

ENROLLED ORDINANCE 174-034

AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ AND SW ¼ OF SECTION 15, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ34)

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 15, 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, 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 conditionally rezone certain lands located in part of the NW ¼ and SW ¼ of Section 15, T8N, R17E, Town of Oconomowoc, from the FLP Farmland Preservation District to the R-1 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 RZ34, subject to the following conditions:

1. The Zoning Amendment shall only amend the zoning on the 2.22 acres as shown on the preliminary Certified Survey Map from the FLP Farmland Preservation District to the R-1 Residential District. No other lands are to be rezoned (see Exhibit A of Staff Report and Recommendation).
2. A Certified Survey Map, prepared by a Professional Land Surveyor in the State of Wisconsin, dividing the parcel as proposed, shall be reviewed and approved by the Town Plan Commission, Town Board and Waukesha County Department of Parks and Land Use in accordance with Section 6.19(2)(C) of the Waukesha County Zoning Code, prior to the issuance of any Zoning or Building permits.
3. A Deed Restriction must be prepared 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, the lands within the proposed CSM are entitled to one (1) dwelling unit and shall not be further divided, and two (2) additional development rights remain for the remaining farmlands. Said restriction must also state that it shall apply in perpetuity unless the Waukesha County Comprehensive Development Plan’s Farmland Preservation designation for the property is amended in the future.

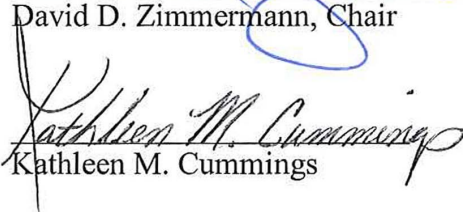
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

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

AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ AND SW ¼ OF SECTION 15, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ34)

Presented by:  
Land Use, Parks, and Environment Committee

  
David D. Zimmermann, Chair

  
Kathleen M. Cummings

absent  
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: June 27 2019,   
Margaret Wartman, County Clerk

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

Approved: Y

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

Date: 7/1/19,   
Paul Farrow, County Executive

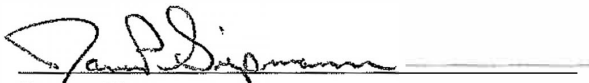
COMMISSION ACTION


The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends approval of (RZ34 Rosenow Family Limited Partnership\_Chad and Alissa Rosenow) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION      May 16, 2019


  
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:** May 16, 2019

**FILE NO.:** RZ34

**OWNER:** Rosenow Family Limited Partnership  
N67 W36845 County Road K  
Oconomowoc, WI 53066

**AGENTS:** Chad and Alissa Rosenow  
N67 W36785 County Road K  
Oconomowoc, WI 53066

**TAX KEY NO.:** OCOT 0491.999

**LOCATION:**

The property is located in part of the NW ¼ and SW ¼ of Section 15, T8N, R17E, Town of Oconomowoc. More specifically, the property is located on the west side of McMahon Road, across from Lake Side Heights subdivision.

**EXISTING LAND USE:** Agricultural.

**PROPOSED LAND USE:** Create an approximately 2 acre single-family residential lot.

**EXISTING ZONING:** FLP Farmland Preservation District.

**PROPOSED ZONING:** R-1 Residential District.

**PUBLIC HEARING DATE:** March 18, 2019.

**PUBLIC REACTION:** None.

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

On April 1, 2019, the Town of Oconomowoc Plan Commission recommended approval of the request subject to the conditions as noted below. The Town Board recommended approval of the request subject to the same conditions on April 15, 2019.

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

The property is designated in the Farmland Preservation category on the County Plan and in the Prime Agricultural category on the Town Plan. There are areas of the 150-acre farm tract that are designated as Farmland Preservation with Primary Environmental Corridor Overlay that are not a part of the requested land division and rezoning. The proposal to rezone approximately two (2) acres is consistent with plan recommendations that call for a maximum density of one dwelling unit per 35 acres.

**STAFF ANALYSIS:**

The petitioners are proposing to create a 2.22-acre parcel from a 150-acre farm tract for the purposes of constructing a single-family home. The farm tract is comprised of three separate farm parcels. The proposed parcel is being divided from a 6-acre undeveloped parcel, which is the most northern parcel of the farm tract. The remainder of the lands are located immediately to the south and east, crossing over McMahan Road, with 1,600 ft. of frontage on Ashippun Lake. State-owned lands to the northwest provide public access to Ashippun Lake.

Small areas of Primary Environmental Corridor (PEC) and wetland exist in the southwest corner and the far eastern portion of the properties. Wetland and PEC are also present along the shoreline of Ashippun Lake, adjacent to the state-owned lands. These lands are identified as future county ownership on the Waukesha County Park and Open Space Plan. Because the lands subject to the request are not within the acquisition interest area, the county is not pursuing acquisition at this time.

The lands are zoned Farmland Preservation (FLP) pursuant to the Waukesha County Zoning Ordinances. Plan designations are Farmland Preservation per the Waukesha County Comprehensive Development Plan and Agricultural Preservation on the Town of Oconomowoc Land Use Plan. The Farmland Preservation District states that new lots or new residences on less than 35 acres shall only be permitted with the creation and rezoning of a new parcel. The overall density of the farm tract must be maintained at one dwelling unit per 35 acres. Given that the property contains approximately 141 acres in the Farmland Preservation category, the petitioners have four (4) density rights for the lands. An existing farm residence, located to the south of the proposed parcel, accounts for one density right. Pending approval of the rezone, subsequent Certified Survey Map (Exhibit A) and remnant parcel waiver, a second density right will be utilized.

The proposed parcel complies with the lot size requirements (1 to 3 acres) set forth by the FLP rezoning process, as well as the minimum average width requirements (150 ft.) of the R-1 District. The parcel location and subsequent residence will not limit the agricultural use of the 148-acre remnant farmlands, preserving and maintaining productive and viable agricultural land that adds to the economic base of Waukesha County. The Town and County believe the proposed 2-acre parcel meets the Farmland Preservation District siting standards because the new home site will be located near the road and generally clustered with other nearby development.

**STAFF RECOMMENDATION:**

The Planning and Zoning Division Staff recommends **approval** of this request in accordance with the Town of Oconomowoc's recommendations as modified below (modifications or additions to the Town's conditions are in **bold** and deletions are identified in a strikethrough format):

1. The Zoning Amendment shall only amend the zoning on the 2.22 acres as shown on the preliminary Certified Survey Map from the FLP Farmland Preservation District to the R-1 Residential District. No other lands are to be rezoned (see attached Map (**Exhibit A**)).
2. A Certified Survey Map, prepared by a **Registered Professional** Land Surveyor in the State of Wisconsin, dividing the parcel as proposed, shall be reviewed and approved by the Town Plan Commission, Town Board and Waukesha County **Department of Parks and Land Use in accordance with Section 6.19(2)(C) of the Waukesha County Zoning Code, prior to the issuance of any Zoning or Building permits.**

3. A Deed Restriction must be prepared 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, the lands within the proposed CSM are entitled to one (1) dwelling unit and shall not be further divided, and two (2) additional development rights remain for the remaining farmlands. Said restriction must also state that it shall apply in perpetuity unless the Waukesha County Comprehensive Development Plan's Farmland Preservation designation for the property is amended in the future.

If approved as conditioned, the zoning change is consistent with Town and County Comprehensive Development Plan recommendations as the 35-acre farmland preservation density requirement is being met. The rezoning of approximately two acres of land will allow the petitioner to construct a residence on a new parcel, while not limiting the agricultural use of the remaining farmlands. As conditioned and in accordance with the requirements of the Waukesha County Zoning Code, a Deed Restriction will be recorded to disclose to future owners that there are two (2) density credits remaining on the farm after the creation of the two-acre parcel. This will ensure that the 35-acre density is maintained over time and 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,

*Rebekah Leto*

Rebekah Leto  
Senior Land Use Specialist

Attachment: Exhibit A: Preliminary Certified Survey Map, Sheet 1  
Map  
Town Resolution

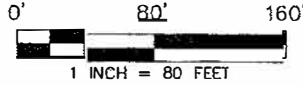
N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ34 Rosenow Oct.Doc

# EXHIBIT "A"

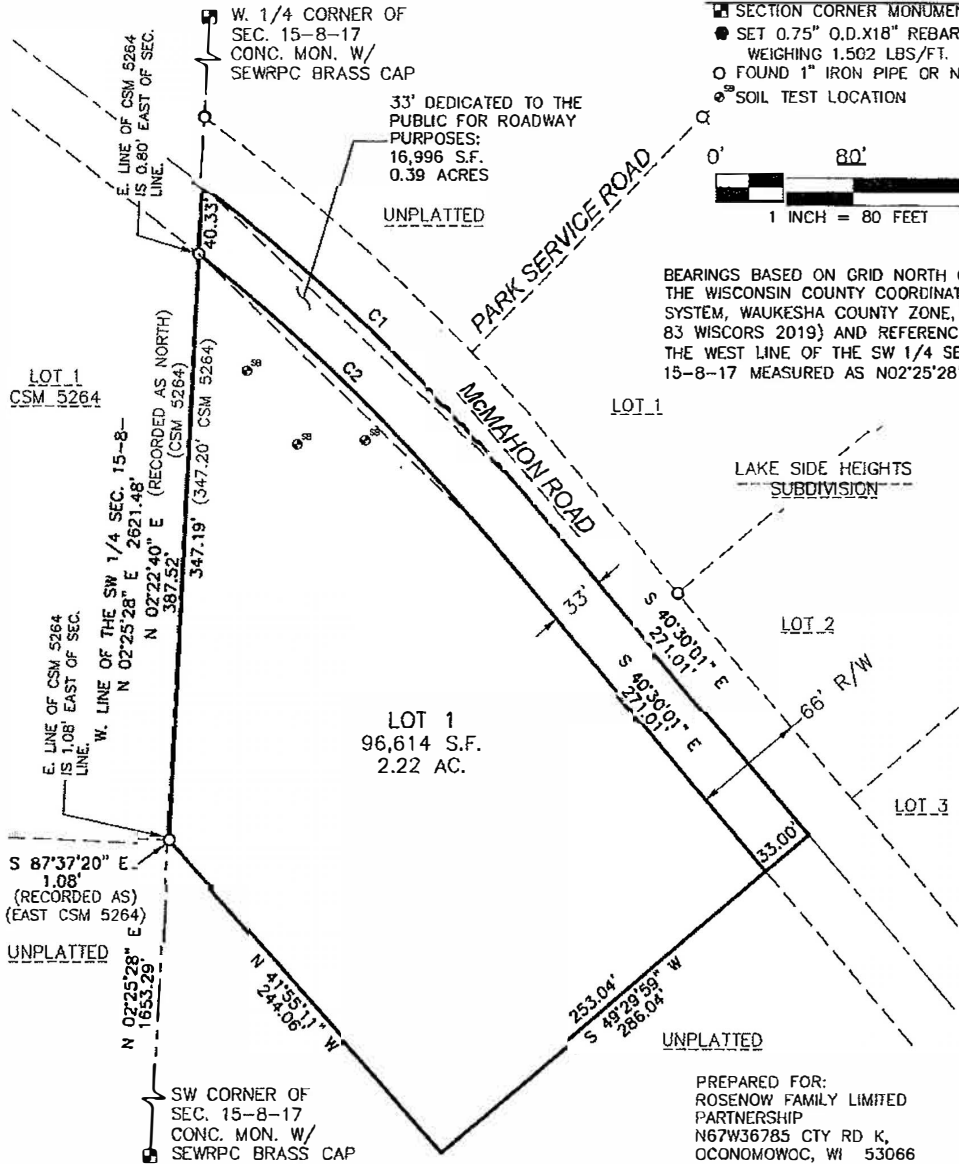
**PRELIMINARY  
WAUKESHA CO. CERTIFIED SURVEY MAP NO.**  
BEING A PART OF THE NW 1/4 OF THE SW 1/4 OF SECTION 15, TOWNSHIP 8 NORTH, RANGE 17 EAST, TOWN OF  
OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN.

**LEGEND**

- ▣ SECTION CORNER MONUMENT
- SET 0.75" O.D.X18" REBAR WEIGHING 1,502 LBS/FT.
- FOUND 1" IRON PIPE OR NOTED
- ⊙ SOIL TEST LOCATION



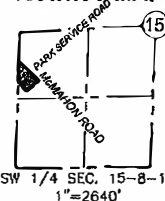
BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE, (NAD 83 WISCORS 2019) AND REFERENCED TO THE WEST LINE OF THE SW 1/4 SEC. 15-8-17 MEASURED AS N02°25'28"E.



CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	1176.62'	12°36'50"	259.04'	258.52'	S 46°48'26" E	N 40°30'01" W	N 53°06'52" W
C2	1143.62'	11°28'10"	228.93'	228.55'	S 48°14'06" E	N 40°30'01" W	N 31°58'11" W



**VICINITY MAP**

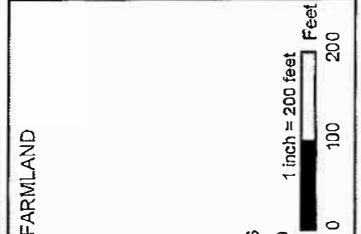
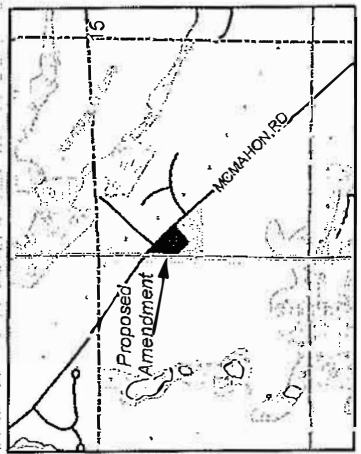
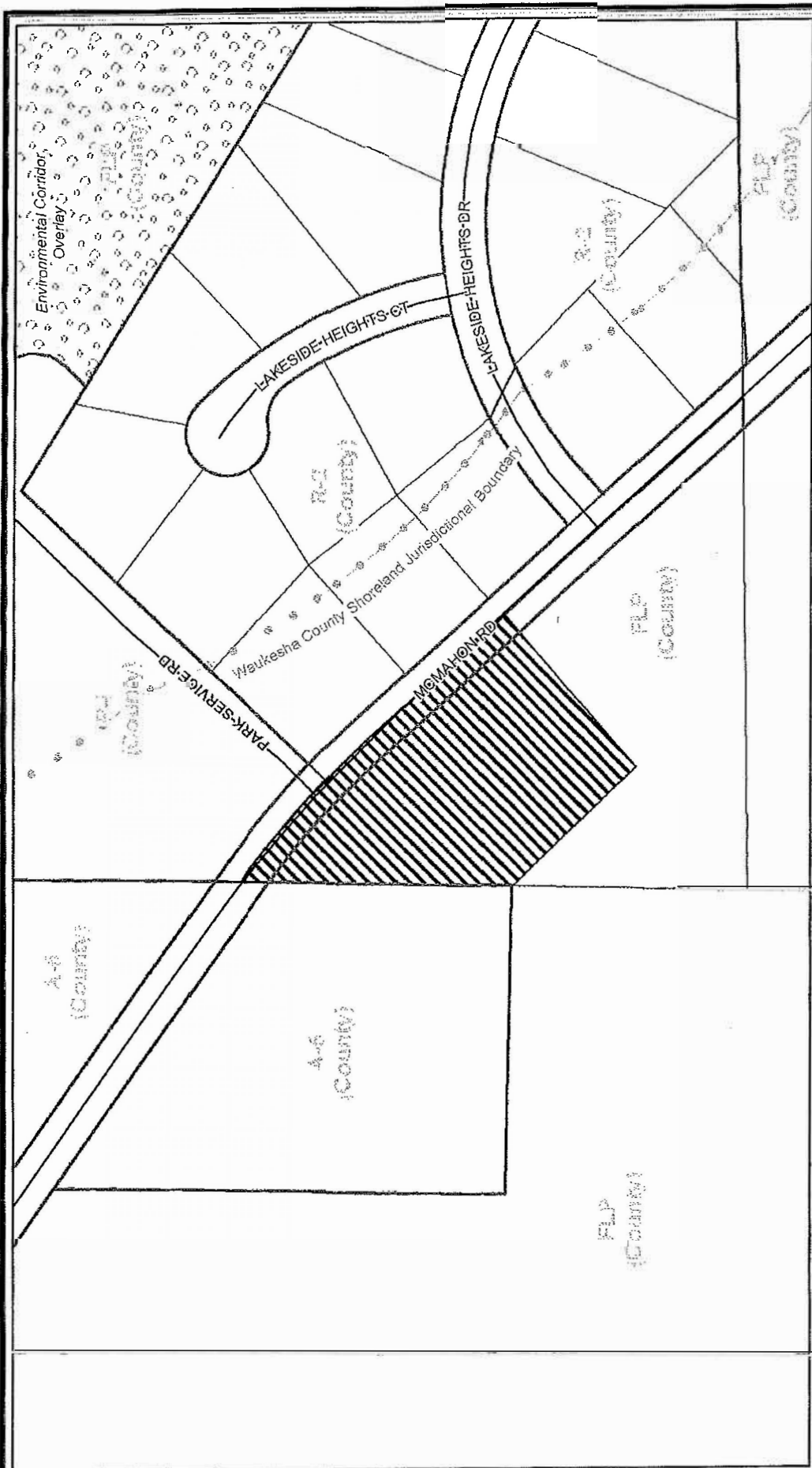


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WWW.LANDTECHWI.COM  
(262) 367-7599

DATED 02/13/19  
JOB # 19006

THIS INSTRUMENT WAS DRAFTED BY MATTHEW T. O'ROURKE, S-2771 SHEET 1 OF 4





	Wetlands Overlay
	Environmental Corridor Overlay
FILE.....	RZ34
DATE OF PLAN COMMISSION.....	05/16/19
AREA OF CHANGE.....	2.22 ACRES
TAX KEY NUMBER.....	OCOT 0491.999

**CONDITIONAL COUNTY ZONING AMENDMENT FROM FLP FARMLAND PRESERVATION DISTRICT TO R-1 RESIDENTIAL DISTRICT**

**ZONING AMENDMENT**

PART OF THE SW 1/4 OF SECTION 15  
TOWN OF OCONOMOWOC

Prepared by the Waukesha County Department of Parks and Land Use

RESOLUTION NO. 2019-5

WHEREAS, Chad and Alissa Rosenow have requested that approximately 2.2 acres of Tax Key No. OCOT 0491.999 be rezoned from Farmland Preservation District (FLP) to R-1 Residential District, with the remainder of the parcel owned by the Rosenow Family Limited Partnership remaining in Farmland Preservation District; and

WHEREAS, the purpose of the rezoning is to create a lot for construction of a single-family residence on the parcel which is to be known as Lot 1 of a certified survey map, which preliminary CSM is attached hereto as Exhibit A; and

WHEREAS, the proposed rezoning for a single-family residence on the subject parcel is compatible with the Town of Oconomowoc Comprehensive Land Use Plan (see Planner's report attached hereto).

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town Board of the Town of Oconomowoc hereby approves the rezoning of the subject parcel from Farmland Preservation District (FLP) to R-1 Residential District.

BE IT FURTHER RESOLVED that it is required that a certified survey map be prepared and approved which will designate the homestead site as Lot 1.

BE IT FURTHER RESOLVED that this rezoning is subject to the Town of Oconomowoc Planner's recommendations contained in his report and recommendation dated April 3, 2019.

DATED: 4-16-19

TOWN OF OCONOMOWOC

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

ATTEST:  
Lori Opitz

Lori Opitz, Clerk

