tavern was signed by 36 people. The petition specifically states, "The residents listed below do not want the property located at N53 W35994 W. Lake Drive to be changed back from Residential to Business. The reason for this is the parking is inadequate and on a busy night, the cars line W. Lake Drive creating a hazard for traffic, plus a real littering problem. We would like to see this property remain Residential."

The adjacent neighbors to the east also spoke at the public hearing against the proposal. They indicated that the traffic and noise have been problems in the past and will continue to be if the rezone is approved, specifically to allow a restaurant and tavern. The neighbor also stated that there have been times in the past when the tavern was open late and the patrons would get rowdy and beer bottles would be left on his own property. The neighbor feels that significant improvements will be required to the non-conforming building and is concerned that the parking will take up a majority of the property. He would be willing to purchase a portion of the eastern lot to create a larger buffer, since the existing buffer will be lost if the eastern property is rezoned.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

The Town of Oconomowoc Plan Commission, at their meeting of January 4, 2010, voted to recommend approval of the proposed rezoning, subject to the use being limited to a restaurant and tavern only and subject to the conditions recommended by the Town Planner in his report dated December 28, 2009, attached as Exhibit "A". The Oconomowoc Town Board, at their meeting of January 18, 2010, approved the recommendation of the Town Plan Commission with the exception of modifying Condition No. 5 requiring that the restaurant/tavern use be in place within five (5) years. The Town Board's Resolution 2010-3 (Exhibit "B") also states that the zoning change is not effective until such time a restaurant/tavern use is approved and is in operation thereon.

CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN OF WAUKESHA COUNTY AND THE TOWN OF OCONOMOWOC LAND USE PLAN

The properties were designated as low density residential on the Town and County Land Use Plans until 2009 when a comprehensive amendment was made to both plans. At the time of the 2009 amendments, the Town specifically discussed the subject properties and decided to amend the land use category to commercial so that the property could continue to be used as a restaurant and tavern. The County amended their Plan to be consistent with the Town's Plan.

STAFF ANALYSIS:

The petitioner currently owns both properties in question. The properties are served by public sewer and a private well. The properties are located in the northeast corner of Brown Street and W. Lake Drive intersection. There is a golf course located on the west side of Brown Street. The properties are surrounded by residences to the north, east and south. There is a wetland-floodplain complex surrounding Rosenow Creek located directly north of the subject properties. The property is relatively flat, but several feet higher in elevation than Brown Street.

The property located at the intersection is approximately 26,970 sq. ft. in size and contains a principal building, formerly used as a restaurant and tavern, and two (2) garage-type buildings. The adjacent property to the east is approximately 13,680 sq. ft. in size and contains no buildings or impervious surfaces. There are several hardwood and coniferous trees that screen this vacant parcel from the neighbor to the east. During the winter season, the hardwood trees do not sufficiently screen the property.

According to the petitioner, the tavern and restaurant existed for over 70 years. Based on Waukesha County's GIS, it appears the building was constructed sometime before 1941. Most of the surrounding residences weren't constructed until the 1960's and 70's. The adjacent residences located directly east of the subject properties were constructed sometime between 1950-1963, at least 10 years after the tavern was constructed. In 1960, Waukesha County approved a Conditional Use Permit (CU-20) for the operation of a tavern; including a restaurant, liquor, and beer license. A restaurant license was issued for light lunches.

According to the petitioner, the building has been vacant for approximately two (2) years. If a use is discontinued for a period of twelve (12) consecutive months, the use is terminated and no longer allowed after public hearing. The petitioner would like to sell the property and market the property for commercial purposes. The petitioner is flexible with the specific uses allowed, but prefers that a restaurant and tavern be allowed to remain.

The existing principal structure is located very close to the established road right-of-way of C.T.H. "P" (Brown Street) and W. Lake Drive. Since the buildings are located very close to both road right of ways, the structure is considered non-conforming and can only be remodeled up to 50% of the equalized assessed value of the structure over the lifetime of the structure. There are no records of past improvements being made to the structure. The structure is currently valued at \$128,667. The two (2) garage-type structures may also be non-conforming with the zoning requirements of the Waukesha County Zoning Code, since there is not a scaled Site Plan of the property and it is difficult to determine if setbacks, offsets, and area regulations are being met.

A prospective buyer will need to consider whether the existing building can be remodeled within 50% of the value of the structure. If not, a Variance would be required from the Waukesha County Board of Adjustment in order to remodel and operate out of the existing structure. Since the property is large enough to accommodate a conforming building, the Board may require that the structure be relocated accordingly. Parking will also need to be relocated and additional spaces provided in order to comply with the Waukesha County Zoning Code because the existing parking area extends into the right of way and may create traffic issues at times for the public as patrons enter and exit randomly along the frontage. If additional impervious surfaces are added to the site, storm water management may need to be considered.

The easternmost lot is nonconforming to the lot size and width standards of the existing R-2, Residential Zoning District and the proposed B-2, Local Business District. If a Certified Survey Map combines the lots, the newly created lot would conform to both zoning district categories, with a total lot size of 40,650 sq. ft. and an average width of approximately 205 ft.

Waukesha County feels that there are many other uses allowed in the B-2 and B-1 Business Districts that could occupy the site and not be as invasive as the proposed use to the adjacent residential properties.

However, the Town specifically conditioned the rezone approval upon the use being restricted to a restaurant and tavern only. Therefore, if a prospective or future buyer is interested in a use other than a restaurant or tavern, he or she will need to propose and receive an amendment to the conditions of this amendment.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff reluctantly recommends approval of the proposed rezoning, subject to the conditions recommended by the Town of Oconomowoc and as herein after stated and/or amended. The conditions read as follows:

1. The Zoning Amendment to the B-2 Local Business District shall be limited to a restaurant/tavern use only. No other B-1 or B-2 District uses are allowed unless the zoning is amended, following all proper procedures of the Waukesha County Zoning Code.
2. A Certified Survey Map (CSM) combining both lots into one parcel shall be submitted to the Town of Oconomowoc Plan Commission, Town Board and the Waukesha County Parks and Land Use – Planning and Zoning Division Staff for review and approval. Said CSM shall be submitted for review and approval no later than at the time the Site Plan/Plan of Operation is submitted and shall comply with all of the requirements of the Town of Oconomowoc Land Division Ordinance.
3. A vegetative buffer and man made fence of five (5) feet in height shall be provided along the eastern most property line to screen the adjacent residential property from the restaurant/tavern use allowed herein. A landscaping plan shall be submitted to the Town Planner and the Waukesha County Planning and Zoning Division Staff for review and approval prior to the issuance of any permits, in order to determine the sufficiency of said Landscape Plan to effectively buffer the adjacent property. The vegetative buffer shall contain an initial height of not less than 6 feet and shall contain a mixture of coniferous trees or non-deciduous trees as well as mid-level shrubs and ground cover.
4. A Site Plan and Plan of Operation including the Landscape and Planting Plan shall be submitted for the proposed restaurant/tavern prior to the issuance of an Occupancy Permit. The new Site Plan shall not include any parking spaces in the established right of way of either Brown Street (100 ft.) or Lake Drive (80 ft.) and shall also be set back a minimum of 10 ft. from said right of way. The Landscape Plan shall also consider the landscaping along both roads in order to provide an appropriate screening of the parking spaces.
5. This conditional rezoning shall not take effect unless and until a Site Plan/Plan of Operation Permit is issued consistent with the above conditions for a restaurant/tavern operation. The restaurant/tavern use shall be initiated within five (5) years from the date of the County Board's approval of this rezoning amendment. Failure to commence the use within that time period will result in the rezoning of the site reverting to the R-2 Residential District upon due process procedures being followed, according to the provisions of the County Zoning Code.

The proposed rezoning, with the conditions recommended above, is in conformance with the Waukesha County and Town of Oconomowoc Land Use Plans, as recently amended. The proposed rezoning also reinforces the ability of the petitioner to continue the restaurant/tavern use as was approved by a Conditional Use Permit in 1960, although approved prior to nearby residential development. Through the review of a Site

Plan/Plan of Operation of a proposed business, the Town and County can provide that the neighborhood concerns are addressed. The County feels that there are other uses that may be more appropriate for the site in light of the residential nature of the neighborhood, such as low intensity business or residential uses. More compatible land uses between C.T.H. "P" and the adjacent single-family residential uses may include offices or multi-family residential uses. However, the Planning and Zoning Division Staff recognizes the commercial status noted on the Town and County Land Use Plans. The County would suggest that other uses of a more restrictive commercial or residential nature be considered for a future amendment.

Respectfully submitted,



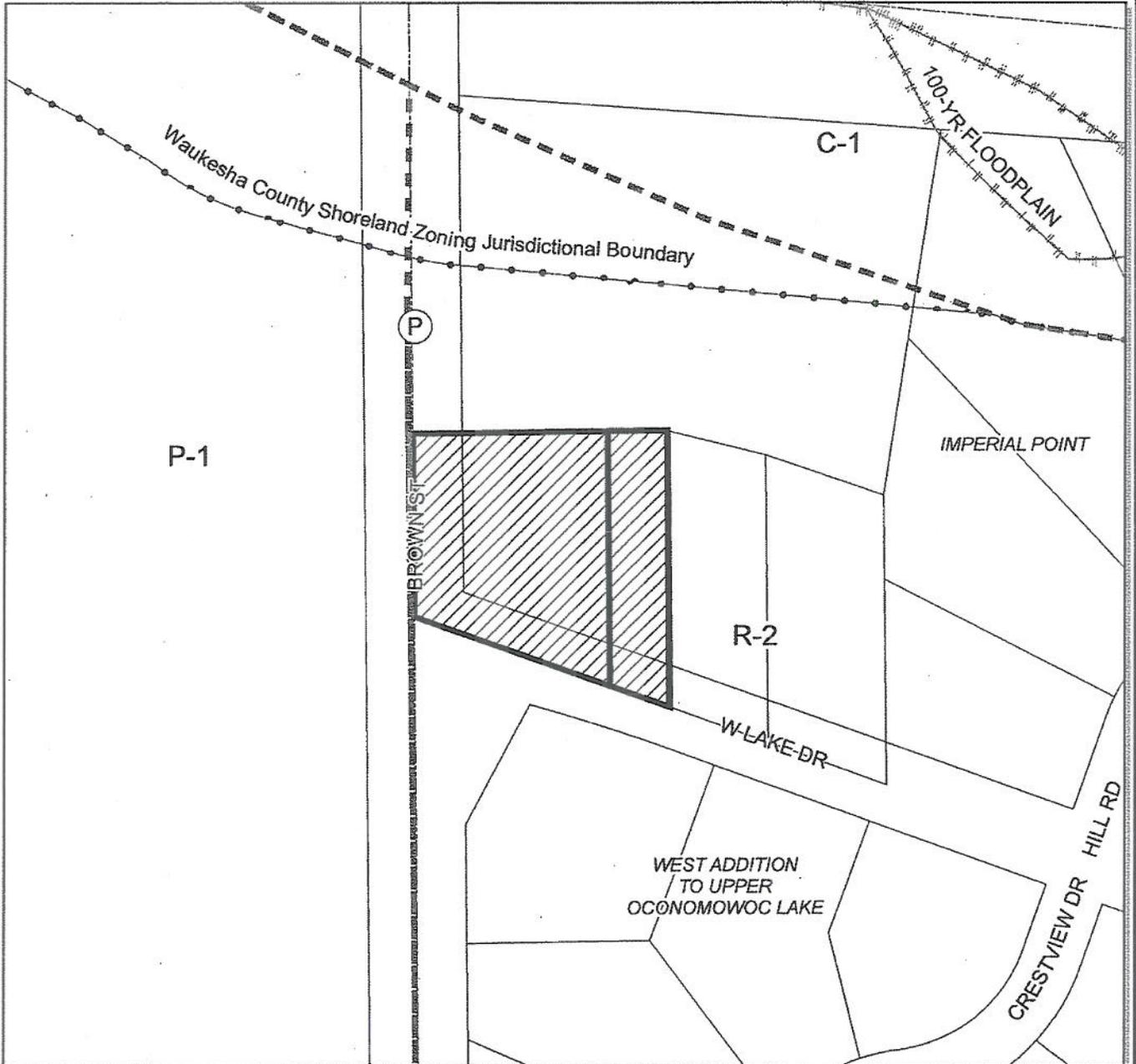
Amy A. Barrows
Senior Land Use Specialist

Attachments: Exhibits "A and B", Map

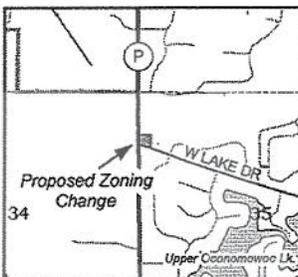
N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1696 Kosalos oct.doc

ZONING MAP AMENDMENT

PART OF THE NW 1/4 OF SECTION 35
TOWN OF OCONOMOWOC



CONDITIONAL COUNTY ZONING CHANGE FROM R-2 RESIDENTIAL DISTRICT TO B-2 LOCAL BUSINESS DISTRICT (1.37 AC)



FILE.....CZ-1696

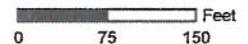
DATE.....03/11/10

APPROXIMATE AREA OF CHANGE.....1.37 ACRES
(0.93 ACRES EXCLUDING R.O.W)

TAX KEY NUMBER.....OCOT 0570.995 & .996



1 inch = 150 feet



Prepared by the Waukesha County Department of Parks and Land Use

164-0-108

9.

**TOWN OF OCONOMOWOC PLAN COMMISSION AND TOWN BOARD
PLANNER'S REPORT & RECOMMENDATION
ZONING MAP AMENDMENT**

PROJECT NAME: Kosalos -- Zoning Amendment

TAX KEY NUMBER: OCOT 0570.995
OCOT 0570.996

EXHIBIT "A"

DATE: December 28, 2009

NAME OF PETITIONERS: Terry Donahue & Jon Spheeris
311 E. Wisconsin Avenue
Oconomowoc, WI 53066

NAME OF OWNER: Mary Kosalos
N59 W34840 Lake Drive
Oconomowoc, WI 53066

LOCATION OF PROPERTY:
Part of the NW ¼ of Section 35, T8N, R17E, in the Town of Oconomowoc. More specifically, the property is located in the northeast corner of the intersection of C.T.H. P (Brown Street) and West Lake Drive. The property address is N53 W35994 West Lake Drive.

PRESENT ZONING:
R-2 Residential District.

PROPOSED ZONING:
B-2 Local Business District.

PRESENT LAND USE:
Vacant Restaurant/Tavern Building and Two (2) Accessory Buildings.

PROPOSED LAND USE:
Restaurant/Tavern Business Operation.

PUBLIC HEARING DATE:
November 16, 2009 & December 21, 2009.

COMPLIANCE WITH THE TOWN OF OCONOMOWOC LAND USE PLAN - 2020:
The Town of Oconomowoc Comprehensive Land Use Plan - 2035 designates this area in a commercial category. Therefore, the proposed use complies with the goals and objectives of the Town of Oconomowoc Comprehensive Land Use Plan - 2035.

Kosalos Zoning Amendment

Page 2

PROPOSED REQUEST:

On November 16, 2009, the Town of Oconomowoc and Waukesha County conducted a joint public hearing to discuss a zoning amendment request of Terry Donahue and Jon Spheeris to rezone property owned by Mary Kosalos located at N53 W35994 West Lake Drive. During the public hearing the petitioners requested the zoning be amended to allow those uses allowed in the B-2 Local Business District, except gasoline stations. At the time of the hearing, it was noted that the petitioners did not have a buyer or operator of the property and the zoning amendment was for a speculative or future buyer of the property. It was stated to the petitioners that in the past it has been the Town's policy not to rezone property unless it was for a specific purpose or use. Since the petitioners did not have a proposed use and the fact that the petitioner failed to include both properties in the zoning amendment application, the Town of Oconomowoc Plan Commission adjourned the public hearing until December 21, 2009 so that the petitioner could apply for a zoning amendment to rezone both properties at the same time.

On December 21, 2009, a new joint public hearing was held by the Town of Oconomowoc and Waukesha County to consider the zoning amendment of both properties described above to the B-2 Local Business District for the operation of a restaurant/tavern only at this time, similar to the use that has existed on the property for over 50 years. Any other use allowed in the B-2 Local Business District is not permitted unless a new zoning amendment is approved by the Town of Oconomowoc and Waukesha County.

PLANNER'S RECOMMENDATION:

It is the opinion of the Town Planner that the Town Plan Commission recommend to the Town Board to approve this request subject to the following conditions:

1. The Zoning Amendment to the B-2 Local Business District shall be limited to a restaurant/tavern use only. No other B-2 Local Business District uses are allowed unless the zoning is amended, following all proper procedures of the Waukesha County Zoning Code, to allow said use.
2. A Certified Survey Map (CSM) combining both lots into one parcel shall be submitted to the Town of Oconomowoc Plan Commission and Town Board for review and approval. Said CSM shall be submitted to the Town of Oconomowoc no later than July 1, 2010 and shall comply with all the requirements of the Town of Oconomowoc Land Division Ordinance.
3. A vegetative buffer shall be provided along the eastern most property line. A landscaping plan shall be submitted to the Town Planner for review and approval prior to the issuance of any permits. The vegetative buffer shall contain an initial height of no less than 4 feet and shall contain staggered coniferous trees or non-deciduous trees.
4. A Site Plan and Plan of Operation shall be submitted for the proposed restaurant/tavern prior to the issuance of an occupancy permit.

Kosalos Zoning Amendment

Page 3

5. If the subject property is not developed within three (3) years of the Waukesha County Board of Supervisors action (if approved), the zoning of the property shall automatically revert back to the R-2 Residential District.

Respectfully submitted,

Jeffrey C. Herrmann, AICP
Town Administrator/Planner

cc: Town of Oconomowoc Clerk
Town of Oconomowoc Building Inspector
Waukesha County Department of Parks and Land Use
Mary Kosalos
Terry Donahue
Jon Spheeris

EXHIBIT "B"RESOLUTION NO. 2010-3RESOLUTION RECOMMENDING APPROVAL OF REZONING
(MARY KOSALOS PROPERTY)

WHEREAS, Terry Donahue and Jon Spheeris, on behalf of Mary Kosalos, owner, petitioned to rezone two parcels at the northeast corner of the intersection of CTH "P" and Lake Drive which have Tax Key Nos. OCOT 0570.995 and OCOT 0570.996 from R-2 Residential District to B-2 Local Business District; and

WHEREAS, the purpose of the rezoning is to allow the re-use of the improvements on the parcel as a tavern/restaurant operation which heretofore enjoyed a nonconforming use status which has now been abandoned because of lack of operation for a period in excess of 12 months; and

WHEREAS, on November 16, 2009, a joint public hearing was held with the Waukesha County Department of Parks and Land Use, which public hearing was continued until December 21, 2009, for the purpose of combining both tax numbered parcels in the petition for rezoning; and

WHEREAS, on December 21, 2009, after due notice a second public hearing was held by the Town of Oconomowoc and Waukesha County to consider amending the zoning of both parcels to B-2 Local Business District for the operation of a tavern/restaurant only similar to the use that existed on the property for over 50 years; and

WHEREAS, the Town of Oconomowoc Comprehensive Land Use Plan-2035 designates these parcels in a commercial land use category; therefore, the proposed use is consistent with the goals and objectives of the Town of Oconomowoc Comprehensive Land Use Plan-2035; and

WHEREAS, after hearing the petitioner's presentation and comments by all interested persons, the Plan Commission recommended the rezoning on January 4, 2010, subject to the conditions set forth and the Planner's Report dated December 28, 2009, which is attached hereto and incorporated herein by reference; and

WHEREAS, the Town Planner and the Town Plan Commission recommend the aforementioned rezoning, subject to the limited use as a tavern/restaurant and conditioned upon operation of a tavern/restaurant within three years of the Waukesha County Board of Supervisors action approving the rezoning.

NOW THEREFORE, BE IT HEREBY RESOLVED that for the reasons set forth in the recital paragraphs of this resolution and in the Planner's report, the Town Board of the Town of Oconomowoc does hereby recommend that Waukesha County rezone parcels with Tax Key Nos. OCOT 0570.995 and OCOT 0570.996 on the northeast

corner of the intersection of CTH "P" and Lake Drive from R-2 Residential District to B-2 Local Business District, subject to the following conditions:

BE IT FURTHER RESOLVED that notwithstanding the conditional rezoning of the subject property to B-2 Local Business District, the future use of the subject property shall be that of its former use, i.e., a tavern/restaurant, and all other uses set forth as permitted uses in the B-2 Local Business or in the B-1 Restricted Business Districts shall be prohibited.

BE IT FURTHER RESOLVED that the Town Board recommends the renewal of a tavern/restaurant use on the subject property be initiated within five years from the date the County Board approves the rezoning of the subject property.

BE IT FURTHER RESOLVED that this recommendation is for a conditional rezoning which shall not take effect unless and until the former tavern/restaurant operation has been renewed, at which time the rezoning shall take effect.

BE IT FURTHER RESOLVED that the aforementioned condition be considered satisfied when the Town Board adopts a resolution which resolves that a tavern/restaurant operation has been renewed on the subject premises and is in operation thereon.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Waukesha County Department of Parks and Land Use for presentation to appropriate county committees and ultimately the County Board.

DATED: January 18, 2010

TOWN OF OCONOMOWOC
By: Robert C. Hultquist
Robert C. Hultquist, Chairman

ATTEST:
JoAnn Lesser
JoAnn Lesser, Clerk

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/13/10

(ORD) NUMBER-1640108

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

2 T. ROLFS.....NAY
4 J. DWYER.....AYE
6 J. BRANDTJEN.....AYE
8 T. SCHELLINGER....NAY
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-18

TOTAL NAYS-05

CARRIED ✓

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-23