

ENROLLED ORDINANCE 174-081

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 W ½ OF THE SW ¼ OF SECTION 24, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL TRANSITION DISTRICT TO THE R-2 RESIDENTIAL DISTRICT (RZ48)

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 December 16, 2019; 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 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 rezone certain lands located in part of the W ½ of the SW ¼ of Section 24, 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 RZ48, is hereby approved with the following conditions:

1. There shall be a maximum of thirty-two (32) dwelling units in substantial conformance with the concept plan submitted by the petitioner.
2. Compliance with all 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 Erosion Control Ordinance.
5. The petitioner shall comply with all requirements of the Waukesha County Department of Public Works regarding all necessary improvements to C.T.H. K.

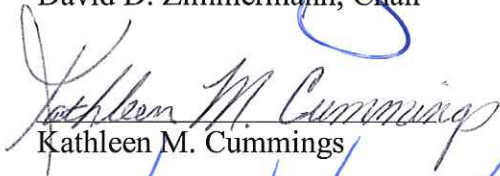
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

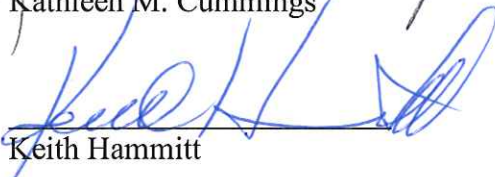
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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 W ½ OF THE SW ¼ OF SECTION 24, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL TRANSITION DISTRICT TO THE R-2 RESIDENTIAL DISTRICT (RZ48)

Presented by:  
Land Use, Parks, and Environment Committee

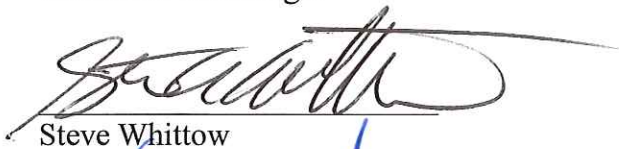
  
David D. Zimmermann, Chair

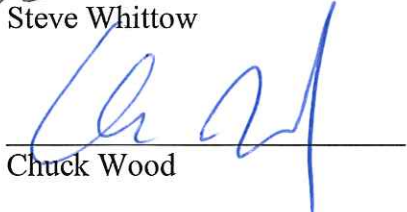
  
Kathleen M. Cummings

  
Keith Hammitt


  
William A. Mitchell

absent  
Thomas J. Schellinger

  
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: 2/28/2020,   
Margaret Wartman, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 2/28/2020,   
Paul Farrow, County Executive



VOTE RESULTS: Passed By Majority Vote

**AYE: 24** **NAY: 0** **ABSENT: 1**

	Second	Yes
D1 - Foti		Yes
D2 - Zimmermann	Motion	Yes
D3 - Morris		Yes
D4 - Batzko		Yes
D5 - Dondlinger		Yes
D6 - Walz		Yes
D7 - Grant		Yes
D8 - Michalski		Yes
D9 - Heinrich		Yes
D10 - Swan		Yes
D11 - Howard		ABSENT
D12 - Wolff		Yes
D13 - Decker		Yes

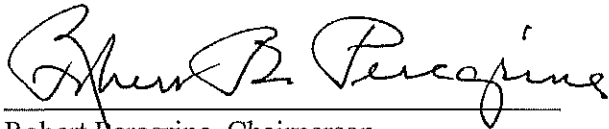
D14 - Wood	Yes
D15 - Mitchell	Yes
D16 - Crowley	Yes
D17 - Paulson	Yes
D18 - Nelson	Yes
D19 - Cummings	Yes
D20 - Schellinger	Yes
D21 - Gaughan	Yes
D22 - Wysocki	Yes
D23 - Hammitt	Yes
D24 - Whittow	Yes
D25 - Johnson	Yes

COMMISSION ACTION

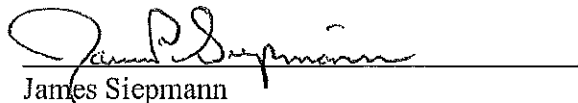
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code for the Town of Oconomowoc hereby recommends approval of **(RZ48 Ireland Farms, LLC.)** in accordance with the attached "Staff Report and Recommendation".

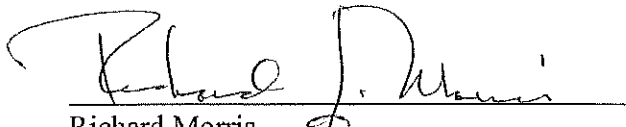
PARK AND PLANNING COMMISSION


January 16, 2020

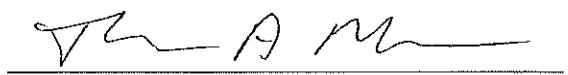
  
Robert Peregrine, Chairperson

  
William Mitchell, Vice Chairperson

  
James Siepmann

  
Richard Morris

  
William Maslowski

  
Thomas Michalski

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

**DATE:** January 16, 2020

**FILE NO.:** RZ48

**OWNER:** Ireland Farms, LLC.  
N67 W34891 County Road K  
Oconomowoc, WI 53066

**AGENT:** Jon Spheeris  
175 E. Wisconsin Ave., Suite A  
Oconomowoc, WI 53066

**TAX KEY NO.:** OCOT 0527.997.004

**LOCATION:**

The property is located in part of the W ½ of the SW ¼ of Section 24, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N67 W34891 C.T.H. K.

**EXISTING LAND USE:** Agricultural.

**PROPOSED LAND USE:** Single-family residential subdivision

**EXISTING ZONING:** A-T Agricultural Transition District.

**PROPOSED ZONING:** R-2 Residential District.

**PUBLIC HEARING DATE:** November 4, 2019

**PUBLIC REACTION:**

Matt Carrico, N65W35024 Baltic Pass, questioned how the development would incorporate neighborhood elements of Norwegian Meadows [in addition to Whittaker Bay] to ensure cohesive design. The developer explained the intent is to find a medium between the two developments. Mr. Carrico also asked if the roads would be curb and gutter, to which the developer noted they would be ditch and swale. Mr. Carrico noted he was not opposed to the development but would like the Town and County to explore an entrance from C.T.H. K rather than through Norwegian Meadows.

Angela Weber, W349 N6694 Norwegian Rd., stated that many people already think the dead ends are through streets and have to turn around. Ms. Weber noted cars already speed through the subdivision and asked how the Town and County were going to slow cars down who are using the subdivision to cut through to Road J or the new subdivision rather than use the main entrance from Road J. Ms. Weber was concerned over the safety of the children of the neighborhood with the increased traffic.

Eugene Klink of Whittaker Bay Subdivision asked if storm sewer would be installed similar to Whittaker Bay. The developer responded that this development will have detention basins with swales.

Katie Klink, W346 N6720 Shoreview Court, thanked the developer for being open to suggestions like

green space, increased landscaping, horse fencing and other architectural features. Ms. Klink asked if there will be a turn lane that will go into the subdivision and what entrance will construction traffic use, both of which are yet to be determined.

Tom Schoknecht, N64W35025 Road J, asked why the development was not coming from C.T.H. K. He was also concerned about increased traffic on Road J and noted Road J needs repair. Mr. Schoknecht stated that he did not oppose the rezone but was not in favor of this plan.

On January 7, 2020, the Department of Parks and Land Use received a petition from Lance and Angela Weber, W349 N6694 Norwegian Road, expressing further concerns with the proposed road extensions. This letter is enclosed as Exhibit C.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

At their December 2, 2019, meeting, the Town of Oconomowoc Plan Commission recommended to the Town Board approval of the rezone subject to several conditions. On December 16, 2019, the Town Board recommended approval of the request, subject to conditions incorporated herein (Resolution 2019-18).

**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 approximately 45-acre subject property is split in jurisdiction between the Waukesha County Zoning Code and the Shoreland and Floodland Protection Ordinance. The petitioners are proposing to rezone the property from the A-T Agricultural Transition District to the R-2 Residential District to accommodate a 32-lot single-family residential subdivision (Exhibit A). The Agricultural Transition District is intended to identify lands that are currently agricultural but are planned for other land uses over time, such as residential. The surrounding area contains dense, narrow lake lots to the south, 1+/- acre subdivision lots to the west and east, and large farm parcels to the north. A 1992 development plan for the subject parcel and the parcel to the west (now Norwegian Meadows subdivision) shows a similar layout to what is being proposed today, with 36 one-acre lots on the subject lands (Exhibit B).

The R-2 Residential District requires a minimum lot size of 30,000 sq. ft. and 120 ft. in average width. Most of the proposed parcels are generally an acre or more in size, with eight parcels containing slightly less than an acre (0.89-0.95 acres). The size of the proposed parcels are consistent with the surrounding subdivision lots. All parcels will be served by private on-site sewage system and wells. The development is also subject to the Waukesha County Stormwater Management and Erosion Control Ordinance. Two kettles exist on the east portion of the property that are being evaluated for wetland characteristics.

Four access points will serve the development. One access is from Road J and three access locations are from the subdivision to the west, creating a cohesive road network for residents and emergency response services. Access to one parcel, Lot 32, is proposed from Road J on the south side of the development. Following road extension concerns heard at the public hearing, staff met with the Department of Public Works (DPW) to explore possible alternative access options. DPW noted that Chapter 15 Section 15-55 of the Waukesha County Code states that when a property has access to both a local road and a country trunk highway, access to the property must come from the local road, unless under exceptional circumstances.

The Department of Public Works reviewed the concept development and determined that no new public street access to C.T.H. K will be permitted. In addition, while DPW is not in favor of the existing driveway connection to C.T.H. K on Lot 4, they have indicated that removal of said driveway is not required. Therefore, no other suitable access connection to C.T.H. K for the development exists. DPW has also indicated that road improvements, such as acceleration and deceleration tapers and turning radius improvements, may be required at the intersection of C.T.H. K and Road J due to the increase in traffic. Ultimately, the final road layout must be approved by all review entities as part of the plat review process.

**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 thirty-two (32) dwelling units in substantial conformance with the concept plan submitted by the petitioner.
2. Compliance with all 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 Erosion Control Ordinance.
5. The petitioner shall comply with all requirements of the Waukesha County Department of Public Works regarding all necessary improvements to C.T.H. K.

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. The proposed zoning change is consistent with the intent and purpose of the Waukesha County Codes and Development Plan.

Respectfully submitted,

*Rebekah Leto*

Rebekah Leto  
Senior Land Use Specialist

Attachment: Exhibit A – Conceptual Layout  
Exhibit B – 1992 Development Plan  
Exhibit C – Weber Petition Letter dated 1/7/2020  
Town Resolution  
Map



**EXHIBIT "A"**



NOTES:  
 1. YOUR INFORMATION AS SHOWN IS FOR INFORMATION ONLY.  
 2. THIS DEVELOPMENT WILL BE SERVED BY PRIVATE WELLS AND  
 3. NO FIELD SURVEYING WORK HAS BEEN DONE AT THIS TIME.

APPROXIMATE PARTIAL AREA  
 100 FEET

CITY OF WAUKESHA, TRANSPORTATION DISTRICT  
 REDESIGNED ZONING  
 RESIDENTIAL DISTRICT

BUILDING LOCATION  
 • 10' FROM FRONT YARD  
 • 5' FROM SIDE YARD  
 • 10' FROM REAR YARD

\*\*\* THIS MAP IS TO BE USED FOR PRELIMINARY \*\*\*  
 PLANNING PURPOSES ONLY

CLIENT	SPHERIS DEVELOPMENT
PROJECT	IRELAND FARMS
DATE	11/19/15
SCALE	1" = 100'
DATE	9/11/2019
PROJECT	1 OF 1
OWNER	19157 CONCEPT, DWS
CONCEPT	CONCEPTUAL LAYOUT
DATE	11/19/15
PROJECT	IRELAND FARMS
DATE	11/19/15
PROJECT	1 OF 1
OWNER	19157 CONCEPT, DWS
CONCEPT	CONCEPTUAL LAYOUT
DATE	11/19/15
PROJECT	IRELAND FARMS
DATE	11/19/15
PROJECT	1 OF 1



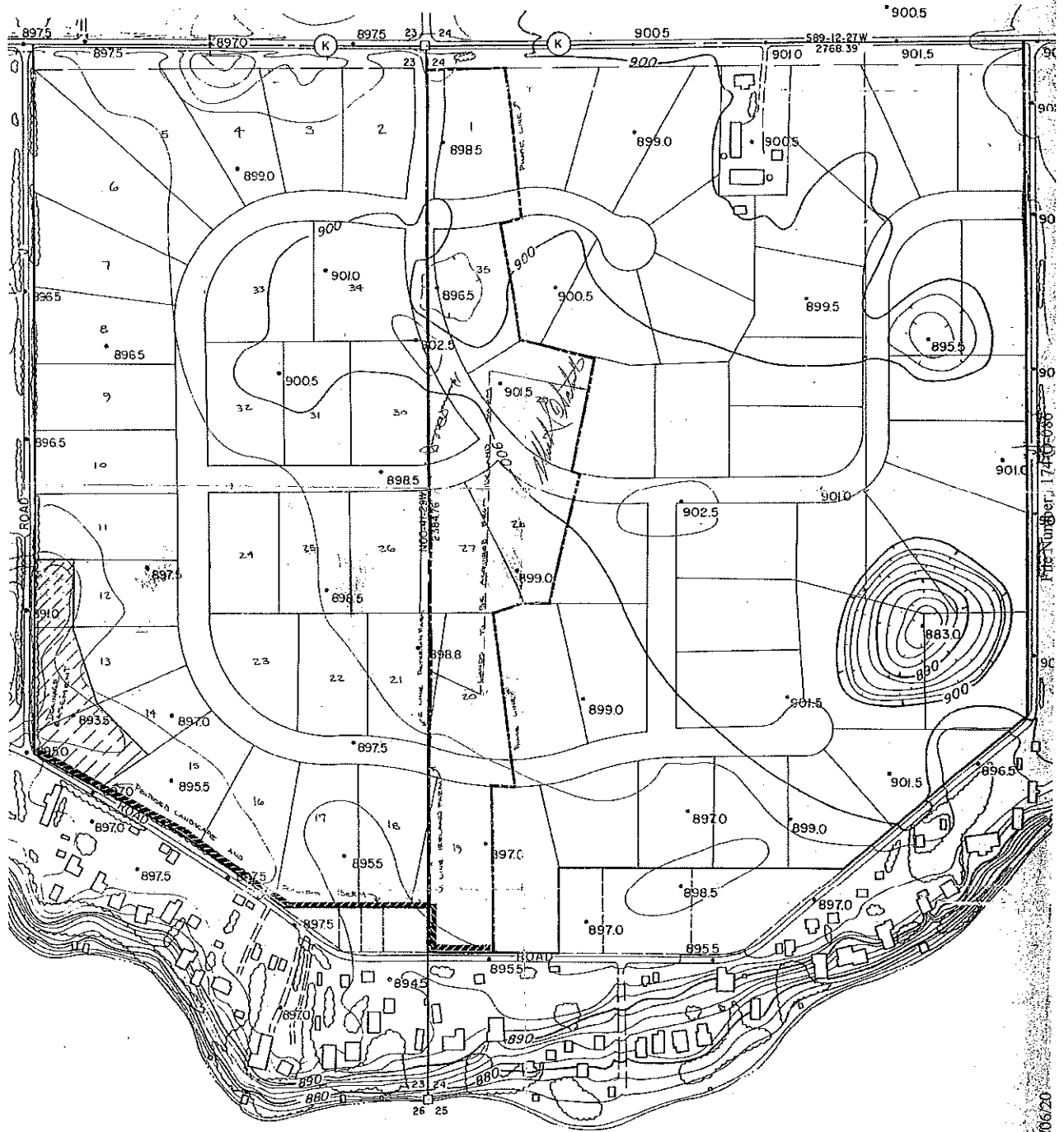


# EXHIBIT "B"

LAND USE PLAN  
LOCATED IN THE SE 1/4 OF SECTION 23, T19N, R17E,  
TOWN OF OCAUCHEE, WAUKESHA COUNTY, WISCONSIN.

GENERAL NOTES:  
1. THIS PLAN IS FOR THE  
2. AREA OF THE SE 1/4 OF SECTION 23,  
T19N, R17E, WAUKESHA COUNTY, WISCONSIN.  
3. THIS PLAN WAS PREPARED BY  
4. THE ENGINEER, LAND SURVEYING, INC.,  
5. 1000 W. WISCONSIN STREET, MILWAUKEE, WISCONSIN 53233.  
6. THIS PLAN IS SUBJECT TO ALL APPLICABLE  
7. LAWS AND ORDINANCES OF THE STATE OF WISCONSIN,  
8. AND THE TOWN OF OCAUCHEE, WAUKESHA COUNTY,  
9. WISCONSIN.

RECEIVED  
NOV 13 2011  
DEPT OF PARKS



OKAUCHEE LAKE  
W.S. 873.5

File Number: 1740-086  
Registered on: 02/06/20

# Norwegian Meadows Sub-Division Petition

To: Town of Oconomowoc Plan  
Commission  
W359 N6812 Brown Street  
Oconomowoc, WI 53066

Department of Public Works  
Attn:Carolynn Gellings  
515 W. Moreland Blvd, Room AC220  
Waukesha, WI 53188

Waukesha County Department of Parks and Land Use  
Planning & Zoning Division  
Senior Land Use Specialist Rebekah Leto  
515 W. Moreland Blvd, Room AC230  
Waukesha, WI 53188

Jon Spheeris  
175 E. Wisconsin Avenue, Suite A  
Oconomowoc, WI 53066

RECEIVED

JAN 07 2020

DEPT OF PARKS &amp; LAND USE

We are writing in regards to the proposed Meadowlands subdivision (development). At the council meeting on Monday, November 4<sup>th</sup>, 2019, the Town of Oconomowoc and Waukesha County discussed the rezoning of this agricultural transitional district land to the R-2 Residential District to allow a single family residential subdivision on the approximately 46.8 acre parcel. Those of us who went to the meeting were made aware that the new subdivision plans are to extend Norwegian Road, Baltic Pass and Ireland Court to use as entry ways into the new development. In the meeting, it was stated that back in approximately 1990 our subdivision was created projecting a future expectance that these roads would be extended if and when a new development would be made. We understand that this was a potential plan back some 20 years ago but at that time, the home owners were not all the same as they are now. We as the current home owners have concerns with this and are strongly encouraging you to reconsider allowing access through our subdivision into the new subdivision.

Our concerns are:

- (1) With these roads being opened up to be used as an entry way into the new sub division. There is only one entry way for our subdivision and we already have 35 houses. Each house has at least 2 cars resulting in 70 vehicles so the traffic is already crowded for one entry/exit. There are many families in this subdivision with small children as well as pets. The new subdivision plan proposes 32 lots/potential houses. If each house has at least 2 cars that would add an additional 64 vehicles. This traffic will be a dramatic change for all of the existing homes in the Norwegian Meadows Subdivision. Norwegian road will change from being a low traffic road to a main road with a high volume of traffic if you allow access through it.
- (2) Currently the bus picks up the children on the corner of Baltic Pass & Lapland Crossing. Baltic Pass has a sharp corner that is blind (meaning you cannot see around it until you are already around the corner.) If you are walking, which many of us in this subdivision do, you already risk being hit by traffic coming at you unless you are walking in the homeowners grass. The children's bus stop is not far from this blind corner, and if we add more traffic to this, this is going to create a huge safety issue for the children who have to wait at the bus stop. We as parents should not have to worry that our children will actually be safe while waiting for the bus to come.
- (3) This new subdivision is NOT joining the Norwegian Meadows subdivision, but instead creating its own entity as Meadowlands. The buyers of the land are planning to fence in the new subdivision along Hwy K which would match the Whitaker Bay subdivision which is located on the other side of Road J and put a gated entry off Hwy J. This would not blend with our subdivision and we believe that our existing subdivision containing of 35 houses should continue to be a separate subdivision meaning that it would not attach to the new subdivision by using our roads as a

# Norwegian Meadows Sub-Division Petition

through access point. All of the homes in the Norwegian Meadows subdivision would be affected by the traffic of these new homes if you allow the through access at each of the three current dead ends located at Norwegian Road, Baltic Pass and Ireland Court.

- (4) There could potentially be more costs in order to make it safe for both vehicles and pedestrian traffic if you were to allow access at these three said points (Norwegian Road, Baltic Pass & Ireland Court). Things that would be considered when thinking of the safety would be speed bumps, stop signs, sidewalks, ect. Norwegian Meadows currently is not equipped with any of these safety items. If you allowed a separate entry for the new subdivision, the roads would not be as long and therefore would result in slower traffic, avoiding having to add any extras to reduce the speed.

We understand that per the County Codes, there must be access to a main road (in this case Hwy K) for all emergency vehicles. The woman who appeared for the County indicated that the drive ways must be at least 500 feet apart from another and that visibility is something they also consider when deciding if an entry way to a main road is allowed.

We are strongly requesting and encouraging that you reconsider where the entry access will come from to this new subdivision and look at the safety issues of both the vehicles and the pedestrian traffic. There is currently a driveway for the existing farm house on the said property that was sold. The plans showed that the new developers were planning to eliminate the driveway access to the farm house and move it to the inside of the new subdivision. We are asking that since they are eliminating this driveway, that you consider allowing the new subdivision to create their own separate entry way through the existing driveway or on the side of the farm house lot. This would allow for the new subdivision to stay its separate entity as it is not joining in on the existing Norwegian Meadows Subdivision, and eliminate all concerns with the safety of the children/pedestrian traffic as well as the vehicle traffic. By allowing this separate entry way, you will avoid any further issues with the existing homes in the Norwegian Meadows Subdivision, Whittaker Bay subdivision and all homes on Road J. Further, there is no road across Hwy K from this proposed location, so by approving this as an entry to the new subdivision it would eliminate backups due to traffic and allow more visibility to enter Hwy K from this location. If they allowed access through Norwegian Road which has an existing Road (Norwegian South) directly across on the other side of Hwy K, this would cause more backups due to heavier traffic coming from both the North Side and has a higher probability for accidents as a result. Another thing to note is that all of the other subdivisions off of Hwy K have their own entry/exit onto Hwy K. This would be the only situation where this continuity would differ.

With all of the above information, we ask that you please reconsider giving access through our subdivision to the new subdivision by means of Norwegian Road, Baltic Pass and Ireland Court. We are hoping you will reopen the idea of allowing the new subdivision to take the existing access to Road K from the farm house which is located on the sold land and if not able to use that driveway, creating a new entry point to the right or left of the existing farm house lot. We are not asking for something that is not already there, we are simply asking for the current driveway to be replaced with an entry way to the subdivision.

Thanks for your Time.

Lance & Angela Weber

RESOLUTION NO. 2019-18

WHEREAS, Ireland Farms, LLC, is the owner of a parcel of land described on Exhibit A attached hereto; and

WHEREAS, said property is located in the West 1/2 of the Southwest 1/4 of Section 24, Town 8 North, Range 17 East, in the Town of Oconomowoc and is more specifically located at N67 W34891 CTH "K", containing approximately 46.85 acres; and

WHEREAS, the present zoning is A-T Agricultural Transition District, and the proposed zoning is R-2 Residential District; and

WHEREAS, the proposed land use is a single-family residential development with 32 lots and two outlots; and

WHEREAS, the proposed development complies with the Town of Oconomowoc land Use Plan-2035 and the Waukesha County Development Plan which designates this area in the Low-Density Residential Category allowing development of 20,000 square feet to 1.4-acre lot size per dwelling unit; and

WHEREAS, a public hearing was held on this proposed development on November 4, 2019.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town Board of the Town of Oconomowoc hereby approves rezoning of the subject 46.85-acre parcel to R-2 Residential District as described on the 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 November 8, 2019 (copy attached).

DATED: 12-16-19

TOWN OF OCONOMOWOC

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

ATTEST:

Lori Opitz  
Lori Opitz, Clerk

EXHIBIT A

LEGAL DESCRIPTION

All that part of the West 1/2 of the Southwest 1/4 of Section 24, Town 8 North, Range 17 East, in the Town of Oconomowoc, County of Waukesha, State of Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Southwest 1/4 of said Section 24; thence South, along the West line thereof, 2057.6 feet to an iron pipe; thence East 700 feet to an iron pipe; thence North 50° 15' East, 887 feet to an iron pipe on the East line of said West 1/2 of said Southwest 1/4; thence North along said East line 1496 feet to a stone monument on the North line of said 1/4 Section; thence South 89° 48' West 1381.6 feet to place of commencement.

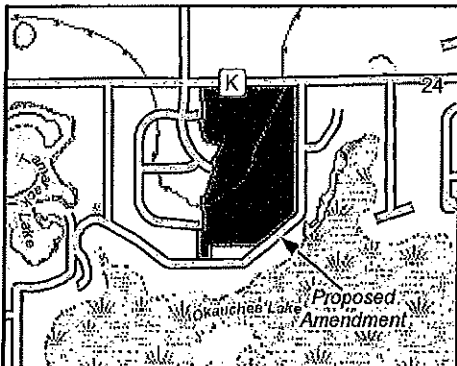
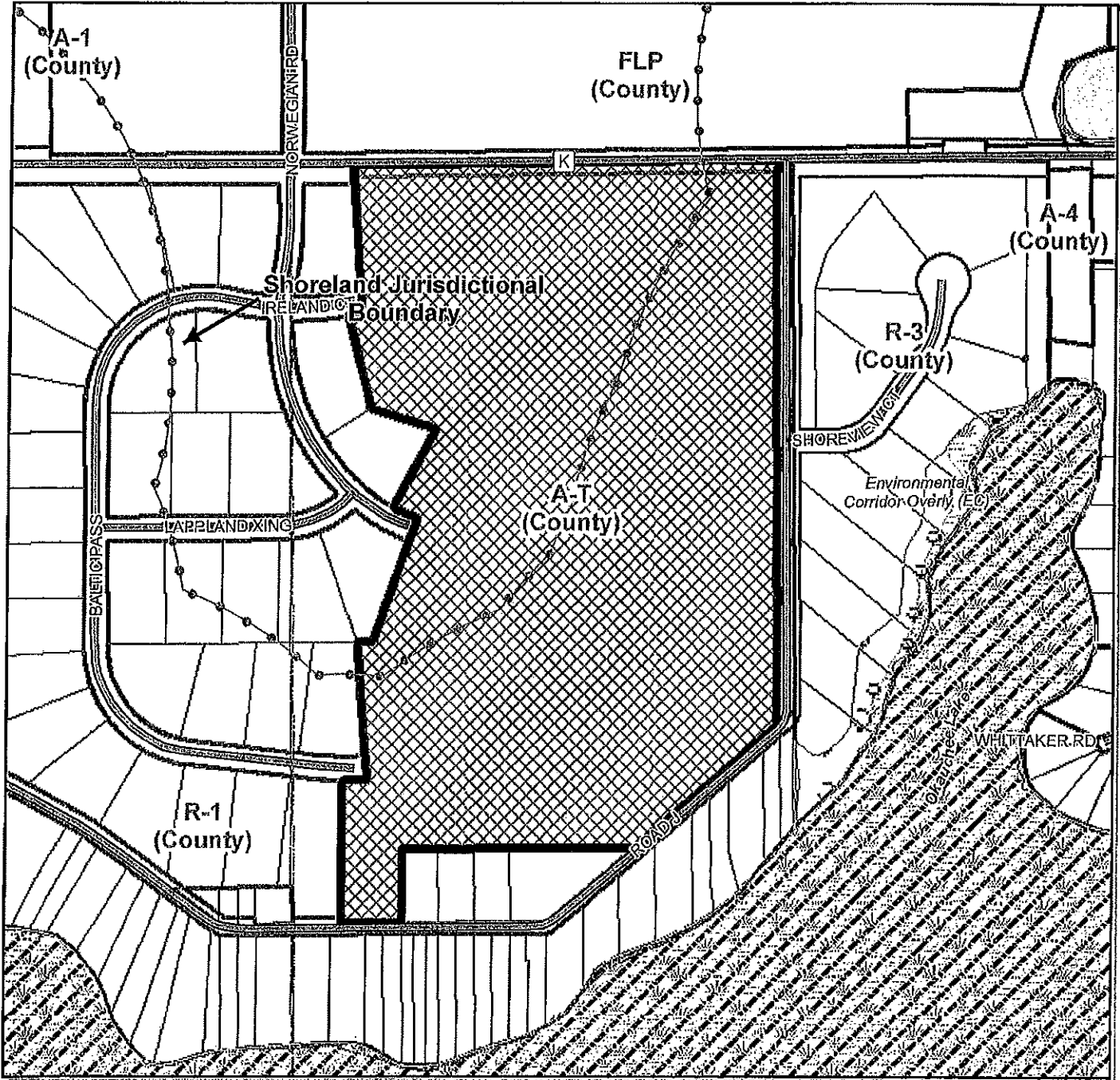
EXCEPTING THEREFROM those parts thereof described in Warranty Deeds recorded as Documents Numbered 772063, 805277, 811649 and 1757349.

Tax Key No. OCOT 0527.997

ADDRESS: N67 W34891 CTH K

# ZONING AMENDMENT

PT OF THE WEST 1/2 OF THE SW 1/4 SECTION 24,  
TOWN OF OCONOMOWOC



 COUNTY ZONING AMENDMENT CHANGE FROM A-T AGRICULTURAL TRANSITION DISTRICT TO R-2 RESIDENTIAL DISTRICT (46.8 AC)

FILE.....RZ48  
 DATE OF PLAN COMMISSION.....1/16/20  
 AREA OF CHANGE.....46.8 ACRES  
 TAX KEY NUMBER.....OCOT 0527.997.004



Prepared by the Waukesha County Department of Parks and Land Use

