

ENROLLED ORDINANCE 168-26

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE CITY OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 27, T8N, R17E, CITY OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL LAND PRESERVATION TRANSITION AND C-1 CONSERVANCY DISTRICTS TO THE P-I PUBLIC AND INSTITUTIONAL, R-3 RESIDENTIAL, C-1 CONSERVANCY AND E-C ENVIRONMENTAL CORRIDOR DISTRICTS (SVZ-1752)

WHEREAS, after proper notice was given a public hearing was held, the subject matter of this Ordinance was approved by the City of Oconomowoc Plan Commission on May 8, 2013, 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 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, is hereby amended to conditionally rezone certain lands located in part of the SE ¼ of Section 27, T8N, R17E, City of Oconomowoc, from the A-T Agricultural Land Preservation Transition and C-1 Conservancy Districts to the P-I Public and Institutional, R-3 Residential, C-1 Conservancy and E-C 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-1752 subject to the following conditions:

1. Those areas identified as Wetland and Floodplain shall continue to be zoned C-1 Conservancy. Those upland areas that are identified as Isolated Natural Resource Area shall be zoned E-C Environmental Corridor, as proposed.
2. Within the jurisdictional area of the Waukesha County Shoreland and Floodland Protection Ordinance, any proposed structures must be located a minimum of 75' from the ordinary high water mark of Rosenow Creek and shall be located outside of those areas designated as Isolated Natural Resource Areas. Structures must comply with a 75 ft. wetland and floodplain setback unless pre-development grades adjacent to the structures are three (3) feet above the floodplain or wetland elevation, in which case a 50 ft. setback is required.
3. Within the jurisdictional area of the Waukesha County Shoreland and Floodland Protection Ordinance, all storm water management facilities shall be located outside of wetland, floodplain and Isolated Natural Resource Areas.
4. A copy of the Isolated Natural Resource Area and Wetland Delineation Reports for the site shall be provided to the Waukesha County Planning and Zoning Division Staff for review prior to October 15, 2013.
5. The amendment to the City of Oconomowoc Comprehensive Land Use Plan must be effective prior to this rezoning being effective. Documentation of such adopted plan

amendment shall be submitted to the Waukesha County Planning and Zoning Division Staff.

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

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE CITY OF OCONOMOWOC BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF
THE SE ¼ OF SECTION 27, T8N, R17E, CITY OF OCONOMOWOC, WAUKESHA
COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL LAND PRESERVATION
TRANSITION AND C-1 CONSERVANCY DISTRICTS TO THE P-I PUBLIC AND
INSTITUTIONAL, R-3 RESIDENTIAL, C-1 CONSERVANCY AND E-C
ENVIRONMENTAL CORRIDOR DISTRICTS (SVZ-1752)

Presented by:
Land Use, Parks, and Environment Committee

[Absent]

James A. Heinrich, Chair

Jim Batzko
Jim Batzko

Walter L. Kolb
Walter L. Kolb

Pamela Meyer
Pamela Meyer

Fritz Ruf
Fritz Ruf

Thomas J. Schellinger
Thomas J. Schellinger

[Absent]

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: 7/23/2013, Kathleen Novack
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 7-30-13, Daniel P. Vrakas
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, hereby recommends approval of (SVZ-1752 Siepmann Realty Corporation) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

June 20, 2013

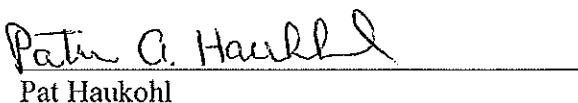

Robert Peregrine, Chairperson

ABSTAINED - (CONFLICT OF INTEREST)
James Siepmann, Vice Chairperson

(Absent)
William Mitchell


Gary Goodchild


Walter Kolb


Pat Haukohl


Fritz Ruf

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

DATE: June 20, 2013

FILE NO: SVZ-1752

PETITIONER: Siepmann Realty Corp.
c/o James P. Siepmann
W240 N1221 Pewaukee Road
Waukesha, WI 53188

OWNER: Citizens Bank of Mukwonago
c/o Charles O. Miller
P.O. Box 223
Mukwonago, WI 53149

TAX KEY NO.: OCOC 0540.999.001

LOCATION:

The subject property is located in part of the SE ¼ of Section 27, T8N, R17E, City of Oconomowoc. More specifically, the property is located south of C.T.H. "Z", north of Lisbon Road, and west of Rosenow Creek. The property contains approximately 58 acres.

PRESENT ZONING:

A-T Agricultural Land Preservation Transition and C-1 Conservancy Districts.

PRESENT LAND USE:

The property is currently used primarily for agricultural purposes.

PROPOSED ZONING:

P-I Public and Institutional, R-3 Residential and E-C Environmental Corridor Districts.

PROPOSED LAND USE:

Mixed use development to include city parkland, assisted living facilities, single-family residential and multi-family residential units.

PUBLIC HEARING DATES:

April 10, 2013 and May 8, 2013.

PUBLIC REACTION:

At the public hearing on April 10, 2013, many residents spoke against the proposed project. It should be noted that the Site Plan provided for the public hearing identified City parkland on the north end of the site, assisted living facilities located in the middle of the site off of a road extension which runs through the adjacent subdivision to the west, single-family residential units in the southwest portion of the site and multi-family units in the southeast portion of the site. The majority of the objections were relative to the proposed assisted living facilities to be located at the end of a road that goes through the adjacent single-family residential subdivision. The concerns raised included increased traffic, construction traffic, a commercial business operation in a residential area, the safety of children in the residential neighborhood, speeding, decreased property values of nearby properties, access (including access by emergency services), increase in impervious surface, reduction of green space, parking lot

lighting, noise, senior endangerment, lack of master plan designation in place, storm water runoff, pollution and preservation of natural resources. One resident expressed concerns about increased traffic on Lisbon Road as a result of the residential development on the southern portion of the site.

Following the public hearing, the City of Oconomowoc Plan Commission voted to postpone action on the rezone and plan amendment requests to allow additional discussions with the developer regarding the concerns raised at the public hearing.

In response to the concerns raised at the public hearing, the developer revised the Site Plan of the proposed development. The revised plan continues to show City parkland on the north end of the site, but now shows single-family residential lots on a cul-de-sac off of the road extension which runs through the adjacent subdivision to the west, single-family residential lots in the middle of the site off of a proposed cul-de-sac extending north from Lisbon Road, assisted living facilities in the southwest portion of the site, near Lisbon Road, and multi-family units in the southeast portion of the site as previously proposed.

A public hearing was held by the City on May 8, 2013, to consider the revised rezoning request and Site Plan. A couple of nearby residents spoke in favor of the revised layout of the development.

CITY PLAN COMMISSION ACTION:

As noted above, at its meeting following the public hearing on April 10, 2013, the City of Oconomowoc Plan Commission voted to postpone action on the rezone and plan amendment requests to allow additional discussions with the developer regarding the concerns raised at the public hearing.

At their meeting on May 8, 2013, the City of Oconomowoc Plan Commission recommended approval of the request to rezone the property in accordance with the revised Site Plan. The City also approved a resolution that recommends an Ordinance amending the City's Comprehensive Plan and the City's Zoning Map in accordance with the revised Site Plan. It should be noted that the amendment to City's Comprehensive Development Plan and amendment to City zoning designations is scheduled to be heard by the Common Council at their meeting on June 4, 2013.

The remainder of this Staff Report is based on the revised rezoning request and Site Plan that has been approved by the City of Oconomowoc Plan Commission.

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

The property is designated on the Comprehensive Development Plan for Waukesha County as Recreational and Medium Density Residential with an area along Rosenow Creek designated as Isolated Natural Resource Area. Under the County's Plan, the Medium Density Residential category requires 6,000 sq. ft. to 19,999 sq. ft. per dwelling unit.

The portion of the property that is the subject of the rezoning request is designated on the City of Oconomowoc Comprehensive Land Use Plan as Suburban Residential (4 dwelling units per acre), and Recreational/Parks. It should be noted that the petitioner has applied for an amendment to the City's Plan. If approved, the proposed amendment would change approximately 22 acres of the site to Medium Density Residential (6 dwelling units per acre). The request to amend the City's Plan ran concurrently with the request to amend the City Zoning on the property and this request to amend the

County shoreland zoning districts on the property. The Plan amendment has been approved by the City Plan Commission and will be heard by the City Common Council on June 4, 2013. It should be noted that, if approved, the Plan designations adopted by the City will be automatically incorporated into the County's Comprehensive Development Plan.

OTHER CONSIDERATIONS:

The property, which was annexed to the City of Oconomowoc in 2002, is bounded on the west by a single-family residential subdivision and an approximately 4.6 acre parcel that was dedicated to the City of Oconomowoc for park purposes. The property is bounded on the north by C.T.H. "Z," on the east by Rosenow Creek and on the south by Lisbon Road. The property immediately to the east across Rosenow Creek contains a new multi-family residential development.

The area of the property located within 300 ft. of Rosenow Creek falls within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance (WCSF). Shoreland areas in the City of Oconomowoc annexed after 1982 remain subject to the provisions of the County Shoreland Ordinance. The property contains minimal areas of 100-year floodplain along Rosenow Creek and contains approximately 7.5 acres wetlands associated with the creek. The petitioner is proposing to rezone the area under County zoning jurisdiction from the A-T Agricultural Land Preservation Transition and the C-1 Conservancy Districts to the P-I Public and Institutional, R-3 Residential and the E-C Environmental Corridor Districts. A map provided by the petitioner showing the proposed shoreland zoning designations is attached as Exhibit "A."

The A-T District is a holding zone for lands that are currently farmed but are recognized as having development potential. The purpose of the rezone request is to allow a mixed use development to include city parkland, assisted living facilities, single-family residential and multi-family residential units. City sewer and water will be provided for the development.

The City of Oconomowoc zoning classification for the property is SR Suburban Residential District. The petitioner has applied to rezone approximately 22 acres of the site from the SR District to the RML Multi-Unit (low) Residential district and to rezone approximately 5.8 acres of the site from the SR District to the IP Institutional Public District. The request to change the City zoning district ran concurrently with the request to modify the County Shoreland zoning district. The request to modify the City zoning district is pending approval by the City Common Council on June 4, 2013.

At this time, the petitioner is proposing a four (4) lot Certified Survey Map, see attached Exhibit "B." Development proposals for the further division and development of the CSM lots would be presented in the future. A conceptual Site Plan for the development of the site is attached Exhibit "C."

Proposed Lot 1 is located on the southeast corner of the site adjacent to Lisbon Road and is identified as being a 20.62 acre parcel to be used for multi-family residential purposes. The petitioner has not provided details on the number of multi-family units proposed. It should be noted that 10.99 acres of the parcel are located outside of the INRA. The petitioner's representative has indicated that no development is proposed within the INRA or within the steep slope on the east side of the site near Rosenow Creek. The steep slope and the majority of the INRA extend further into the property than the 300 ft. Waukesha County Shoreland zoning jurisdictional area. Therefore, no multi-family structures are proposed within the WCSF jurisdictional limits on proposed Lot 1.

Proposed Lot 2 is located on the southwest corner of the site adjacent to Lisbon Road and is identified as being an approximately 3.34 acre parcel to be developed with assisted living facilities. This entire proposed lot is located outside of the WCSF jurisdictional limits.

Proposed Lot 3 is located on the west side of the site and is identified as being an approximately 28.24 acre parcel to be developed with single-family residential lots. A cul-de-sac is proposed to extend off of Mockingbird Drive, a subdivision road in Wood Creek III to the west. Five (5) single-family lots are proposed off of the proposed cul-de-sac and sixteen (16) single-family residential lots are proposed off of a proposed cul-de-sac extending north from Lisbon Road. The two lots (Lots 20 and 21) on the end of the northern cul-de-sac fall within the WCSF jurisdictional limits. This area is proposed to be rezoned from the A-T District to the R-3 District. Where sewer is available, the R-3 Zoning District requires a minimum lot size of 14,000 sq. ft. and a minimum average width of 84 ft. Both proposed lots are 15,617 sq. ft. in size with average widths of approximately 109 ft. Therefore, both of the proposed conceptual lots to be located in the WCSF jurisdictional area comply with the lot size and lot width requirements of the Ordinance. Proposed Lot 20 is proposed to be adjacent to the mapped INRA and wetland boundary. The WCSF Ordinance requires a minimum wetland setback of 75 ft. When consideration is given to a 75 ft. setback and the City's required road setback, there may not be a large enough buildable area on proposed Lot 20 for a reasonably sized building site. It should be noted that the INRA, wetlands and floodplain have not been field located. Therefore, it is feasible that the wetland and INRA are less than depicted on the generalized mapping. Final boundaries will dictate whether lot configuration adjustments are needed.

Proposed Lot 4 is located on the northwest corner of the site and is identified as being approximately 5.53 acres to be dedicated to the City of Oconomowoc for City parkland. This dedication will allow for an expansion of Wood Creek Park located directly adjacent to proposed Lot 4. The dedication would meet the City's parkland dedication ordinance for the development of up to 162 dwelling units. The City has indicated that if the number of dwelling units on Lots 1 and 3 exceed 162 units, an additional impact fee would be required. No specific plans have been submitted for the park area.

The proposed conceptual site plan identifies a proposed 10 ft. wide asphalt path connecting the two proposed cul-de-sacs and to connect to an existing trail on the east side of Rosenow Creek. The plan also shows a possible storm water management area to be located within the WCSF jurisdictional limits. The proposed storm water management area is located in an area identified on the generalized mapping as INRA and wetland.

The area within 300 ft. of Rosenow Creek consists of approximately 8.2 acres of upland and 7.5 acres of wetland. Only the upland areas can be utilized when calculating allowable density. Since only two units are proposed within the WCSF jurisdictional limits. Therefore, the proposed use complies with the medium density land use designation under the County's Comprehensive Plan.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following conditions:

1. Those areas identified as Wetland and Floodplain shall be continue to be zoned C-1 Conservancy. Those upland areas that are identified as Isolated Natural Resource Area shall be zoned E-C Environmental Corridor, as proposed.

2. Within the jurisdictional area of the Waukesha County Shoreland and Floodland Protection Ordinance, any proposed structures must be located a minimum of 75' from the ordinary high water mark of Rosenow Creek and shall be located outside of those areas designated as Isolated Natural Resource Areas. Structures must comply with a 75 ft. wetland and floodplain setback unless pre-development grades adjacent to the structures are three (3) feet above the floodplain or wetland elevation, in which case a 50 ft. setback is required.
3. Within the jurisdictional area of the Waukesha County Shoreland and Floodland Protection Ordinance, all storm water management facilities shall be located outside of wetland, floodplain and Isolated Natural Resource Areas.
4. A copy of the Isolated Natural Resource Area and Wetland Delineation Reports for the site shall be provided to the Waukesha County Planning and Zoning Division Staff for review prior to October 15, 2013.
5. The amendment to the City of Oconomowoc Comprehensive Land Use Plan must be effective prior to this rezoning being effective. Documentation of such adopted plan amendment shall be submitted to the Waukesha County Planning and Zoning Division Staff.

A map showing the Shoreland Zoning on the site as recommended herein is attached. The Planning and Zoning Division Staff believes that, as conditioned, the proposed development conforms to both the County Development Plan and the Shoreland and Floodland Protection Ordinance. The site is ideally situated for higher density and mixed use development given its location adjacent to two (2) county trunk highways and proximity to shopping services. The natural resources on the site are being preserved and buffered and the project will result in additional parklands for use by both development residents and city residents. The site plan modification to allocate the assisted living facility to the south part of the site has satisfied neighbors' concerns and staff feels it is a very positive design change.

Respectfully submitted,

Peggy Tilley

Peggy Tilley
Senior Land Use Specialist

Attachment: Exhibits "A" through "C" and Map

NAPRKANDLIU\Planning and Zoning\Rezoning\Staff Reports\1752 Citizens Bank of Mukwonago occ.doc

168-0-026

8.

COUNTY REZONING EXHIBIT

RECEIVED

MAY 03 2014

EXISTING CITY IP & SUBURBAN RESIDENTIAL ZONING
LU: RECREATIONAL/PARKS & SUBURBAN RESIDENTIAL

EXISTING CITY URBAN RESERVE ZONING
LU: SUBURBAN RESIDENTIAL

NW CORNER OF SW 1/4 OF SEC. 27-8-17

CENTER OF SEC. 27-8-17

UNPLATTED LANDS

LAKE DRIVE (C.T.H. "Z") (100' R-O-W)

NORTH LINE OF THE SE 1/4 SEC. 27-8-17
--S 89°43'17" E 2589.39' (PER C.S.M. No. 10849)--

OUTLOT 1

EXISTING SUBURBAN RESIDENTIAL ZONING
LU: SUBURBAN RESIDENTIAL

CUTLOT 2

EXISTING CITY IP ZONING
LU: RECREATIONAL/PARKS

MOCKINGBIRD DR

EXISTING SUBURBAN RESIDENTIAL ZONING
LU: SUBURBAN RESIDENTIAL

CARDINAL DR

LOT 124

LOT 123

LOT 122

EXISTING SUBURBAN RESIDENTIAL ZONING
LU: SUBURBAN RESIDENTIAL

UNPLATTED LANDS

UNPLATTED LANDS

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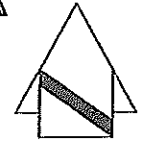
PROPOSED CITY PARK LAND ZONING
LU: RECREATIONAL/PARKS

PROPOSED COUNTY ENVIRONMENTAL CORRIDOR DISTRICT (INRA/WETLAND)

PROPOSED COUNTY P-J DISTRICT

PROPOSED COUNTY R-3 RESIDENTIAL DISTRICT

EXHIBIT "A"



SCALE IN FEET



PROPOSED CITY RESIDENTIAL ZONING
LU: SUBURBAN RESIDENTIAL

PROPOSED CITY RESIDENTIAL ZONING
LU: SUBURBAN RESIDENTIAL

PROPOSED CITY MULTIFAMILY ZONING
LU: SUBURBAN RESIDENTIAL

PROPOSED CITY ASSISTED LIVING ZONING

ISOLATED NATURAL RESOURCE AREA PER WAUKESHA COUNTY GIS

PROPOSED COUNTY ENVIRONMENTAL CORRIDOR DISTRICT (INRA/WETLAND)

300' WAUKESHA COUNTY SHORELAND AND FLOODLAND JURISDICTIONAL LIMITS

WETLAND PER WAUKESHA COUNTY GIS

MULTI-UNIT (LOW) RESIDENTIAL W/A PLANNED DEVELOPMENT OVERLAY
LU: MEDIUM DENSITY RESIDENTIAL

SOUTH LINE OF THE SE 1/4 SEC. 27-8-17
--N 89°32'45" W 2818.30' (PER C.S.M. No. 10849)--

LISBON ROAD (66' R-O-W)

EXISTING TOWN P-1 & C-1 ZONING
LU: RECREATIONAL & INRA

JOB: S-8097CSM

REVISED: APRIL 29, 2013

FILE NO.: OCONOMOWOC 209

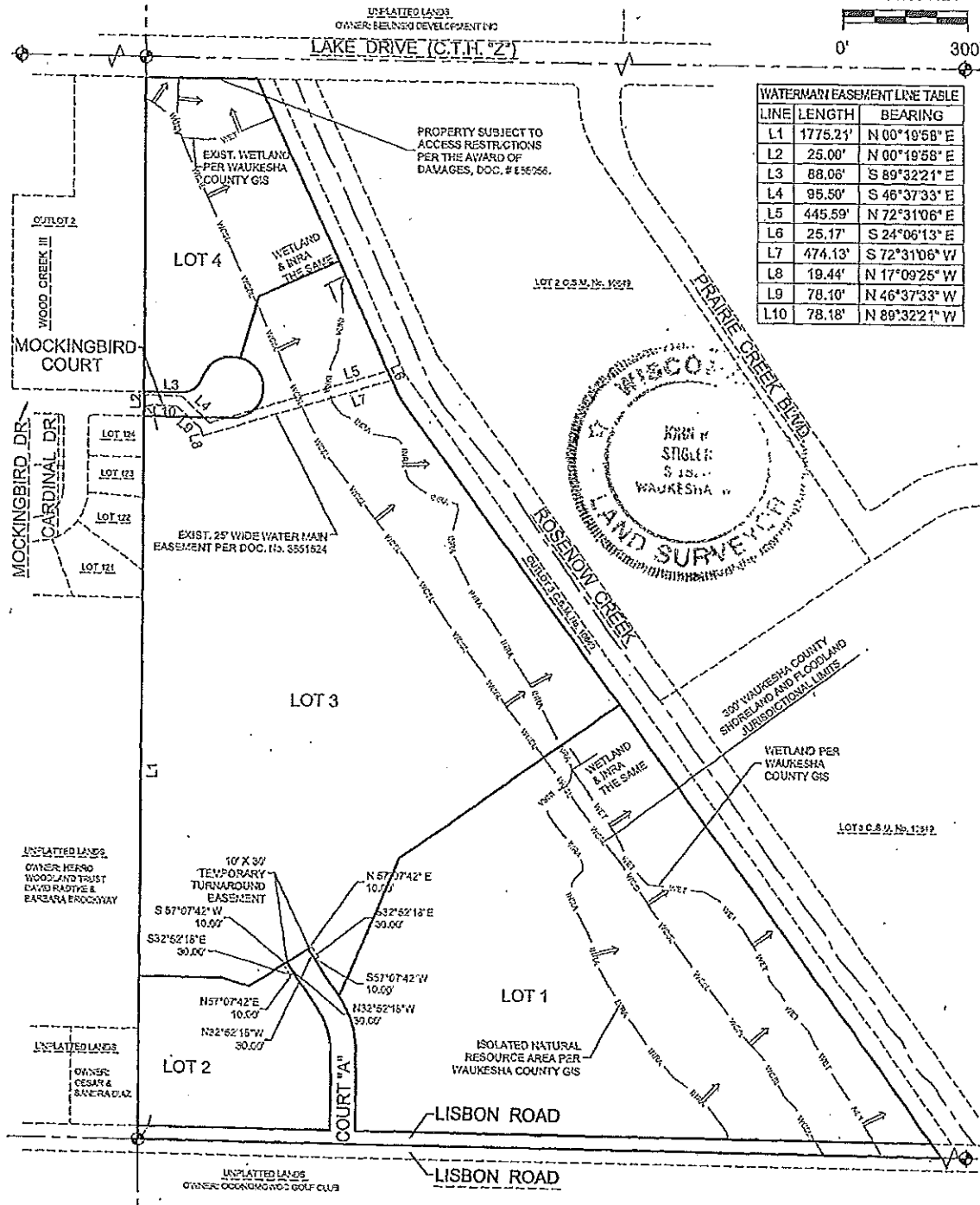
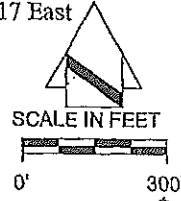
SE CORNER OF SE 1/4 OF SEC. 27-8-17

168-0-026

9.

CERTIFIED SURVEY MAP NO. _____
 Part of the NW 1/4, SW 1/4 and SE 1/4 of the SE 1/4 of Section 27, Town 8 North, Range 17 East
 CITY OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN

Sheet 2 of 5

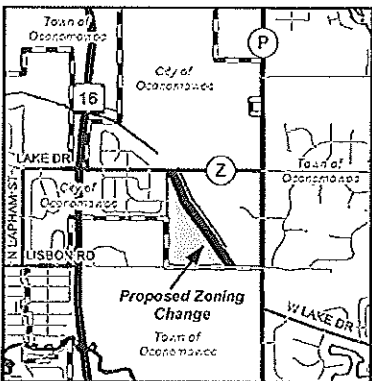
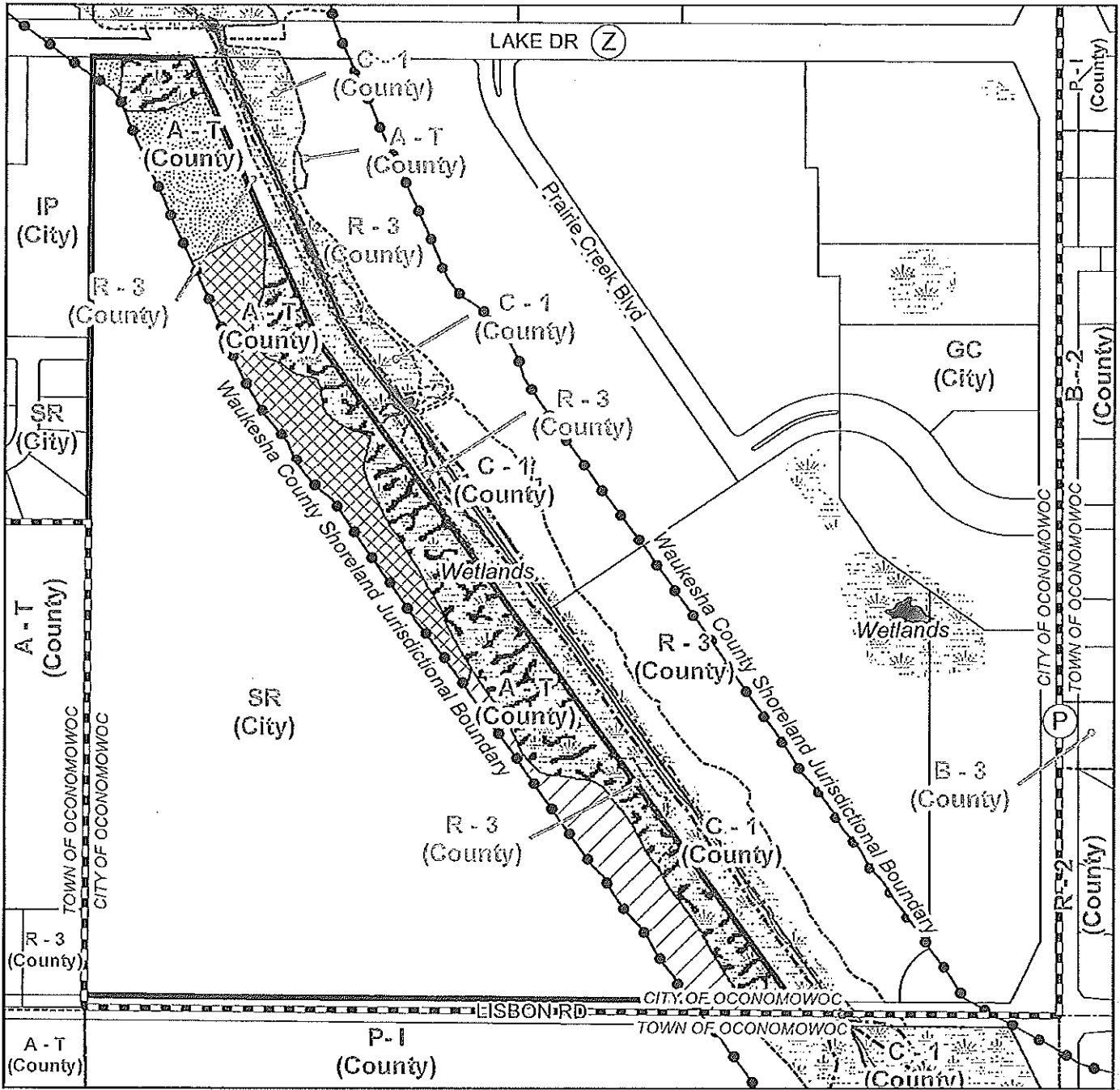






OWNERS: CITIZENS BANK OF MUKWONAGO
 FILE NAME: S8097CSM.DWG
 P.S. OCONOMOWOC 487

John R. Stigler
 JOHN R. STIGLER - Wis. Reg. No. S - 1820
 DATED THIS 27th DAY OF February, 2013
 REVISED THIS 2nd DAY OF April, 2013
 REVISED THIS 29th DAY OF April, 2013
 INSTRUMENT DRAFTED BY JOHN R. STIGLER

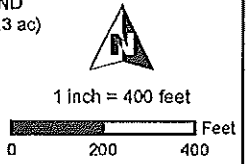
ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SECTION 27
CITY OF OCONOMOWOC



-  CONDITIONAL SHORELAND ZONING CHANGE FROM A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO R-3 RESIDENTIAL DISTRICT (3.5 ac)
-  CONDITIONAL SHORELAND ZONING CHANGE FROM A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO EC ENVIRONMENTAL CORRIDOR DISTRICT (2.8 ac)
-  CONDITIONAL SHORELAND ZONING CHANGE FROM A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO P-1 PUBLIC AND INSTITUTIONAL DISTRICT (2.2 ac)
-  CONDITIONAL SHORELAND ZONING CHANGE FROM A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO C-1 CONSERVANCY DISTRICT (7.3 ac)

FILE.....SVZ-1752
 DATE.....08/20/13
 AREA OF CHANGE.....15.8 ACRES
 TAX KEY NUMBER.....OCOC0540993001



Prepared by the Waukesha County Department of Parks and Land Use