

ENROLLED ORDINANCE 176-5

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 AND THE NW ¼ OF SECTION 26, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM A-T AGRICULTURAL TRANSITION DISTRICT TO THE R-2 RESIDENTIAL DISTRICT (RZ72)

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 February 15, 2021; 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 and the NW ¼ of Section 26, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin, from the A-T Agricultural Transition District to the R-2 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 RZ72, is hereby approved, subject to the following conditions:

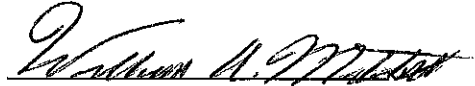
1. There shall be a maximum of seventy-seven (77) dwelling units.
2. Compliance with all the requirements of the Town of Oconomowoc Land Division Ordinance and the Waukesha County Shoreland and Floodland Subdivision Control Ordinance.
3. The subdivision plat shall be reviewed and approved by the Town of Oconomowoc Plan Commission, Town Board and Waukesha County.
4. The development shall comply in all respects, with the Waukesha County Stormwater Management and Sediment and Erosion Control Ordinance.
5. The petitioner shall comply with all requirements of Waukesha County Department of Public Works regarding all necessary improvements to the intersection of Snyder Lane and Brown Street (CTH P).
6. A pedestrian pathway shall be provided between Amy Lane and the cul de sac adjacent to Lots 1 and 51.

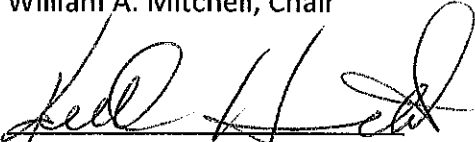
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

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 AND THE NW ¼ OF SECTION 26, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM A-T AGRICULTURAL TRANSITION DISTRICT TO THE R-2 RESIDENTIAL DISTRICT (RZ72)

Presented by:
Land Use, Parks, and Environment Committee

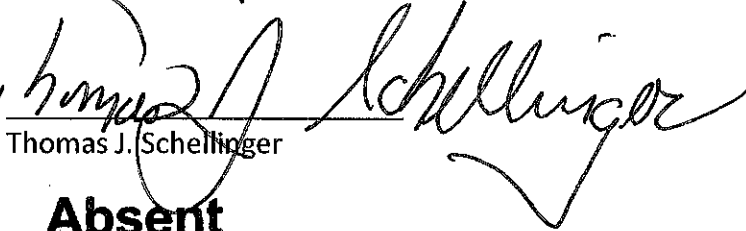

William A. Mitchell, Chair


Keith Hammitt


Thomas A. Michalski


Chris Mommaerts


Richard Morris


Thomas J. Schellinger

Absent

Steve Whittow

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

Date: 4/30/2021, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 5/3/2021, 
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 Waukesha County Zoning Code, hereby recommends **approval** of (RZ72 F & M Snyder Family, LLC) in accordance with the attached “Staff Report and Recommendation”.

PARK AND PLANNING COMMISSION

March 18, 2021

William Mitchell (via Microsoft Teams)

William Mitchell, Chairperson

James Siepmann (via Microsoft Teams)

James Siepmann, Vice Chairperson

Robert Peregrine (via Microsoft Teams)

Robert Peregrine

Richard Morris (via Microsoft Teams)

Richard Morris

Thomas Michalski (via Microsoft Teams)

Thomas Michalski

Bonnie Morris (via Microsoft Teams)

Bonnie Morris

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

DATE: March 18, 2021

FILE NO.: RZ72

OWNER: F & M Snyder Family, LLC
634 David Street
Lake in the Hills, IL 60102

APPLICANT: Mark Augustine
LandMark Engineering Sciences, Inc.
119 Coolidge Avenue, Suite 100
Waukesha, WI 53186-6602

TAX KEY NO.: OCOT 0533.998.001

LOCATION:
The property is located in part of the NE ¼ and NW ¼ of Section 26, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at W359 N6280 Brown Street, containing approximately 79.5 acres.

EXISTING LAND USE: Agricultural.

PROPOSED LAND USE: 77-lot Single-family residential subdivision

EXISTING ZONING: A-T Agricultural Transition District.

PROPOSED ZONING: R-2 Residential District.

PUBLIC HEARING DATE: January 18, 2021

PUBLIC REACTION:
Several residents asked questions specifically related to design, including average lot width, the multiple cul de sacs, and if there was going to be a park area. One resident asked if the lots were still going to be served by private septic and well.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:
At their February 1, 2021 meeting, the Town of Oconomowoc Plan Commission recommended to the Town Board approval of the rezone subject to several conditions. On February 15, 2021, the Town Board recommended approval of the request, subject to conditions incorporated herein.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF OCONOMOWOC LAND USE PLAN:
The property is designated as Low Density Residential (20,000 sq. ft. – 1.4 acres per dwelling unit) on the Comprehensive Development Plan for Waukesha County and the Town of Oconomowoc Land Use Plan. The proposal complies with both plans.

STAFF ANALYSIS:

The petitioners are proposing to rezone 79.5 acres from the A-T Transitional District to the R-2 Residential District to facilitate a 77-lot single-family residential subdivision (Exhibit A). The subject property is currently farmland and does not contain any structures. The property has frontage along C.T.H. P to the west, is south of Snyder Lane and north of Lakeview Acres subdivision. There are single-family subdivisions to the west of C.T.H. P in the City of Oconomowoc, as well as subdivisions to the south and east in the Town. A 79-acre farm parcel exists on the north side of Snyder Lane that is also zoned A-T. The proposed zoning category is consistent with the neighboring subdivisions.

The property is subject to both the Waukesha County Shoreland and Floodland Protection Ordinance and the County Zoning Code. Lands zoned A-T District are generally farmed lands that may also have development potential. A 2018 conditional rezone from the A-T District to the R-2 District approved a maximum of 71 dwelling units on the subject lands. The proposal dealt with challenges mainly related to street connectivity to the south and stormwater management. Ultimately, the plat was withdrawn after multiple iterations were reviewed by the Town and County. A new rezone is required for the subject lands, as this development consists of six more parcels than permitted through the previous rezone.

The R-2 Residential District requires a 30,000 sq. ft. minimum lot size and an average width of 120 ft. Corner lots require a 20% to the average width, resulting in a minimum average width of 144'. Lots also must be at least 150 ft. in depth. A preliminary review shows that a minimum of eight lots do not meet some or all of these lot design requirements. If the rezone is approved, these issues will be addressed through the plat approval process.

The proposed development has a few different design elements than previous iterations. An extension of Frederick Drive to an undeveloped 10-acre parcel northeast of the development provides future opportunities for development of that parcel. A proposed trail traverses the perimeter of Outlot 4 and connects to Snyder Lane through Lots 11 and 12, near the controlled intersection at C.T.H. P and Snyder Lane. The Department of Public Works is requiring improvements to be made to the controlled intersection, including a left turn lane for southbound traffic onto C.T.H. P, and pedestrian accommodations to safely cross C.T.H. P. The lots will be served by private well and septic systems. Additional soil tests will be required to ensure each additional lot is suitable for an on-site private septic system. Stormwater management requirements could result in layout changes or reduction of the lot count.

The development has two access connections onto Snyder Lane that are just over 1,000 ft. apart. Following town opposition, no public road connection to Lakeview Acres subdivision to the south is proposed. The town was agreeable to eliminating such a connection but expressed a desire for a pedestrian pathway between Amy Lane and the proposed cul de sac near Lot 51.

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 conditions.

1. There shall be a maximum of seventy-seven (77) dwelling units.
2. Compliance with all the requirements of the Town of Oconomowoc Land Division Ordinance and the Waukesha County Shoreland and Floodland Subdivision Control Ordinance.
3. The subdivision plat shall be reviewed and approved by the Town of Oconomowoc Plan Commission, Town Board and Waukesha County.

4. The development shall comply in all respects, with the Waukesha County Stormwater Management and Sediment and Erosion Control Ordinance.
5. The petitioner shall comply with all requirements of Waukesha County Department of Public Works regarding all necessary improvements to the intersection of Snyder Lane and Brown Street (CTH P).
6. A pedestrian pathway shall be provided between Amy Lane and the cul de sac adjacent to Lots 1 and 51.

The A-T Agricultural Transitional District is intended to recognize farmland in transitional areas that may have future development value. The Town and County Land Use Plans designate this parcel as residential, which is consistent with the existing surrounding development. In addition, the site has ready access to shopping and services along C.T.H. P. The subdivision plat review process will ensure all requirements of the Town of Oconomowoc Land Use Plan and the Waukesha County Codes are being complied with, prior to final approval. The proposed zoning change is consistent the intent and purpose of the Waukesha County Zoning Codes and Development Plan.

Respectfully submitted,

Rebekah Leto

Rebekah Leto
Senior Planner

Attachment: Exhibit A – Concept Plan
Map

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LAND MARK
 REAL ESTATE SERVICES, INC.
 119 COLLEGE AVE. SUITE 100
 WAUKESHA, WI 53186
 (414) 719-2700

SURVEYOR:
 MARK AUGUSTINE, PLS

SURVEY FOR:
 FARM SNYDER FAMILY LLC

PROPERTY:
 OCONOMOWOC, WI 53089

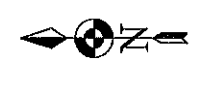


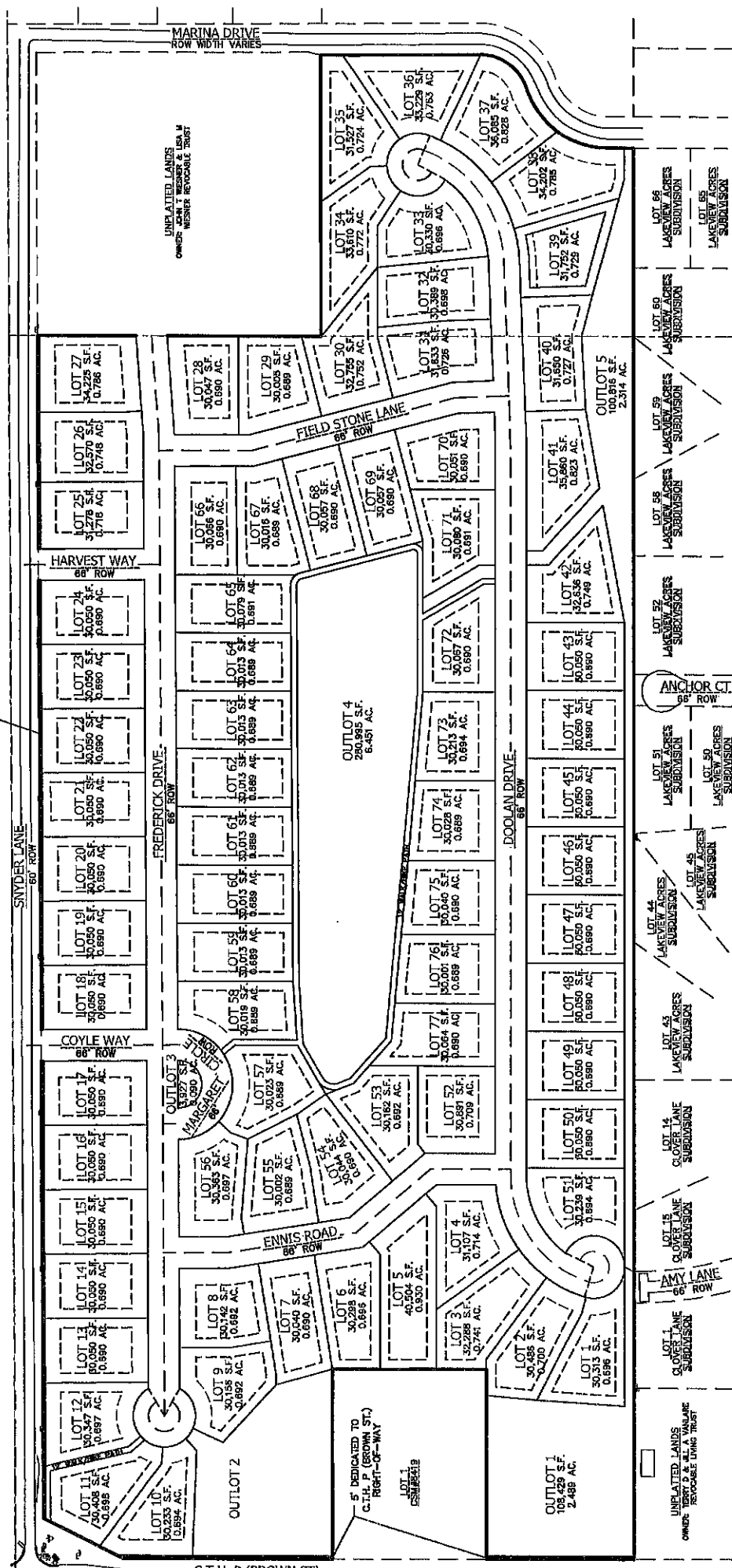
EXHIBIT A

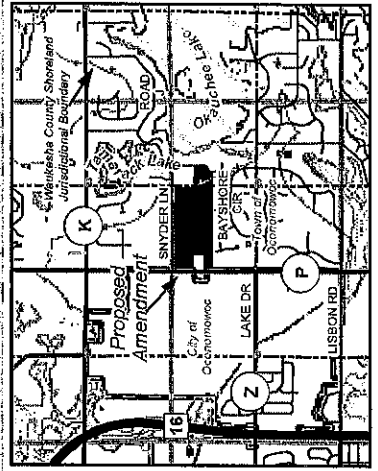
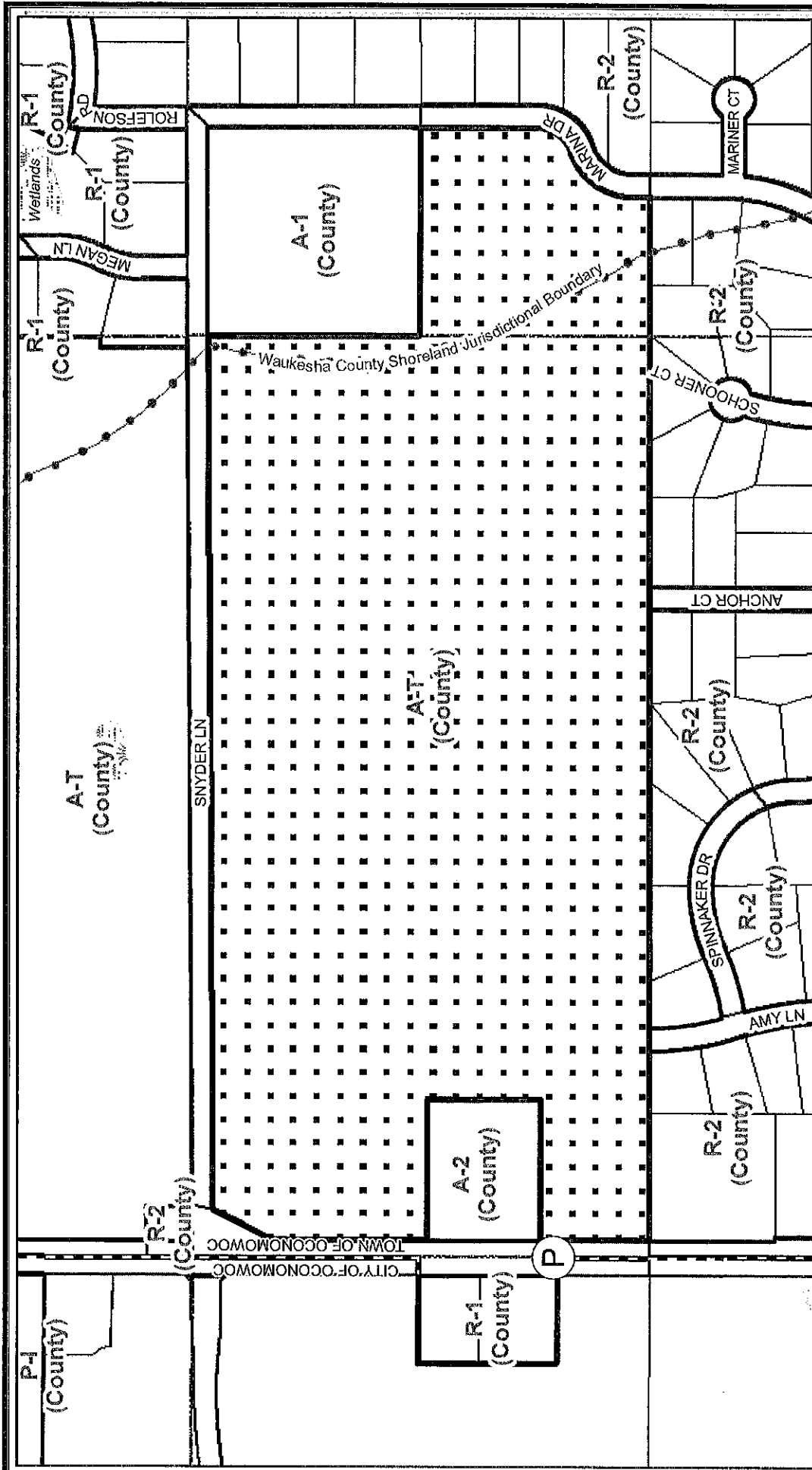
RECEIVED
 Waukeshas County Dept Parks
 and Land Use
 1/18/2021

THE SNYDER FARM SUBDIVISION CONCEPT LAYOUT #9D

BEING A PART OF THE NW. 1/4 AND NE. 1/4 OF THE NW. 1/4, AND THE NW.
 1/4 OF THE NE. 1/4 OF SECTION 26, T.8N., R.17E., TOWN OF
 OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN

3' DEDICATED TO
 SNYDER LANE
 RIGHT-OF-WAY





CONDITIONAL COUNTY ZONING CHANGE FROM A-T AGRICULTURAL
TRANSITION DISTRICT TO R-2 RESIDENTIAL DISTRICT

FILERZ72
 DATE OF PLAN COMMISSION.....03/18/21
 AREA OF CHANGE.....79.5 ACRES
 TAX KEY NUMBER.....OCOT 0533.998.001

1 inch = 400 feet

0 200 400 Feet

Prepared by the Waukesha County Department of Parks and Land Use

ZONING AMENDMENT

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

VOTING RESULTS

AYE 22 NAY ABSTAIN ABSENT 3

Ordinance 176-O-004

Ordinance 176-O-004: Amend The District Zoning Ma...



D1 - Foti	AYE
D2 - Zimmermann	AYE
D3 - Morris	AYE
D4 - Batzko	AYE
D5 - Dondlinger	AYE
D6 - Walz	AYE
D7 - LaFontain	AYE
D8 - Michalski	AYE
D9 - Heinrich	AYE
D10 - Swan	AYE
D11 - Howard	AYE
D12 - Wolff	AYE
D13 - Decker	AYE

D14 - Mommaerts	AYE
D15 - Mitchell	AYE
D17 - Paulson	ABSENT
D18 - Nelson	AYE
D19 - Cummings	AYE
D20 - Schellinger	AYE
D21 - Gaughan	AYE
D22 - Wysocki	AYE
D25 - Johnson	ABSENT
	ABSENT
	AYE

April 27 2021 - April 27 2021 07:21:29 PM



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

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