

ENROLLED ORDINANCE 171-26

AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY REVISING A PREVIOUSLY IMPOSED CONDITION OF APPROVAL OF ENROLLED ORDINANCE NO. 166-70 FOR LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 20, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY (CZ-1663B)

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 18, 2016, 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 59.69, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS 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 revise a previously imposed condition of approval of Enrolled Ordinance No. 166-70, for lands located in part of the NW ¼ of Section 20, T8N, R17E, Town of Oconomowoc, Waukesha County, 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-1663B, subject to the following conditions:

1. All conditions of the Town of Oconomowoc, as detailed in the resolutions dated November 19, 2007 (07-11-03), September 19, 2011 (2011-16) and June 20, 2016 (2016-11), shall be an integral part of this approval, except as amended herein.
2. All conditions of the Waukesha County Board of Supervisors, as detailed in enrolled ordinance 162-109 and enrolled ordinance 166-70, shall be an integral part of this approval, except as amended herein. The new deadline to develop the property shall be August 23, 2021.
3. Access to the property from Pennsylvania Street shall be reviewed and approved by the Town Highway Superintendent.
4. All wetland/conservancy areas shall remain zoned C-1 Conservancy District.
5. The deadline to obtain the Planned Unit Development Conditional Use Permit, as part of the file CU-1513, must be extended by the Town of Oconomowoc and Waukesha County (refer to Condition No. 21 of that approval letter dated November 23, 2009).

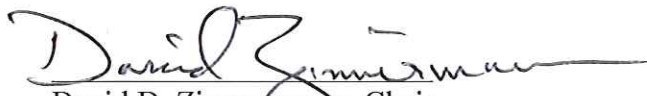
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

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

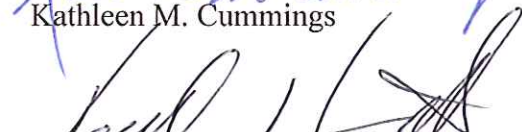
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

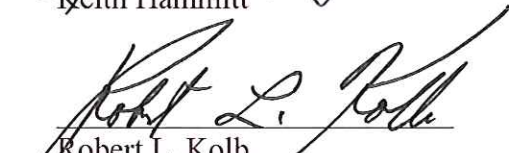
AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY REVISING A PREVIOUSLY IMPOSED CONDITION OF APPROVAL OF ENROLLED ORDINANCE NO. 166-70 FOR LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 20, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY (CZ-1663B

Presented by:  
Land Use, Parks, and Environment Committee

  
David D. Zimmermann, Chair

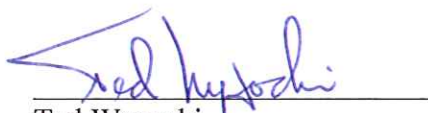
  
Kathleen M. Cummings

  
Keith Hammitt


  
Robert L. Kolb

  
William Mitchell

  
Thomas J. Schellinger

  
Ted Wysocki

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

Date: 8/23/16,   
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 8/29/16,   
Paul Farrow, County Executive

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

**FILE NO.:** CZ-1663B

**TAX KEY NO.:** OCOT 0510.999.002

**DATE:** July 21, 2016

**OWNER:** Irene Boschuetz Trust  
N53 W34412 Road Q  
Okauchee, WI 53069

**PETITIONER:** Judy and Donald Sebastian  
W331 N6080 Hwy. "C"  
Nashotah, WI 53058

**LOCATION:**

Part of the NW ¼ of Section 20, T8N, R17E, Town of Oconomowoc. More specifically, the 4.6-acre property is located immediately south of S.T.H. 16/67 and east of Pennsylvania Street, with the area of rezoning being 2.8 acres.

**EXISTING ZONING:**

A-5 Mini-Farm District and C-1 Conservancy District

**REQUESTED ZONING:**

R-3 Residential District and C-1 Conservancy District – amend condition of previous approval to extend the timeframe to develop the property for an additional five (5) years.

**EXISTING LAND USE:**

Vacant parcel with an area of wetlands.

**REQUESTED LAND USE:**

A duplex utilizing a Planned Unit Development. A maximum of three duplex units were originally approved by the Town for a total of six (6) dwelling units.

**PUBLIC HEARING DATE:**

May 18, 2016 (August 29, 2011 and October 18, 2007)

**PUBLIC REACTION:**

None.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTIONS:**

The Town of Oconomowoc Plan Commission recommended approval of the amended rezoning request to the Town Board at their meeting on June 6, 2016. On June 20, 2016, the Town of Oconomowoc Board of Supervisors voted to approve the amended rezoning request in accordance with the recommendation of the Town Plan Commission for a period of time not to exceed five (5) years (refer to Exhibit "A").

**COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF OCONOMOWOC LAND USE PLAN:**

Both the Town of Oconomowoc Comprehensive Development Plan and the Waukesha County Comprehensive Development Plan designate the subject lands in the Low Density Residential category (20,000 square feet - 1.4 acres per dwelling unit). The proposal to rezone the property to the R-3 Residential District, which requires a minimum 20,000 square foot lot size, complies with both plans.

**STAFF ANALYSIS:**

The proposed rezoning request was originally approved in 2007-2008. At that time, the petitioner indicated she would like to be able to accommodate six (6) dwelling units within three (3) buildings on the site. The petitioner originally wanted to rezone the property so the lands might be more marketable. She stated an intent to seek out a developer who would bring forward a formal development plan for condominiums at a later date. The Town affixed a condition to their original approval that the zoning revert to the A-5 Mini Farm District after three (3) years if the property was not developed. In 2008, the petitioner requested to amend a condition of the previous approval to extend the timeframe to develop the property for five (5) additional years. The approved five (5) year extension expires on September 19, 2016. There is now an accepted offer for the property and a contracted developer; however, the petitioners' feel unable to meet the deadline of the rezone and are again requesting to amend a condition of the original rezone to extend the timeframe to develop the property. A proposed timeframe for the extension was not given on the application.

The property has some unique physical challenges. The property abuts the Pennsylvania Street overpass of the Oconomowoc Bypass (S.T.H. 16/67). Consequently, the Pennsylvania Street right-of-way is quite broad in this section in order to accommodate the sloping related to the overpass. There is a substantial grade change from Pennsylvania Street road grade to the subject property. The east side of the property contains approximately 1.8 acres of wetlands. It should be noted Waukesha County has requested that SEWRPC conduct a new wetland delineation to identify any changes to the boundary that may have occurred since it was last conducted in 2005. The property borders the state highway right-of-way to the north and the Village of Lac La Belle and the Rolling Hills Golf Club to the south and east. The pole-type maintenance buildings for the golf club are visible to the east.

When a typical 75' wetland setback is applied and a 50' road setback is measured from the Pennsylvania Street right-of-way, the remaining buildable area on this site is quite limited, varying from a depth of 35' to 50'. Therefore, it would be difficult to develop the subject property in a conventional manner without the benefit of variances. Given the difficult site constraints, the Planning and Zoning Division staff and the Town Planner consulted with the property owner when she brought forward a conceptual development plan and suggested that the property was likely most conducive to a Planned Unit Development (PUD) if it were to be developed, because a PUD allows for flexibility in design and allows for modifications to regulations such as setbacks. A Conditional Use Permit for a PUD was applied for and the public hearing was held in 2009, where the Town and County were able to consider the potential impacts of the development relative to the project setting. The petitioners have indicated the previously submitted plans are unlikely to change. Any changes to the proposed development will require Town Plan Commission approval, per the Conditional Use approval.

**STAFF RECOMMENDATION:**

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

1. All conditions of the Town of Oconomowoc, as detailed in the resolutions dated November 19, 2007 (07-11-03), September 19, 2011 (2011-16) and June 20, 2016 (2016-11), shall be an integral part of this approval, except as amended herein.
2. All conditions of the Waukesha County Board of Supervisors, as detailed in enrolled ordinance 162-109 and enrolled ordinance 166-70, shall be an integral part of this approval, except as amended herein. The new deadline to develop the property shall be August 23, 2021.
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5. The deadline to obtain the Planned Unit Development Conditional Use Permit, as part of the file CU-1513, must be extended by the Town of Oconomowoc and Waukesha County (refer to Condition No. 21 of that approval letter dated November 23, 2009).

If approved as conditioned, the rezoning request will allow the petitioner additional time to develop the property, while also limiting the development to a reasonable scale that is consistent with the density parameters of both the Town and County Comprehensive Development Plans. The fact that a Conditional Use for a Planned Unit Development has been approved provides increased flexibility for the development and the Town of Oconomowoc and the Waukesha County Park and Planning Commission were given the opportunity to review the specific related development proposal in great detail.

Respectfully submitted,

*Rebekah C. Baum*

Rebekah Baum  
Senior Land Use Specialist

Attachment: Exhibit "A"  
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\1663B Boschuetz Oct.Doc

RESOLUTION NO. 2016-11

WHEREAS, Irene Boschuetz owns 4.6 acres of land in the Northwest 1/4 of Section 20, Town of Oconomowoc, Waukesha County, Wisconsin, which lies east of Pennsylvania Street and south of the STH 16/67 bypass; and

WHEREAS, that land was the subject of a resolution adopted by the Town of Oconomowoc recommending approval of a rezoning request, which resolution was dated November 19, 2007; and

WHEREAS, the rezoning was granted conditionally, with the rezoning not to become effective unless the property was developed within three years, and subsequently based upon an extension of time by resolution to develop within an additional five years; and

WHEREAS, due to the economy, development of the 4.6 acres has not been initiated, and accordingly the property owner has requested that there be an extension of the time within which to develop; and

WHEREAS, the Town Plan Commission recommends that the request for an extension of time to develop be extended an additional five years.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town Board of the Town of Oconomowoc approves the request of Irene Boschuetz to extend the current five-year extension for an additional five years from the date Waukesha County Board of Supervisors acts to rezone.

BE IT FURTHER RESOLVED that this is the final extension that will be granted by the Town Board of the Town of Oconomowoc.

BE IT FURTHER RESOLVED that all other terms of Resolution No. 07-11-03 remain in full force and effect; and if not developed within this final five-year extension, the property shall automatically revert back to the A-5 Mini-Farm District.

DATED: 6.20.16

TOWN OF OCONOMOWOC

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

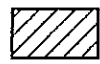
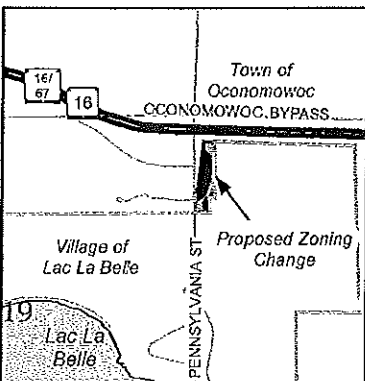
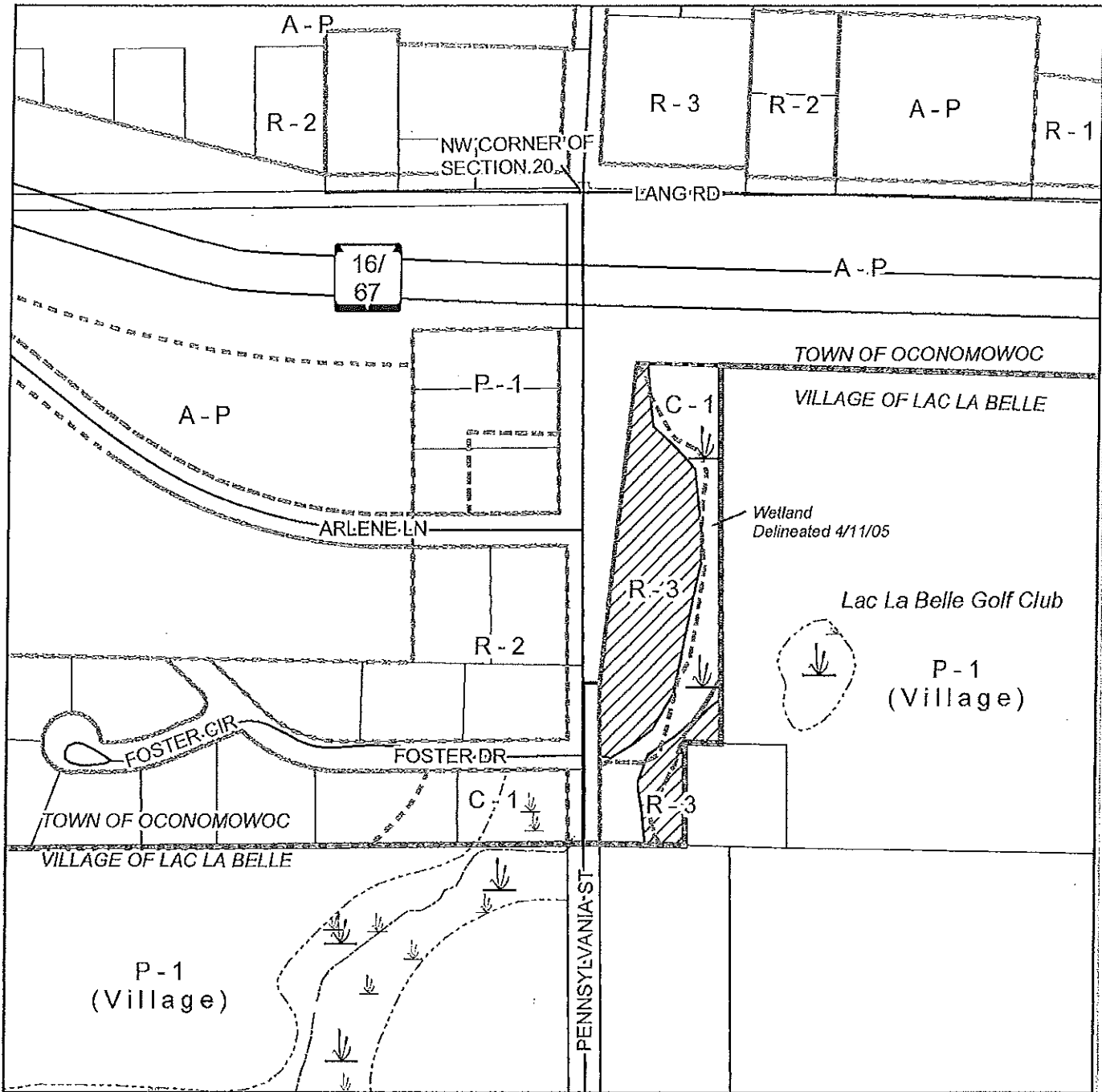
ATTEST:

Lori Opitz  
Lori Opitz, Clerk



# ZONING MAP AMENDMENT

PART OF THE NW 1/4 OF SECTION 20  
TOWN OF OCONOMOWOC



AMEND CONDITIONS OF REZONE CZ-1663 TO ALLOW A DEADLINE EXTENSION OF THE CONDITIONAL APPROVAL

FILE.....CZ-1663B  
 DATE..... 07-21-2016  
 AREA OF CHANGE.....2.8 ACRES  
 TAX KEY NUMBER.....OCOT 0510.999.002



1 inch = 300 feet  
 0 50 100 200 300 Feet

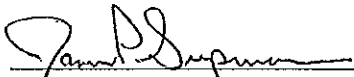
Prepared by the Waukesha County Department of Parks and Land Use

COMMISSION ACTION

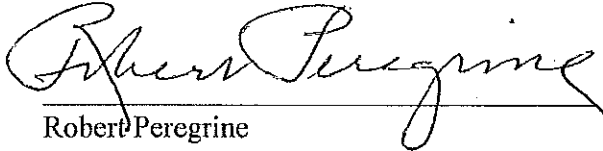
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends approval of (CZ-1663B Irene Boschuetz Trust) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

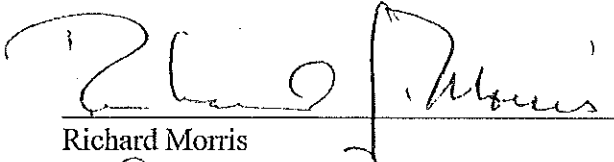
July 21, 2016



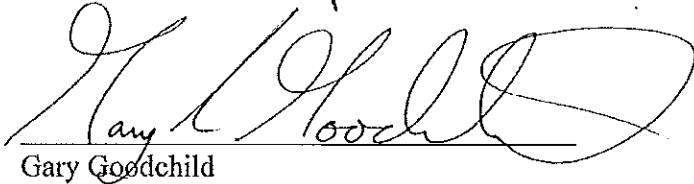
James Siepmann, Chairperson



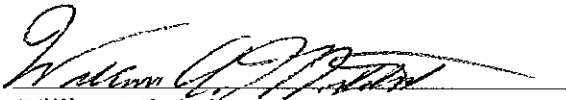
Robert Peregrine



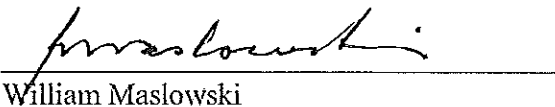
Richard Morris



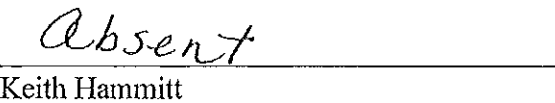
Gary Goodchild



William Mitchell



William Maslowski



Keith Hammitt



Roll Call	Discussion	Voting...	Results	Agenda	Setup	Opti
D1 - Kolb			AYE			
D2 - Zimmermann			(M) AYE			
D3 - Morris			(2) AYE			
D4 - Batzko			AYE			
D5 - Dondlinger			AYE			
D6 - Walz			AYE			
D7 - Grant			AYE			
D8 - Michalski			AYE			
D9 - Heinrich			AYE			
D10 - Swan			AYE			
D11 - Howard			AYE			
D12 - Wolff			AYE			
D13 - Decker			AYE			
D14 - Wood			AYE			
D15 - Mitchell			AYE			
D16 - Crowley			AYE			
D17 - Paulson			AYE			
D18 - Nelson			AYE			
D19 - Cummings			AYE			
D20 - Schellinger			AYE			
D21 - Zaborowski			AYE			
D22 - Wysocki			AYE			
D23 - Hammitt			AYE			
D24 - Whittow			Absent			
D25 - Johnson			AYE			

1711-O-027

Recording 1711-O-027 Results

Majority Vote

