

ENROLLED ORDINANCE 167-21

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OTTAWA BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 17 AND THE SE ¼ OF SECTION 8, T6N, R17E, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN, FROM THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO THE RRD-5 RURAL RESIDENTIAL DENSITY 5 AND C-1 CONSERVANCY DISTRICTS (SCZ-1735)

WHEREAS this requested rezoning would allow for two parcels that comprise 65 acres within the Town of Ottawa to be subdivided via two certified survey maps that would result in six parcels, and

WHEREAS after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Ottawa Town Board on May 14, 2012, and

WHEREAS the matter was referred to and considered by the Waukesha County Park and Planning Commission which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the Town of Ottawa, Waukesha County, Wisconsin, and the Waukesha County Zoning Code adopted by the Waukesha County Board of Supervisors, on February 26, 1959, are hereby amended to conditionally rezone certain lands located in part of the NE ¼ of Section 17 and the SE ¼ of Section 8, T6N, R17E, Town of Ottawa, Waukesha County, Wisconsin from the A-P Agricultural Land Preservation District to the RRD-5 Rural Residential Density 5 and C-1 Conservancy 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 SCZ-1735, is hereby approved, with the following conditions:

1. The subject lands shall be limited to a maximum of six (6) parcels.
2. A note shall be added to any proposed land division documents for either parcel indicating that a maximum of six (6) parcels are permissible on the subject 65 acres.

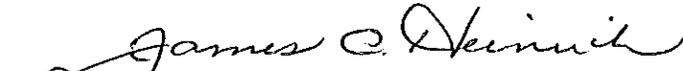
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Ottawa.

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 DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OTTAWA BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 17 AND THE SE ¼ OF SECTION 8, T6N, R17E, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN, FROM THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO THE RRD-5 RURAL RESIDENTIAL DENSITY 5 AND C-1 CONSERVANCY DISTRICTS (SCZ-1735)

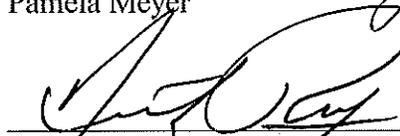
Presented by:
Land Use, Parks, and Environment Committee


James A. Heinrich, Chair


Jim Batzko


Walter L. Kolb

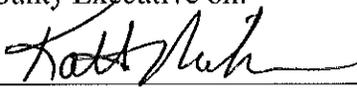

Pamela Meyer


Fritz Ruf


Absent
Thomas J. Schellinger


Peter M. Wolff

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

Date: 7-27-12, 
Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____
Date: 7-30-12, 
Daniel P. Vrakas, County Executive

COMMISSION ACTION

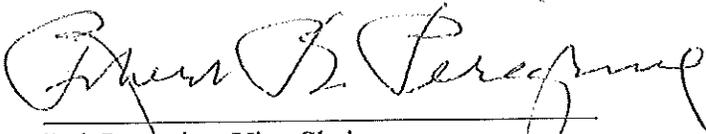
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, hereby recommends **approval** of (SCZ-1735 PBS Ottawa LLC) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

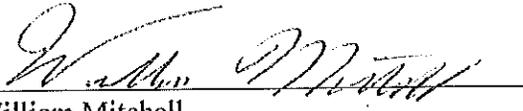
June 7, 2012



Gary Goodchild, Chairperson



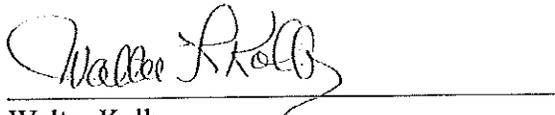
Bob Peregrine, Vice Chairperson



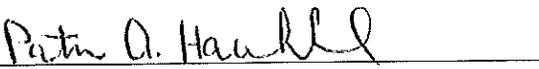
William Mitchell

Did not vote / Conflict of Interest

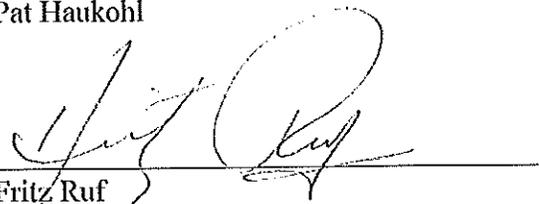
Jim Siepmann



Walter Kolb



Pat Haukohl



Fritz Ruf

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

DATE: June 7, 2012

FILE NO.: SCZ-1735

OWNER(S): PBS Ottawa LLC
W354 S2963 Manor House Court
Oconomowoc, WI 53066

PETITIONER(S): Jim Siepmann
Siepmann Realty Corp.
W240 N1221 Pewaukee Road
Waukesha, WI 53188

TAX KEY NO(S): OTWT 1649.995 and 1616.997

LOCATION:
Lot 2, Certified Survey Map (CSM) No. 9782, Volume 90, Page 254, located in part of the NE ¼ of Section 17, T6N, R17E, and also part of the SE ¼ of Section 8, T6N, R17E, Town of Ottawa. More specifically, the properties are located on both the north and south sides of School Section Lake Road containing approximately 65.7 acres of land of which approximately 54 acres will be rezoned. The address for the property located on the south side of the road is S31 W38499 School Section Lake Road and the property to the north is vacant.

LOT SIZE(S): Approximately 65.7 acres.

EXISTING USE(S): Agricultural, other, undeveloped and productive forestlands.

REQUESTED USE(S):
Two, three lot CSM's – one on the north side of School Section Lake Road and one on the south side of School Section Lake Road. The six, single-family residential lots would range between 5 acres and 20 acres in size. All lots would have access to either School Section Lake Road or North School Section Lake Road.

EXISTING ZONING DISTRICT CLASSIFICATION(S):
The property is zoned A-P Agricultural Land Preservation District (35+ acre lot size), C-1 Conservancy District, and EC Environmental Corridor District. Any development on a partially zoned EC property must be located outside of the EC zoned area.

PROPOSED ZONING DISTRICT CLASSIFICATION(S):
The property is proposed to be rezoned to the RRD-5 Rural Residential Density District 5 (5 acre density, one acre minimum lot size) and the proposed development would conform with these zoning requirements if approved. Due to recent updates to environmental features on the map, some A-P land will be rezoned to C-1 as well. No other C-1 zoned land and no EC zoned land will be rezoned.

SOIL TYPES:

The SCS soil types indicate there is one soil type with steep slopes up to 12% on the property, as well as high groundwater conditions and Class I and II soils.

CONFORMANCE WITH THE WAUKESHA COUNTY COMPREHENSIVE DEVELOPMENT PLAN (WCCDP) AND THE TOWN OF OTTAWA COMPREHENSIVE DEVELOPMENT PLAN (CDP):

The WCCDP designates the property as Rural Density and Other Agricultural Lands, Primary Environmental Corridor (PEC), and Other Lands to be Preserved. The Town's CDP designates the property as Agricultural 10 Acre Density, PEC and Other Lands to be Preserved. The proposal conforms with both plans as the proposed RRD-5 zoning district allows for transfer of development rights and 10 acre density is being met.

PUBLIC HEARING DATE:

May 7, 2012

PUBLIC REACTION:

One citizen questioned where the driveways would be located. The developer indicated the driveways on the northern part of the development will have shared driveways to minimize driveway entrances, and the southern lots will each have their own driveways due to the fact that they are larger lots and shared driveways are not possible. Another citizen asked where the buildable areas on the lots would be and the developer and Town Planner pointed out the buildable areas on the lots.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On May 7, 2012, the Town Plan Commission unanimously recommended approval of the rezoning request to the Ottawa Town Board and to the Waukesha County Park and Planning Commission.

On May 14, 2012, the Town Board recommended approval of the request to the Waukesha County Park and Planning Commission.

STAFF ANALYSIS:

This proposal involves two properties – one on the north side of School Section Lake Road and one on the south side of School Section Lake Road. The subject properties contain wetland, PEC, Class I and II soils, hydric soils, soils with possibly up to 12% slopes and 100-year floodplain. The PEC on the property has been field identified by the surveyor and surveyed on the conceptual plans (See Exhibits "A" and "B"). The conceptual development plans reviewed by the Town have considered all of the physical limitations and environmental factors affecting development and appear to address them fairly well, including the preservation of the Class I and II soils, however a zoning change is necessary as the current minimum lot size requirement is 35 acres. The developer is requesting a change to the RRD-5 zoning category as the five acre density zoning district best fits his plans, and he is still maintaining an overall ten acre density to conform with the Town's Comprehensive Development Plan requirement. None of the lots will be less than five acres in size. As noted above, the request is to divide the two parcels into two, three-lot CSM's – one, three-lot CSM on the north side of School Section Lake Road and one, three-lot CSM on the south side of School Section Lake Road. The plans are to remove all of the existing buildings unless historical value is evident. That analysis has not been completed at this time. The subject properties are surrounded by the RRD-5,

AD-10 and A-5 zoning districts. Natural resource and prime agricultural soil preservation statements would be required at the time of any future land division review.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the rezoning request subject to the following conditions:

1. The subject lands shall be limited to a maximum of six (6) parcels.
2. A note shall be added to any proposed land division documents for either parcel indicating that a maximum of six (6) parcels are permissible on the subject 65 acres.

The proposed use of the property is consistent with the Town and County Comprehensive Development Plans and will remain compatible with the immediate surrounding land uses, preserve the agricultural soils and preserve the rural character of the town.

Respectfully submitted,

Sandy Scherer

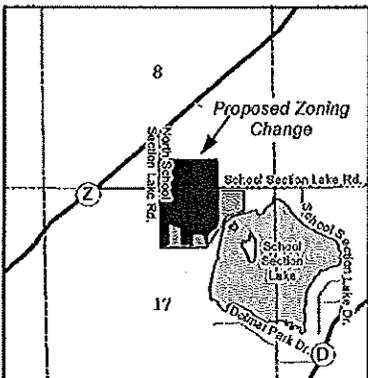
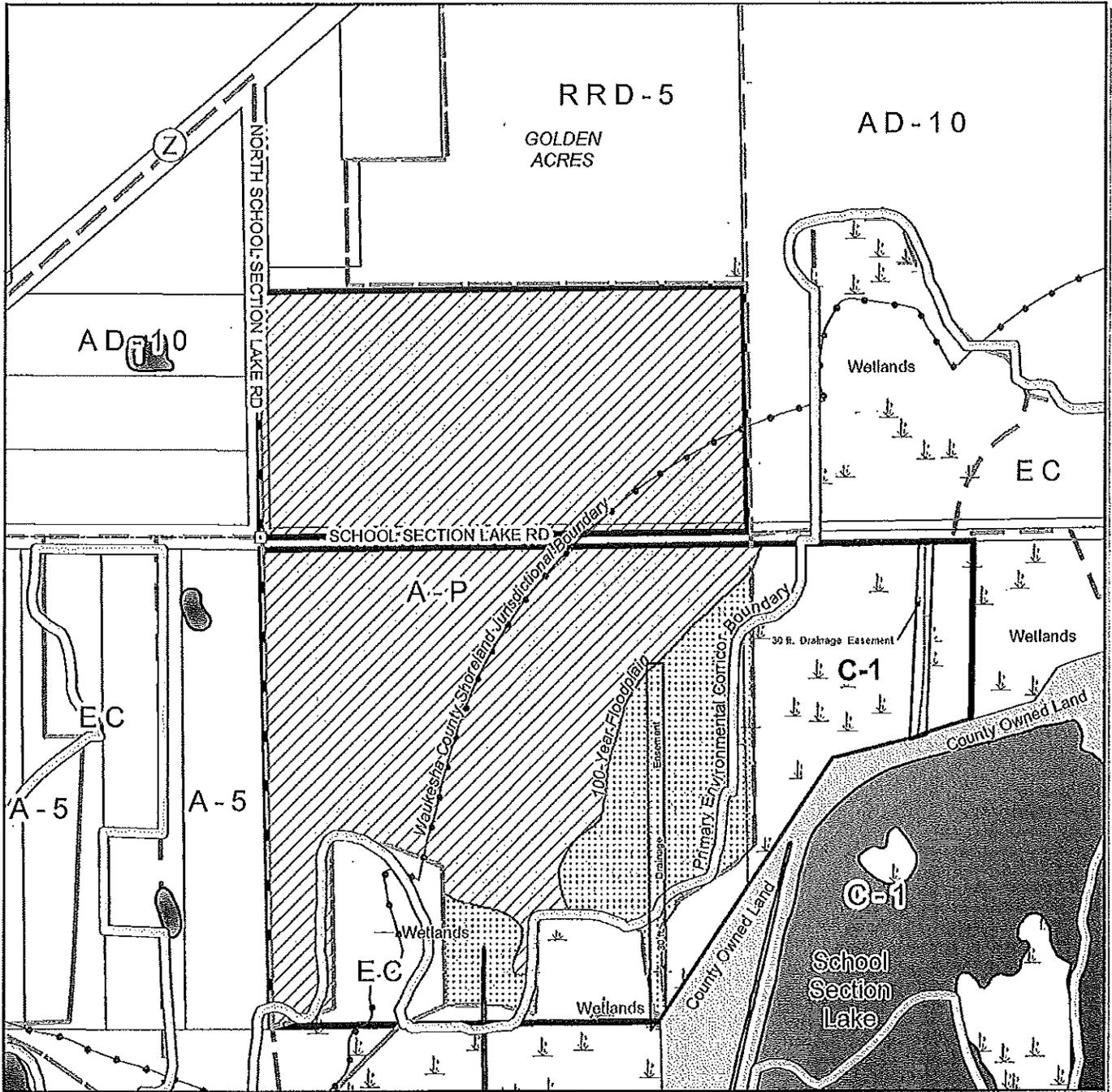
Sandy Scherer
Senior Planner

Attachments: Map, Exhibits "A" and "B"

N:\PRKANDL\Planning and Zoning\Rezoning\Staff Reports\1735 PBS Ottawa LLC Siepmann owt.doc

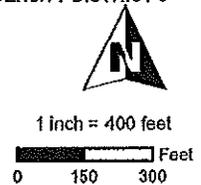
ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SECTION 8 & NE 1/4 OF SECTION 17
TOWN OF OTTAWA



-  CONDITIONAL SHORELAND AND COUNTY ZONING CHANGE FROM A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO C-1 CONSERVANCY DISTRICT (8.44 AC)
-  CONDITIONAL SHORELAND AND COUNTY ZONING CHANGE FROM A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 6 (42.78 AC)

FILE.....SCZ-1735
 DATE.....6/7/12
 AREA OF CHANGE.....61.2 ACRES
 TAX KEY NUMBER.....OTWT 1648.995 &
 OTWT 1616.997



Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/24/12

(ORD) NUMBER-1670021

- 1 C. SLATTERY.....AYE
- 3 R. MORRIS.....AYE
- 5 J. BRANDTJEN.....AYE
- 7 J. GRANT.....AYE
- 9 J. HEINRICH.....AYE
- 11 F. RUF.....AYE
- 13 P. DECKER.....AYE
- 15 W. KOLB.....AYE
- 17 D. PAULSON.....AYE
- 19 C. CUMMINGS.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 K. HAMMITT.....AYE
- 25 G. YERKE.....AYE

- 2 D. FALSTAD.....AYE
- 4 J. BATZKO.....AYE
- 6 J. JESKEWITZ.....
- 8 P. HAUKOHL.....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 P. MEYER.....AYE
- 16 M. CROWLEY.....AYE
- 18 L. NELSON.....AYE
- 20 T. SCHELLINGER....AYE
- 22 P. JASKE.....AYE
- 24 D. DRAEGER.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24