

ENROLLED ORDINANCE 176-24

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 SW ¼ AND THE SE ¼ OF SECTION 13, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE A-3 SUBURBAN ESTATE DISTRICT WITH AN ENVIRONMENTAL CORRIDOR OVERLAY (RZ73)

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 April 20, 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 SW ¼ and the SE ¼ of Section 13, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin, from the FLP Farmland Preservation District to the A-3 Suburban Estate District with an Environmental Corridor Overlay, 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 RZ73, is hereby approved, subject to the following conditions:

1. There shall be a maximum of three (3) new residential lots in addition to the remnant parcel. The remnant parcel is not proposed to be rezoned.
2. The Waukesha County Development Plan Amendment to Suburban Residential Density I must be approved by the Waukesha County Board.
3. A Certified Survey Map, prepared by a Professional Land Surveyor in the State of Wisconsin, shall be prepared and approved by the Town of Oconomowoc Plan Commission, Town Board and Waukesha County Staff. The Certified Survey Map shall be in substantial accordance with the submitted concept plan (Exhibit A), with regard to lot size and layout and shall conform with all requirements of the Town of Oconomowoc Land Division Ordinance- Chapter 265.
4. A remnant parcel waiver must be obtained from the Town of Oconomowoc Plan Commission and Waukesha County Park and Planning Commission to authorize the

remnant lands remaining in farmland preservation.

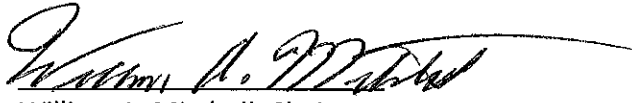
5. A Deed Restriction must be prepared and reviewed and approved by the Waukesha County Department of Parks and Land Use - Planning and Zoning Division Staff and recorded by the petitioners in the Waukesha County Register of Deeds Office stating that, pursuant to the Waukesha County Comprehensive Development Plan, no additional development right remains for the remnant lands that comprise the farm tracking unit. Said restriction must also state that the density restriction shall apply in perpetuity unless the Waukesha County Comprehensive Development Plan's Farmland Preservation designation for the property is amended in the future.
6. The development shall comply in all respects, with the Waukesha County Stormwater and Erosion Control Ordinance.

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 SW ¼ AND THE SE ¼ OF SECTION 13, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE A-3 SUBURBAN ESTATE DISTRICT WITH AN ENVIRONMENTAL CORRIDOR OVERLAY (RZ73)

Presented by:
Land Use, Parks, and Environment Committee

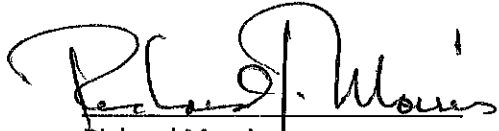

William A. Mitchell, Chair

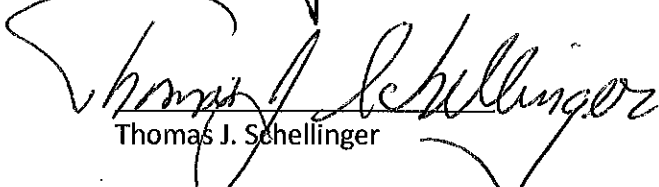

Keith Hammitt

Absent

Thomas A. Michalski


Chris Mommaerts

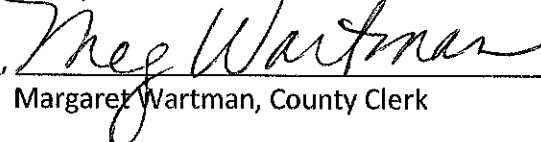

Richard Morris


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: 6/25/2021 
MARGARET WARTMAN, County Clerk

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

Approved: X

Vetoed: _____

Date: 6/28/2021 
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, hereby recommends **approval** of (**RZ73 Petereson**) in accordance with the attached “Staff Report and Recommendation”.

PARK AND PLANNING COMMISSION

May 20, 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

William Groskopf (via Microsoft Teams)

William Groskopf

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

DATE: May 20, 2021

FILE NO.: RZ73

OWNER: Cyrus Peterson
W343 N7303 North Pole Lane
Oconomowoc, WI 53066-1369

AGENT: Scott Peterson
W343 N7205 North Pole Lane
Oconomowoc, WI 53066

TAX KEY NO.: OCOT 0484.990.003

LOCATION:

The property is located in part of the SW ¼ and SE ¼ of Section 13, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at W343 N7303 North Pole Lane, containing approximately 36 acres.

EXISTING LAND USE: Single-family residence, accessory buildings and agricultural farmland.

PROPOSED LAND USE: Divide off one (1) lot (2+ acres) to contain the existing home site and subdivide two (2) additional lots (2+ acres) for future home sites.

EXISTING ZONING: FLP Farmland Preservation District, FLC Farmland Conservancy District, C-1 Conservancy (wetland) Overlay District, Environmental Corridor Overlay District.

PROPOSED ZONING: A-3 Suburban Estate District (for lands to be subdivided only, no changes are proposed to the boundaries of the C-1 or EC Overlay Districts).

PUBLIC HEARING DATE: March 15, 2021

PUBLIC REACTION: None

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On March 29, 2021, the Town of Oconomowoc Plan Commission recommended approval of the request subject to a number of conditions. The Town Board approved the request subject to the same conditions on April 20, 2021.

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

The petitioner recently obtained approval for a plan change from the Farmland Preservation category to the Suburban 1 Density Residential category. The Town approved the related town plan amendment request on January 18, 2021. The proposed development of three (3) residential units on approximately 7.7 acres complies with the Town of Oconomowoc Land Use Plan and County Development Plan recommendations.

STAFF ANALYSIS:

The petitioner owns a 36-acre parcel at the north end of North Pole Lane. His residence is located on the west side of the parcel. A similar request was approved several years ago to create a new lot for a family member immediately to the southeast. The proposal is to rezone approximately 7.6 acres from the Farmland Preservation District to the A-3 Suburban Estate District to allow for the existing home to be split from the property and allow for two additional future lots on either side of the home. Much of the area to be re-classified and re-zoned is currently uncultivated and vegetated with grass. A small area of the farm field is requested to be removed from farmland preservation. The Environmental Corridor Overlay and the C-1 Conservancy (wetland) Overlay Districts will remain in place. A concept map of the proposed land division is attached as Exhibit A.

Most of the farmland within the area north of CTH K in the Town of Oconomowoc is planned and zoned for farmland preservation. This is a small farm property with a limited area in cultivation and is a challenging site to farm due to access issues (must drive equipment through Stonebank Highlands subdivision). Because the property has no density remaining, the only way to consider additional units is by amending the plan and rezoning the lands to a district with smaller minimum lot size requirements. A rezone to the A-3 Suburban Estate District in both the Waukesha County Shoreland and Floodland Protections Ordinance and Waukesha County Zoning Code would accommodate the proposed two-plus (2+) acre lots as long as the minimum average lot width of 175 feet is met and direct access to a public road is provided.

The Environmental Health Division has provided preliminary comments and have indicated that they believe the proposed lots will contain enough land outside of the Environmental Corridor to locate on-site septic systems. This will need to be verified through soil testing which will be required as part of any land division review.

The Land Resources Division did not express any concerns that development of the additional lots would lead to any adverse drainage concerns. It should also be noted that Form A groundwater determinations will need to be conducted on the proposed lots, prior to any land division approval. This is in order to ensure that any new residences will meet County groundwater separation requirements.

A Certified Survey Map (CSM) will need to be submitted to both Town and County for review and approval in order to propose any new lots. Access will be addressed through this review process. The Town Planner has indicated that the Town will require a northward extension of North Pole Lane to provide direct road access to all new lots proposed. In addition, all resources boundaries will need to be identified on the CSM, as well as soil tests for septic and groundwater noted above. Any County stormwater management requirements will also have to be complied with prior to approval of the CSM. Lastly, a remnant parcel waiver from both Town and County will be required to address the remnant acreage remaining in farmland preservation.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends this request be **approved** subject to the following conditions:

1. There shall be a maximum of three (3) new residential lots in addition to the remnant parcel. The remnant parcel is not proposed to be rezoned.

2. The Waukesha County Development Plan Amendment to Suburban Residential Density I must be approved by the Waukesha County Board.
3. A Certified Survey Map, prepared by a Professional Land Surveyor in the State of Wisconsin, shall be prepared and approved by the Town of Oconomowoc Plan Commission, Town Board and Waukesha County Staff. The Certified Survey Map shall be in substantial accordance with the submitted concept plan (Exhibit A), with regard to lot size and layout and shall conform with all requirements of the Town of Oconomowoc Land Division Ordinance- Chapter 265.
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6. The development shall comply in all respects, with the Waukesha County Stormwater and Erosion Control Ordinance.

The zoning change is consistent with Town and County Comprehensive Development Plan recommendations. The rezoning of approximately 7.7 acres of land will allow the petitioner to split off the existing residence and accessory buildings and create two additional single family home sites, while not limiting the agricultural use of the remaining farmlands. A Deed Restriction will be recorded to disclose to future owners that there is no density credit remaining on the farm after the three lot CSM is approved. This will ensure that the vast majority of the land preserved on site remains in productive farmland or open space uses. This furthers the goals of the Farmland Preservation Plan to preserve the last remaining five square mile blocks of productive farmland within the County, adding to the economic base of Waukesha County and preserving the rural landscape.

Respectfully submitted,

Benjamin Greenberg

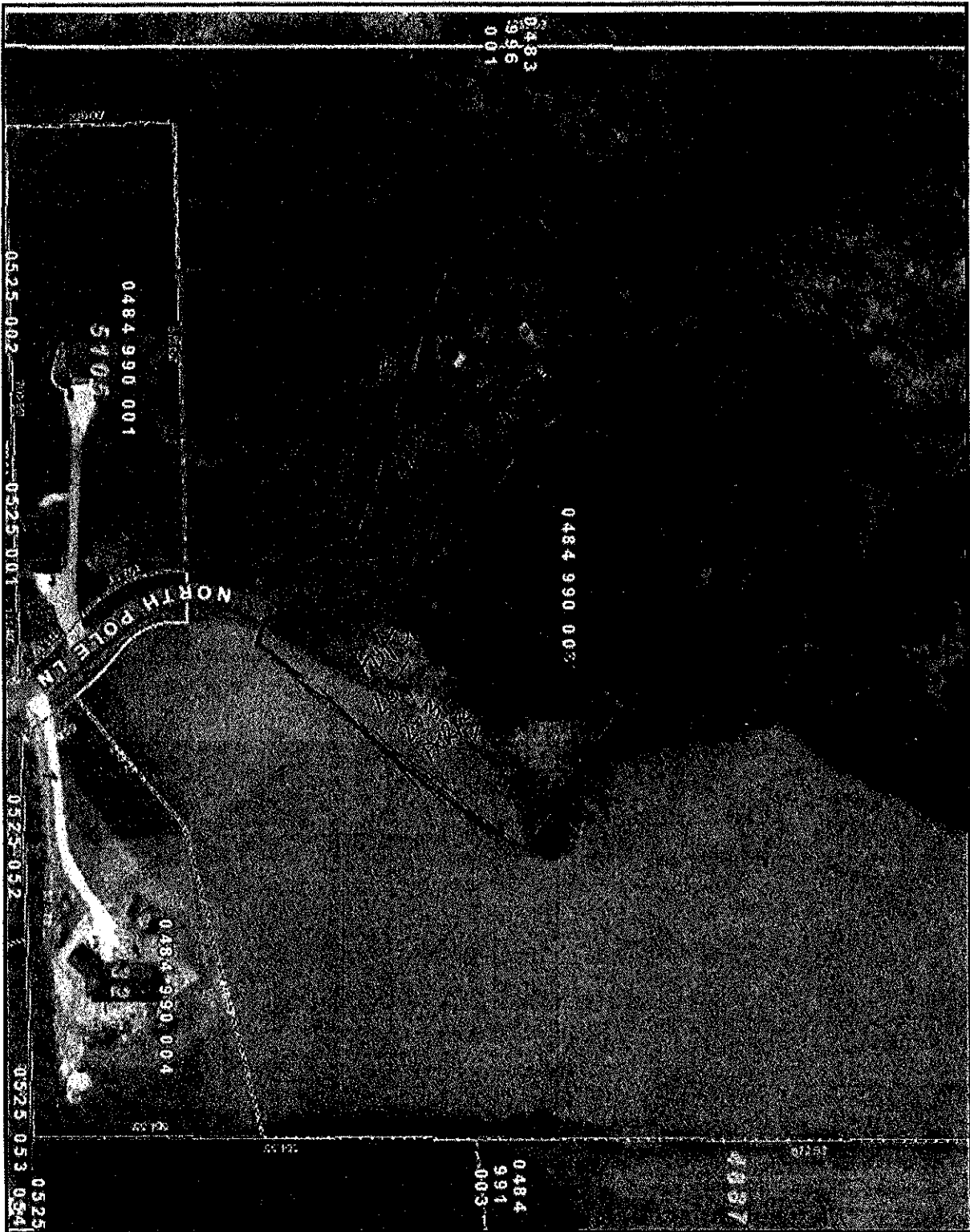
Ben Greenberg
Senior Planner

Attachments: Exhibit A: Concept Site Plan
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ73 Peterson Oct.Doc

Waukesha County GIS Map

EXHIBIT A



0 200.00 Feet

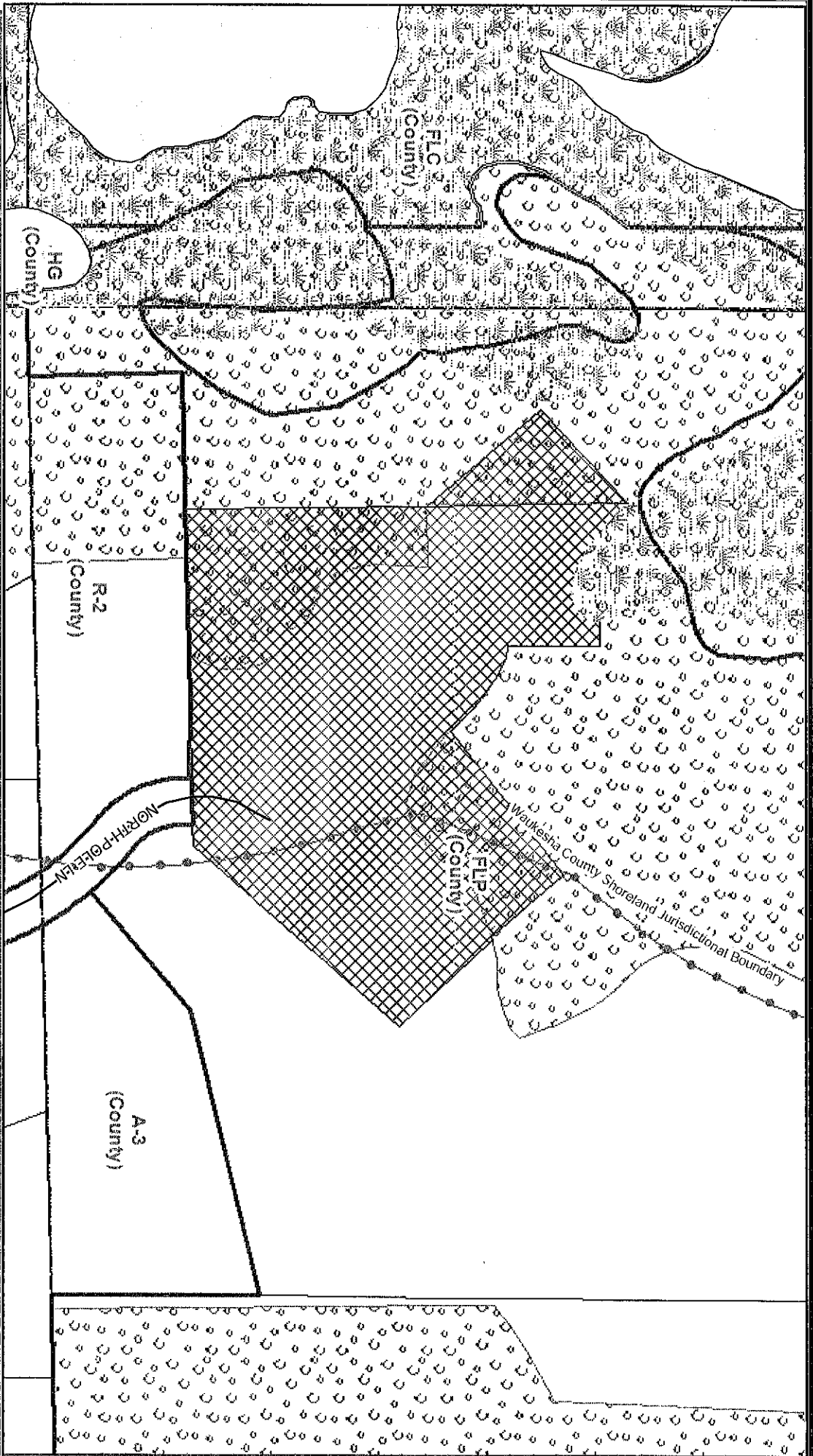
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Legend

- Municipal Boundary_2K
- Facility/Sites_2K_Labels
- Lots_2K
- Lot
- Outlet
- Unit
- SimultaneousConveyance
- Assessor Plat
- CSM
- Condominium
- Subdivision
- Cartoline_2K
- <all other values>
- EA-Easement_Line
- PL-DA
- PL-Extended_Line
- PL-Meander_Line
- PL-Note
- PL-Tie
- PL-Tie_Line
- Road Centerlines_2K
- Railroad_2K
- TaxParcel_2K
- Waterbodies_2K_Labels
- Waterlines_2K_Labels

Notes:

Printed: 11/5/2020



ZONING AMENDMENT

PART OF THE SE 1/4 OF SECTION 13,
TOWN OF OCONOMOWOC



COUNTY ZONING CHANGE FROM FLP FARMLAND PRESERVATION TO A-3
SUBURBAN ESTATE DISTRICT
Environmental Corridor Overlay
C-1 Conservancy Overlay

FILE RZ73
DATE OF PLAN COMMISSION 5/20/21
AREA OF CHANGE 7.6 ACRES
TAX KEY NUMBER OCO10484.990.003



Prepared by the Waukesha County Department of Parks and Land Use

