

ENROLLED ORDINANCE 178-77

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE S ½ OF THE SE ¼ OF SECTION 20, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL TRANSITION DISTRICT TO THE R-2 RESIDENTIAL DISTRICT (RZ125)

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 October 16, 2023; 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 District Zoning map of the Waukesha County Shoreland Protection Ordinance enacted on October 19, 2023 and the Waukesha County Zoning Code adopted by the Waukesha County Board of Supervisors on February 26, 1959, for the Town of Oconomowoc, Waukesha County, Wisconsin, is hereby amended to conditionally rezone certain lands located in part of the S ½ of the SE ¼ of Section 20, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin from the A-T Agricultural Transition District to the R-2 Residential District and as more specifically described in the "Staff Report and Recommendation", and the 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 RZ125, is hereby approved, subject to the following conditions:

1. This approval is subject to the density requirements of the Town and County land use plans.
2. The maximum number of dwelling units shall be determined by the soil conditions and other subdivision platting requirements. The final layout may or may not resemble the plan that was submitted. The number of lots shall not exceed twenty-four (24).
3. Compliance with all the requirements of the Town of Oconomowoc Land Division and Development Ordinance.
4. The Preliminary Plat and Final Plat shall be reviewed and approved by the Town of Oconomowoc Plan Commission, Town Board and Waukesha County.
5. The development shall comply, in all respects, with the Waukesha County Stormwater Management and Erosion Control Ordinance.
6. The petitioner shall comply with all requirements of the Town of Oconomowoc Public Works Superintendent and Town Engineer regarding access to the site from N. Lake Road. All necessary improvements to the intersection of N. Lake Road and the new road from the subdivision shall be the responsibility of the developer.

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

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE S ½ OF THE SE ¼ OF SECTION 20, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL TRANSITION DISTRICT TO THE R-2 RESIDENTIAL DISTRICT (RZ125)

Presented by:
Land Use, Parks, and Environment Committee



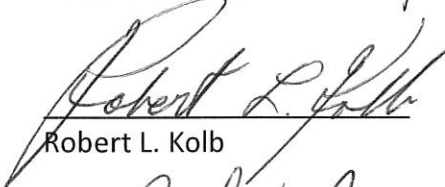
Tyler J. Foti, Chair



Jennifer Grant



Christine M. Howard



Robert L. Kolb



Brian Meier



Chris Mommaerts



Gary J. Szpara

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

Date: 1/3/2024, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 1/3/2024, 
Paul Farrow, County Executive

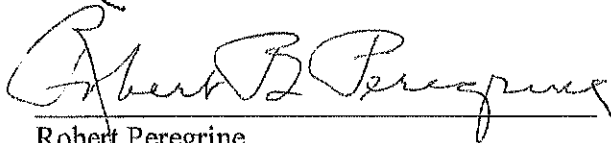
COMMISSION ACTION

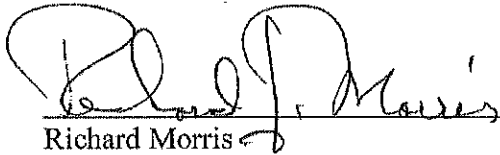
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland Protection Ordinance and the Waukesha County Zoning Code, hereby recommends **approval** of **(RZ125 Spheeris_Lakelands Inc.)** in accordance with the attached "Staff Report and Recommendation".

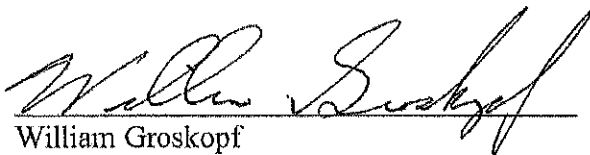
PARK AND PLANNING COMMISSION

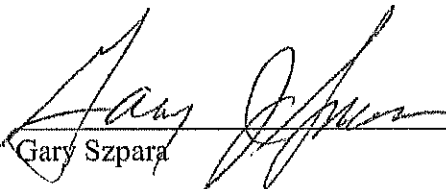
November 16, 2023


James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf


Gary Szpara

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

DATE: November 16, 2023

FILE NO.: RZ125

OWNER: Dan Butchart
Lakelands, Inc.
W296 S7739 Crossgate Drive
Mukwonago, WI 53149-8774

APPLICANT: Jon Spheeris
175 E. Wisconsin Ave
Oconomowoc, WI 53149-8774

TAX KEY NO.: OCOT 0512.994

LOCATION:
The property is described as part of the S ½ of the SE ¼ of Section 20, T8N, R17E, Town of Oconomowoc. More specifically, the property is located 250 feet north of the intersection of N. Lake Road and Lac La Belle Drive, containing approximately 39.33 acres.

EXISTING ZONING:
A-T Agricultural Transition District.

PROPOSED ZONING:
R-2 Residential District.

EXISTING USE(S):
Agricultural.

REQUESTED USE(S):
Single-family residential subdivision.

PUBLIC HEARING DATE:
August 7, 2023

PUBLIC COMMENT:
Sean Brown at W383N6500 N Woodlake Circle voiced concerns with potential impacts to the existing pond (wetlands) and to the existing wildlife. Mr. Brown also is not in favor of a through street connecting N. Lake Road and Woodlake Circle and would prefer a dead-end street or cul-de-sac.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:
On October 16, 2023, the Town of Oconomowoc Plan Commission and Town Board recommended conditional approval of the rezone.

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

An amendment is pending to change the property from the Rural Density and Other Agricultural Land category to the Low Density Residential category. The Town approved the change to the Low Density Residential category on October 16, 2023. The County Board is expected to consider the matter in advance of action on this rezoning.
Referred on: 11/27/23

STAFF ANALYSIS:

The petitioners are proposing to rezone 39.3 acres from the A-T Agricultural Transition District to the R-2 Residential District to facilitate a 23-lot single-family residential subdivision (Exhibit A). The subject property is currently farmland and does not contain any structures. The property has frontage along N. Lake Road to the east, and Lac La Belle Drive to the south. The property is east of Woodlake subdivision and south of Woodlake Preserve subdivision. The properties on the east side of N. Lake Road are also zoned A-T Agricultural Transition District.

The property is subject to both the Waukesha County Shoreland Protection Ordinance and the County Zoning Code. The A-T District is intended to reflect the transitional nature of lands that are currently in agricultural or open space use but are planned for and likely to be developed for other land uses over time. The proposed zoning category is consistent with the neighboring residential developments and does not conflict with the nearby A-T zoned properties, which are also recognized as having development potential.

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% increase 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 all of the lots meet the design requirements. If the rezone is approved, the final subdivision layout will be addressed through the plat approval process.

The proposed development has been revised from the original submittal, eliminating a flag lot and reducing the development to 23 lots rather than the original 24. Lots 11 and 12 which abut N. Lake Road have been widened to comply with the corner lot provisions. 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. Preliminary soil tests indicate that mound systems will likely be required. Stormwater management requirements and/or basement separation requirements could result in layout changes or further reduction of the lot count.

Town and County staff met with the Developer and Project Engineer after the public hearing for the proposed change to the Town's Development Plan, after residents raised concerns over high groundwater and wet soil conditions. The Project Engineer indicated that the majority of the homes will have fully exposed basements which will utilize a gravity drain system to achieve a minimum 1 ft. separation above the water table. Stormwater run-off will be captured on-site and may improve drainage for the surrounding neighbors. Stormwater management will be further refined during the plat review process. The Stormwater Ordinance requirements have been carefully considered by the Project Engineer, the Town Engineer and County Land Resources staff at the project concept stage. The Town and County Engineers believe that the ordinances have adequate provisions in place to ensure that basement elevations are appropriately separated from groundwater and that off-site runoff is appropriately managed.

The development has proposed access off of N. Lake Road and Woodlake Circle. A Certified Survey Map was recorded in 1983 creating several lots west of the proposed development. The Certified Survey Map also dedicated Outlot 1 for roadway purposes which today is Woodlake Circle. An unimproved roadway stub was also included which would link the proposed development to Woodlake Circle. The Town and Developer both relayed that it was always the intent for roadway to be extended. The Town Engineer will review the connection of N. Lake Road for sight distance requirements. The roadway connection will provide neighbors to the west with a safer N. Lake Rd intersection than the one currently utilized further to the south. Accordingly, the town and County Planning Staff believe the proposed road extension is important.

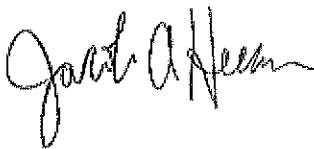
STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends this request be **approved**, subject to the following conditions, which are inclusive of the Town's conditions. Additions to the town's conditions are shown in **bold** and deletions are identified in a strikethrough format.

1. **This approval is subject to the density requirements of the Town and County land use plans.**
2. The maximum number of dwelling units shall be determined by the soil conditions **and other subdivision platting requirements**. The final layout may or may not resemble the plan that was submitted. The number of lots shall not exceed twenty-four (24).
3. Compliance with all the requirements of the Town of Oconomowoc Land Division and Development Ordinance.
4. The Preliminary Plat and Final Plat shall be reviewed and approved by the Town of Oconomowoc Plan Commission, Town Board and Waukesha County.
5. The development shall comply, in all respects, with the Waukesha County Stormwater Management and ~~Sediment~~ Erosion Control Ordinance.
6. The petitioner shall comply with all requirements of the Town of Oconomowoc Public Works Superintendent and Town Engineer regarding access to the site from N. Lake Road. All necessary improvements to the intersection of N. Lake Road and the new road from the subdivision shall be the responsibility of the developer.

The A-T Agricultural Transition District is intended to recognize farmland in transitional areas that may have future development value. The subdivision plat review process will ensure all requirements of the Town of Oconomowoc Land Division Ordinance and the Waukesha County Codes are being complied with, prior to final subdivision plat approval. The proposed zoning change will allow for an in-fill development that will be similar to neighboring developments. Stormwater management and N Lake Road access will be carefully considered, as conditioned above, as part of the subdivision plat review process.

Respectfully submitted,



Jacob Heermans
Senior Land Use Specialist

Attachments: Exhibit A – Concept Plan
Rezone Map

Exhibit A



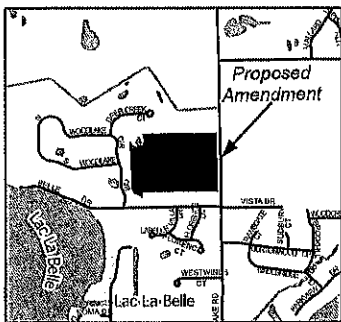
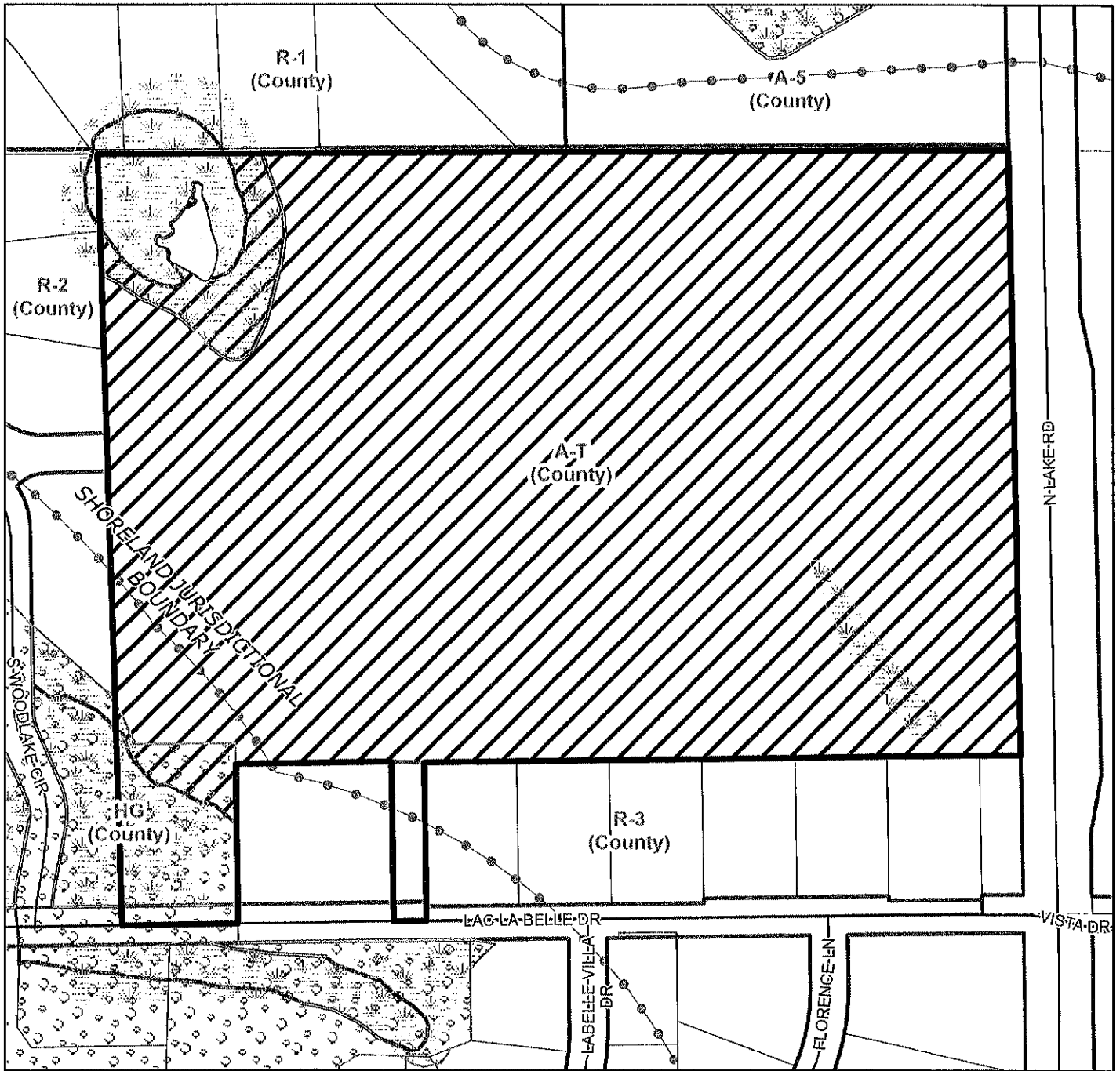
CONCEPTUAL LAND USE PLAN (2023)
 BUTCHART PROPERTY SPHEREIS DEVELOPMENT
 TAX KEY # OCOT 0512994
 SE 1/4 S20, T8N, R17E, TOWN OF OCONOMOC




Lake Country Engineering, Inc.
 Consulting Engineers - Surveyors
 870 S. Shaw Street, Suite 105, Oconomowoc, WI 53066
 Phone (262) 569-9331 Fax (262) 569-9310
 CHECKED BY: R.A.D.
 DATED: 8/15/2023
 SCALE: 1" = 150'

REVISION	DATE	REMARKS

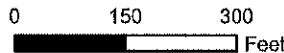
ZONING AMENDMENT

PART OF THE S 1/2 OF THE SE 1/4, SECTION 20,
TOWN OF OCONOMOWOC



-  CONDITIONAL COUNTY ZONING CHANGE FROM A-T AGRICULTURAL TRANSITION DISTRICT TO R-2 RESIDENTIAL DISTRICT
-  EC Environmental Corridor Overlay
-  C-1 Conservancy Overlay (wetlands)

FILE.....RZ125
 DATE OF PLAN COMMISSION.....11/16/23
 AREA OF CHANGE.....39.1 ACRES
 TAX KEY NUMBER.....OCOT 0512.994



Prepared by the Waukesha County Department of Parks and Land Use

VOTE RESULTS

25 YES

0 NO

0 ABSTAIN

0 ABSENT

Ordinance 178-O-076

Ordinance 178-O-076: Amend the District Zoning Map of the Waukesha County Shoreland Protection Ordinance of the Town of Oconomowoc By Conditionally Rezoning Certain Lands Located in Part of the S 1/2 of the SE 1/4 of Section 20, 18N,R17E, Town of Oconomowoc, Waukesha County, Wisconsin, from the A-T Agricultural Transition District to the R-2 Residential District (RZ125)

Passed By Majority Vote

D1 - Foti	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

10th Meeting, 178th Year of the County Board of Supervisors - December 19 2023 06:14 PM

December 19, 2023

