

ENROLLED ORDINANCE 167-45

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 SW ¼ AND THE SE ¼ OF SECTION 2, T6N, R17E, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN, FROM THE RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 AND EC ENVIRONMENTAL CORRIDOR DISTRICTS TO THE C-1 CONSERVANCY, A-2 RURAL HOME, AND EC ENVIRONMENTAL CORRIDOR DISTRICTS (SCZ-1739)

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 September, 10, 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 SW ¼ and the SE ¼ of Section 2, T6N, R17E, Town of Ottawa, Waukesha County, Wisconsin from the RRD-5 Rural Residential Density District 5 And EC Environmental Corridor Districts to the C-1 Conservancy, A-2 Rural Home, 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 SCZ-1739, is hereby approved subject to the following conditions:

1. Only Lots 3 and 4 shall be rezoned.
2. An access driveway shall be provided to Lot 4 prior to any permits being issued for development on Lot 4 that is constructed to town driveway standards to the satisfaction of the Town Building Inspector and the Town Engineer and so it can accommodate emergency vehicles and equipment. The proposed driveway should be surveyed and the Stakeout Survey submitted to the Town Building Inspector and Town Engineer, and an As-Built Survey submitted to the Town Building Inspector and Town Engineer upon completion of the driveway to ensure the driveway is constructed within the 66’ wide easement (Outlot 1).
3. A Driveway Access and Maintenance Agreement between the owners of Lots 4 and 5 and the owner of Outlot 1 shall be submitted to the Town and the County for review and approval, and recorded in the Register of Deeds Office prior to the rezoning becoming effective. The petitioner shall provide a copy of the recorded Agreement to the Town Clerk and the Waukesha County Planning and Zoning Division subsequent to recordation. The Agreement shall expire at such time as Outlot 1 is dedicated to the Town of Ottawa as a public road.

4. The Town Building Inspector and the Town Engineer shall review the siting of

the driveway access for Lot 3 to Parry Road due to the physical characteristics on and adjacent to the lot such as slopes in excess of 10%, EC zoning regulations/PEC, vision and safety issues, etc.

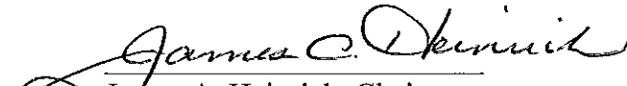
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Ottawa.

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.

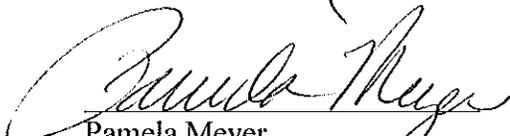
AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OTTAWA BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ AND THE SE ¼ OF SECTION 2, T6N, R17E, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN, FROM THE RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 AND EC ENVIRONMENTAL CORRIDOR DISTRICTS TO THE C-1 CONSERVANCY, A-2 RURAL HOME, AND EC ENVIRONMENTAL CORRIDOR DISTRICTS SCZ-1739

Presented by:  
Land Use, Parks, and Environment Committee

  
James A. Heinrich, Chair

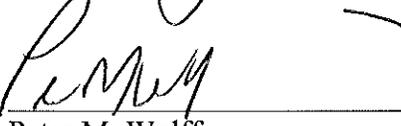
  
Jim Batzko

  
Walter L. Kolb

  
Pamela Meyer

  
Fritz Ruff

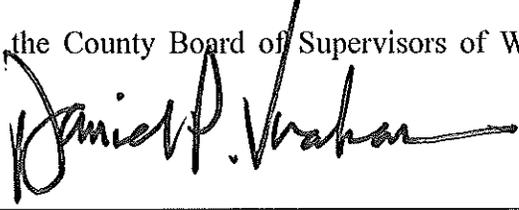
  
Thomas J. Schellinger

  
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: 10-26-2012,   
Kathy Nickolaus, County Clerk

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

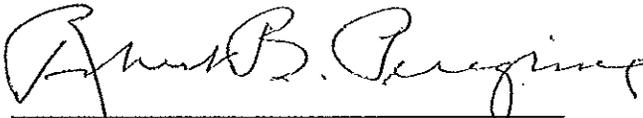
Approved:   
Vetoed:   
Date: 10-25-12,   
Daniel P. Vrakas, County Executive

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-1739 **Kenneth E. Park Revocable Living Trust**) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

September 20, 2012

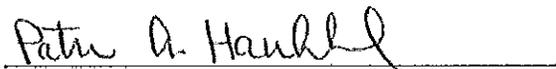
  
\_\_\_\_\_  
Robert Peregrine, Chairperson

  
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Jim Siepmann, Vice Chairperson

  
\_\_\_\_\_  
William Mitchell

  
\_\_\_\_\_  
Gary Goodchild

  
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Walter Kolb

  
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Pat Haukohl

  
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Fritz Ruf

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

**DATE:** September 20, 2012

**FILE NO.:** SCZ-1739

**OWNER/PETITIONER:** Kenneth E. Park Revocable Living Trust  
S22 W35402 Parry Road  
Oconomowoc, WI 53066

**TAX KEY NO(S):** OTWT 1592.997.005, .004, and .003

**LOCATION:**

Lots 3 and 4, Certified Survey Map (CSM) No. 7247, and Lot 5, CSM No. 7246, Volume 61, Pages 157 and 162, located in part of the S ½ of Section 2, T6N, R17E, Town of Ottawa. More specifically, the properties are located on both the east and west sides of sixty-six foot wide Outlot 1, CSM No. 7246. The address for Lot 5, which is developed, is S22 W35402 Parry Road. Lots 3 and 4 are undeveloped.

**LOT SIZE(S):** Lots 3 and 4 are each 3 acres in size and Lot 5 is 12.25 acres in size.

**EXISTING USE(S):** Lot 5 is residential use, and Lots 3 and 4 are currently vacant.

**REQUESTED USE(S):** To develop Lots 3 and 4 with single family residential uses.

**EXISTING ZONING DISTRICT CLASSIFICATION(S):**

The properties are zoned RRD-5 Rural Residential Density District 5 (5 acre density, one acre minimum lot size), and Lot 3 is also partially zoned EC Environmental Corridor, and part of Lot 5 is also zoned C-1 Conservancy.

**PROPOSED ZONING DISTRICT CLASSIFICATION(S):**

The properties are proposed to be rezoned to A-2 Rural Home District (3 acre minimum lot size) outside of the EC and C-1 zoned areas, and due to recent updates to environmental features (wetlands and corridors), some refinements will be made to the EC and C-1 districts to comply with the mapping updates which are required by Ordinance and which are more restrictive than either the RRD-5 or A-2 zoning districts. The properties are partially within the Waukesha County Shoreland and Floodland Zoning Ordinance jurisdictional area.

**SOIL TYPES:**

The SCS soil types indicate there are steep slopes up to 12% along the western edge of Lot 3 and on a good portion of Lot 5; and high groundwater conditions mainly in the NE 1/3 of Lot 5. Further, Class I and II soils comprise almost all of Lots 3 and 4, and the remainder of Lot 5 that is not designated with steep slopes or high groundwater. A 1993 perc test was submitted for Lot 4 only. Actual development of Lots 3 and 4 will require updated soil testing to be submitted to the Department of Parks and Land Use.

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4.

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

Both the WCCDP and the Town's CDP designate the property as Suburban Density II Residential (3 to 4.9 acre density) and Primary Environmental Corridor (PEC). The proposal conforms with both plans as all three lots, as divided, are at least three acres in size, excluding the required road right-of-way widths of 66'.

**PUBLIC HEARING DATE:** July 2, 2012, adjourned to August 6, 2012.

**PUBLIC REACTION:** None.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

On August 6, 2012, the Town Plan Commission unanimously recommended approval of the rezoning request, as amended, to the Ottawa Town Board and to the Waukesha County Park and Planning Commission.

On September 10, 2012, the Town Board unanimously recommended approval of the request, as amended, to the Waukesha County Park and Planning Commission (refer to the Staff Recommendation below).

**STAFF REPORT:**

Prior to Comprehensive Zoning Amendments being approved in the Town of Ottawa (and throughout the zoning jurisdiction of Waukesha County) in 1995, the subject parcels were zoned A-2 Rural Home District and met the zoning requirements of that district when the land was divided via two Certified Survey Maps (CSMs) in 1993 (although a previous Conditional Use staff report from 1990 lists the zoning of the property as A-1 at that time). After the Comprehensive rezoning in 1995, Lots 3 and 4 of the proposal effectively became unbuildable as the lots comprised mainly Class I and II soils which require preservation in the RRD-5 zoning district. The property owner would now like to try and sell the two lots and thus the reason for the rezone request at this time. The lands to the south of Parry Road also contain Class I and II soils and are zoned primarily A-T Agricultural Land Preservation Transition District, the lands immediately adjacent to the north of the subject parcels, while also containing Class I and II soils, are zoned A-2. The lots contain wetland, floodplain, PEC, Class I and II soils, hydric soils, soils with up to 12% slope and a pond. It should also be noted the closest point of Lot 5 is approximately 3,000 feet from the nearest quarry to the east.

Access to Lot 5, which is a developed parcel, is currently directly from Parry Road. The petitioner has indicated he may reroute his driveway from Parry Road to the Outlot 1 driveway access once it is constructed for access to Lot 4. Lot 3 also abuts Parry Road, although obtaining approval to access to Parry Road will be challenging due to the physical characteristics on and adjacent to the lot. The Town Building Inspector has received a culvert permit for this lot, but has been advised to hold the permit until all necessary approvals have been granted and any conditions satisfied. The Town Engineer and the Building Inspector will have to review the siting of this particular driveway access due to the aforementioned physical characteristics. There is a note on both of the CSMs that created the three lots that are the subject of this rezone request that states, "Outlot 1 to become a public town road at a latter date, to be transferred to the adjacent owner to the north. Easement for ingress and

gress over and across Outlot 1 to Parry Road granted to Lots 1, 4 and 5.” Outlot 1 is 66’ wide, currently owned by Wonoski (transferred from Park in 1993), and connects Parry Road to unplatted lands also owned by Wonoski north of the three lots that are the subject of this rezone request. Lot 1 is developed and has direct access to Parry Road and is not part of this request. Lot 4, which is undeveloped and currently does not abut a public road, was granted approval to be created by the Waukesha County Park and Planning Commission on April 1, 1993. It is important that emergency vehicles and equipment have adequate access to the parcel(s), and the driveway that is constructed within the 66’ wide easement (Outlot 1) to access Lot 4 should be constructed to Town driveway standards and surveyed (a Stakeout Survey and an As Built Survey) to ensure the driveway access is constructed within the easement (Outlot 1) so in the event Outlot 1 is dedicated to the Town as a public road in the future, the Town is assured of the driveway being constructed in the correct location. This access should be constructed to the satisfaction of the Town Building Inspector and Town Engineer prior to any permits being issued for development on Lot 4. In addition, the Zoning Ordinance requires a paved or gravel drive a minimum of sixteen feet in width where the access easement serves more than one residence or parcel, unless required to be greater pursuant to local ordinance.

The subject properties are surrounded by A-2 zoning immediately to the north, and also EC and C-1 to the north, east and west; and R-3 and A-T to the south. The surrounding land uses are agricultural immediately to the north, and also woodlands and wetlands to the north, east, and west; and residential and agricultural to the south.

During consideration of the request, the Town implied that they believed that Lot 5 did not need to be rezoned, as it is already developed and is a larger parcel.

**STAFF RECOMMENDATION:**

Based on the above report, the Planning and Zoning Division Staff recommends approval of this request subject to the recommendations of the Town of Ottawa and subject to the following:

1. Only Lots 3 and 4 shall be rezoned.
2. An access driveway shall be provided to Lot 4 prior to any permits being issued for development on Lot 4 that is constructed to town driveway standards to the satisfaction of the Town Building Inspector and the Town Engineer and so it can accommodate emergency vehicles and equipment. The proposed driveway should be surveyed and the Stakeout Survey submitted to the Town Building Inspector and Town Engineer, and an As Built Survey submitted to the Town Building Inspector and Town Engineer upon completion of the driveway to ensure the driveway is constructed within the 66’ wide easement (Outlot 1).
3. A Driveway Access and Maintenance Agreement between the owners of Lots 4 and 5 and the owner of Outlot 1 shall be submitted to the Town and the County for review and approval, and recorded in the Register of Deeds Office prior to the rezoning becoming effective. The petitioner shall provide a copy of the recorded Agreement to the Town Clerk and the Waukesha County Planning and Zoning Division subsequent to recordation. The Agreement shall expire at such time as Outlot 1 is dedicated to the Town of Ottawa as a public road.

4. The Town Building Inspector and the Town Engineer shall review the siting of the driveway access for Lot 3 to Parry Road due to the physical characteristics on and adjacent to the lot such as slopes in excess of 10%, EC zoning regulations/PEC, vision and safety issues, etc.

The proposed use of the existing platted lots is consistent with the Town and County Comprehensive Development Plans and will remain compatible with the immediate surrounding land uses, while complying with the purpose and intent of the Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance. The proposal, as conditioned, will also require and while requiring adequate access to all lots, particularly access for Lot 4 within Outlot 1 so that Lot 4 is not a landlocked parcel.

Respectfully submitted,

*Sandra L. Scherer*

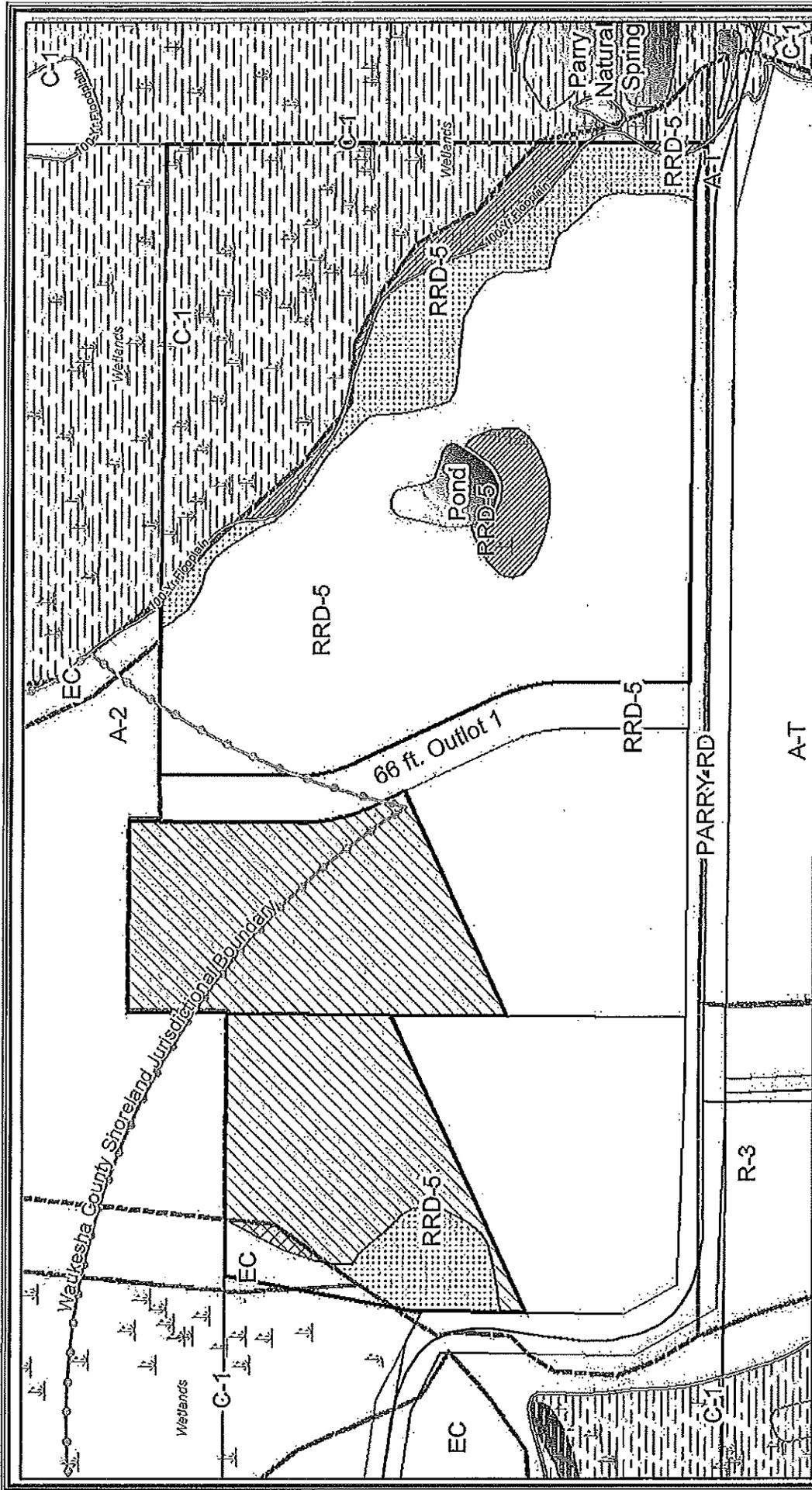
Sandy Scherer  
Senior Planner

Attachment: Map

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167-0-045

7.



	CONDITIONAL SHORELAND AND COUNTY ZONING CHANGE FROM RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 TO A-2 RURAL HOME DISTRICT (0.20 AC)
	CONDITIONAL SHORELAND AND COUNTY ZONING CHANGE FROM EC ENVIRONMENTAL CORRIDOR DISTRICT TO A-2 RURAL HOME DISTRICT (0.65 AC)
	CONDITIONAL SHORELAND AND COUNTY ZONING CHANGE FROM RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 TO C-1 CONSERVANCY DISTRICT (0.62 AC)
	CONDITIONAL SHORELAND AND COUNTY ZONING CHANGE FROM RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 TO EC ENVIRONMENTAL CORRIDOR DISTRICT (1.89 AC)

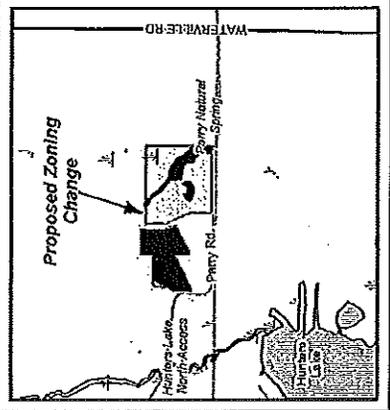
# ZONING MAP AMENDMENT

## PART OF THE SW & SE 1/4 OF SECTION 2

### TOWN OF OTTAWA



Prepared by the Waukesha County Department of Parks and Land Use



FILE.....SCZ-1739  
 DATE.....09-20-12  
 AREA OF CHANGE.....7.96 ACRES  
 TAX KEY NUMBER.....0TWT1592.987.003 .004 .005

167-0-045

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/23/12

(ORD) NUMBER-1670045

- 1 C. SLATTERY.....
- 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.....
- 20 T. SCHELLINGER....AYE
- 22 P. JASKE.....AYE
- 24 D. DRAEGER.....AYE

TOTAL AYES-22

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   ✓  

TOTAL VOTES-22