

ENROLLED ORDINANCE 169-52

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF THE SE ¼ OF SECTION 13, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE A-3 SUBURBAN ESTATE DISTRICT (SCZ-1791)

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 August 4, 2014, 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 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Zoning Code adopted by the Waukesha County Board of Supervisors, on February 26, 1959, is hereby amended to rezone certain lands located in part of the SW ¼ of the SE ¼ of Section 13, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin from the A-T Agricultural Land Preservation Transition District to the A-3 Suburban Estate 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 SCZ-1791, is hereby approved, subject to the following condition:

1. An amendment to the County Development Plan must be approved to remove the subject 2.8 acre areas from the Farmland Preservation category prior to this rezoning being effective.

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.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF THE SE ¼ OF SECTION 13, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE A-3 SUBURBAN ESTATE DISTRICT (SCZ-1791)

Presented by:  
Land Use, Parks, and Environment Committee

ABSENT

Walter L. Kolb, Chair

Jim Batzko

Jim Batzko

Jennifer Grant

Jennifer Grant

Keith Hammitt

Keith Hammitt

Eric Highum

Eric Highum

ABSENT

Pauline T. Jaske

Thomas J. Schellinger

Thomas J. Schellinger

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

Date: \_\_\_\_\_, Kathleen O. Novack  
Kathleen Novack, County Clerk

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


Approved: +  
Vetoed: \_\_\_\_\_  
Date: 9-25-14, Daniel P. Vrakas  
Daniel P. Vrakas, County Executive

COMMISSION ACTION

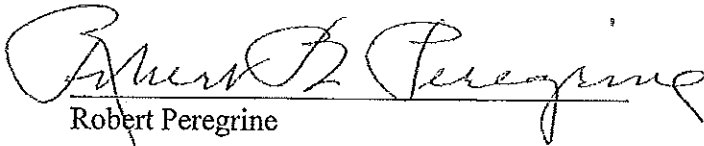
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends **approval** of (SCZ-1791 Cyrus Peterson) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

August 21, 2014

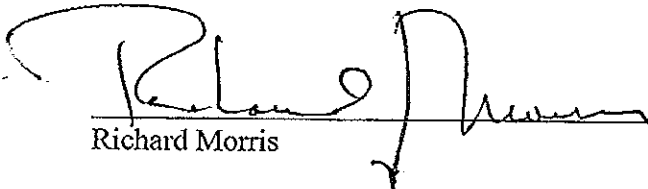
  
James Siepmann, Chairperson

  
Walter Kolb, Vice Chairperson

  
Robert Peregrine

  
Gary Goodchild

  
William Mitchell

  
Richard Morris

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

**FILE NO.:** SCZ-1791

**DATE:** August 21, 2014

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

**TAX KEY NO.:** OCOT 0484.990.002

**LOCATION:**  
Part of the SW ¼ of the SE ¼ of Section 13, T8N, R17E, Town of Oconomowoc, containing approximately 2.8 acres.

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

**PROPOSED ZONING:**  
A-3 Suburban Estate District.

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

The property is designated in the Farmland Preservation category on the County Plan. The Town Plan designation was amended from Prime Agricultural to Residential on July 24, 2014. A County Plan amendment request is pending to amend the designation to the Suburban I Density Residential Category (1.5 to 2.0 acres per dwelling unit) and will be scheduled for consideration prior to this agenda item at the August 21, 2014 Park and Planning Commission meeting.

**PUBLIC HEARING DATE:**  
July 31, 2014.

**PUBLIC REACTION:**  
None.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**  
On July 31, 2014, the Town of Oconomowoc Plan Commission recommended that the Town Board approve the proposed rezone, as requested. On August 4, 2014, the Town Board recommended approval of the rezoning to the County Board.

**EXISTING LAND USE:**  
Agricultural.

**PROPOSAL AND STAFF ANALYSIS:**  
The petitioner owns a 37 acre parcel that is located at the northerly extent of North Pole Lane in the Town of Oconomowoc. The west side of the property is primarily wooded and/or wetland. The petitioner's residence and yard area are also located on the west side of the property. The east side of the parcel contains an approximately 16 acre farm field. The proposal is to rezone an approximately 2.8 acre area of that farm field that is directly adjacent to North Pole Lane in order for a new parcel to be created (see Exhibit "A") for the petitioner's grandson.

The current zoning of the subject portion of the property is A-T Agricultural Land Preservation Transition District, which requires a minimum 35 acre parcel size and allows for agricultural uses and related residences. The district is

intended for lands still being farmed that may also have development potential over time. The portion of the 37 acre property that contains the existing residence is zoned R-2 Residential District while farmed areas are zoned A-T and natural resource lands are zoned EC Environmental Corridor District and C-1 Conservancy District. Developed lands immediately to the south are zoned A-3 Suburban Estate District. The Planning and Zoning Division Staff advised that the A-3 designation seemed the best fit for the proposed new parcel because of the similar designation of abutting lands and because the minimum parcel size of the proposed district is two acres.

The property owner originally petitioned the Town for a plan amendment to remove the entire property from the Farmland Preservation plan category. That amendment was not accepted by the Town. Upon the advice of the Town, the petitioner later filed a Certified Survey Map (CSM) for the proposed land division with the Town, but County Planning and Zoning Division Staff advised that a plan amendment and rezone was needed prior to such a land division being further considered. The property owner has since met with Town and County Staff to discuss all alternatives. As part of the discussion, Staff urged the petitioners to consider submitting a modified plan amendment request that would reduce the area of the amendment in the interests of preserving as much of the Farmland Preservation classification as possible. The Town has shown a strong commitment to farmland preservation in the subject northern portion of the Town and the Town and County land use plans call for preservation of most farmland that is north of C.T.H. "K".

During the discussion with the petitioner, Staff recommended that the petitioner give consideration to an alternate building site in the portion of the parcel that is outside of the above described 16 acre cultivated field. However, the petitioners explained that a culvert and drainage pattern prevented that from being a viable alternative. The petitioners also expressed concern about the loss of the yard area that serves the existing home and constraints related to wetland setbacks relative to the alternate site. In reviewing topographic mapping, the Planning and Zoning Division Staff agreed that the drainage pattern at the alternate site would be problematic.

Ultimately, the petitioner elected to file a land use plan amendment and rezoning petitions for solely the 2.8 acre area that is proposed to be divided. The petitioner's grandson expressed during the meeting with Staff that he had sold his home anticipating that a simple CSM approval was all that was needed to commence with construction based upon the prior advice of the Town. Because of the sequence of events, Town and County Staff felt that it was appropriate to consider an out of cycle plan amendment request that could run concurrently with the rezoning meeting sequence. The Town agreed to consider the plan amendment out of their typical sequence. The Town approved the plan amendment at its meeting on July 24, 2014. A County Plan amendment will also be considered out of cycle of the typical annual plan amendment sequence at the August 21, 2014, Park and Planning Commission meeting.

**STAFF RECOMMENDATION:**

Based upon the above information, the Planning and Zoning Division Staff recommends conditional approval of the petitioner's request subject to the following condition:

1. An amendment to the County Development Plan must be approved to remove the subject 2.8 acre areas from the Farmland Preservation category prior to this rezoning being effective.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachment: Exhibit "A", Town Resolution and Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1791 Cy Peterson oct.doc

**EXHIBIT "A"**

RECEIVED

MAY 23 2014

RECEIVED  
APR 24 2014  
Town of Oconomowoc  
Clerk's Office

# Certified Survey Map

Preliminary Review

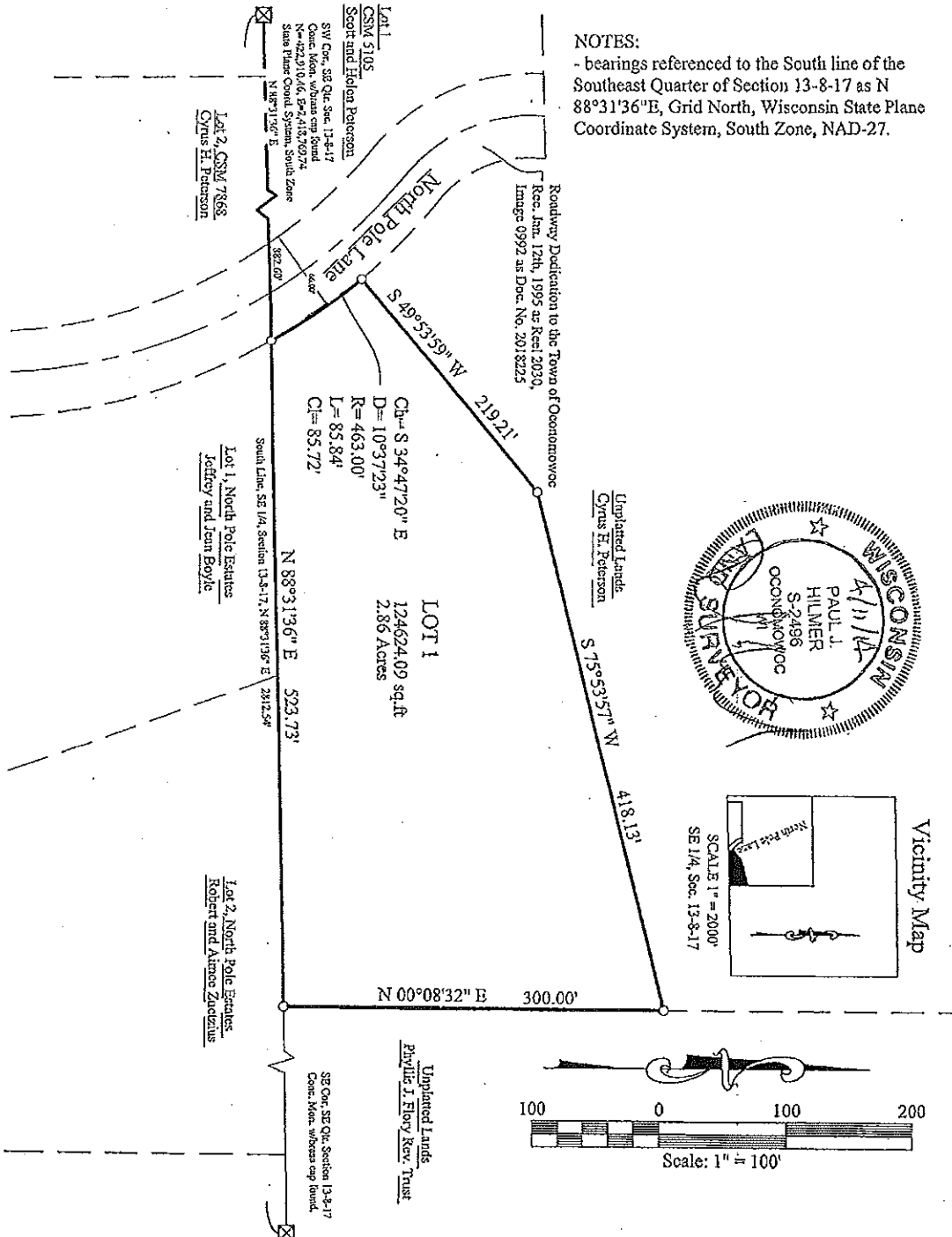
being a part of the Southwest Quarter of the Southeast Quarter of Section 13, Town 8 North, Range 18 East, Town of Oconomowoc, Waukesha County, Wisconsin.

Prepared for:  
Cyrus H. Peterson  
W343N7303 North Pole Ln.  
Oconomowoc, WI. 53066

Prepared by:  
Hilmer & Associates LLC  
Paul J. Hilmer, RLS  
W217 Vista Drive  
Oconomowoc, WI. 53066  
(262) 567-5893

**Legend:**

- indicates 1" iron pipe found.
- indicates 1.315" iron pipe set weighing 1.65 lbs./ft. min.
- ☒ indicates concrete monument found.



This instrument drafted by Paul J. Hilmer

Sheet 1 of 4 sheets.

RESOLUTION NO. 2014-13

RESOLUTION RECOMMENDING APPROVAL OF REZONING  
(CYRUS AND EILLEN PETERSON PROPERTY)

WHEREAS, Cyrus and Eileen Peterson own 39.39 acres of land north of CTH "K", 2.6 acres of which has been the subject of a recent amendment to the Comprehensive Land Use Plan-2035 whereby the land use plan for a 2.6-acre parcel was changed from Farm Agricultural to Low-Density Residential, which parcel is located in part of the Southwest 1/4 of the Northeast 1/4 of Section 13, Town 8 North, Range 17 East, containing approximately 2.6 acres; and

WHEREAS, Cyrus and Eileen Peterson have petitioned to rezone the 2.6-acre parcel from its current zoning designation of A-T Agricultural Land Preservation Transition District to A-3 Suburban Estate District; and

WHEREAS, the requested amendment would allow for low-density residential development for members of the Peterson family; and

WHEREAS, the proposed use will comply with the Comprehensive Land Use Plan; and

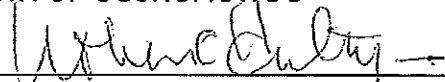
WHEREAS, the Town Planner and Town Plan Commission recommend the aforementioned rezoning.

NOW THEREFORE, BE IT HEREBY RESOLVED that for the reasons set forth in the recital paragraphs of this resolution, the Town Board of the Town of Oconomowoc does hereby recommend that Waukesha County rezone the 2.6-acre parcel shown on Exhibit A attached hereto from A-T Agricultural Land Preservation Transition District to A-3 Suburban Estate District.

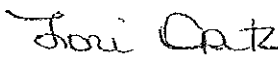
BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Waukesha County Department of Parks and Land Use for presentation to appropriate county committees, and ultimately the County Board, for action.

DATED: 8-5-14

TOWN OF OCONOMOWOC

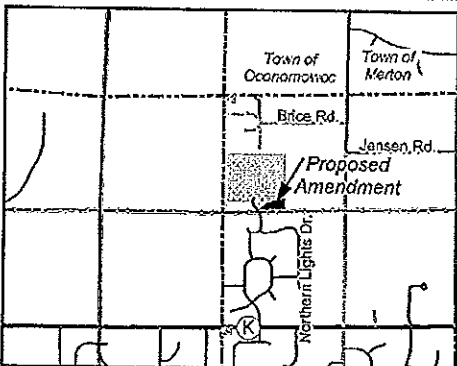
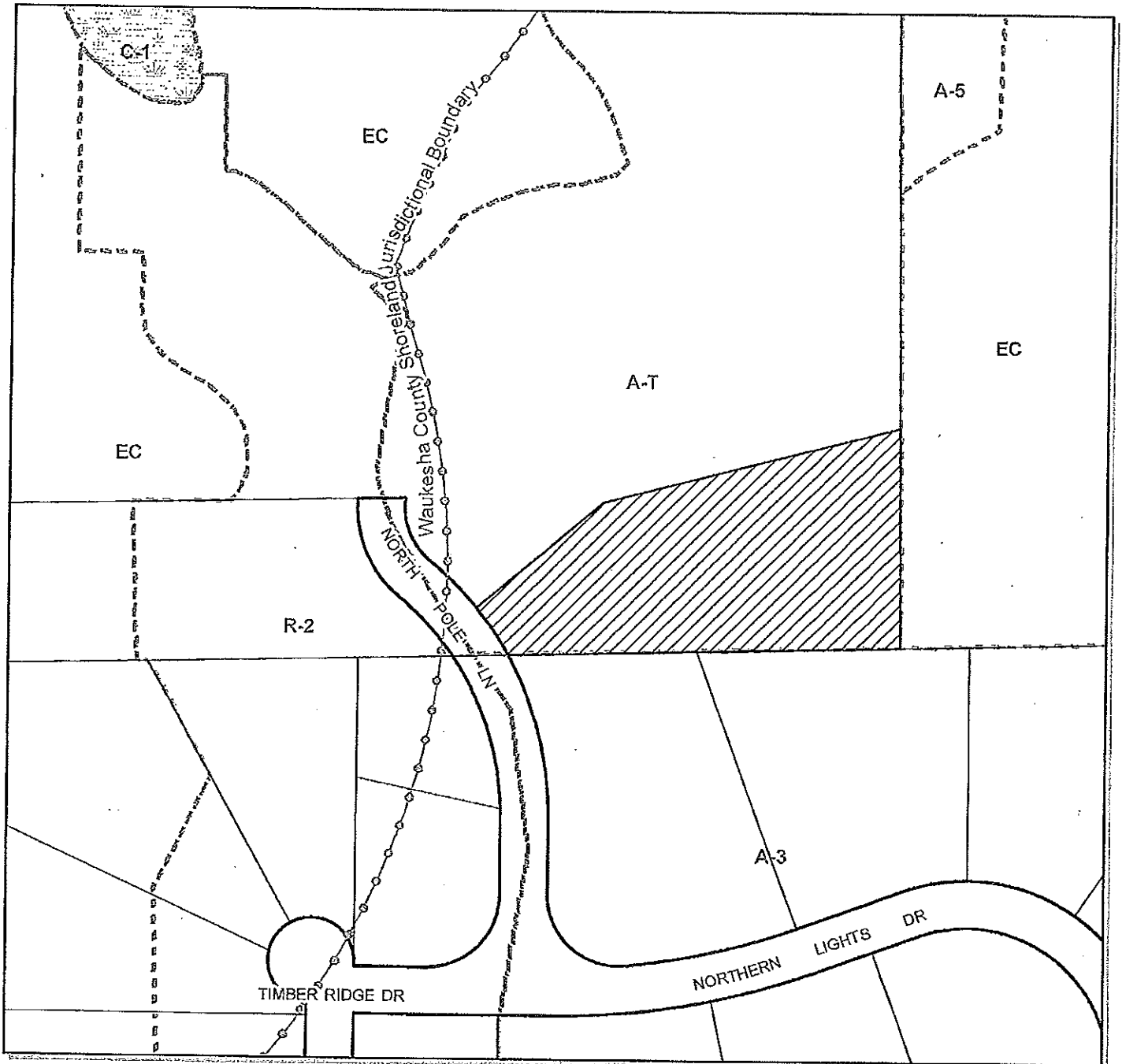
By:   
Robert C. Hultquist, Chairman


ATTEST:

  
Lori Opitz, Clerk

# ZONING AMENDMENT

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

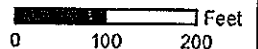


 COUNTY ZONING CHANGE FROM A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO A-3 SUBURBAN ESTATE DISTRICT

PETITIONER.....CYRUS PETERSON  
 DATE OF PLAN COMM. CONSIDERATION.....08/21/14  
 AREA OF CHANGE.....2.8 ACRES  
 TAX KEY NUMBERS.....OCOT0484.990.002



1 Inch = 200 feet



Referred on: 09/04/14

Prepared by the Waukesha County Department of Parks and Land Use  
 File Number: 169-O-053

Referred to: LU 7



WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/23/14 (ORD) NUMBER-1690053

- |                          |                          |
|--------------------------|--------------------------|
| 1 R. KOLB.....AYE        | 2 D. Zimmermann.....AYE  |
| 3 R. MORRIS.....         | 4 J. BATZKO.....AYE      |
| 5 J. BRANDTJEN.....AYE   | 6 J. WALZ.....AYE        |
| 7 J. GRANT.....AYE       | 8 E. HIGHUM.....AYE      |
| 9 J. HEINRICH.....AYE    | 10 D. SWAN.....AYE       |
| 11 C. HOWARD.....AYE     | 12 P. WOLFF.....AYE      |
| 13 P. DECKER.....AYE     | 14 C. PETTIS.....AYE     |
| 15 W. KOLB.....          | 16 M. CROWLEY.....AYE    |
| 17 D. PAULSON.....AYE    | 18 L. NELSON.....AYE     |
| 19 K. CUMMINGS.....AYE   | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE      |
| 23 K. HAMMITT.....AYE    | 24 S. WHITTOW.....AYE    |
| 25 G. YERKE.....AYE      |                          |

TOTAL AYES-23

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-23