

ENROLLED ORDINANCE 173-016

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 17, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ5)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Oconomowoc Town Board on May 7, 2018; 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 Sections 59.69 and 59.692, 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 Oconomowoc, 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, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin, from the FLP Farmland Preservation District to the R-1 Residential 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 RZ5, is hereby approved, subject to the following conditions:

1. The Zoning Amendment approval shall only amend the zoning of three (3) acres of land, shown as Lot 1 on the proposed Certified Survey Map attached as Exhibit "A," from the Farmland Preservation District to the R-1 Residential District.
2. A Certified Survey Map, prepared by a Professional Land Surveyor in the State of Wisconsin, shall be reviewed and approved by the Waukesha County Department of Parks and Land Use and the Town of Oconomowoc in accordance with Section 6.19(2)(C) of the Waukesha County Zoning Code.
3. A Deed Restriction must be prepared and reviewed and approved by the Waukesha County Department of Parks and Land Use - Planning and Zoning Division Staff and recorded by the petitioners in the Waukesha County Register of Deeds Office stating that, pursuant to the Waukesha County Comprehensive Development Plan, one additional development right remains for the remnant lands that comprise the farm tracking unit, provided the existing duplex on Lot 1 of the proposed CSM is converted to a single family residence to the satisfaction of the Town and County, prior to the recordation of said CSM. Said restriction must also state that the density restriction shall apply in perpetuity unless the Waukesha County Comprehensive Development Plan's Farmland Preservation designation for the property is amended in the future.

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.

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND
AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY
ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING
CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 17, T8N, R17E, TOWN
OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN,
FROM THE FLP FARMLAND PRESERVATION DISTRICT
TO THE R-1 RESIDENTIAL DISTRICT (RZ5)

Presented by:
Land Use, Parks, and Environment Committee

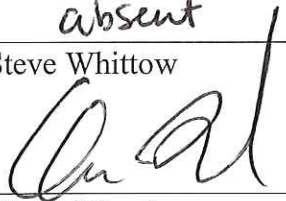

David D. Zimmermann, Chair


Kathleen M. Cummings


Keith Hammitt


William A. Mitchell

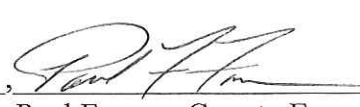
absent
Thomas J. Schellinger

absent
Steve Whittow

Chuck Wood

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

Date: 7/2/18,  (acting)
Kathleen Novack, County Clerk

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

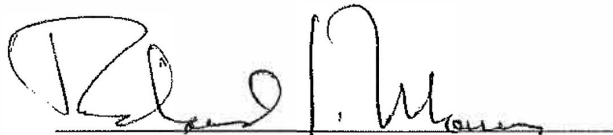


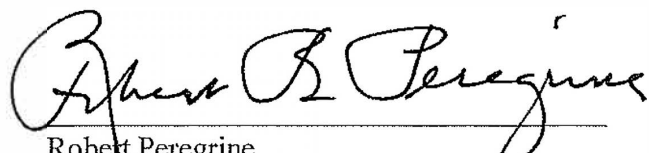

Approved: X
Vetoed: _____
Date: 7/2/18, 
Paul Farrow, County Executive

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 for the Town of Oconomowoc, hereby recommends approval of (RZ5 Cynthia Piskula) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

May 17, 2018


Richard Morris, Chairperson
James Siepmann, Vice Chairperson
William Mitchell, Secretary
Robert Peregrine
William Maslowski

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

DATE: May 17, 2018

FILE NO.: RZ5

PETITIONER: Cynthia L. Piskula
N8310 Parkview Drive
Ixonla, WI 53036

OWNER: Karen J Patterson
N8440 North Street, Apt. 10
Ixonla, WI 53036

Douglas C. Gunderson
N79 W38213 McMahon Road
Oconomowoc, WI 53066

Cynthia L. Piskula
N8310 Parkview Drive
Ixonla, WI 53036

TAX KEY NO.: OCOT 0497.999

LOCATION:

Part of the NE ¼ of Section 17, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N79 W38213 McMahon Road, and consists of approximately 78 acres.

EXISTING LAND USE: Agricultural with a residential duplex.

PROPOSED LAND USE: Create a three (3) acre farm consolidation parcel.

EXISTING ZONING:

The subject area is zoned FLP Farmland Preservation District; however, the property also contains areas zoned FLC Farmland Conservancy District, C-1 Overlay (Wetland) and Environmental Corridor Overlay, which are not part of this request.

PROPOSED ZONING:

R-1 Residential District.

PUBLIC HEARING DATE:

March 19, 2018

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On April 16, 2018, the Town of Oconomowoc Plan Commission recommended conditional approval of the request to rezone three acres of land to the R-1 Residential District to the Town Board. The Town Board approved the request subject to the Town Plan Commission's recommendation on May 7, 2018 (Resolution 2018-5).

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF OCONOMOWOC COMPREHENSIVE DEVELOPMENT PLAN:

The property is designated in the Farmland Preservation category on the County Plan and in the Prime Agricultural category on the Town Plan. The proposal to rezone the three acres is consistent with plan recommendations that call for a maximum density of one dwelling unit per 35 acres.

STAFF ANALYSIS:

The two-parcel farm contains a duplex and multiple outbuildings in the northeast corner of the property, west of S.T.H. 67 and south of McMahon Road. The main parcel, which includes the improvements, is approximately 78 acres and the adjacent parcel to the south is approximately 10 acres (88 acres total). The properties are planned and zoned for Farmland Preservation, with the western portion zoned Farmland Conservancy, C-1 Overlay (Wetland) and Environmental Corridor Overlay, which are not impacted by this request. The properties fall under both the Waukesha County Zoning Code (west portion) and the Waukesha County Shoreland and Floodland Protection Ordinance (east portion).

The petitioners are proposing to consolidate the existing improvements on a three-acre parcel to be retained by a trustee of the property. The remainder of the property will continue to be cultivated farmlands. The Codes require that newly created farm consolidation parcels in the FLP District that are less than 35 acres be re-zoned to the R-1 Residential District while maintaining a 35-acre density. The proposed parcel complies with the lot size requirements (1 to 5 acres) set forth by the FLP rezoning process, as well as the minimum average width requirements (150 ft.) of the R-1 District. A one-lot CSM has been prepared to facilitate the land division and a request for a remnant parcel waiver from the Town and County are pending.

The petitioner's future desire for the remaining 85-acres includes the construction of a new single-family residence. It is important to note that the existing duplex utilizes both density rights assigned to the property and, at its present state, the remnant farmland has no density rights remaining. Therefore, in order to construct a future new residence on the remnant farmland, the owners are proposing to convert the duplex back to a single family home to the satisfaction of Town and County staff. The owner will need to petition the Town and County to rezone a newly proposed parcel from FLP Farmland Preservation to R-1 Residential. It should be noted the petitioners own a third, landlocked parcel that is adjacent to these properties. This property's primary zoning is zoned A-T Agricultural Transition rather than Farmland Preservation and therefore is not included in compiling the total acreage available for additional density rights (OCOT 497.997).

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends this request be **approved**, subject to the following conditions, which are inclusive of the Town's recommended conditions.

1. The Zoning Amendment approval shall only amend the zoning of three (3) acres of land, shown as Lot 1 on the proposed Certified Survey Map attached as Exhibit "A," from the Farmland Preservation District to the R-1 Residential District.
2. A Certified Survey Map, prepared by a Professional Land Surveyor in the State of Wisconsin, shall be reviewed and approved by the Waukesha County Department of Parks and Land Use and the Town of Oconomowoc in accordance with Section 6.19(2)(C) of the Waukesha County Zoning Code.
3. A Deed Restriction must be prepared and reviewed and approved by the Waukesha County Department of Parks and Land Use - Planning and Zoning Division Staff and recorded by the petitioners in the Waukesha County Register of Deeds Office stating that, pursuant to the Waukesha County Comprehensive Development Plan, one additional development right remains for the remnant lands that comprise the farm tracking unit, provided the existing duplex on Lot 1 of the proposed CSM is converted to a single family residence to the satisfaction of the Town and County, prior to the recordation of said CSM. Said restriction must also state that the density restriction shall apply in perpetuity unless the Waukesha County Comprehensive Development Plan's Farmland Preservation designation for the property is amended in the future.

If approved as conditioned, the zoning change is consistent with Town and County Comprehensive Development Plan recommendations, as the 35-acre density requirement is being met. The rezoning of three acres of land will allow the petitioner to consolidate the existing improvements on a farm parcel, which will not affect the agricultural use of the remnant 75 acres. As conditioned and in accordance with the requirements of the Waukesha County Codes, a Deed Restriction will be recorded to disclose the density rights for to the property. This will ensure that the 35-acre density is maintained over time and that the vast majority of the land remains in productive farmland or open space uses. This rezoning furthers the goals of the Farmland Preservation Plan to preserve the last remaining five square mile blocks of productive farmland within the County, adding to the economic base of Waukesha County and preserving the rural landscape. In addition, the rezoning allows for the owners to settle the estate. Minimizing land use conflicts among incompatible uses and limiting encroachment of non-agricultural development through the application of 35-acre density is critical in ensuring the viability of farming in designated farmland preservation areas.

Respectfully submitted,

Rebekah Leto

Rebekah Leto
Senior Land Use Specialist

Attachments: Exhibit "A"
Map
Town Resolution (2018-5)

EXHIBIT "A"

RECEIVED

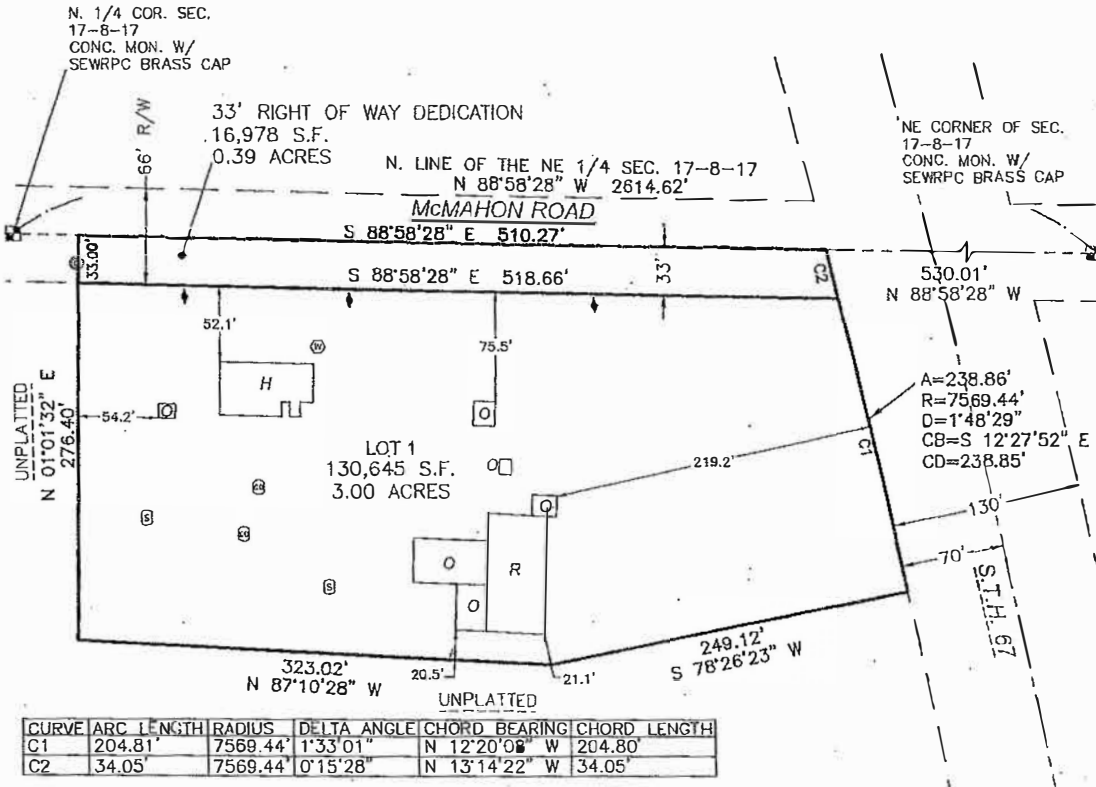
FEB 13 2018

PRELIMINARY

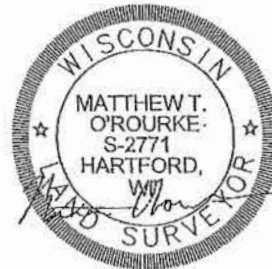
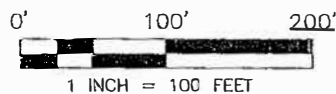
DEPT OF PARKS & LAND USE

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

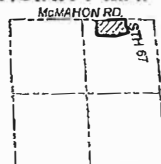
BEING A PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 17, TOWNSHIP 8 NORTH, RANGE 17 EAST,
TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN.



BEARINGS BASED ON GRID NORTH OF
THE WISCONSIN COUNTY COORDINATE
SYSTEM, WAUKESHA COUNTY ZONE
(NAD 83 WISCONSIN 2018) AND
REFERENCED TO THE NORTH LINE OF
THE NE 1/4 OF SEC. 17-8-17
MEASURED AS N88°58'28"W.



VICINITY MAP



NE 1/4 SEC.
17-8-17
1"=2640'

LEGEND

- SECTION CORNER MONUMENT
- OUTBUILDING
- HOUSE
- BARN RUINS
- DRIVEWAY LOCATION
- METAL POST
- WELL
- SEPTIC VENT
- CLEANOUT
- SET 1.315" O.D. X 18" IRON PIPE
WEIGHING 1.68 LBS/FT.



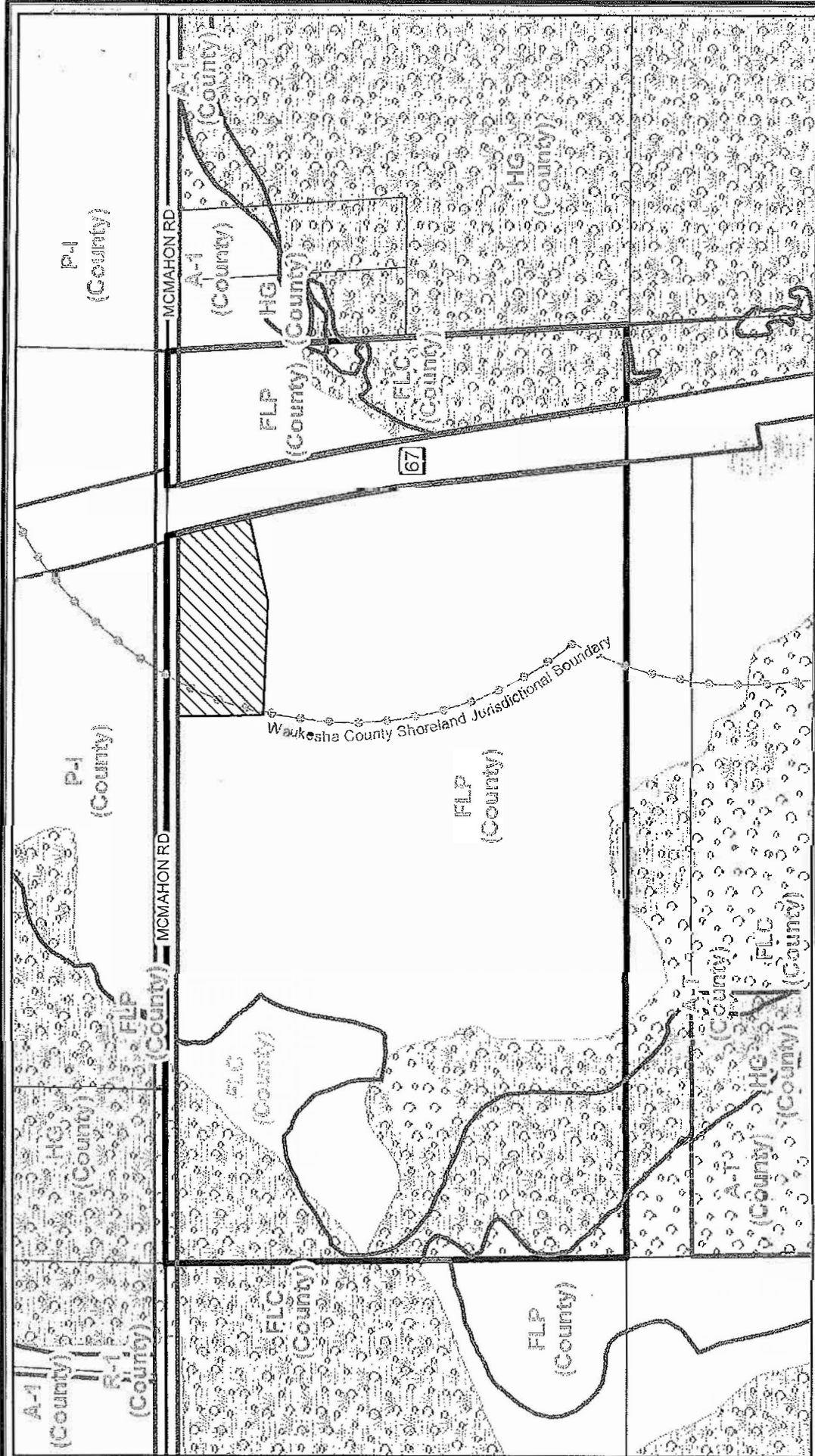
LAND SURVEYING • LAND PLANNING
P.O. BOX 15, HARTLAND, WI 53029
WWW.LANDTECHWI.COM
LANDTECHSURVEYING@GMAIL.COM
(262) 367-7599

PREPARED FOR:
K. PATTERSON, D.C. GUNDERSON,
C.L. PISKULA, & A.C. GUNDERSON
SITE ADDRESS: N79W38213
McMAHON ROAD, OCONOMOWOC, WI

DATED 02/14/2018

JOB# 18010

THIS INSTRUMENT WAS DRAFTED BY MATTHEW T. O'ROURKE, S-2771 SHEET 1 OF 3



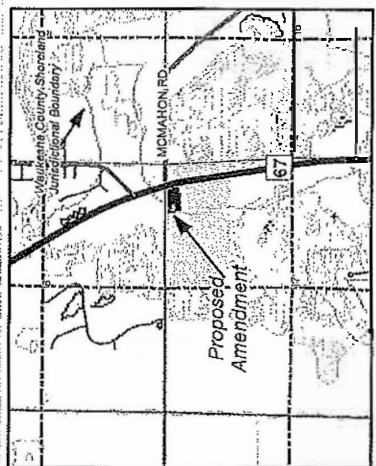
ZONING AMENDMENT

PART OF THE NE 1/4 OF SECTION 17
TOWN OF OCONOMOWOC



CONDITIONAL COUNTY ZONING CHANGE FROM FLP FARMLAND
PRESERVATION DISTRICT TO R-1 RESIDENTIAL DISTRICT

FILE.....RZ5
DATE OF PLAN COMMISSION.....05/17/18
AREA OF CHANGE.....3 ACRES
TAX KEY NUMBER.....OCOT 0497.999



Prepared by the Waukesha County Department of Parks and Land Use

File Number: 175-O-016

RESOLUTION NO. 2018-5

WHEREAS, Karen J. Patterson and Douglas C. Gunderson, et al., owners of property described as Tax Key No. OCOT 0497.999, have requested that the property described by the above tax key number which is shown on the attached preliminary Waukesha County certified survey map, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 17, Township 8 North, Range 17 East, Town of Oconomowoc, Waukesha County, Wisconsin, located at the Southwest corner of STH 67 and Town Road McMahon Road containing approximately 71.8 acres of land (only three acres to be rezoned), be rezoned from Farmland Preservation District (FLP), Farmland Conservancy District (FLC), and High Groundwater District (HG) to R-1 Residential District; and

WHEREAS, the proposed use of the subject three-acre parcel is single-family residential; and

WHEREAS, the proposed use is compatible with the Town of Oconomowoc Land Use Plan; and

WHEREAS, the owners have agreed to an R-1 Residential District zoning.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town Board of the Town of Oconomowoc hereby approves rezoning of the subject three-acre parcel owned by Karen J. Patterson and Douglas C. Gunderson, et al., from Farmland Preservation District (FLP) to R-1 Residential District; no other lands are to be rezoned (see attached Exhibit A).

BE IT FURTHER RESOLVED that this rezoning is subject to the Town of Oconomowoc Planner's recommendation contained in his Report and Recommendation dated March 25, 2018 (copy attached).

DATED: 5/7/18

TOWN OF OCONOMOWOC

By: Robert C. Hultquist
Robert C. Hultquist, Chairman

ATTEST:

Lori Opitz
Lori Opitz, Clerk

RECEIVED

MAY 18 2018

DEPT OF PARKS & LAND USE

Roll Call	Discussion	Voting...	Results	Agenda	Setup	Options	
D1 - Foti			AYE	D14 - Wood		(2) AYE	
D2 - Zimmermann			(M) AYE	D15 - Mitchell		AYE	
D3 - Morris			AYE	D16 - Crowley		AYE	
D4 - Batzko			AYE	D17 - Paulson		Notified	
D5 - Dondlinger			AYE	D18 - Nelson		AYE	
D6 - Walz			AYE	D19 - Cummings		AYE	
D7 - Grant			Notified	D20 - Schellinger		AYE	
D8 - Michalski			AYE	D21 - Gaughan		AYE	
D9 - Heinrich			AYE	D22 - Wysocki		AYE	
D10 - Swan			AYE	D23 - Hammitt		AYE	
D11 - Howard			AYE	D24 - Whittow		AYE	
D12 - Wolff			AYE	D25 - Johnson		AYE	
D13 - Decker			AYE				
173-O-016			Passed (23 Y - 0 N - 2 Absent)			Majority Vote	
						>	