

ENROLLED ORDINANCE 168-34

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE OF THE TOWN OF OCONOMOWOC BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 26, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE R-2 RESIDENTIAL DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SZ-1756)

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 June 17, 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 District Zoning Map for the Town of Oconomowoc, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to rezone from the R-2 Residential District to the R-3 Residential District, certain lands located in part of the NE ¼ of Section 26, T8N, R17E, Town of Oconomowoc, 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 SZ-1756, is hereby approved.

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

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

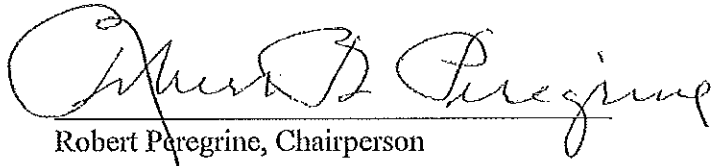
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

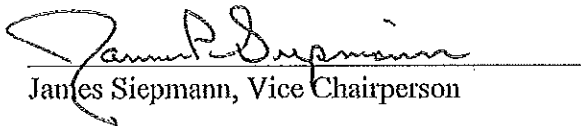
COMMISSION ACTION

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 SZ-1756 (Marion McClure) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

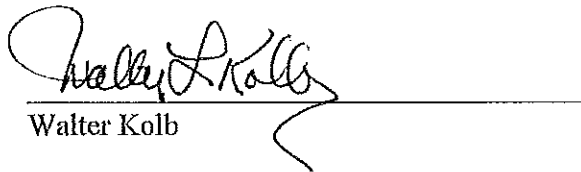
August 1, 2013

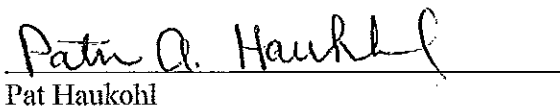

Robert Peregrine, Chairperson


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 AMENDMENT

FILE NO.: SZ-1756

DATE: August 1, 2013

OWNER/APPLICANT: Marion McClure
W351 N6031 Bauer's Lane
Oconomowoc, WI 53066

AGENT: Becky Faherty
29 S. Main Street
Oconomowoc, WI 53066

TAX KEY NO.: OCOT0533.994, OCOT0533.995, and OCOT0533.996

LOCATION:

Part of the NE ¼ of Section 26, T8N, R17E, Town of Oconomowoc. The three (3) parcels are located west and southwest of Bauer's Lane and north of Lake Drive. The total area to be rezoned consists of approximately 63,521 sq. ft.

EXISTING ZONING:

R-2 Residential District (requires a minimum lot size of 30,000 sq. ft. and a minimum width of 120 ft.).

PROPOSED ZONING:

R-3 Residential District (requires a minimum lot size of 20,000 sq. ft. and a minimum width of 120 ft.)

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

The property is designated as Low Density Residential (20,000 square feet per dwelling unit minimum) on both the Comprehensive Development Plan for Waukesha County and the Town of Oconomowoc Comprehensive Development Plan. Therefore, the proposed use complies with both plans.

PUBLIC HEARING DATE:

June 3, 2013.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On June 3, 2013, the Town of Oconomowoc Plan Commission recommended that the Town Board approve the proposed rezone as requested. On June 17, 2013, the Town Board approved the rezone as requested. The Town's Resolution (2013-10) is attached as Exhibit "A".

EXISTING LAND USES:

One (1) of the lots (OCOT 0533.995) contains a residence and the other two (2) lots are vacant.

PROPOSAL AND STAFF ANALYSIS:

There are four (4) existing lots located between Bauer's Lane and Lake Drive in the Town of Oconomowoc. Three (3) of the lots are owned by the applicant. One (1) of the lots has a residence on it and the other two (2) lots are vacant. The fourth lot is owned separately and contains a residence. The lots were created in 1961 without Town or County approval. At the time the lots were created, the properties were zoned R-1 Residential, which requires a minimum lot size of one (1) acre. The lots were later rezoned to R-2 Residential, which requires a minimum lot size of 30,000 sq. ft. Recently, a request was made to the Planning and Zoning Division for approval to construct a single-family residence on one (1) of the vacant lots. It was determined at that time, the lots were illegally created and that a rezone would be required for three (3) of the four (4) lots because the lots are less than 30,000 sq. ft. in size. The fourth lot, which is owned separately, already has a residence on it. It is 33,592 sq. ft. in size and complies with the R-2 Residential Zoning District requirements. Therefore, the lot is not included in the request. The three (3) lots to be rezoned are 20,000 sq. ft., 21,691 sq. ft. (residential lot), and 21,830 sq. ft. respectively, if the road right-of-way width is reduced from 66 ft. to 50 ft. as platted. If the road right-of-way is not reduced, two (2) of the three (3) lots will be slightly less than 20,000 sq. ft. The Bauer's Lane road right-of-way reduction is on the agenda for consideration as a separate matter.

The petitioner is proposing to rezone the three (3) lots to the R-3 Residential District, which requires a minimum lot size of 20,000 sq. ft. and a minimum width of 120 ft. The lots would conform to these requirements if Bauer's Lane is reduced to the 50 ft. platted road right-of-way width. The rezone would allow the petitioner to sell the two (2) vacant lots as buildable lots. The properties are relatively flat with good soils (Fox) for building construction and for the installation of a private sewage system. The existing lots east of the subject parcels are zoned R-3 Residential. There is an outlot located directly west of the subject parcels, which is held in common ownership by the lot owners in the Lakeview Acres Subdivision. The outlot is zoned E-C Environmental Corridor and C-1 Conservancy. The surrounding residential lots west of the subject parcels are zoned R-2 Residential.

STAFF RECOMMENDATION:

Based upon the above information, the Planning and Zoning Division Staff recommends approval of the petitioner's request to rezone the properties from the R-2 Residential Zoning District to the R-3 Residential Zoning District. The lots have existed as individual parcels since 1961, the lots comply with the Town and County Comprehensive Development Plans, and the proposed zoning district is compatible with the surrounding land uses.

Respectfully submitted,

Amy Barrows

Amy Barrows
Senior Land Use Specialist

Attachment: Exhibit "A" and Map

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168-0-034

4.

EXHIBIT "A"

RESOLUTION NO. 2013-10

RESOLUTION RECOMMENDING APPROVAL OF REZONING
(MARION McCLURE PROPERTY)

WHEREAS, Marion McClure, owner of three lots with Tax Key Numbers OCOT 0533.994, 0533.995, and 0533.996 shown on Exhibit A and described on Exhibit B, both of which are attached hereto and incorporated herein by reference, petitioned to rezone the subject lots from R-2 Residential District to R-3 Residential District; and

WHEREAS, the purpose of the rezoning is to bring the zoning into consistency with adjacent R-3 Residential District zoning; and

WHEREAS, the proposed change in zoning is consistent with the Town of Oconomowoc Land Use Plan; and

WHEREAS, the Town Planner and the Town Plan Commission recommend the aforementioned rezoning.

NOW THEREFORE, BE IT HEREBY RESOLVED that for the reasons set forth in the recital paragraphs of this resolution, the Town Board of the Town of Oconomowoc does hereby recommend that Waukesha County rezone three lots with Tax Key Numbers OCOT 0533.994, 0533.995, and 0533.996, shown on Exhibit A and described on Exhibit B, from R-2 Residential District to R-3 Residential District.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Waukesha County Department of Parks and Land Use for presentation to appropriate county committees and ultimately the County Board.

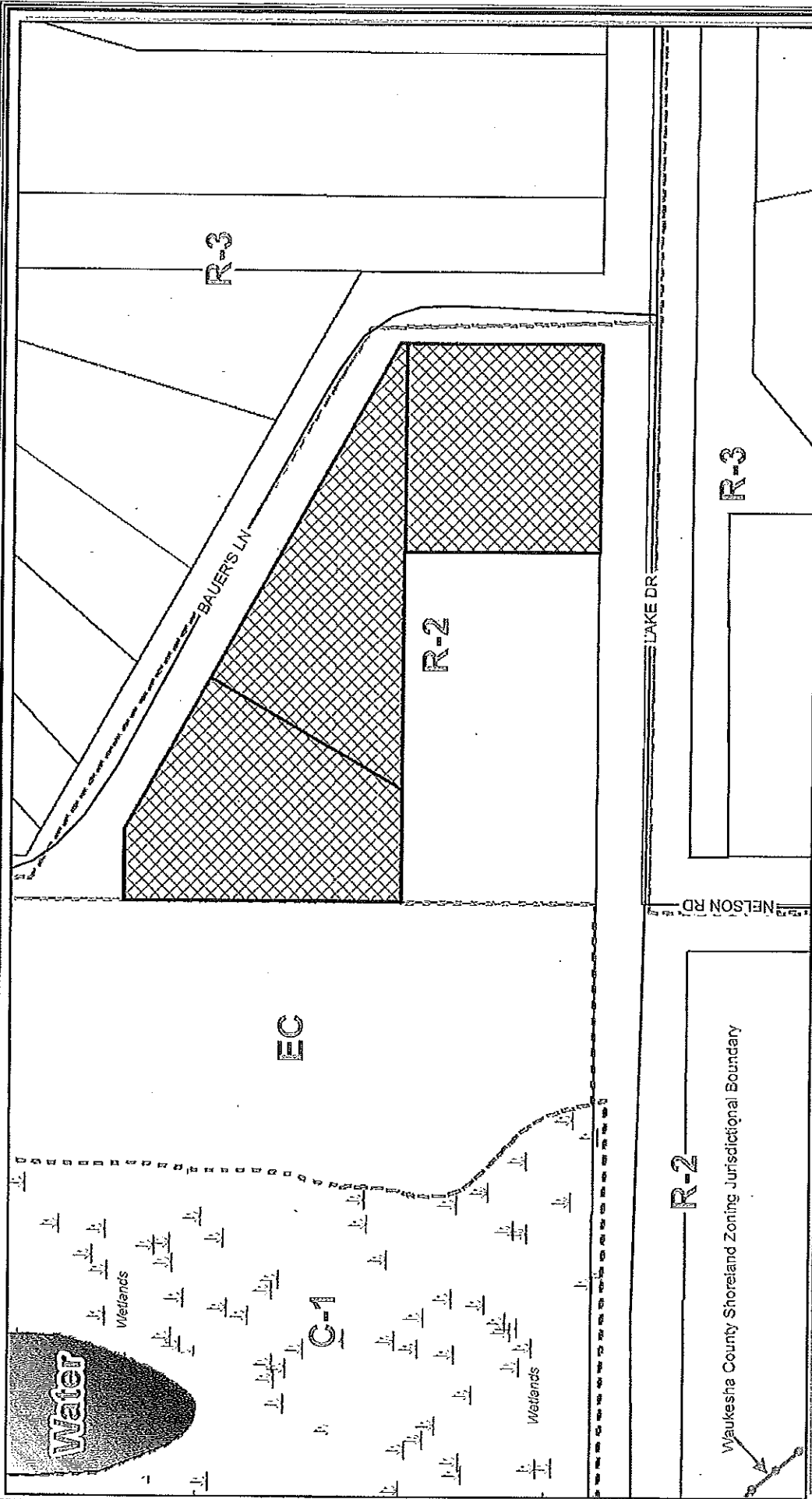
DATED: June 17, 2013

TOWN OF OCONOMOWOC

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

ATTEST

JoAnn Lesser
JoAnn Lesser, Clerk



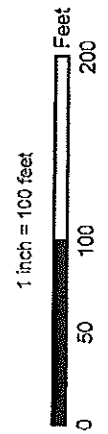
SHORELAND ZONING CHANGE FROM R-2 RESIDENTIAL DISTRICT
TO R-3 RESIDENTIAL DISTRICT



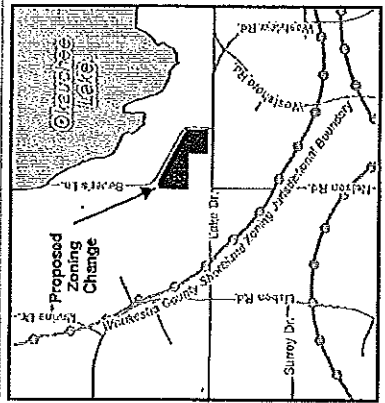
FILE.....SZ-1756
DATE.....08/01/13
AREA OF CHANGE.....1.45 ACRES
TAX KEY NUMBER.....OCOT 0533.994, OCOT 0533.995,
& OCOT 0533.996

ZONING MAP AMENDMENT

PART OF THE NE 1/4 OF SECTION 26
TOWN OF OCONOMOWOC



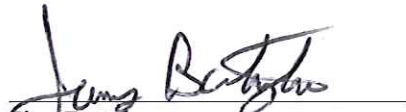
Prepared by the Waukesha County Department of Parks and Land Use




AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE OF THE TOWN OF OCONOMOWOC BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 26, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE R-2 RESIDENTIAL DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SZ-1756)


Presented by:
Land Use, Parks, and Environment Committee

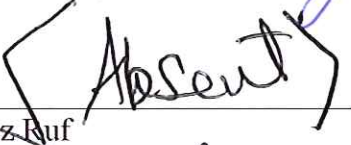

James A. Heinrich, Chair

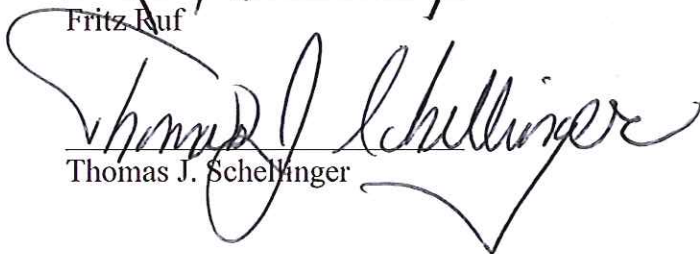

Jim Batzko


Dave Falstad



Walter Kolb


Pamela Meyer



Fritz Ruf


Thomas J. Schellinger

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

Date: 8/27/13, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 9-4-13, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/27/13

(ORD) NUMBER-1680034

1 C. SLATTERY.....AYE
 3 R. MORRIS.....AYE
 5 J. BRANDTJEN.....AYE
 7 J. GRANT.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....
 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.....AYE
 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_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-24