

AGENDA - FINAL
WAUKESHA COUNTY PARK AND PLANNING COMMISSION - Regular Meeting
Thursday, April 18, 2024 1:00 P.M. Room AC 255/259
Administration Center, 515 W. Moreland Blvd., Waukesha, WI 53188

CALL TO ORDER
CORRESPONDENCE
MEETING APPROVAL
MINUTES
PUBLIC COMMENT

Approval of the February 28, 2024 and March 14, 2024, Minutes

REZONES/CONDITIONAL USE AND PLAN OF OPERATIONS

- **RZ139 (Cypress Tree, LLC) Town of Oconomowoc, Sections 14 and 23**
Lot 3, CSM No. 6947 and Lot 1, CSM No. 11033, part of the NE ¼, SW ¼ and SE ¼ of Section 14, and part of the NE ¼ of Section 23, T8N, R17E, Town of Oconomowoc.
Request: Rezone from the FLP Farmland Preservation District to the R-1 Residential District.
- **CU109 (Cypress Tree, LLC) Town of Oconomowoc, Sections 14 and 23**
Lot 3, CSM No. 6947 and Lot 1, CSM No. 11033, part of the NE ¼, SW ¼ and SE ¼ of Section 14, and part of the NE ¼ of Section 23, T8N, R17E, Town of Oconomowoc.
Request: Permit the use of activities, including the use of guest houses, associated with an adjacent non-profit organization and hospice care facility onto the subject properties.
- **CU110 (Cypress Tree, LLC) Town of Oconomowoc, Section 14 and 23**
Lot 3, CSM No. 6947 and Lot 1, CSM No. 11033, part of the NE ¼, SW ¼ and SE ¼ of Section 14, and part of the NE ¼ of Section 23, T8N, R17E, Town of Oconomowoc.
Request: Land altering activities associated with the construction of the single family residences and guest quarters on the two proposed parcels.
- **RZ144 (Joseph Lorenz Inc.) Town of Merton, Section 17**
Part of the S ½ of Section 17, T8N, R18E, Town of Merton. More specifically the properties are located at N72 W32434 and N72 W32438 River Road.
Request: Rezone from the A-3 Suburban Estate District to the R-3 Residential District.
- **CU105 (Payne and Dolan, Inc.) Town of Ottawa, Section 1**
Part of Section 1, T6N, R17E, Town of Ottawa. More specifically, the property is located at W340 S1523 CTH C.
Request: Conditional use approval for a portable asphalt batch plant within the existing quarry.
- **SP226 (Payne and Dolan, Inc.) Town of Ottawa, Section 1**
Part of Section 1, T6N, R17E, Town of Ottawa. More specifically, the property is located at W340 S1523 CTH C.
Request: Site Plan/Plan of Operation approval for a portable asphalt batch plant within the existing quarry.
- **CU112 (Randy and Susan Veenhuis) Town of Merton, Section 27**
Lot 1, Certified Survey Map No. 12395, part of the SW ¼ of Section 27, T8N, R18E, Town of Merton. More specifically, the property is located at N57 W30678 CTH K.
Request: Land altering activities associated with the construction of a single family residence and the reconstruction and reconfiguration of retaining walls.
- **CU111 (Lisa Gall) Town of Oconomowoc, Section 20**
Part of the S ½ of the SE ¼ of Section 20, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N64 W38242 Lac La Belle Drive.
Request: Conditional Use approval for the construction of an in-law unit within the existing residence.

- **SP231 (Lisa Gall) Town of Oconomowoc, Section 20**

Part of the S ½ of the SE ¼ of Section 20, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N64 W38242 Lac La Belle Drive.

Request: Site Plan/Plan of Operation approval for the construction of an in-law unit within the existing residence.

MISCELLANEOUS

- **PPC24 002 (Lorenz Holdings) Town of Merton, Section 17**

Part of the S½ of Section 17, T8N, R18E, Town of Merton. More specifically, the properties are located at N73 W32438 and N72 W32434 River Road.

Request: Lot not abutting a public road.

- **PPC24 005 (Gordie Boucher Ford of Kenosha/Professional Consultants, Inc.) Town of Oconomowoc, Section 34**

Part of the SE ¼ of Section 34, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N48 W36216 Wisconsin Avenue.

Request: Retaining wall located within 5 feet of the west property line.

- **PPC24 006 (Matt Shafer) Town of Oconomowoc, Section 36**

Lots 3 and 4, Tearney Subdivision, part of the NE ¼ and NW ¼ of Section 36, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at W345 N5306 Tearney Road.

Request: Lot not abutting a public road and road frontage waiver.

ADJOURNMENT

James Siepmann

James Siepmann, Chairperson

Park and Planning Commission

Thursday, April 18, 2024

(The Staff Reports and Recommendations for the issues listed above are available upon request. For questions regarding this agenda, please call (262) 548-7790).

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

DATE: April 18, 2024

FILE NO.: RZ139

OWNER AND APPLICANT: Cypress Tree, LLC
c/o Terry Bartowitz
16575 Patricia Lane
Brookfield, WI 53005

TAX KEY NO's. AND LOCATION:

OCOT 0488.994.003: Lot 3, Certified Survey Map No. 11032, a redivision of Lot 1, CSM No. 6947, part of the NE ¼, SW ¼, and SE ¼ of Section 14, and part of the NE ¼ of Section 23, T8N, R17E, Town of Oconomowoc.

OCOT 0488.994.005: Lot 1, Certified Survey Map No. 11033, a redivision of Lot 4, CSM No. 11032, Section 14, T8N, R17E, Town of Oconomowoc.

EXISTING ZONING:

Farmland Preservation (FLP) District, Farmland Conservancy District, Environmental Corridor Overlay District

PROPOSED ZONING:

R-1 Residential District. Lands zoned EC Environmental Corridor Overlay District and FLC Farmland Conservancy District are not proposed to change.

EXISTING LAND USE(S):

Agricultural.

PROPOSED LAND USE(S):

Rezone the property to allow the creation of two (2) approximately 2-acre residential parcels, in accordance with the density standards of the Farmland Preservation District (FLP).

PUBLIC HEARING DATE: March 4, 2024

There were three public hearings held on the same evening regarding the subject properties. All three public hearings were opened concurrently. The comments below are inclusive of public comment received for the subject rezone (RZ139) and two Conditional Use requests to expand uses onto the subject lands from an adjacent parcel associated with a non-profit organization (CU109) and for land altering activities in conjunction with the proposed construction of dwelling units (CU110).

PUBLIC COMMENT:

Krista Sur, N71 W35500 Mapleton Lake Drive, noted how she loves living on a dead end street. She has concerns regarding shoreline erosion around the lake, the spraying of chemicals and fish habitat. She asked who was going to own and live in the homes and questioned what lighting was going to be installed. She discussed how the easement granted to the petitioner that extends over her property would be affected. *A discussion about the DNR's involvement in lake quality and shoreline erosion ensued. The petitioner responded that Cypress Tress, LLC would own both properties and he would be living in one of the units. The lighting was not addressed at the public hearing. Staff relayed the easement would no longer be necessary.*

Tom Hock, N71W35750 Mapleton Lake Drive, noted support for the project but questioned why the cottages that were approved with the original proposal for Zachariah's Acres were never built. *The petitioner responded that the County and Town had asked for a 20-year build out plan at the time. The cottages on the Zachariah's Acre property were what was envisioned, but their plans had shifted and this is now what they'd like to propose.*

Paul Westbrook, N71W35558 Mapleton Lake Drive, expressed concerns over the amount of traffic the project would generate on a quiet, dead-end street. He also questioned if the petitioner knew it was Farmland Preservation when he purchased the property and questioned why they got to be an exception from the rules. *Staff clarified that the rezone request and the Conditional Use requests were in accordance with the Ordinance provisions.*

Keith Farley, W376 N7985 McMahan Road, gave his support of the housing spaces for visitors to stay and have respite.

A Plan Commissioner asked if Servants Way had been considered to provide access to the new lots rather than Mapleton Lake Drive? The petitioner responded it would require a significant amount of grading and gravel to construct such a long road, which would ultimately disrupt much more of the agricultural land.

Dave Peschek, N73W36381 S. Shore Drive, stated the amount of growth in Oconomowoc is getting out of hand and would rather see the lands used for this type of proposal than sold to a developer for a subdivision.

Beth Pinali, N79W34975 Peterson Dr., noted she is a nurse at AngelsGrace, which serves 400 families a year. She indicated that she never thought they could do anything better than what they are doing to help serve until she reviewed the current proposal.

The petitioner also submitted three letters of support at the public hearing.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On March 18, 2024, the Town of Oconomowoc Plan Commission and the Town of Oconomowoc Town Board recommended approval of the request subject to the conditions as noted below.

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

The property is designated in the Farmland Preservation category and the Farmland Preservation with Primary Environmental Corridor District on the Comprehensive Development Plan for Waukesha County and in the Prime Agricultural category on the Town Land Use Plan. The proposal to rezone approximately 4 acres for the creation of two lots is consistent with plan recommendations that call for a maximum density of one dwelling unit per 35 acres and compliance with lot siting standards.

STAFF ANALYSIS:

The subject property consists of two vacant parcels located north of C.T.H. K and east of C.T.H. P in the Town of Oconomowoc and are a combined 85 acres. The property incorporates the entire north half of Mapleton Lake, with wetlands and Isolated Natural Resource Area (INRA) near the shoreline. A private easement serving one property that is owned by the petitioner extends north through the subject property from Mapleton Lake Drive. The property is primarily zoned Farmland Preservation, with areas of Farmland Conservancy District and Environmental Corridor Overlay District around Mapleton Lake. Most of the property is within the Waukesha County Shoreland Protection Ordinance jurisdictional boundary, except the southeastern portion of the property is within the Zoning Code. The surrounding area is a mix of uses. To the north there is a non-profit organization, Zachariah's Acres, which is operated by the petitioner. To the south is Mapleton Lake Estates subdivision, with riparian and non-riparian parcels that are approximately ¾ of an acre. The remaining area is rural farmland.

The petitioner is proposing to create two approximately 2-acre residential properties via Certified Survey Map (Exhibit A). One parcel has frontage on Mapleton Lake at the end of Mapleton Lake Road and one parcel is located in the northeast portion of the subject lands. Each two acre parcel will have a single family residence and a guest house. Access to both parcels is proposed from the private road that extends from Mapleton Lake Drive. This private road currently provides access to one other single-family residential lot that is owned by the petitioner and to the parent parcel(s). The petitioners will need to seek approval for the creation of two lots not abutting a public road and waivers from the Town and County Plan Commissions for having more than two residences on a private road and for creating lots less than 3-acres on a private road. As a part of this request, staff will recommend to the County Park and Planning Commission that all previous easements be released and a new easement document be created with the current easement agreements. The Environmental Corridor Overlay District around the shore of Mapleton Lake and the Farmland Conservancy District on the island are not proposed to change. The remnant parcels would be combined into one outlot (Outlot 1 on Exhibit A). The preliminary CSM notes the island within Mapleton Lake as Lot 3; however, this is not permitted per the FLP District requirements since it is not at least 35 acres. Therefore, the final CSM must show it as an outlot. Lot 3 does not appear to be a buildable parcel and is mapped entirely as wetlands.

The Farmland Preservation District states that new residences or new lots 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. The Cypress Tree LLC farm tract contains approximately 85-acres, which provides two (2) density rights. The proposal utilizes both available density rights.

The proposed residential parcels comply with the lot size requirements for new residential parcels (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 Town and County believe the proposed 2-acre parcels meet the Farmland Preservation District siting standards as the proposed lots are located near existing access ways and are located on lands and soils not suitable for farming. The parcel locations and subsequent development will not limit the agricultural use of the 80-acre remnant farmlands, preserving and maintaining productive and viable agricultural land that adds to the economic base of Waukesha County. In addition, the petitioner is proposing to create an agricultural preservation easement over 10 acres of the remnant farmland to ensure continued agriculture use of a portion of the property, regardless of its plan or zoning designations.

STAFF RECOMMENDATION:

The Planning and Zoning Division staff recommends **approval** of the 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 2.24-acre and 2.19-acre parcels shown on Exhibit A. No other lands are to be rezoned.
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 prior to the issuance of any Zoning or Building Permits.**
3. A Declaration of Restrictions shall be prepared and reviewed and approved by the Town Planner and Waukesha County Planning and Zoning Staff and recorded in the Waukesha County Register of Deeds Office **by the owner or petitioner that** states that, pursuant to the Town of Oconomowoc Comprehensive Land Use Plan -2035 and the Waukesha County Comprehensive **Development** Plan, no additional development rights remain for the remnant farm holdings and **each of the two** proposed new lots are entitled to only one (1) dwelling unit and guest quarters (if approved). Said restriction must state that the restriction shall apply in perpetuity unless the ~~County Comprehensive Plan~~ Farmland Preservation designation under both the Town of Oconomowoc Comprehensive

Land Use Plan – 2035 and the Waukesha County Comprehensive **Development** Plan for the property is amended in the future.

If approved as conditioned, the zoning change would be consistent with Town and County Comprehensive Development Plan recommendations as the 35-acre farmland preservation density requirement is being maintained. The rezoning of approximately 4 acres of land will allow the petitioner to construct two new residences on two new parcels, while not limiting the agricultural use of the remaining farmlands. As conditioned and in accordance with the requirements of the Waukesha County Shoreland Protection Ordinance, a Deed Restriction will be recorded to disclose to future owners that no density credits remain on the property after the creation of the two 2-acre parcels until and unless the Farmland Preservation designation is removed from the property. In addition, the proposed agricultural preservation easement further protects some farmland from development in perpetuity regardless of its zoning or plan designations.

Respectfully submitted,



Rebekah Leto
Senior Planner

Attachment: Exhibit A- Site Plan
 Rezone Map

X:\2022\22-013-1147 ZACHARIAH'S ACRES\DRAWINGS\CONSTRUCTION PLANS\MAPLETON LAKE_CIVIL_PLAN_SET_22X34.DWG

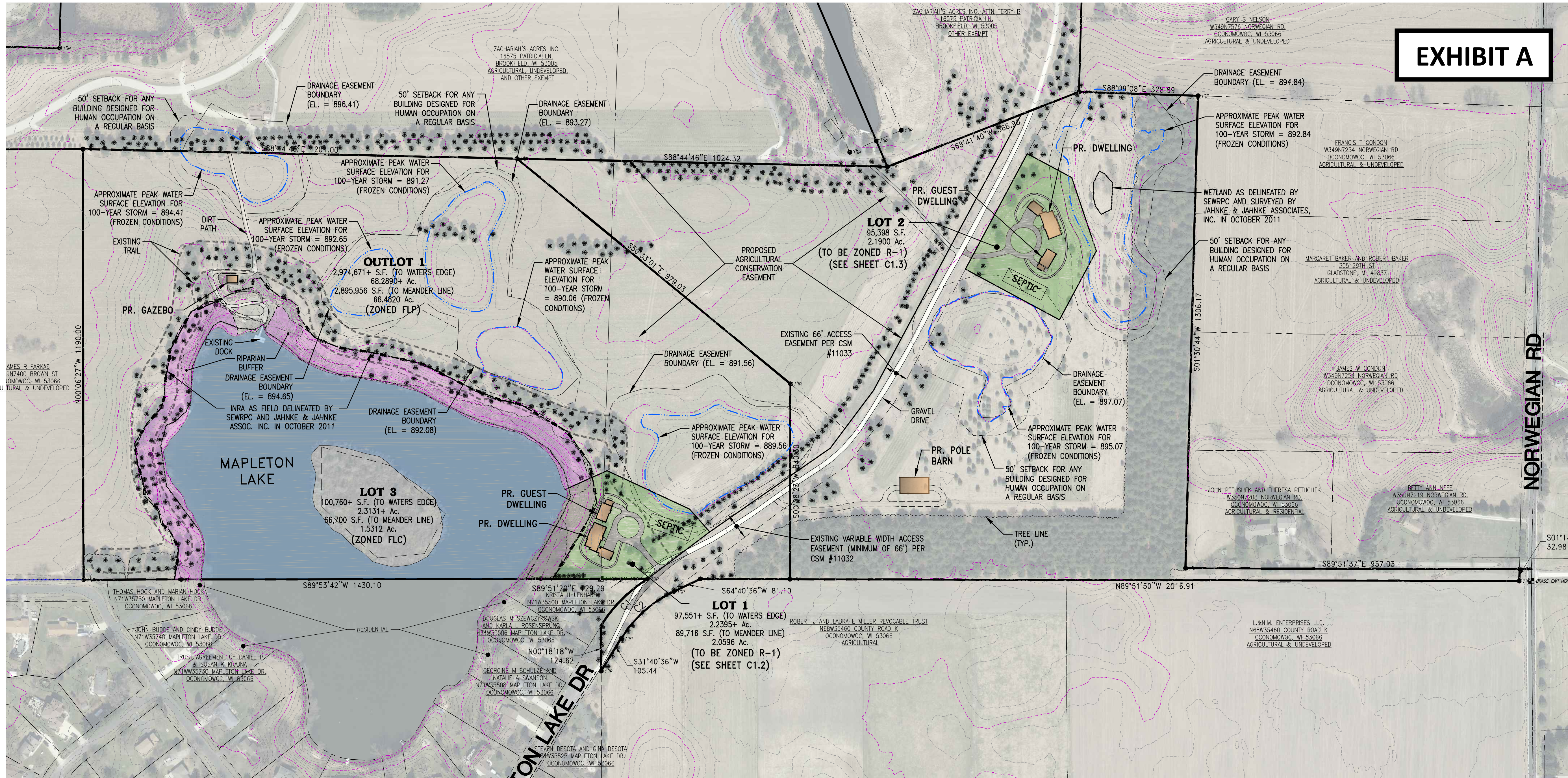


EXHIBIT A



4100 N. Calhoun Rd
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481

**PROJECT:
MAPLETON LAKE PHASE 1**
ZACHARIAH'S ACRES
TOWN OF OCONOMOWOC, WISCONSIN
CVRESS TREE, LLC.
16575 PATRICIA LN
BROOKFIELD, WI 53005-5623

REVISION HISTORY

DATE	DESCRIPTION
01/08/24	PRELIMINARY DESIGN

DATE:
JANUARY 9, 2024

JOB NUMBER:
933-21009

DESCRIPTION:
OVERALL
PROPOSED
SITE PLAN

SHEET

C1.1

NO.	RADIUS	CENTRAL ANGLE	ARC	CHORD	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	409.43	25°49'45"	184.58	183.02	S44°37'43"W	S57°32'36"W	S31°42'51"W
C2	343.43	33°00'01"	197.80	195.08	S48°10'36"W	S64°40'36"W	S31°40'35"W

NOTE: DWELLINGS AND GUEST DWELLINGS TO BE OCCUPIED BY CARETAKERS/STAFF, PATIENTS OF ANGELSGRACE HOSPICE CARE, AND GUESTS OF ZACHARIAH'S ACRES.

SITE DATA

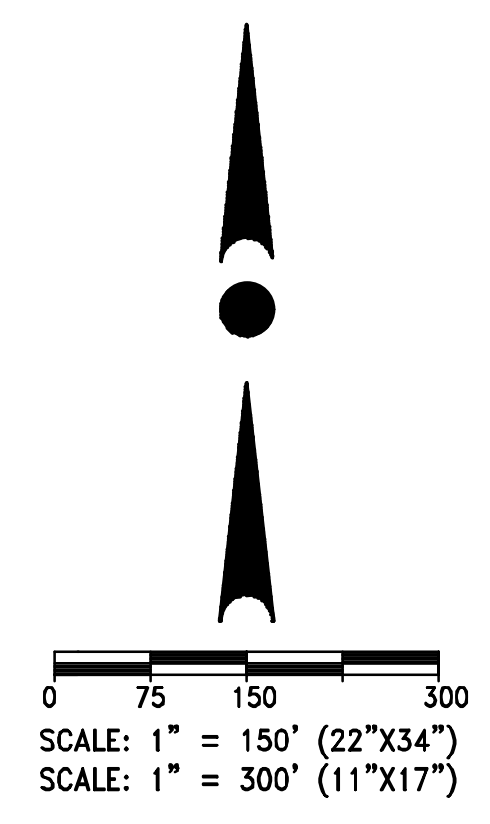
OUTLOT AREA DATA:
TOTAL OUTLOT AREA: 2,974,671+ S.F. (68.289+ Acres)
(TO WATER'S EDGE)

TOTAL IMPERVIOUS AREA: 48,530 S.F. (1.114 Acres)
1.63% of Lot
BUILDING AREA: 4,200 S.F.
GRAVEL AREA: 44,330 S.F.

TOTAL OPEN SPACE AREA: 2,926,141 S.F. (67.175 Acres)
98.37% of Lot

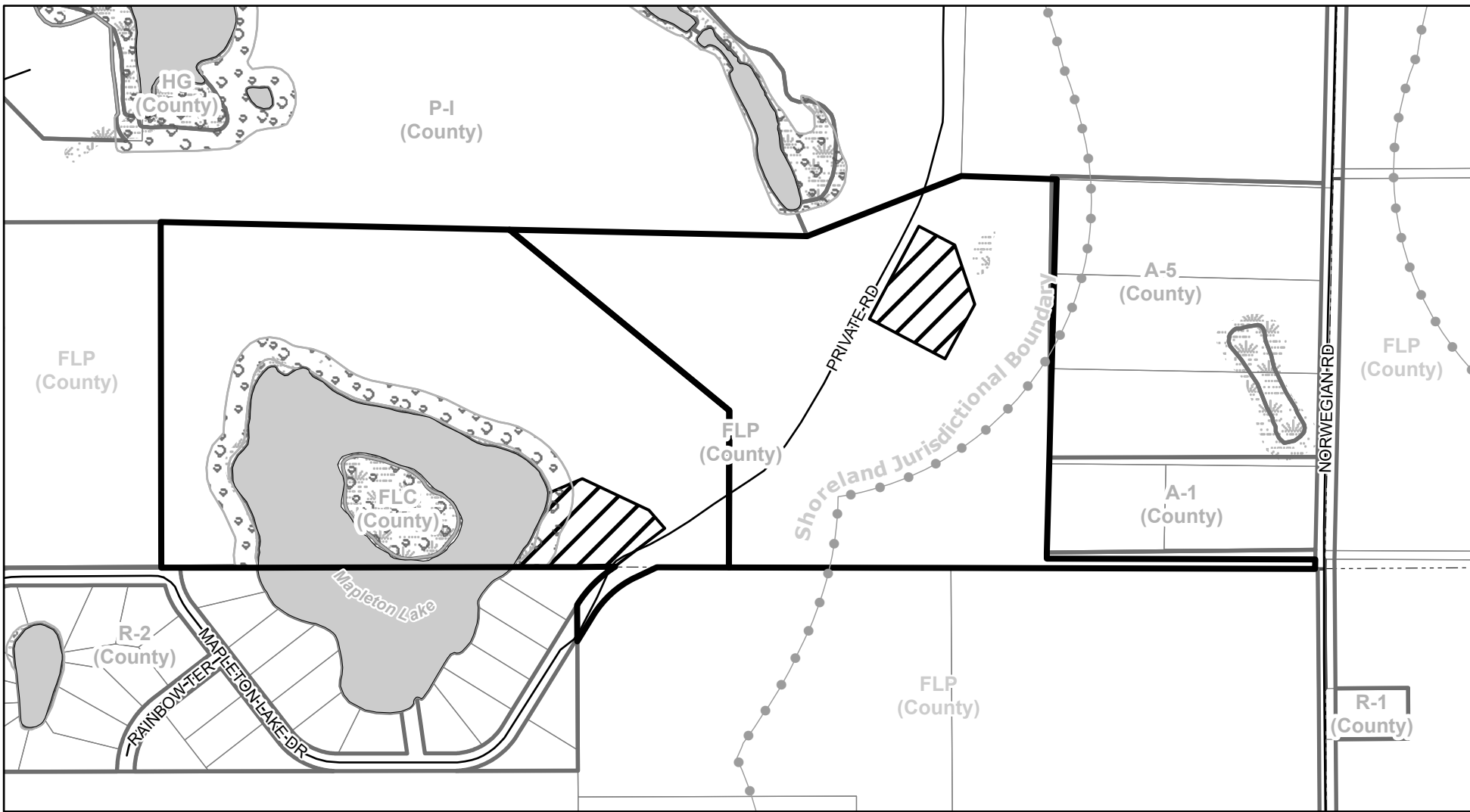
LEGEND:

- 850 - EXISTING CONTOUR
- EXISTING SANITARY SEWER
- EXISTING WATER MAIN
- EXISTING STORM SEWER
- PROPOSED SANITARY SEWER (PRIVATE)
- PROPOSED SANITARY SEWER (PUBLIC)
- PROPOSED SANITARY MANHOLE
- PROPOSED WATER MAIN (PRIVATE)
- PROPOSED WATER MAIN (PUBLIC)
- PROPOSED HYDRANT
- PROPOSED WATER VALVE
- PROPOSED STORM SEWER
- PROPOSED STORM MANHOLE
- PROPOSED STORM INLET
- PROPOSED STORM END SECTION



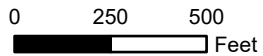
NOTE:
EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.

CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.
CALL DIGGERS HOTLINE 1-800-242-8511



ZONING AMENDMENT

PART OF THE S 1/2 OF SECTION 14,
TOWN OF OCONOMOWOC



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

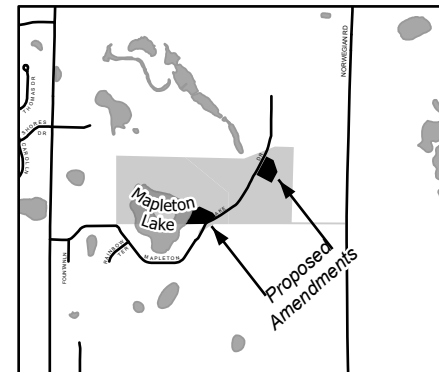


EC Environmental Corridor Overlay



C-1 Conservancy Overlay

FILE.....RZ139
 DATE OF PLAN COMMISSION.....4/18/24
 AREA OF CHANGE.....4.4 ACRES
 TAX KEY NUMBER.....OCOT 0488.994.003 and OCOT 0488.994.005



WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
CONDITIONAL USE

DATE: April 18, 2024

FILE NO.: CU109

OWNER AND APPLICANT: Cypress Tree, LLC
c/o Terry Bartowitz
16575 Patricia Lane
Brookfield, WI 53005

TAX KEY NO's. AND LOCATION:

OCOT 0488.994.003: Lot 3, Certified Survey Map No. 11032, a redivision of Lot 1, CSM No. 6947, part of the NE ¼, SW ¼, and SE ¼ of Section 14, and part of the NE ¼ of Section 23, T8N, R17E, Town of Oconomowoc.

OCOT 0488.994.005: Lot 1, Certified Survey Map No. 11033, a redivision of Lot 4, CSM No. 11032, Section 14, T8N, R17E, Town of Oconomowoc.

ZONING CLASSIFICATION(S): Farmland Preservation (FLP) District, Farmland Conservancy District, Environmental Corridor Overlay District and (Proposed) R-1 Residential District (pending RZ139).

EXISTING USE(S): Agricultural.

REQUEST/PROPOSED USE(S):

Permit the use of activities, including the use of guest houses, associated with an adjacent non-profit organization and hospice care facility on the subject properties. Activities include, but are not limited to, hay rides, snow shoeing, scavenger hunts, fundraising walk/runs, and tree planting.

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

The property is designated in the Farmland Preservation category on the Comprehensive Development Plan for Waukesha County and in the Prime Agricultural category on the Town Land Use Plan. Per the Ordinance, a guest house is not considered a dwelling unit. Therefore, the property maintains a maximum 35 acres per dwelling unit density standard, as recommended by the plan. In addition, the proposed expanded uses from the adjacent non-profit are either related agricultural-adjacent activities, or such activities do not limit the ability to farm the property. Therefore, the proposal complies with both plans.

PUBLIC HEARING DATE: March 4, 2024

There were three public hearings held on the same evening regarding the subject properties. All three public hearings were opened concurrently. The comments below are inclusive of public comment received for the subject Conditional Use request to expand non-profit uses onto the subject lands from an adjacent parcel (CU109), in addition to a Conditional Use request for land altering activities in conjunction with proposed construction of dwelling units (CU110) and a zoning amendment request from the FLP District to the R-1 District for two approximately 2-acre properties (RZ139).

PUBLIC REACTION:

Krista Sur, N71 W35500 Mapleton Lake Drive, noted how she loves living on a dead end street. She has concerns regarding shoreline erosion around the lake, the spraying of chemicals and fish habitat. She asked who was going to own and live in the homes and questioned what lighting was going to be installed. She discussed how the easement granted to the petitioner that extends over her property would be affected. *A discussion about the DNR's involvement in lake quality and shoreline erosion ensued. The petitioner responded that Cypress Tress, LLC would own both properties and he would be living in one of the units. The lighting was not addressed at the public hearing. Staff relayed the easement would no longer be necessary.*

Tom Hock, N71W35750 Mapleton Lake Drive, noted support for the project but questioned why the cottages that were approved with the original proposal for Zachariah's Acres were never built. *The petitioner responded that the County and Town had asked for a 20-year build out plan at the time. The cottages on the Zachariah's Acre property were what was envisioned, but their plans had shifted and this is now what they'd like to propose.*

Paul Westbrook, N71W35558 Mapleton Lake Drive, expressed concerns over the amount of traffic the project would generate on a quiet, dead-end street. He also questioned if the petitioner knew it was Farmland Preservation when he purchased the property and questioned why they got to be an exception from the rules. *Staff clarified that the rezone request and the Conditional Use requests were in accordance with the Ordinance provisions.*

Keith Farley, W376 N7985 McMahan Road, gave his support of the housing spaces for visitors to stay and have respite.

A Plan Commissioner asked if Servants Way had been considered to provide access to the new lots rather than Mapleton Lake Dr. The petitioner responded it would require a significant amount of grading and gravel to construct such a long road, which would ultimately disrupt much more of the agricultural land.

Dave Peschek, N73W36381 S. Shore Drive, stated the amount of growth in Oconomowoc is getting out of hand and would rather see the lands used for this type of proposal than sold to a developer for a subdivision.

Beth Pinali, N79W34975 Peterson Dr., noted she is a nurse at AngelsGrace, which serves 400 families a year. She indicated that she never thought they could do anything better than what they are doing to help serve until she reviewed the current proposal.

The petitioner also submitted three letters of support at the public hearing.

TOWN PLAN COMMISSION ACTION:

On March 18, 2024, the Town of Oconomowoc Plan Commission unanimously recommended approval of the request to the Waukesha County Park and Planning Commission, subject to several conditions incorporated below.

STAFF ANALYSIS:

The subject property consists of two vacant parcels located north of C.T.H. K and east of C.T.H. P in the Town of Oconomowoc and are a combined 85 acres. The property incorporates the north half of Mapleton Lake, with wetlands and Isolated Natural Resource Area (INRA) near the shoreline. A private easement serving one property that is owned by the petitioner extends through the subject property from Mapleton Lake Drive. The property is primarily zoned Farmland Preservation, with areas of Farmland Conservancy District and Environmental Corridor Overlay District on the island in Mapleton Lake and around the shoreline, respectively. Most of the property is within the Waukesha County Shoreland Protection Ordinance jurisdictional boundary, except the southeastern portion of the property is within the Zoning Code. The surrounding area is a mix of uses.

To the north is a non-profit organization, Zachariah's Acres, that is operated by the petitioner. To the south is Mapleton Lake Estates subdivision, with riparian and non-riparian parcels that are approximately $\frac{3}{4}$ of an acre. The remaining area is rural farmland. The petitioner is proposing modifications to the property boundaries, including two 2-acre single family residential lots and one large outlot of the remnant farm acreage (Exhibit A). The lot modifications are subject to approval of the pending rezone (RZ139) and Certified Survey Map.

The petitioner is proposing an Unspecified Conditional Use Permit to allow for a variety of uses associated with the Zachariah's Acres and Angels Grace properties to the north and northwest, respectively, to be expanded onto the proposed 2-acre residential lots (Lots 1 and 2) and Outlot 1. The expanded uses on Outlot 1 would include hay wagon rides, snow shoeing, scavenger hunts, nature walks, an annual walk/run/roll fundraiser, tree planting and Christmas tree sales and other similar uses. These events are accessed from the property to the north (Zachariah's Acres) and do not require additional parking on the private easement to the west or Mapleton Lake Drive. A pole building is proposed on the east portion of the property to provide storage for the existing Christmas Tree farm operation. On the north side of the lake is an existing boat launch and floating pier system. A gazebo is proposed near the boat launch to provide respite for visitors when walking the existing trails around the lake or when waiting for a pontoon ride. No outdoor lighting, signage or outdoor storage are proposed at this time.

Lots 1 and 2 are subject to a zoning amendment from the FLP District to the R-1 District. Each lot will contain a single-family residence and a guest house. The Ordinance states that guest houses are permitted on properties that are twice the size and width of the district requirements and are to be used for occasional occupancy by guests without being leased or rented. The proposed parcels meet the lot size and width requirements. The principal residences are proposed to provide housing for caregivers who act as hosts for the guests in the respective quarters. One of the residents of the principal structures will be the petitioner. The guest houses will be on-site managed and free of charge for those visiting or affiliated with Zachariah's Acres who do not feel safe if they are too far removed from health care providers and for those visiting AngelsGrace. The petitioner anticipates the guest houses occupancy rate will start out at an annual 40%, but will fluctuate by the season, the AngelsGrace Hospice census, holidays, etc.

The petitioner is also proposing to put 10 acres into an agricultural preservation, ensuring a portion of the property remains in agricultural use in perpetuity. This is significant in that when and if the lands are no longer designated as Farmland Preservation in town and county plans, a portion of the property will remain in agricultural use. The land abutting Mapleton Lake may, for example, have a future in another category outside of Farmland Preservation.

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 use of each property shall be limited to a single-family residence, one (1) guest quarters, and one (1) accessory structure.
2. The guest quarters shall be for the temporary occupancy of guests of AngelsGrace Hospice and Zachariah's Acres. Under no circumstances shall the guest quarters be rented or occupied on a permanent bases by one (1) person or persons.
3. The guest quarters shall be constructed after or in conjunction with the single-family residence on the lot and shall not be used or occupied until the caregiver of the residence occupies the single-family residence.

4. All conditions of the Zoning Amendment from FLP Farmland Preservation District to R-1 Residential district shall be complied with prior to issuance of any zoning and/or building permits for the proposed structures/buildings.
5. No temporary or permanent signs are permitted, unless approved by the Town Plan Commission and Waukesha County staff via an amended Site Plan/Plan of Operation.
6. No expansion of the proposed use **beyond the terms specified herein (additional Single Family Residential homes, and Guest Quarters or accessory structures)** is permitted without an amendment to the Conditional Use Permit as required per the Waukesha County Shoreland Protection Ordinance.
7. **An agricultural easement shall be prepared and submitted to Waukesha County for review and approval that states the permitted uses and maintenance responsibilities within the agricultural easement area. The easement shall note that the 10 acres as identified on Exhibit A shall be placed in agricultural preservation in perpetuity. The final easement document shall be recorded in the Waukesha County Register of Deeds, prior to the issuance of the Conditional Use Permit.**
8. Absolutely no outside storage of equipment/trailers or commercial type apparatus shall be permitted, unless specifically approved by the Town Plan Commission and Waukesha County staff **via an amended Site Plan/Plan of Operation.**
9. **No free-standing outdoor lighting shall be permitted on Outlot 1 unless specifically approved by the Town Plan Commission and Waukesha County Staff via an amended Site Plan/Plan of Operation. All outdoor lighting proposed on Lot 1 and Lot 2 shall be approved by the Town Planner and shall be in accordance with the Town of Oconomowoc Code, Chapter 189 Lighting.**
10. **The wetlands and INRA shall be re-delineated to ensure all proposed structures are meeting a 75 ft. wetland setback and are located outside of the INRA. Concurrence of the wetland and INRA shall be sought by the DNR or SEWRPC, respectively, if applicable. Documentation of the delineation shall be submitted to Waukesha County Planning and Zoning Division for review. The updated resources boundaries shall be shown on future site plans.**
11. **The proposed pole barn and the gazebo on Lot 1 require a Zoning Permit from Waukesha County and a Building Permit from the Town of Oconomowoc, prior to construction. All locational requirements of the Ordinance shall be met.**
12. **If any modifications to the existing trail system around Mapleton Lake and/or in Outlot 1 are proposed, the petitioner shall obtain all necessary permits from Waukesha County Planning and Zoning Division, including but not limited to permits associated with the addition of structures such as new walkways, minor grading, and/or the addition or replacement of impervious surfaces, including gravel.**
13. ~~Each~~ **The Conditional Use Permit shall automatically expire and terminate upon the sale of the property, unless transferred with approval of the Town Plan Commission and Waukesha County staff via a Site Plan/Plan of Operation amendment.**

14. Subject to documentation being submitted to the Town Planner **and Waukesha County** that Waukesha County Environmental Health Division has approved the onsite waste disposal system for the proposed uses on the property prior to the issuance of any permits.
15. An up-to-date **Site Plan/Plan** of Operation must be on file, at all times, with the Town of Oconomowoc Plan Commission and Waukesha County.
16. The Western Lakes Fire Department shall inspect said premises to ensure that all fire codes are being complied with and access to the site is adequate for emergency vehicles. All compliance violations shall be corrected to the Fire Chief's satisfaction, prior to the issuance of a Conditional Use/Plan of Operation Permit.
17. Construction plans for the residence and guest quarters shall be submitted to the Town of Oconomowoc Building Inspector. The Building Inspector shall inspect the premises to determine compliance with all applicable building codes. All compliance violations shall be corrected to the Building Inspector's satisfaction, prior to the issuance of any Occupancy Permits.
18. The Town reserves the right to review any condition imposed as part of this Conditional Use and Plan of Operation. The Town Plan Commission may modify, change, delete, add, etc. any conditions which they feel may be reasonable in order to allow this use and ensure it does not become detrimental to the surrounding area without the necessity of having a public hearing. Any major change, as determined by the Town Plan Commission and Waukesha County shall follow the Conditional Use procedure of the Waukesha County Shoreland Protection Ordinance.
19. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
20. Subject to the applicant allowing the premises to be available for inspection by the Town of Oconomowoc **and Waukesha County** officials at any reasonable time and upon reasonable notice.
21. Subject to all activities on the subject property herein may not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other simliar factor.
22. Professional fees. Petitioner shall, on demand, reimburse the Town of Oconomowoc for all costs and expenses of any type that the Town incurs in connection with this Plan of Operation **and Conditional Use Permit**, including the cost of professional services incurred by the Town of Oconomowoc (including engineering, legal, planning and other consulting fees), for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this approval due to a violation of these conditions. ***This condition is enforceable by the Town only.***
23. Payment of Charges. Any unpaid bills owed to the Town by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees, or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval. ***This condition is enforceable by the Town only.***

The subject lands are owned by the operator of Zachariah's Acres, a non-profit organization to the north. Zachariah's Acres has been utilizing the properties for many of the proposed uses for years. Waukesha County has no record of any complaints from neighboring property owners regarding the uses extending onto the subject lands. The proposed uses, including the use of guest houses, will not interfere with the ability to farm the property. In addition, the petitioner will be putting 10 acres into an agricultural preservation easement, further ensuring that a portion of the property will remain in agricultural use regardless of its plan or zoning designations. Therefore, as conditioned, approving this request meets the purpose and intent of the Waukesha County Shoreland Protection Ordinance.

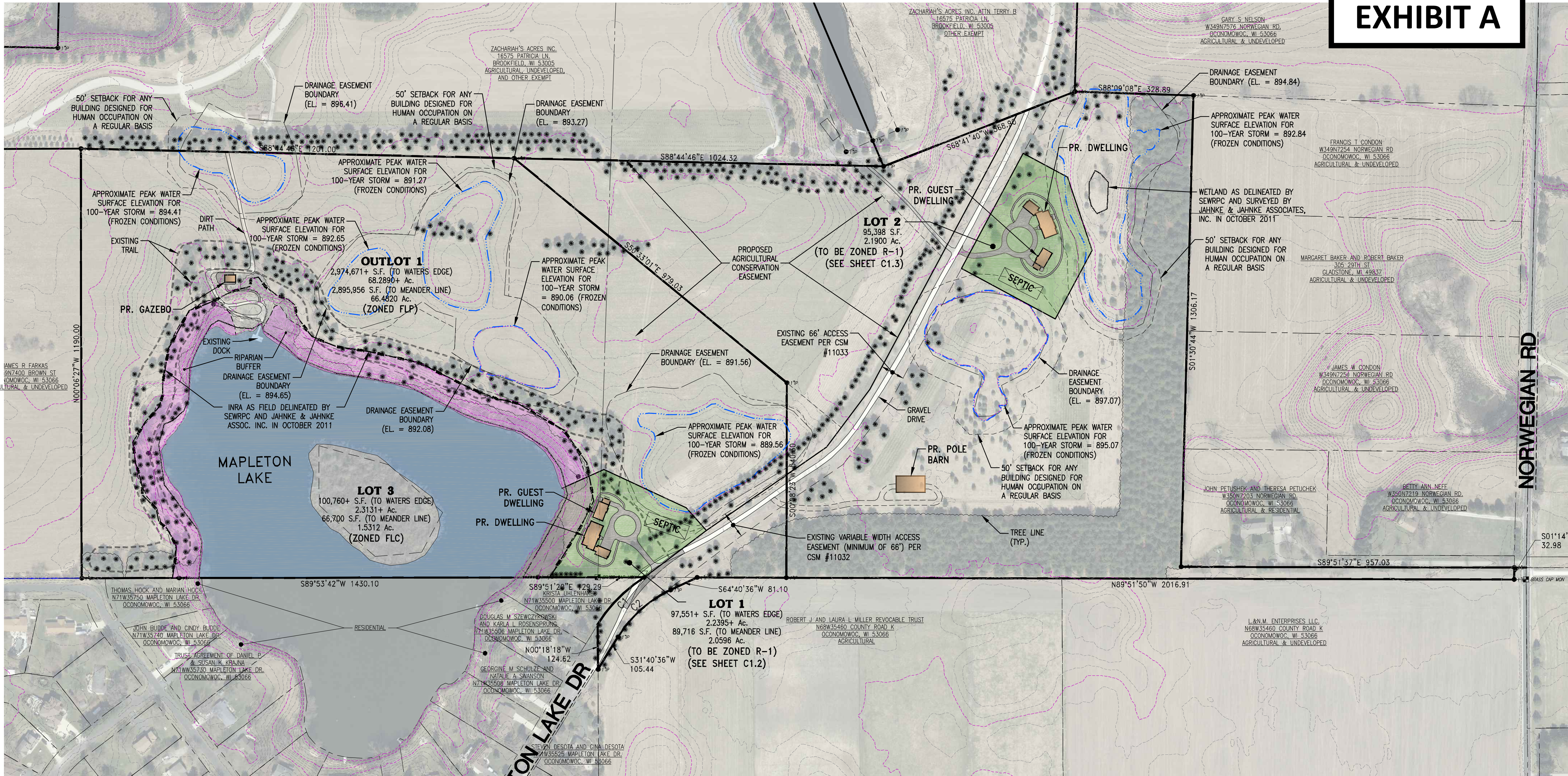
Respectfully submitted,



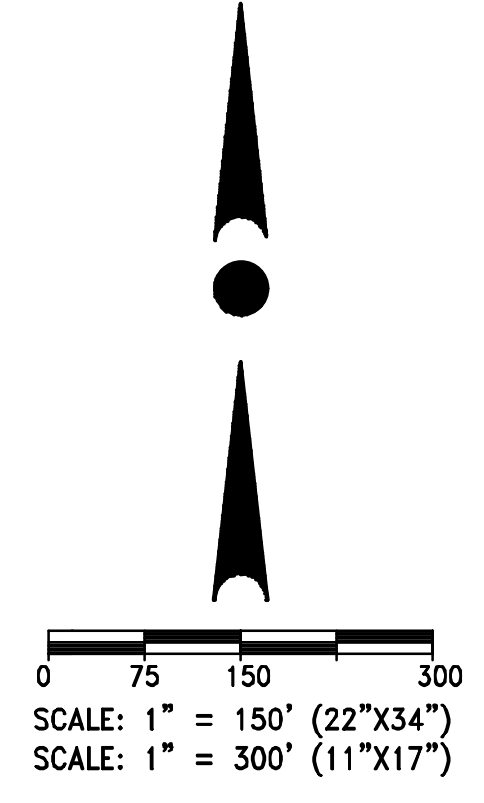
Rebekah Leto
Senior Planner

Attachment: Exhibit A – Overall Site Plan

EXHIBIT A



X:\2022\22-013-1147 ZACHARIAH'S ACRES\DRAWINGS\CONSTRUCTION PLANS\MAPLETON LAKE_CIVIL_PLAN_SET_22X34.DWG



CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE.
CALL DIGGERS HOTLINE 1-800-242-8511

NOTE: EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.

NO.	RADIUS	CENTRAL ANGLE	ARC	CHORD	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	409.43	25°49'45"	184.58	183.02	S44°37'43"W	S57°32'36"W	S31°42'51"W
C2	343.43	33°00'01"	197.80	195.08	S48°10'36"W	S64°40'36"W	S31°40'35"W

NOTE: DWELLINGS AND GUEST DWELLINGS TO BE OCCUPIED BY CARETAKERS/STAFF, PATIENTS OF ANGELSGRACE HOSPICE CARE, AND GUESTS OF ZACHARIAH'S ACRES.

SITE DATA	
OUTLOT AREA DATA:	
TOTAL OUTLOT AREA: (TO WATER'S EDGE)	2,974,671+ S.F. (68.289+ Acres)
TOTAL IMPERVIOUS AREA:	48,530 S.F. (1.114 Acres)
BUILDING AREA:	1.63% of Lot
GRAVEL AREA:	4,200 S.F.
TOTAL OPEN SPACE AREA:	2,926,141 S.F. (67.175 Acres)
	98.37% of Lot

LEGEND:	
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TRIO
CIVIL ENGINEERING

4100 N. Calhoun Rd
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481

PROJECT:
MAPLETON LAKE PHASE 1
ZACHARIAH'S ACRES
TOWN OF OCONOMOWOC, WISCONSIN
CVRESS TREE, LLC.
16575 PATRICIA LN
BROOKFIELD, WI 53005-5523

REVISION HISTORY	
DATE	DESCRIPTION
01/08/24	PRELIMINARY DESIGN

DATE:
JANUARY 9, 2024

JOB NUMBER:
933-21009

DESCRIPTION:
OVERALL
PROPOSED
SITE PLAN

SHEET

C1.1

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
CONDITIONAL USE

DATE: April 18, 2024

FILE NO.: CU110

OWNER AND APPLICANT: Cypress Tree, LLC
c/o Terry Bartowitz
16575 Patricia Lane
Brookfield, WI 53005

TAX KEY NO's. AND LOCATION:

OCOT 0488.994.003: Lot 3, Certified Survey Map No. 11032, a redivision of Lot 1, CSM No. 6947, part of the NE ¼, SW ¼, and SE ¼ of Section 14, and part of the NE ¼ of Section 23, T8N, R17E, Town of Oconomowoc.

OCOT 0488.994.005: Lot 1, Certified Survey Map No. 11033, a redivision of Lot 4, CSM No. 11032, Section 14, T8N, R17E, Town of Oconomowoc.

ZONING CLASSIFICATION(S): (Proposed) R-1 Residential District (pending RZ139); Environmental Corridor Overlay District

EXISTING USE(S): Vacant

REQUEST:

Land altering activities associated with the construction of the single family residences and guest quarters on the two proposed parcels.

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

The property is designated in the Farmland Preservation category on the Comprehensive Development Plan for Waukesha County and in the Prime Agricultural category on the Town Land Use Plan. The proposal to construct single family residences and guest houses comply with both plans.

PUBLIC HEARING DATE: March 4, 2024

PUBLIC REACTION:

All public comments are identified within the Staff Report and Recommendations for CU109 and RZ139.

TOWN PLAN COMMISSION ACTION:

On March 18, 2024, the Town of Oconomowoc Plan Commission unanimously recommended approval of the request to the Waukesha County Park and Planning Commission, subject to several conditions incorporated below.

STAFF ANALYSIS:

The subject properties consist of two approximately 2-acre parcels that are subject to a pending rezoning request from the Farmland Preservation District to the R-1 Residential District (RZ139). In addition, the subject properties and remnant farmland are subject to an Unspecified Conditional Use for an expansion of uses associated with a non-profit organization and hospice care (CU109). Additional information on the proposed and existing uses surrounding the subject parcels and the remnant farmland can be found within the Staff Report and Recommendation for CU109. A full site plan is attached as Exhibit A.

Lots 1 and 2 are proposed to be developed with a single-family residence and guest house. Both lots will be served by private on-site sewage system and private well. The guest houses are for guests of Zachariah's Acres or AngelsGrace Hospice. The principal structures on each lot are designed to be entirely ADA accessible, with flush entryways in the front and the rear. The one-story guest houses will also be designed with complete ADA-accessibility. Both lots are proposed to have wheelchair accessible paths around the structures to allow guests full use of the properties. All structures appear to meet the locational requirements set forth by the R-1 District based on the submitted site plan. Building plans have not yet been designed. Therefore, the grading plans are conceptual and were designed to meet setbacks from the 100-year storm elevation of nearby kettles during frozen ground conditions, in addition to achieving flush entryways to allow for ADA-accessible design. Because of this, the amount of grading proposed triggers a Conditional Use Permit for Land Altering Activities, as the proposed grading is more than the typical land altering activities associated with residential development.

Lot 1 is located at the end of Mapleton Lake Drive and has frontage on Mapleton Lake. Direct access will extend from a private 66 ft. wide easement. A single family residence exists to the south. The lot will be served by private septic system and well. Directly northwest of the property is a kettle. There is a steep, wooded slope to the shore that is proposed to remain relatively undisturbed. The top of the slope is at 889' and the shoreline is at 874', a 20% slope. The building area is flat and at the same elevation as the road (893'). To create the full exposure and flush entry on the lake side, the petitioners are proposing up to six feet of fill on the roadside and between one-to-five feet of fill on the south side. The rear walkout elevation is proposed at 889'. The guest house requires less fill on the roadside (3 ft.) as the proposal is to slope the grades towards the kettle. A zero to six foot retaining wall is proposed along the lake side of the guest house to maintain the natural grade at the top of the slope and be consistent with the principal residence. The wall is approximately 90 ft. from the shore. A concept grading plan for Lot 1 is attached at Exhibit B.

Lot 2 is located in the northeast section of the parent parcel (see Exhibit A for reference). Access is proposed from the existing private access easement. The building site adjacent to the road is relatively flat but the topography starts to slope down to a large kettle west of the building site. There is also a kettle to the south of the building site. All structures designed for human habitation must meet a 50 ft. setback from kettle based on the 100-year storm elevation during frozen ground conditions. The walkout elevation meets these setback requirements and matches the 895' contour, which is at the top of the slope. The road elevation is also at 895'. To achieve the desired ranch-style home and flush-entry design, the petitioner is proposing to fill up to eight feet between the road and the residence. One 4 ft. retaining wall and one 3 ft. retaining wall are proposed at the rear of the principal residence and guest house, respectively. A concept grading plan for Lot 2 is attached as Exhibit C.

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. Subject to documentation being submitted to the Town Planner **and the Waukesha County Planning and Zoning Division** that a **Stormwater and Erosion Control Permit** (for each parcel) has been reviewed and approved by the Waukesha County Department of Parks and Land Use, Land Resources Division, prior to the issuance of a Conditional Use Permit.
2. **Prior to the issuance of Zoning Permits, a complete set of house plans must be submitted to the Planning and Zoning Division staff for review and approval.**
3. **Prior to the issuance of Zoning Permits, a Plat of Survey for each parcel showing the staked-out locations of the proposed structures and any appurtenances must be prepared by a professional land surveyor and submitted to the Planning and Zoning Division Staff for review and approval.**
4. **In order to ensure the proposed grading does not result in adverse drainage onto adjacent properties or affect natural resources, a detailed Grading and Drainage Plan for Lot 1 and Lot 2, showing existing and proposed grades, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division Staff for review and approval, prior to the issuance of a Zoning Permit. The intent is that each property be graded according to the approved plan and also to provide that the drainage remains on the property or drain to the lake and not to the neighboring properties or the road. The following information must also be submitted along with the Grading and Drainage Plan: a timetable for completion, the source and type of fill, a complete Vegetative Plan including seeding mixtures and amount of topsoil and mulch, an Erosion and Sediment Control Plan, and the impact of any grading on storm water and drainage. This Grading Plan may be combined with the Plat of Survey required in Condition No. 3.**
5. **Any significant modifications as determined by the Town Planner and Waukesha County Staff from the concept grading plans (Exhibits B and C) may require a new Conditional Use application and public hearing.**
6. Subject to a detailed landscaping plan be submitted to the Town Planner and Waukesha County for review and approval showing the final restoration and landscaping for those areas of disturbance. The landscaping plan shall include, but not be limited to, how the area of disturbance will be stabilized, including the method and type/size of vegetation to be used. Any plantings should be native to Wisconsin with extensive root systems, which will help to maximize water runoff uptake and minimize erosion along the slopes.
7. Subject to all activities complying in all respects with any and all requirements of the Waukesha County Department of Parks and Land Use.
8. Subject to the owner providing documentation to the Town Planner and Waukesha County that the Wisconsin Department of Natural Resources (DNR) and Army Corp of Engineers have reviewed the land altering activities and ~~so stating~~ **have stated** if permits are required for said Land Altering activities.
9. All land altering activities shall follow the approved plans and sequence as approved by Waukesha County.

10. Subject to all land altering activities being completed and each site completely restored and vegetated no later than two (2) years from action by the Waukesha County Park and Planning Commission, unless extended by the Town Plan Commission and Waukesha County staff.
11. All activities on the subject property herein shall not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor, taking into consideration with the understanding that certain uses are allowed with the approval of the Conditional Use Permit.
12. The applicant shall allow the premises to be available for inspection by the Town of Oconomowoc and Waukesha County officials at any reasonable time and upon reasonable notice.
13. Subject to all laws, ordinances, regulations and rules of the State, County, Town and USA.
14. The Town reserves the right to review any condition imposed as part of this Conditional Use if said use becomes a problem in the area. The Town Plan Commission may modify, change, delete, add, etc. any conditions, which they feel may be reasonable to allow this use and insure it does not become detrimental to the surrounding area without the necessity of having a public hearing. Any major change, as determined by the Town Plan Commission and Waukesha County shall follow the Conditional Use procedure of the Waukesha County **Shoreland Protection Zoning** Ordinance.
15. Professional fees. Petitioner shall, on demand, reimburse the Town of Oconomowoc for all costs and expenses of any type that the Town incurs in connection with this Plan of Operation **and Conditional Use Permit**, including the cost of professional services incurred by the Town of Oconomowoc (including engineering, legal, planning and other consulting fees), for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this approval due to a violation of these conditions. ***This condition is enforceable by the Town only.***
16. Payment of Charges. Any unpaid bills owed to the Town by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees, or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval. ***This condition is enforceable by the Town only.***

The location of the home sites and proposed parcels are proposed in an area that does not interfere with the tillable acreage on Lot 1 or the tree farm operation on Lot 2, which furthers the purpose and intent of farmland preservation. As designed, the grading will allow for flush entry design at the front and rear of the residences and guest houses and a paved path around the site, allowing for ADA-accessibility throughout the parcel. There are no density credits for additional development remaining, so the grading activities on Lot 2 will not have an adverse effect on adjacent properties or natural resources. The final grading plan for Lot 1, as conditioned, will ensure drainage from the development will not adversely affect the adjacent property owner to the south.

Therefore, as conditioned, the approval of this request meets the purpose and intent of the Waukesha County Shoreland Protection Ordinance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rebekah Leto".

Rebekah Leto
Senior Planner

Exhibits: Exhibit A – Overall Site Plan
 Exhibit B – Concept Grading Plan – Lot 1
 Exhibit C – Concept Grading Plan –Lot 2

X:\2022\22-013-1147 ZACHARIAH'S ACRES\DRAWINGS\CONSTRUCTION\PLANS\MAPLETON LAKE_CIVIL_PLAN_SET_22X34.DWG

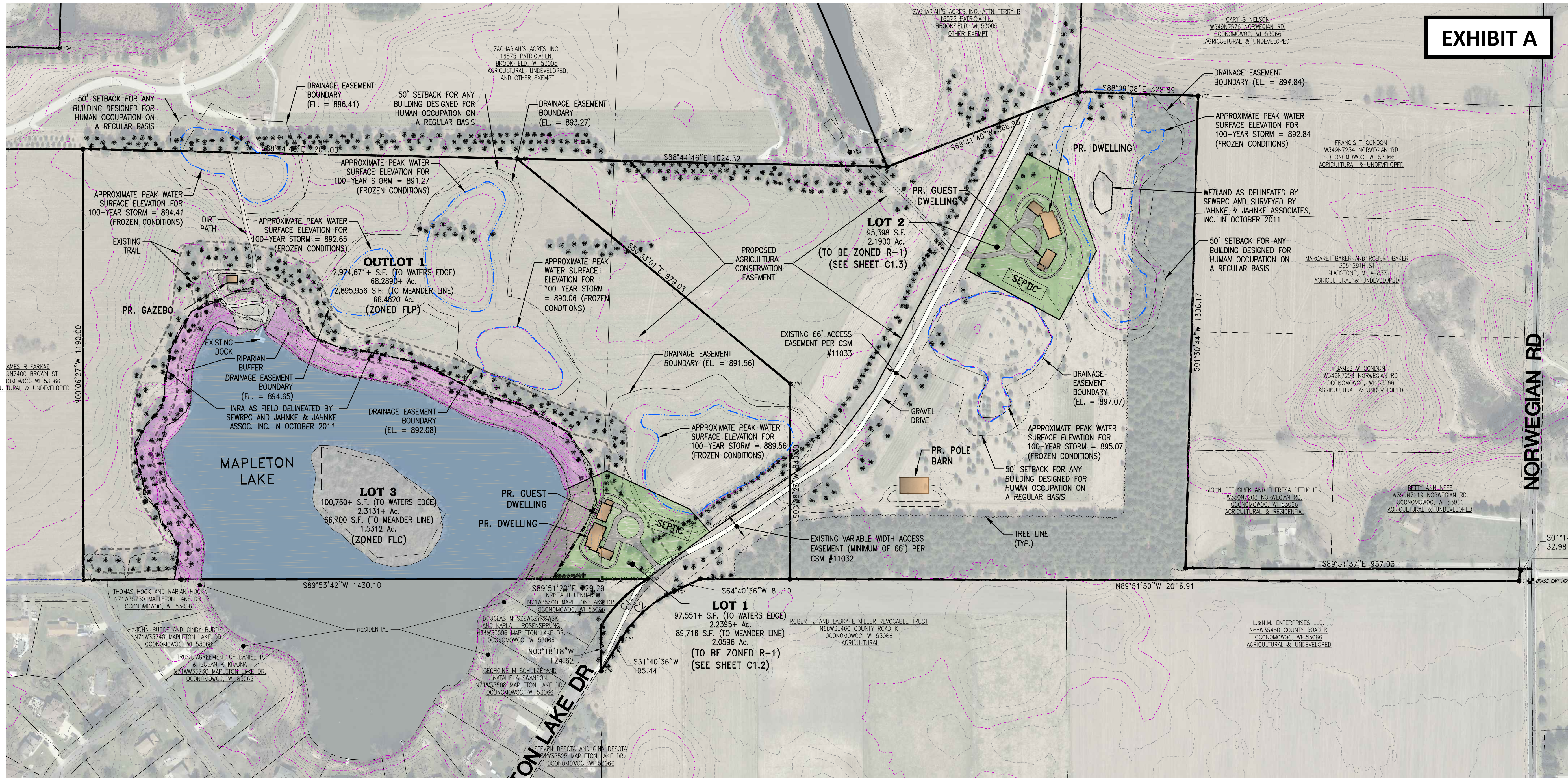


EXHIBIT A

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4100 N. Calhoun Rd
Suite 300
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Phone: (262) 790-1480
Fax: (262) 790-1481

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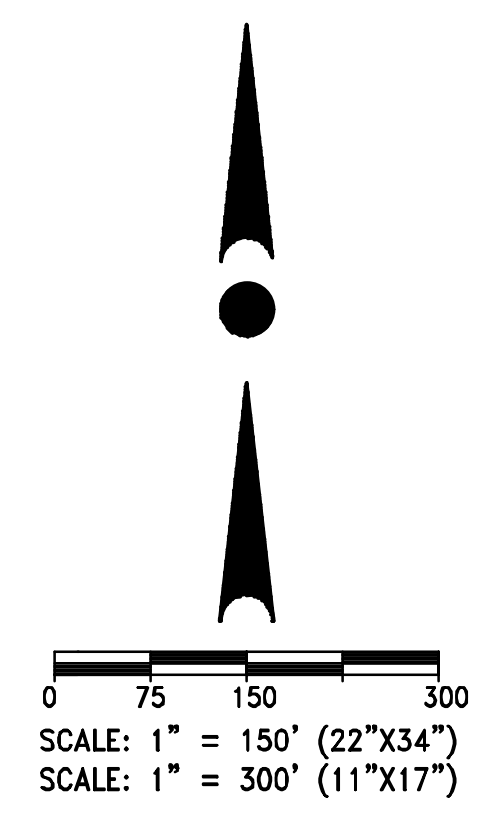
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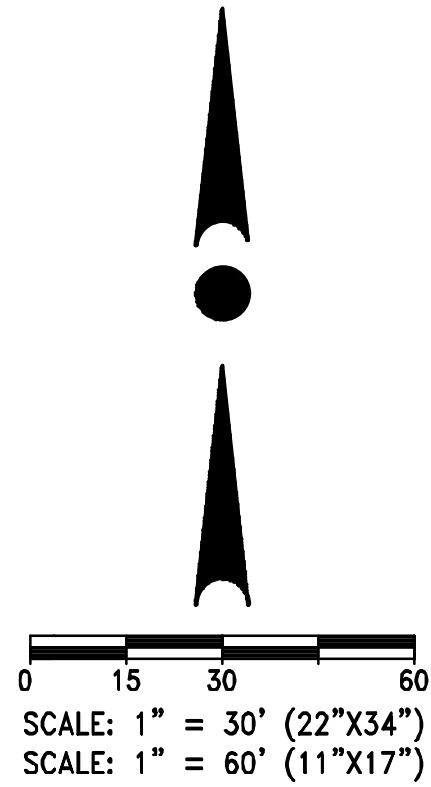


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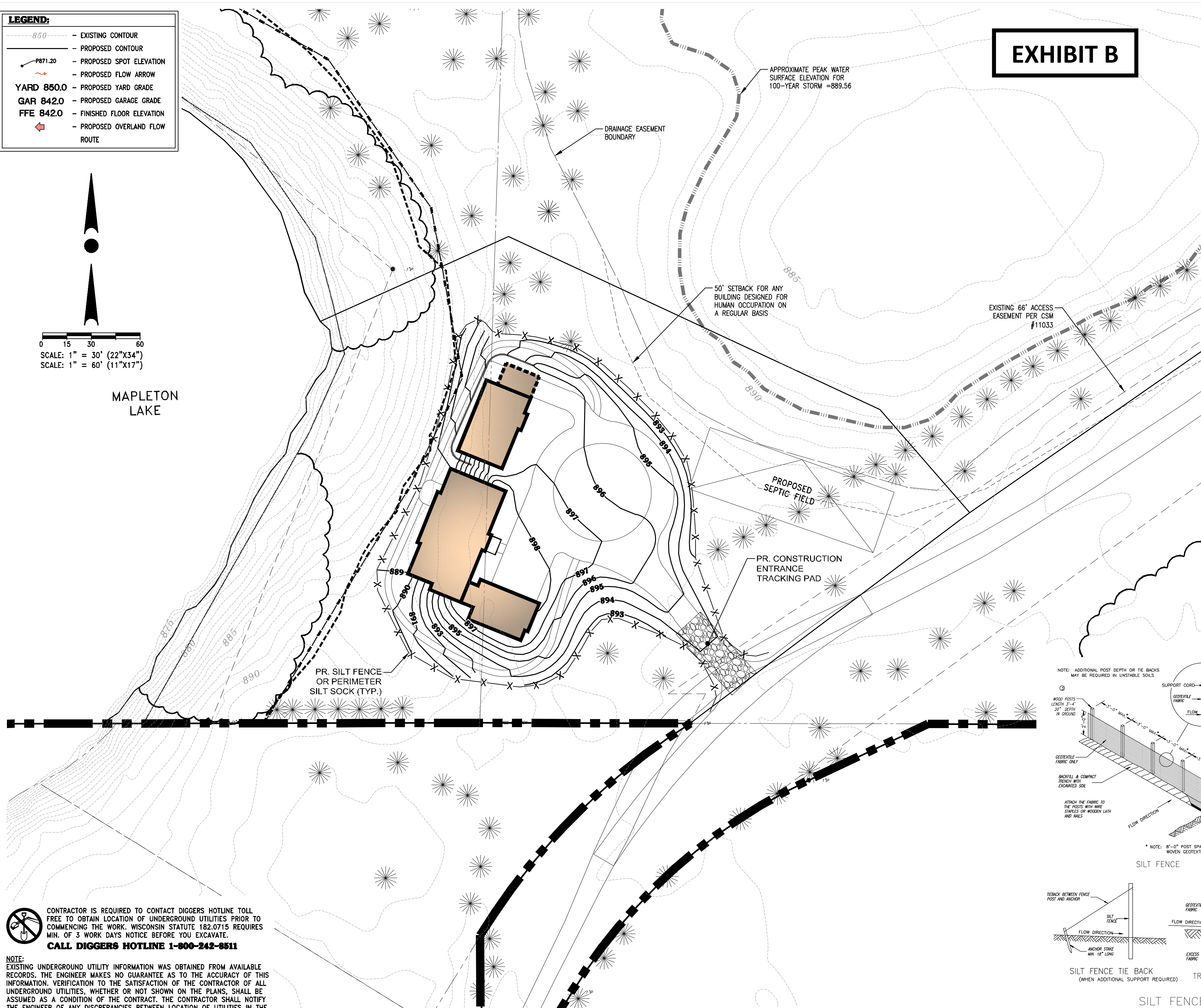
LEGEND:

- - - 850 - EXISTING CONTOUR
- - - - - PROPOSED CONTOUR
- P871.20 - PROPOSED SPOT ELEVATION
- - - - - PROPOSED FLOW ARROW
- YARD 850.0 - PROPOSED YARD GRADE
- GAR 842.0 - PROPOSED GARAGE GRADE
- FFE 842.0 - FINISHED FLOOR ELEVATION
- - - - - PROPOSED OVERLAND FLOW ROUTE

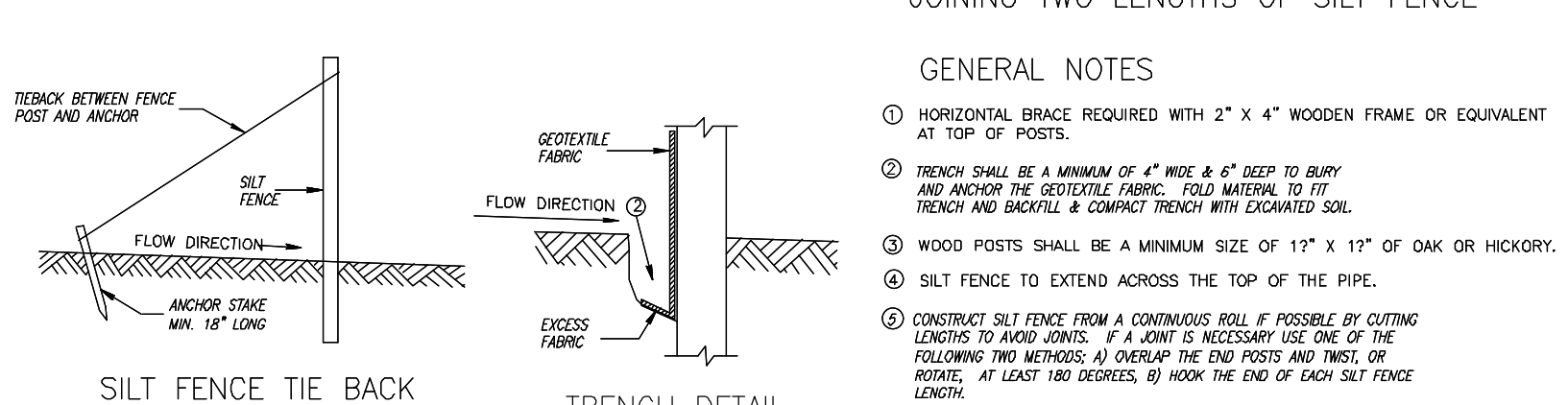
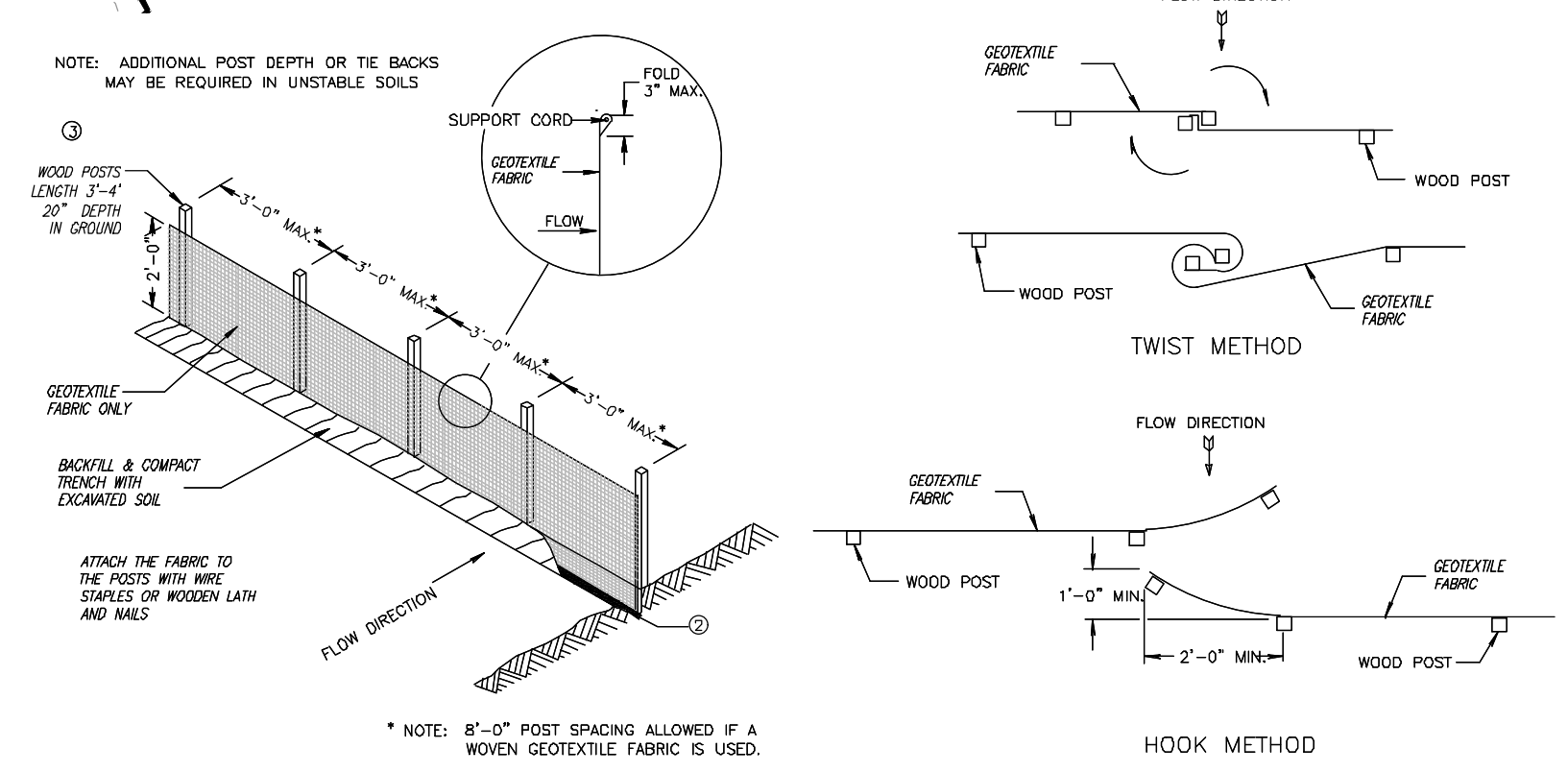
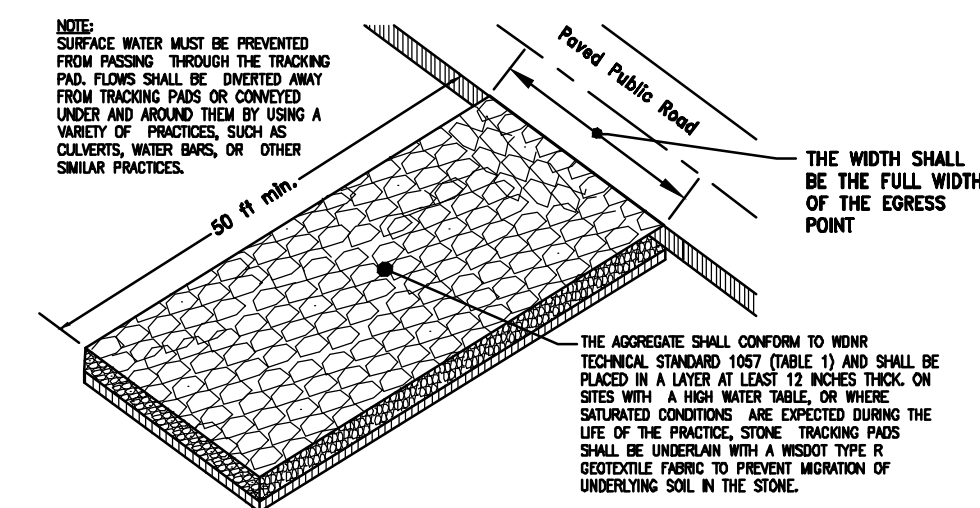


MAPLETON LAKE

EXHIBIT B



- EROSION CONTROL NOTES:**
- ALL EROSION CONTROL METHODS SHALL BE INSTALLED IN ACCORDANCE WITH WDNR TECHNICAL STANDARDS AND TOWN OF OCONOMOWOC MUNICIPAL CODE, STANDARDS, AND REQUIREMENTS.
 - THE CONTRACTOR SHALL TAKE ALL MEASURES NECESSARY TO MINIMIZE EROSION, WATER POLLUTION AND SILTATION CAUSED BY CONSTRUCTION OF THIS PROJECT. EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH WISCONSIN DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARDS.
 - EROSION CONTROL PLAN: PRIOR TO BEGINNING WORK, THE CONTRACTOR MAY BE REQUIRED TO SUBMIT AN EROSION AND SEDIMENT CONTROL PLAN, DETAILING SPECIFIC MEASURES THAT WILL BE USED IN THE VARIOUS STAGES OF CONSTRUCTION FOR APPROVAL BY THE ENGINEER.
 - IMPLEMENTATION: THE CONTRACTOR SHALL NOT BEGIN WORK UNTIL AFTER INITIAL EROSION AND SEDIMENT CONTROL DEVICES ARE IN PLACE AND APPROVED BY THE ENGINEER.
 - EROSION CONTROL MEASURES SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:
 - DIVERT UPSTREAM RUNOFF FROM FLOWING THROUGH THE CONSTRUCTION SITE.
 - PROTECT DOWNSTREAM OR ADJACENT WATERWAYS AND WETLANDS WITH SILT FENCE.
 - DELAY STRIPPING TOPSOIL UNTIL REQUIRED FOR CONSTRUCTION.
 - PLACE SILT FENCE OR EROSION CONTROL BALES IN DITCHES AND OTHER DRAINAGE WAYS TO COLLECT SEDIMENT AND TO SLOW THE VELOCITY OF RUNOFF.
 - PROMPT REMOVAL OF EXCAVATED MATERIAL.
 - PROPER STORAGE OF BACKFILL AND BEDDING MATERIALS INCLUDING PLACING SILT FENCE OR EROSION CONTROL BALES ON THE DOWNSLOPE SIDES OF SPOIL PILES.
 - CONSTRUCTION OF TRACKING PAD TO CONSTRUCTION SITE TO PREVENT SEDIMENT FROM BEING TRACKED ONTO ROADWAYS.
 - PROMPT (SAME DAY) CLEANUP OF MATERIAL TRACKED ONTO ADJACENT STREETS.
 - TIMELY RESTORATION OF DAMAGE SURFACE AREAS.
 - ALL AREAS THAT WILL REMAIN DISTURBED AFTER OCTOBER MUST BE TEMPORARILY SEED AS OF THAT DATE.
 - TEMPORARY EROSION CONTROL MEASURES:
 - THE CONTRACTOR SHALL CONSTRUCT TEMPORARY EROSION CONTROL MEASURES, WHERE EROSION IS LIKELY TO BE A PROBLEM, PRIOR TO BEGINNING WORK ON THOSE SECTION(S) OF THE PROJECT. TEMPORARY EROSION CONTROL MEASURES SHALL BE MAINTAINED UNTIL AFTER PERMANENT EROSION CONTROL, SUCH AS SEEDING OR SOODING, HAS BEEN ESTABLISHED.
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 - ALL EXPOSED SOIL AREAS NOT DISTURBED FOR UP TO SEVEN DAYS MUST BE IMMEDIATELY RESTORED WITH SEED AND MULCH.
 - INSTALL SILT FENCE IN ACCORDANCE WITH WDNR TECHNICAL STANDARD DETAILS:
 - INSPECT EROSION CONTROL MEASURES WEEKLY AND AFTER SITE RECEIVES 0.5" OF RAIN IN A 24-HOUR PERIOD DURING CONSTRUCTION.
 - REPAIR OR REPLACE EROSION CONTROLS THAT ARE DAMAGED OR FAILING.
 - ALL AREAS TO BE SEED AND MULCHED SHALL USE WOOL SEED MIXTURE NO. 20. MULCH SHALL APPLIED PER WOOT SPECIFICATIONS USING METHOD B FOR PLACEMENT.



SILT FENCE INSTALLATION DETAIL
NO SCALE

CONTRACTOR IS REQUIRED TO CONTACT DIGGERS HOTLINE TOLL FREE TO OBTAIN LOCATION OF UNDERGROUND UTILITIES PRIOR TO COMMENCING THE WORK. WISCONSIN STATUTE 182.0715 REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE. CALL DIGGERS HOTLINE 1-800-242-8511

NOTE: EXISTING UNDERGROUND UTILITY INFORMATION WAS OBTAINED FROM AVAILABLE RECORDS. THE ENGINEER MAKES NO GUARANTEE AS TO THE ACCURACY OF THIS INFORMATION. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER OR NOT SHOWN ON THE PLANS, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN LOCATION OF UTILITIES IN THE FIELD AND LOCATIONS SHOWN ON THE PLANS.

TRIO
CIVIL ENGINEERING

4100 N. Calhoun Rd
Suite 300
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481

PROJECT:
MAPLETON LAKE PHASE 1
ZACHARIAH'S ACRES
TOWN OF OCONOMOWOC, WISCONSIN
CYRESS TREE, LLC.
16575 PATRICIA LN
BROOKFIELD, WI 53005-5523

REVISION HISTORY

DATE	DESCRIPTION
01/09/24	PRELIMINARY DESIGN

DATE:
JANUARY 9, 2024

JOB NUMBER:
933-21009

DESCRIPTION:
GRADING &
EROSION CONTROL
PLAN - WEST LOT

SHEET
C2.0

X:\2022\22-013-1147_ZACHARIAH'S ACRES\DRAWINGS\CONSTRUCTION PLANS\MAPLETON LAKE_CIVIL_PLAN_SET_22X34.DWG

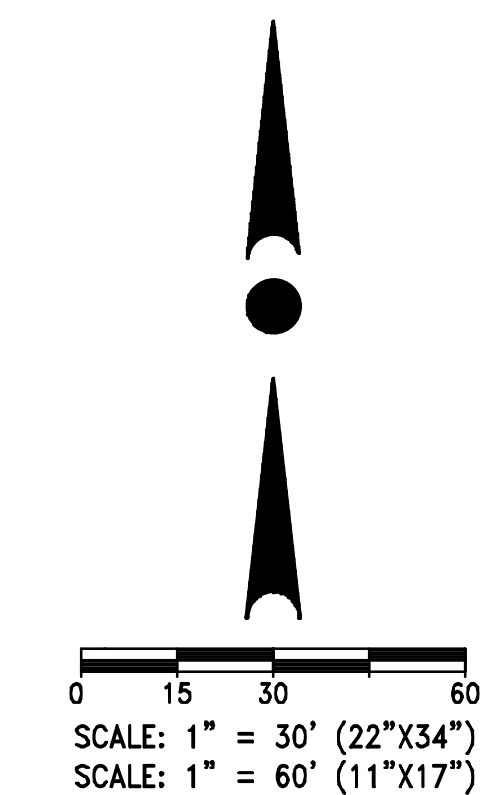


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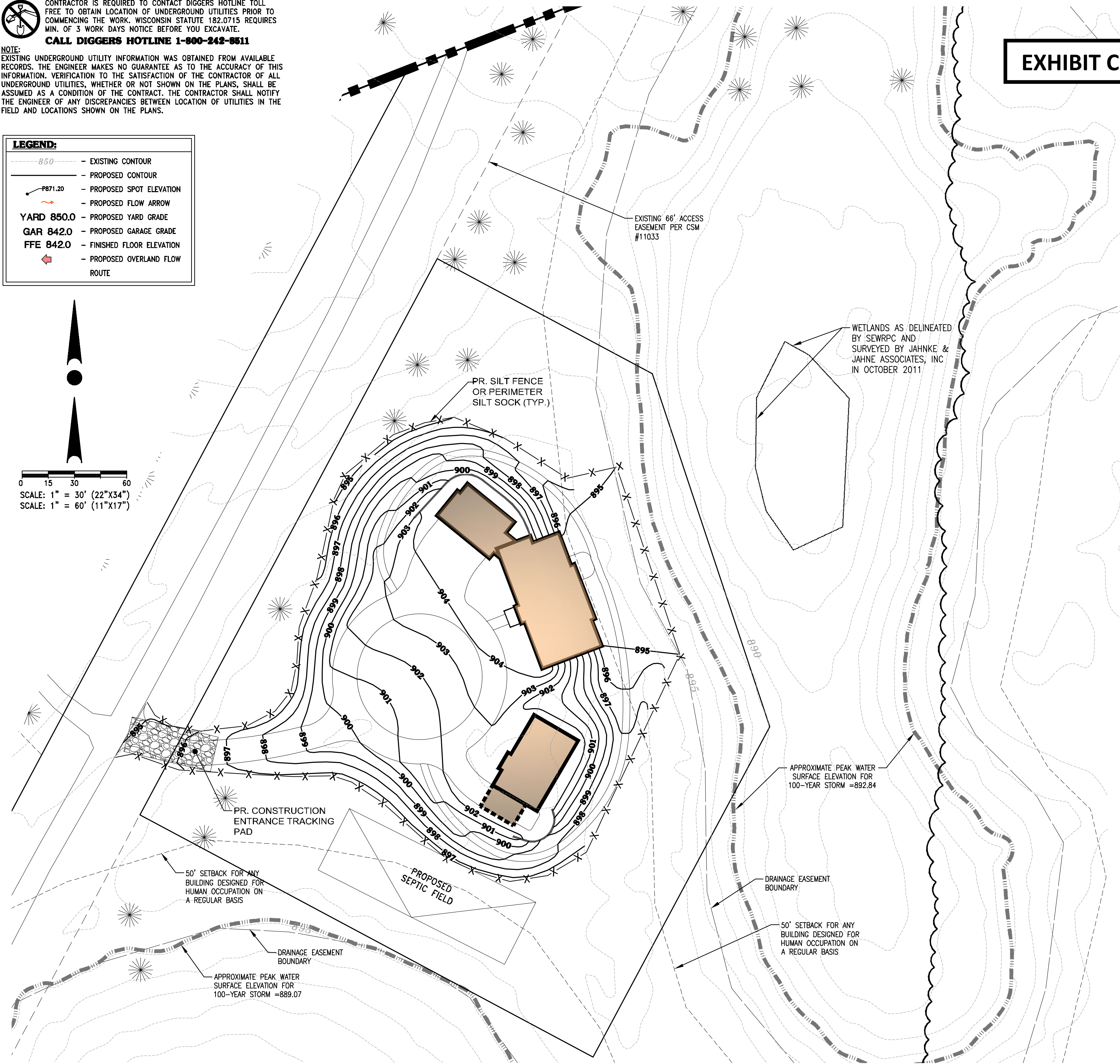
CALL DIGGERS HOTLINE 1-800-242-8811

NOTE:
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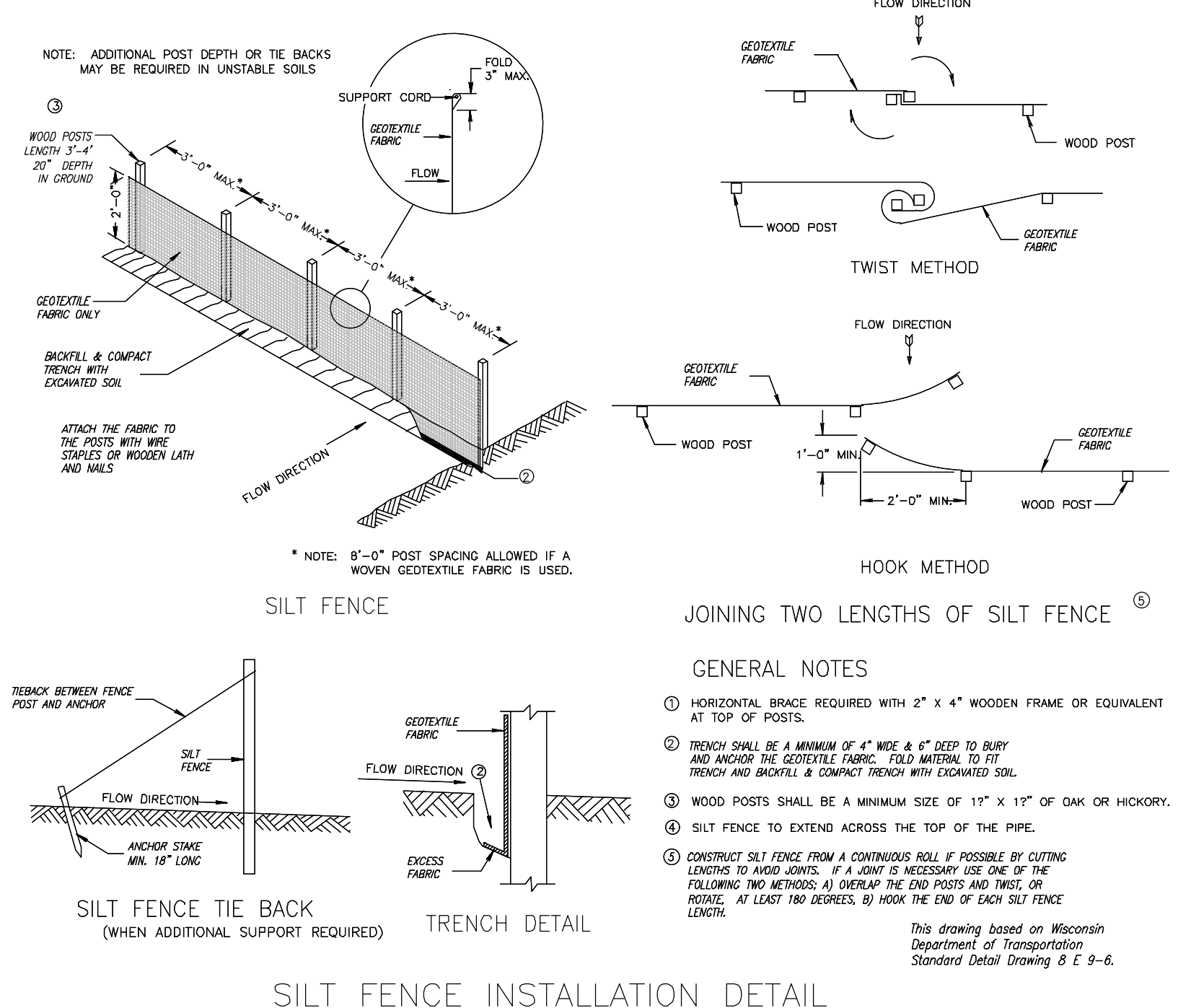
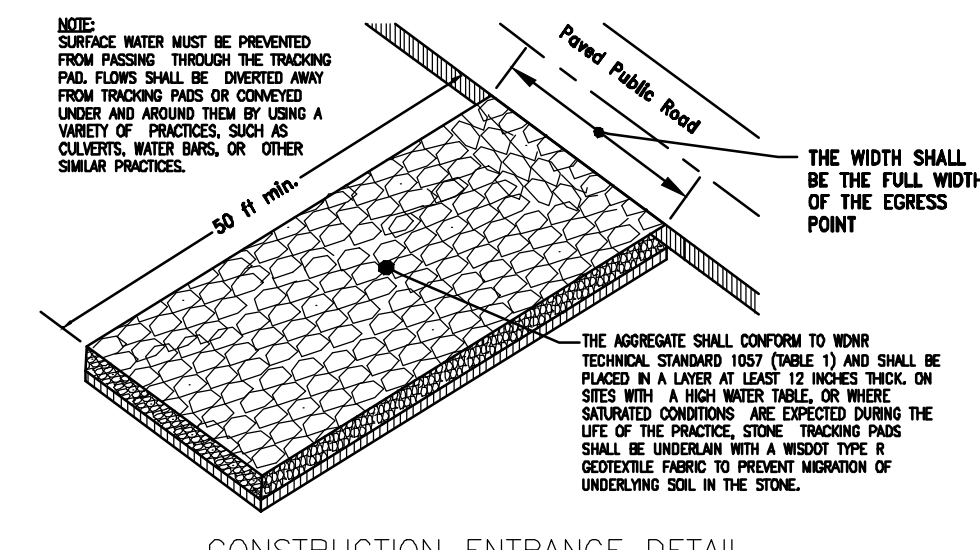
LEGEND:	
	850 - EXISTING CONTOUR
	- PROPOSED CONTOUR
	P871.20 - PROPOSED SPOT ELEVATION
	- PROPOSED FLOW ARROW
	YARD 850.0 - PROPOSED YARD GRADE
	GAR 842.0 - PROPOSED GARAGE GRADE
	FFE 842.0 - FINISHED FLOOR ELEVATION
	- PROPOSED OVERLAND FLOW ROUTE



X:\2022\22-013-1147 ZACHARIAH'S ACRES\DRAWINGS\CONSTRUCTION PLANS\MAPLETON LAKE_CIVIL_PLAN_SET_22X34.DWG



- EROSION CONTROL NOTES:**
- ALL EROSION CONTROL METHODS SHALL BE INSTALLED IN ACCORDANCE WITH WDNR TECHNICAL STANDARDS AND TOWN OF OCONOMOWOC MUNICIPAL CODE, STANDARDS, AND REQUIREMENTS.
 - THE CONTRACTOR SHALL TAKE ALL MEASURES NECESSARY TO MINIMIZE EROSION, WATER POLLUTION AND SILTATION CAUSED BY CONSTRUCTION OF THIS PROJECT. EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH WISCONSIN DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARDS.
 - EROSION CONTROL PLAN: PRIOR TO BEGINNING WORK, THE CONTRACTOR MAY BE REQUIRED TO SUBMIT AN EROSION AND SEDIMENT CONTROL PLAN, DETAILING SPECIFIC MEASURES THAT WILL BE USED IN THE VARIOUS STAGES OF CONSTRUCTION FOR APPROVAL BY THE ENGINEER.
 - IMPLEMENTATION: THE CONTRACTOR SHALL NOT BEGIN WORK UNTIL AFTER INITIAL EROSION AND SEDIMENT CONTROL DEVICES ARE IN PLACE AND APPROVED BY THE ENGINEER.
 - EROSION CONTROL MEASURES SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWINGS:
 - DIVERT UPSTREAM RUNOFF FROM FLOWING THROUGH THE CONSTRUCTION SITE.
 - PROTECT DOWNSTREAM OR ADJACENT WATERWAYS AND WETLANDS WITH SILT FENCE.
 - DELAY STRIPPING TOPSOIL UNTIL REQUIRED FOR CONSTRUCTION.
 - PLACE SILT FENCE OR EROSION CONTROL BALES IN DITCHES AND OTHER DRAINAGE WAYS TO COLLECT SEDIMENT AND TO SLOW THE VELOCITY OF RUNOFF.
 - PROMPT REMOVAL OF EXCAVATED MATERIAL.
 - PROPER STORAGE OF BACKFILL AND BEDDING MATERIALS INCLUDING PLACING SILT FENCE OR EROSION CONTROL BALES ON THE DOWNSLOPE SIDES OF SPOIL PILES.
 - CONSTRUCTION OF TRACKING PAD TO CONSTRUCTION SITE TO PREVENT SEDIMENT FROM BEING TRACKED ONTO ROADWAYS.
 - PROMPT (SAME DAY) CLEANUP OF MATERIAL TRACKED ONTO ADJACENT STREETS.
 - TIMELY RESTORATION OF DAMAGE SURFACE AREAS.
 - ALL AREAS THAT WILL REMAIN DISTURBED AFTER OCTOBER MUST BE TEMPORARILY SEED AS OF THAT DATE.
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CYRESS TREE, LLC.
16575 PATRICIA LN
BROOKFIELD, WI 53005-5523

REVISION HISTORY

DATE	DESCRIPTION
01/09/24	PRELIMINARY DESIGN

DATE:
JANUARY 9, 2024

JOB NUMBER:
933-21009

DESCRIPTION:
GRADING &
EROSION CONTROL
PLAN - EAST LOT

SHEET
C2.1

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

DATE: April 18, 2024

FILE NO.: RZ144

OWNER/APPLICAN: Joseph Lorenz, Inc.
c/o James Meyer
N73 W32438 River Road
Hartland, WI 53029

**LOCATION AND
TAX KEY NO'S:**

The subject properties are described as:

Part of the South ½ of Section 17, Township 8 North, Range 18 East, Town of Merton. More specifically, the property is located at N72 W32434 River Road (Tax Key No. MRTT 0356.985), containing approximately 3.6 acres.

Part of the South ½ of Section 17, Township 8 North, Range 18 East, Town of Merton. More specifically, the property is located at N72 W32438 River Road (Tax Key No. MRTT 0356.984), containing approximately 1.3 acres.

EXISTING ZONING:

A-3 Suburban Estate District. (The existing R-3 Residential District, HG High Groundwater District and C-1 Wetland Overlay District will remain).

PROPOSED ZONING:

R-3 Residential District

EXISTING LAND USE:

Residential (south), vacant land (north)

PROPOSED LAND USE:

Allow for the creation of three (3) residential parcels

PUBLIC HEARING DATE:

March 20, 2024

PUBLIC REACTION:

James Meyer, President of Lorenz Holdings stated that the proposal will bring the property into compliance and will remove the existing office and several auxiliary buildings.

Kurt Froebel Jr at N73W32660 Clearwater Ct expressed concerns that condos/multi-family would be developed on the site and does not want the area to look like Pewaukee Lake.

Patricia Mirsberger at N72W32455 River Rd raised concerns about the historic contamination on the site and how it would impact the proposed home site on proposed Lot 3.

Vicky Hagen at N73W32356 River Rd inquired about the zoning of the nearby properties.

Mary Mitchell at N73W32435 River Rd inquired about other uses that were proposed for the site and asked if River Road will ever be improved. The Town relayed that no roadway improvements are proposed.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On March 20, 2024, the Town of Merton Plan Commission and Board recommended unanimous approval of the rezone request.

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

The Comprehensive Land Use Plans for Waukesha County and the Town of Merton designate the property in the Low Density Residential category which allows for a density of (20,000 SF – 1.4 ac/du). The proposed rezoning complies with both plans.

STAFF ANALYSIS:

The petitioners own two adjacent lots on River Road which together are approximately 4.9 acres in size. The lots lie along the Oconomowoc River, west of North Lake and south of Reddelien Road. The southern lot, which abuts the Oconomowoc River contains two residences, once of which is also a wet boathouse, two detached garages, a storage shed, and shelter. There is an existing office building, which formerly held a contractor's office, which bisects the common lot lines between the southern and northern lots. A site plan showing the existing lot configuration and improvements is attached as Exhibit A. With the exception of the office building, which is proposed to be removed, the northern lot is free of any improvements. There is a small pocket of wetlands which was delineated by SEWRPC in 2021 on the west side of the property. It should be noted that the storage shed, and shelter are also proposed to be removed.

The southern lot which contains the existing improvements is zoned R-3 Residential, whereas the northern lot is zoned A-3 Suburban Estate District with areas of both HG High Groundwater District and C-1 Conservancy Overlay District. The petitioners are proposing to rezone the A-3 Suburban Estate District portions of the northern lot in order to facilitate a three (3) lot land division. The proposed Certified Survey Map (CSM) is attached as Exhibit B. The HG High Groundwater District and C-1 Conservancy Overlay District will remain unchanged. The agricultural lot to the north/west of the subject properties is zoned A-3 Suburban Estate, and the lots on the east side of River Road bordering North Lake are zoned R-3 Residential. The proposed zoning is in line with nearby properties.

The A-3 Suburban Estate District requires a 2-acre minimum lot size with an average lot width of 175 ft whereas the R-3 Residential District requires a 20,000 sq. ft. minimum lot size and an average width of 120 ft. The proposed rezone allows the petitioners to resolve a nonconforming use, by placing each existing single-family residence on its own lot, while also creating an additional residential lot for future development. Proposed Lot 1 will be just over 2 acres in size and will contain the dual residence and boathouse and a detached garage. The parcel is long and narrow and does not abut a public road. A separate lot not abutting a public road approval has been applied for by the petitioners. A private ingress and egress easement along the existing driveway will provide access to Lot 1. Proposed Lot 2 is 1.4 acres in size and will contain a single-family residence, shed and detached garage. Lot 3 is 1.4 acres in size and is proposed for single-family residential use. Soils tests were completed on the northeast corner of the lot which confirmed a viable septic (mound) site. A preliminary review shows that all of the lots meet the design requirements of the R-3 District.

It should be noted that the existing Lorenz land holdings previously housed a construction company which had buried gasoline and oil tanks near the existing detached garage adjacent to River Road. The Department of Natural Resources (DNR) was notified of a release of petroleum in 2012 stemming from the buried fuel tanks. Soil, groundwater, potable water, and soil vapor impacts were investigated by the DNR. In 2018 the DNR issued a “case closure letter with continuing obligations”. Waukesha County Land Resources has reviewed the proposed Rezone and Land Division and does not object. A note will be required on the CSM that states, “Residual soil contamination exists on Lot 2 and in the road right-of-way. The DNR requires continuing obligations be followed by all current and future property owners and tenants.” The owner of proposed Lot 3 will need to obtain a permit from the DNR for a well, given the proximity to the known contamination, however, the residual soil contamination will not adversely affect the future single-family residential development on proposed Lot 3.

STAFF RECOMMENDATION:

Based upon the above analysis, Planning and Zoning Division Staff recommends **approval** of the zoning change. The proposed zoning is consistent with Town and County Comprehensive Development Plan recommendations and resolves a nonconforming use. Additionally, several nonconforming structures will be removed prior to the lands being formally divided by CSM.

Respectfully submitted,



Jacob Heermans
Senior Land Use Specialist

Attachments: Exhibits A and B
Map

Exhibit A



NOTE: OVERLAP EXISTS IN LEGAL DESCRIPTION

0 100.00 Feet

Printed: 4/8/2024

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

Notes

Lorenz



Exhibit B

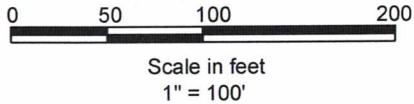
Waukesha County Certified Survey Map

Part of Government Lot Four (4), in the SW 1/4 of the SE 1/4 and SE 1/4 of the SW 1/4 all in Section 17, Township 8 North, Range 18 East, Town of Merton, Waukesha County, Wisconsin.

Center
Sec. 17-8-18
conc.mon./brass cap found
N: 425,769.93
E: 2,397,892.32
(State Plane Coordinates NAD83)

Sheet 1 of 5

- (r.a.) means "recorded as"
P.O.B. - means "Point of Beginning"
- - indicates a 1.3"od iron pipe found unless noted.
 - - indicates a 1.3"od x 18" iron pipe weighing 1.68 lbs./ft. set.
 - - indicates soil test pit location. P-2



Bearings are referenced to the Wisconsin State Plane Coordinate System Grid, South Zone (NAD-83/2011). The west line of the SE 1/4 of Sec. 17- 8-18 has a grid bearing of N 00°24'20" W.

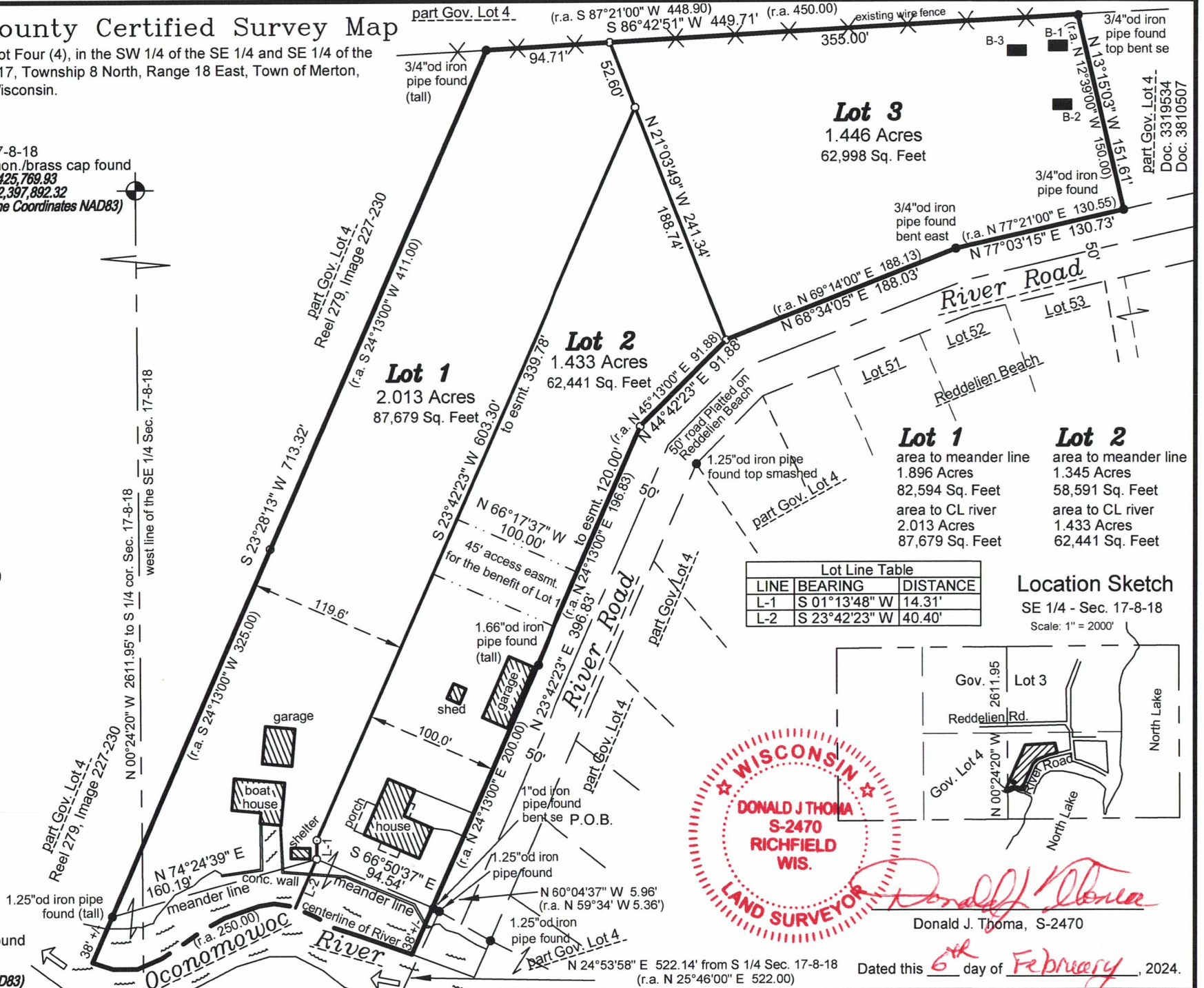
Owner/Subdivider

Lorenz Holding Corp.
N73W32438 River Road
North Lake, WI 53064

Surveyor

Donald J. Thoma
Accurate Surveying &
Engineering, LLP.
2911 Wildlife Lane
Richfield, WI 53076

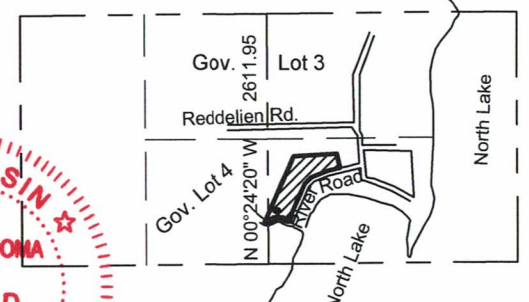
South quarter corner
Sec. 17-8-18
conc.mon./brass cap found
N: 423,158.46
E: 2,397,910.81
(State Plane Coordinates NAD83)



Lot Line Table		
LINE	BEARING	DISTANCE
L-1	S 01°13'48" W	14.31'
L-2	S 23°42'23" W	40.40'

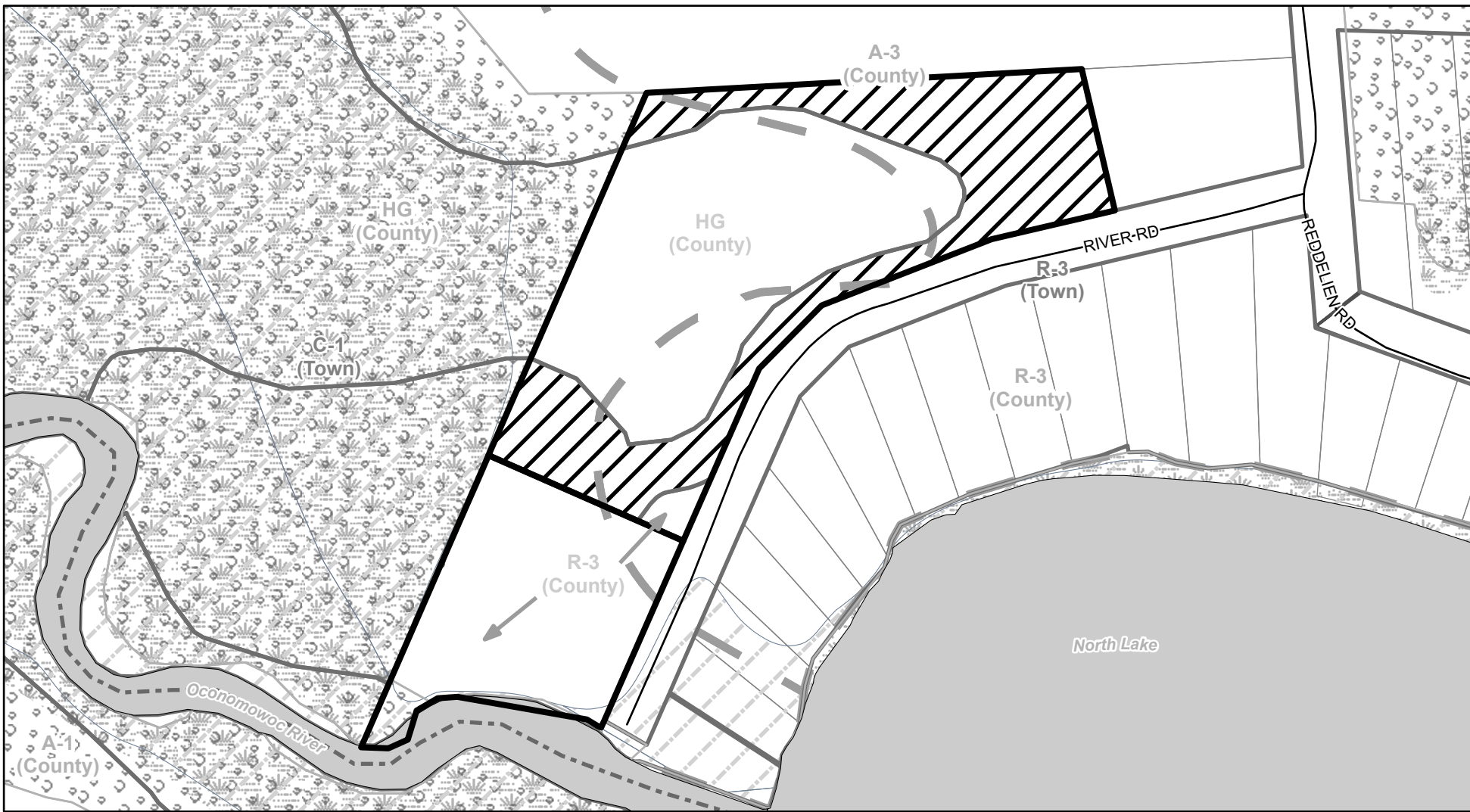
Location Sketch

SE 1/4 - Sec. 17-8-18
Scale: 1" = 2000'



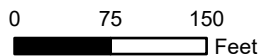
Donald J. Thoma
Donald J. Thoma, S-2470

Dated this 6th day of February, 2024.



ZONING AMENDMENT

PART OF THE S 1/2 OF SECTION 17,
TOWN OF MERTON



CONDITIONAL COUNTY ZONING CHANGE FROM A-3 SUBURBAN ESTATE DISTRICT TO R-3 RESIDENTIAL DISTRICT



EC Environmental Corridor Overlay

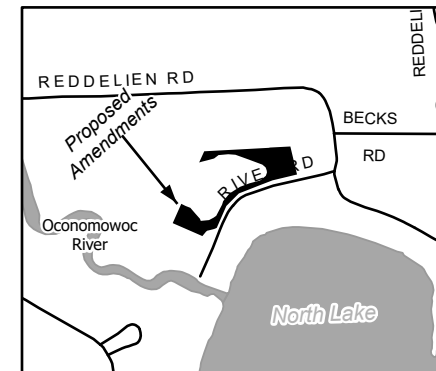


C-1 Conservancy Overlay



Floodplain Overlay District

FILE.....RZ144
DATE OF PLAN COMMISSION.....4/18/24
AREA OF CHANGE.....1.5 ACRES
TAX KEY NUMBER.....MRTT 0356.984, MRTT 0356.985



WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
CONDITIONAL USE AND SITE PLAN/PLAN OF OPERATION

DATE: April 18, 2024

FILE NO(S): CU105 and SP226

TAX KEY NO.: OTWT 1585.999

PETITIONER/OWNER: Payne and Dolan, Inc.
N3 W23650 Badinger Road
Waukesha, WI 53188

LOCATION:
The subject property is described as part of Section 1, T6N, R17E, Town of Ottawa. More specifically, the property is located at W340 S1523 CTH C, Oconomowoc, WI, 53066 and contains approximately 286 acres.

ZONING CLASSIFICATION(S):
Q-1 Quarrying District, HG High Groundwater, C-1 Conservancy and EC Environmental Corridor Overlays.

EXISTING LAND USE(S):
Nonmetallic mineral extraction site (sand and gravel quarry) through an approved Conditional Use and Site Plan/Plan of Operation (archive CU series 806).

REQUESTED LAND USE(S):
Portable asphalt batch plant within the existing quarry.

CONFORMANCE WITH THE WAUKESHA COUNTY COMPREHENSIVE DEVELOPMENT PLAN (WCCDP) AND THE TOWN OF OTTAWA COMPREHENSIVE DEVELOPMENT PLAN (CDP):
The Town's CDP designates the property as 10 acre Agricultural Density (northern 23.5 acres), Extractive, PEC, and INRA; and the County's CDP designates the property as Extractive, PEC and INRA. The request complies with both plans.

PUBLIC HEARING DATE: February 5, 2024

PUBLIC COMMENT:
Citizen concerns included odor, noise, days/hours of operation, increase in truck traffic, and if there were environmental regulations and permits required for this use.

Responses to the concerns were:

The Plan Commission added a condition of approval that if complaints are received during the year regarding odor, the Town Plan Commission shall retain the option to require an additive be added to the asphalt mixture to assist in reducing any odor (refer to Condition #13).

The noise will be similar to that of the existing quarry, they can use low frequency back up alarms or try and have trucks go forward only when loading to further reduce noise levels, and they do not allow jake braking.

The Planner adjusted the days/hours of operation in her report from what was proposed and the Plan Commission adopted the recommended days/hours of operation (refer to Condition #21 below).

There could be 10-15 trucks/hour when the plant is operating. Unless the job is immediately south of the quarry, all truck traffic must go north on CTH C to USH 18 which can efficiently, safely, and adequately accommodate the traffic according to the vehicles per day and accident reports. As noted in the recommendation below, the existing quarry use has not experienced the level of production, sales, or traffic as in the past, so adding the portable asphalt batch plant use should not result in an increase in traffic when the batch plant is operating beyond levels the quarry has experienced in the recent past.

As noted in the Staff Analysis below, Payne & Dolan is committed to operating an environmentally safe asphalt plant and will meet and adhere to the state and federal regulations controlling such operations. All asphalt plants owned and operated by Payne & Dolan are permitted by the WDNR.

TOWN PLAN COMMISSION ACTION:

On February 4, 2024, the Town of Ottawa Plan Commission unanimously recommended approval of the request to the Town of Ottawa Board of Supervisors subject to the conditions as listed below.

TOWN BOARD ACTION:

On March 11, 2024, in accordance with Section 3.08(7)(S)2 of the Waukesha County Zoning Code, the Town of Ottawa Board of Supervisors unanimously approved of the request (refer to Planner Memo Exhibit A) and to transmit their determination to the county zoning agency subject to the conditions as listed below.

STAFF ANALYSIS:

The parcel is located at the southwest corner of USH 18 and CTH C and is bisected by the east-west Glacial Drumlin Bike Trail. Approximately 23.5 acres lie to the north of the trail and are not quarried, with the remaining lands located south of the trail which are part of the quarry operation. This portion of the property is located almost entirely within the jurisdiction of the Waukesha County Zoning Code. There are small pockets of wetland, hydric soils, steep slopes, PEC and INRA on the property. Access to the quarry property is from CTH C. The 262.5 acres contain an office and a workshop building in addition to the active portions of the quarry operation (two observation wells, a conveyor, processing plant, scale, water supply well, and septic field). The operation has a Non Metallic Mining Reclamation Plan filed with the County LRD in accordance with NR135.

The use has been in operation since the 1950's and therefore predates the Zoning Code. A Conditional Use was approved in 1990 for the quarry operation, and a Restoration Agreement was signed by all parties as well. The Agreement is an integral part of the CU/SPPO, so any change requires a change to the Agreement. Subsequent CU's/SPPO's were approved over the years mainly for temporary asphalt and concrete batch plants. There are several other quarries and general industrial uses in the area.

The quarry operation itself will continue to have seven full time employees and one part time employee, with the proposed use employing between 2-5 seasonal employees. No specific days and hours of operation were ever required for the quarry, as it predated the Zoning Code. The quarry has retained pre-existing rights including excavation, processing, crushing, screening, washing, conveying, stockpiling, sales, and other accessory uses under the 1990 Restoration Agreement. The buildings, signage, lighting, parking/loading areas, berms/screening, dumpster, and outdoor equipment storage are all existing on site and no changes are proposed.

The proposed portable asphalt batch plant would be located in the northeast corner of the site and west of the workshop and office buildings (refer to Exhibit B). Aggregate from on site (or recycled asphalt blacktop pavement) would be processed and then mixed with the liquid asphalt and stored in silos until loaded into trucks for delivery to local and regional paving projects (refer to Exhibit C). The fact that the plant is portable means that it can be located on the site intermittently when needed to meet market demands, and the equipment used in the operation would include, but not be limited to, various components of the asphalt plant itself such as the baghouse, control house, silos, feed bins, drum, storage tanks, etc. In addition, there will be various rolling stock such as end loaders and trucks. No permanent facilities will be located on site to accommodate the asphalt plant.

Portable toilets will be used for the employees so Environmental Health Division approval would not be required for this use. Storage tanks for the liquid asphalt and fuel will be kept within containment structures as required by law. Any dust created on the roads by the use will be controlled by watering and sweeping as needed.

Asphalt plants typically operate between the months of April and November depending on the weather and demand for the material. While Payne & Dolan is requesting asphalt plant operating hours between 5:00 a.m. and 8:00 p.m., it is felt the hours of operation should be limited to between 7:00 a.m. and 6:00 p.m. Monday through Saturday with no operation on Sundays or holidays in accordance with the Zoning Code. Maintenance, start up, and shut down would be allowed to occur between the hours of 6:00 a.m. and 7:00 p.m. Monday through Saturday. The Zoning Code does allow for special requests to be made in certain situations and the applicant is requesting that when State and local agencies require the road work to be done at night to avoid delays to the travelling public, that they be allowed to perform work on projects beyond the approved hours of operation, sometimes even at night. Notification would be provided to the Town Chair and the County PZD prior to beginning any such work outside of the approved hours of operation.

The applicant states in their application that they have operated a portable asphalt batch plant at the Dousman Aggregate Site in the past with no issues raised by Town officials or neighbors. Payne & Dolan is committed to operating an environmentally safe asphalt plant and will meet and adhere to the state and federal regulations controlling such operations. All asphalt plants owned and operated by Payne & Dolan are permitted by the WDNR. Their plants have received the Wisconsin Asphalt Pavement Association Diamond Achievement Award and the National Asphalt Pavement Association Diamond Quality award for environmental excellence. They have also been awarded the National Plant of the Year on a number of occasions.

The average daily traffic count on the stretch of CTH C in this area is 2,800 VPD, and between 2017 and 2021 within 100 feet of the intersection of USH 18 and CTH C there were 8 traffic accidents all with either no apparent injury or suspected minor injury according to the Transportation layer on the County GIS website.

STAFF RECOMMENDATION:

Based on the above analysis, the Waukesha County Department of Parks and Land Use - Planning and Zoning division staff recommends **approval** of the subject to the conditions outlined below. The Waukesha County Park and Planning Commission must act within 45 days.

1. This Conditional Use applies to tax key number OTWT 1585.999 (the subject property), which is owned by Payne and Dolan, Inc. (the Petitioner), and all terms and conditions described herein apply to the subject property and the Petitioner.

2. As it is the intent of the Petitioner to have the portable asphalt batch plant, as proposed in the application, become a perpetual part of the Conditional Use and Site Plan/Plan of Operation (SPPO), an **updated** Site Plan and Plan of Operation (Exhibit A and on file) must be approved by the Town and Waukesha County and all of the terms of the SPPO shall be incorporated into this Permit and complied with in all respects, including but not limited to, maintenance of dust free access and haul roads, and that the construction, maintenance and operation of all machinery and equipment used in the quarry operation, including the portable asphalt batch plant, shall be done to minimize effects on existing roads and traffic movement in terms of adequacy, safety, and efficiency, soil erosion, adverse drainage, water supply issues, dust, noise, smoke, odor, and vibration. Further, dust, noise, and vibration shall be minimized on the site, and the access road shall be maintained in a dust free condition by surfacing or treatment as directed by the Town Engineer in accordance with Section 3.08(7)(S)3(d)(ii) of the Waukesha County Zoning Code. The Site Plan shall be on file in the approved form, **prior to the issuance of revised Conditional Use and SPPO Permits.**
3. The Owner/Petitioner/Operator shall maintain a financial guarantee on file with the Town Clerk and the Waukesha County Land Resources Division (LRD) in an amount that is sufficient to guarantee compliance with previous **and pending** approvals as determined by the Town Plan Commission and the Waukesha County LRD. Such guarantee, in an approved amount, must be on file with the Town Clerk and the Waukesha County LRD, **prior to the issuance of revised Conditional Use and SPPO Permits.**
4. The **revised** Conditional Use Permit shall be issued within one year from the date of the final approval or the approval shall be null and void, unless an extension is granted by the Town of Ottawa Plan Commission.
5. Except as described further in this paragraph, this Conditional Use Permit granted to the Petitioner shall not be transferred or assigned without the Town Plan Commission, Town Board, and Waukesha County Park and Planning Commission approvals of a revised Conditional Use Permit in accordance with the conditional use provisions of the Waukesha County Zoning Code. The Petitioner may transfer or assign this Conditional Use Permit to any present or future, direct or indirect, parent entity, subsidiary or successor of the Petitioner or any other partnership, limited liability company, corporation, trust or other entity, which is controlled by, controls, or is under common control with the Petitioner, provided the Town and County approve of the transfer through a Site Plan and Plan of Operation without the necessity for a public hearing. Upon transfer or assignment of this Conditional Use Permit, any successor to the Petitioner shall fully comply with all provisions of this Conditional Use Permit, the Site Plan/Plan of Operation Permit, SPCC Plan, Reclamation Plan, and the Restoration Agreement noted in Condition #15 below, and said assignment and transfer shall not relieve the Petitioner of any obligations hereunder.
6. The Town Attorney and Town Planner shall review and approve of the conditions as to form. In the event clarification is required, the item shall be referred back to the Town Plan Commission for clarification. *This condition has been addressed.*
7. The Owner/Petitioner/Operator shall allow the subject property to be available for inspection by the Town of Ottawa and Waukesha County officials, employees, agents, and independent contractors at any reasonable time and upon reasonable notice in accordance with Mine Safety, and Health Administration (MSHA) regulations.
8. The potential for accidental spillage of contaminants exists in the quarry. Pursuant to Federal Regulations, the Owner/Petitioner/Operator shall **update** as necessary and file with the Town of

Ottawa and the Waukesha County Department of Parks and Land Use-Planning and Zoning Division, a copy of their Spill Prevention, Control and Countermeasures Plan (SPCC), to be placed into effect if an emergency occurs through spillage of contaminants, **prior to the issuance of revised Conditional Use and SPPO Permits.**

9. No quarrying or disturbance by the quarrying operation **or** the portable asphalt batch plant operation is allowed in the areas zoned EC Environmental Corridor Overlay District in accordance with Section 3.08(7)(S) of the Waukesha County Zoning Code.
10. Subject to compliance with Wisconsin Administrative Code Chapter NR 135 and the Final Reclamation Plan that has been submitted to, approved by, and is enforced by the Waukesha County LRD. If the requested uses herein are approved and in any way alter the Reclamation Plan currently on file with the Land Resources Division, a **revised** Final Reclamation Plan must be submitted to the Land Resources Division for review and approval, **prior to the issuance of revised Conditional Use and SPPO Permits.**
11. Per the Waukesha County Zoning Code, no part of the quarrying operation, **including** the portable asphalt batch plant, shall be permitted closer than 200 feet to any property line, except with written consent of the owner of the adjoining property, or where the property is abutting a quarrying district or an existing quarrying operation, but in no case shall such operation be closer than 20 feet to any property line except by agreement between abutting quarrying operations in accordance with Section 3.08(7)(S) of the Waukesha County Zoning Code, or otherwise exempted by Section 3.08(7)(S)3(f)(iv) of the Waukesha County Zoning Code, nor be in conflict with Section 3.04(5) of the Waukesha County Zoning Code relating to the preservation of topography.

Note: the areas along CTH C and the Glacial Drumlin Trail appear to be exempt from this provision as those areas were apparently quarried prior to the Zoning Code becoming effective. However, there are areas quarried after 1959 (and even after 1990) that should be either 20 feet or 200 feet from the property lines, and outside of the wetland and INRA's located on the property, but do not appear to be according to the aerial photographs of the site. The Town of Ottawa and Waukesha County reserve all rights in this regard. A **revised** Site Plan shall be submitted to the Town Planner and the Waukesha County Planning and Zoning Division showing the location of the portable asphalt batch plant will meet the above setbacks and offsets with dimensions indicated on the Site Plan, **prior to the issuance of revised Conditional Use and SPPO Permits.**

12. All previous conditions of all previous approvals for the subject property, including those granted to a previous Owner/Petitioner/Operator, remain in full force and effect unless modified herein or the uses have subsequently terminated on the subject property.
13. An Annual Report shall be submitted to the Town of Ottawa on or before **June 30th** of each calendar year for review and approval in accordance with the original conditional use approval granted in 1990 and shall include **all** uses on the subject property. As part of the Annual Report, Petitioner shall include specific information regarding the portable asphalt batch plant and the Town Plan Commission shall conduct an Annual Review of the Portable Asphalt Batch Plant. If complaints are received during the year regarding odor, the Town Plan Commission shall retain the option to require an additive be added to the asphalt mixture to assist in reducing any odor.
14. Any future (new or amended) uses on the subject property will require approval of an amended Conditional Use Permit and Site Plan and Plan of Operation by the Town of Ottawa and Waukesha County.

15. This approval is subject to the Owner/Petitioner/Operator becoming party to the Restoration Agreement (“Agreement”), accepting all terms and conditions of the Agreement, accepting all of the rights and obligations of the Agreement, and to **revising** the Agreement as necessary and then submitting the Agreement to and receiving approval from the Town of Ottawa Plan Commission, Ottawa Town Board, Ottawa Town Engineer, Ottawa Town Attorney, Ottawa Town Planner, the Waukesha County Park and Planning Commission, and the Waukesha County Department of Parks and Land Use Planning and Zoning and Land Resources Divisions, and such approved **revised** Restoration Agreement being signed and executed by the Owner/Petitioner/Operator, the Town of Ottawa Town Board Chairman, and the Chairman of the Waukesha County Park and Planning Commission, **prior to the issuance of revised Conditional Use and SPPO Permits.**
16. The subject property must comply with all Federal, State, County, and local laws, ordinances, codes, rules and regulations. Copies of all required licenses and permits shall be on file with the Town and County including, but not limited to, Wisconsin Department of Natural Resources and Wisconsin Department of Transportation approvals as required, and in particular for the portable asphalt batch plant.
17. All fencing and screening/landscaping requirements of Section 3.08(7)(S)3(d)(i) and (vii) of the Waukesha County Zoning Code shall be complied with as deemed necessary by the Town Board and Town Plan Commission respectively and in accordance with any recommendations regarding the screening/landscaping from the Waukesha County Park and Planning Commission. All fencing and screening/landscaping shall be maintained until and unless the quarry operation terminates and the reclamation plan is implemented.
18. No music, entertainment, or special events are proposed or permitted herein.
19. The Town of Ottawa Building Inspector shall inspect the entire premises to determine compliance with all applicable building codes. All compliance violations shall be corrected to the Building Inspector’s satisfaction **prior to the issuance of an Occupancy Permit.** If State Approved Building Plans are required, they shall be submitted to the Building Inspector for review and approval, **prior to the issuance of a Building Permit.** *This condition is enforceable by the Town only.*
20. The Western Lakes Fire District shall inspect the premises to ensure all applicable fire codes are complied with. All compliance violations shall be corrected to the Fire District’s satisfaction, **prior to the issuance of an Occupancy Permit.** *This condition is enforceable by the Town only.*
21. The portable asphalt batch plant is allowed to operate between the months of April and November annually. If weather or demand for the material requires additional operation days, a request can be made to the Town Chair and the Waukesha County Planning and Zoning Division. Both entities must approve of the request. The hours of operation are limited to between 7:00 a.m. and 6:00 p.m. Monday through Saturday with no operation on Sundays or holidays in accordance with the Waukesha County Zoning Code Section 3.08(7)(S)3(d)(viii). Maintenance, start up, and shut down are allowed to occur between the hours of 6:00 a.m. and 7:00 p.m. Monday through Saturday (no Sundays or holidays). When State and local agencies require the road work to be done at night to avoid delays to the travelling public, the applicant may be allowed to preform work on projects beyond the approved hours of operation, even at night, upon request to and approval by the Town Chair and the County Planning and Zoning Decision prior to beginning any such work outside of the approved hours of operation. Both entities must approve of the request.

22. Subject to the following Standard Conditional Use Conditions:

- A. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Town Plan Commission and the Waukesha County Park and Planning Commission for determination.
- B. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, regulation, code, ordinance, order or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a Zoning or Building Permit, nor shall this order constitute any other license or permit required by Town ordinance or other law.
- C. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission and the Waukesha County Park and Planning Commission as being in compliance with all pertinent ordinances.
- D. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Owner/Petitioner/Operator be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Town Plan Commission and the Waukesha County Park and Planning Commission, pursuant to the enforcement provisions of this Conditional Use Order, and all applicable ordinances.
- E. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the subject property), structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed. In the case of a question as to whether or not a change modifies the Conditional Use Permit, the question shall be submitted to the Town Plan Commission, Town Board, and the Waukesha County Park and Planning Commission for determination.
- F. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this Conditional Use Order may be amended upon the prior approval of the Town Plan Commission and the Waukesha County Park and Planning Commission if the Town Plan Commission and the Waukesha County Park and Planning Commission find the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Town Plan Commission and the Waukesha County Park and Planning Commission feel, in their sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.

- G. Should any paragraph or phrase of this Conditional Use Permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- H. If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Town Plan Commission and the Waukesha County Park and Planning Commission.
- I. The Owner/Petitioner/Operator is obligated to file with the Municipal Clerk a current mailing address and a current phone number at which the Owner/Petitioner/Operator can be reached, which must be continually updated by the Owner/Petitioner/Operator if such contact information should change, for the duration of this Conditional Use Permit. If the Owner/Petitioner/Operator fails to maintain such current contact information, the Owner/Petitioner/Operator thereby automatically waives notice of any proceedings that may be commenced under this conditional permit, including proceedings to terminate this Conditional Use Permit.
- J. Subject to a letter from the Owner, Petitioner, and Operator acknowledging and accepting all terms and conditions of the Conditional Use approval in its entirety being submitted to the Waukesha County Department of Parks and Land Use – Planning and Zoning Division, **prior to the issuance of the Conditional Use Permit**. The Conditional Use Permit shall not be issued or effective until such acknowledgement and acceptance is received by the County.
- K. *Professional Fees.* The Owner/Petitioner/Operator shall, on demand, reimburse the Town of Ottawa for all costs and expenses of any type that the Town incurs in connection with this conditional use, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions. *This condition is enforceable by the Town only.*
- L. *Payment of Charges.* Any unpaid bills owed to the Town of Ottawa by the petitioner, property owner, or their agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within 30 days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval. *This condition is enforceable by the Town only.*

If approved as conditioned, the proposed portable asphalt batch plant will serve the development needs of the region, while not adversely affecting the public's health, safety or welfare as the use is not permanent and the operators are taking the requisite steps to minimize dust, noise, and vibration as required in the Zoning Code.

A portable asphalt batch plant in this location is cost effective since it is located in an existing quarry where the resources needed to produce the asphalt are readily available, and is within close proximity to not only USH 18, but also STH 83, STH 67, and I-94. This would help to reduce the cost of any taxpayer funded projects the plant would serve. The use will be compatible with the existing quarry use of the property, and being internally situated on the site should not adversely affect neighboring properties or the natural resources of the area. The site has been an active quarry for over 60 years and it is in the best interest of the public to allow this use in a location that is already disturbed and used as a quarry site and that is centrally located within the region and able to serve paving projects at a competitive price. The existing quarry use has not experienced the level of production, sales, or traffic as in the past, so adding the portable asphalt batch plant use should not result in an increase in traffic when the batch plant is operating beyond levels the quarry has experienced in the recent past.

The proposed use complies with the Waukesha County Comprehensive Development Plan and the Town of Ottawa Comprehensive Development Plan and, therefore, the approval of this request, as conditioned, is within the purpose and intent of the Waukesha County Zoning Code.

Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Senior Planner

Attachment: Exhibit A (Planner Memo to Town Board)
 Exhibit B (Site Plan)
 Exhibit C (Diagram and Photos)

MEMORANDUM

To: Town of Ottawa Board of Supervisors

From: Sandy Scherer, Town Planner

Subject: Payne and Dolan Conditional Use and related Site Plan/Plan of Operation for a portable asphalt batch plant

Date: March 11, 2024

On February 5, 2024, Town Plan Commission held a joint public hearing with a staff representative of the Waukesha County Department of Parks and Land Use-Planning and Zoning Division consider the Conditional Use amendment and related Site Plan/Plan of Operation request of Payne and Dolan for a portable asphalt plant within their existing quarry. After all public comment was heard, the Plan Commission discussed the matter in their regular meeting and recommended unanimous approval of the request to the Town Board as required by Section 3.08(7)(S)2.a. of the Waukesha County Zoning Code, based on the Planner's Report and Recommendation (refer to your Plan Commission packet) subject to the following conditions:

1. This Conditional Use applies to tax key number OTWT 1585.999 (the subject property), which is owned by Payne and Dolan, Inc. (the Petitioner), and all terms and conditions described herein apply to the subject property and the Petitioner.
2. As it is the intent of the Petitioner to have the portable asphalt batch plant, as proposed in the application, become a perpetual part of the Conditional Use and Site Plan/Plan of Operation (SPPO), an **updated** Site Plan and Plan of Operation (Exhibit A and on file) must be approved by the Town and Waukesha County and all of the terms of the SPPO shall be incorporated into this Permit and complied with in all respects, including but not limited to, maintenance of dust free access and haul roads, and that the construction, maintenance and operation of all machinery and equipment used in the quarry operation, including the portable asphalt batch plant, shall be done to minimize effects on existing roads and traffic movement in terms of adequacy, safety, and efficiency, soil erosion, adverse drainage, water supply issues, dust, noise, smoke, odor, and vibration. Further, dust, noise, and vibration shall be minimized on the site, and the access road shall be maintained in a dust free condition by surfacing or treatment as directed by the Town Engineer in accordance with Section 3.08(7)(S)3(d)(ii) of the Waukesha County Zoning Code. The Site Plan shall be on file in the approved form, **prior to the issuance of revised Conditional Use and SPPO Permits.**
3. The Owner/Petitioner/Operator shall maintain a financial guarantee on file with the Town Clerk and the Waukesha County Land Resources Division (LRD) in an amount that is sufficient to guarantee compliance with previous **and pending** approvals as determined by the Town Plan Commission and the Waukesha County LRD. Such guarantee, in an

approved amount, must be on file with the Town Clerk and the Waukesha County LRD, **prior to the issuance of revised Conditional Use and SPPO Permits.**

4. The **revised** Conditional Use Permit shall be issued within one year from the date of the final approval or the approval shall be null and void, unless an extension is granted by the Town of Ottawa Plan Commission.
5. Except as described further in this paragraph, this Conditional Use Permit granted to the Petitioner shall not be transferred or assigned without the Town Plan Commission, Town Board, and Waukesha County Park and Planning Commission approvals of a revised Conditional Use Permit in accordance with the conditional use provisions of the Waukesha County Zoning Code. The Petitioner may transfer or assign this Conditional Use Permit to any present or future, direct or indirect, parent entity, subsidiary or successor of the Petitioner or any other partnership, limited liability company, corporation, trust or other entity, which is controlled by, controls, or is under common control with the Petitioner, provided the Town and County approve of the transfer through a Site Plan and Plan of Operation without the necessity for a public hearing. Upon transfer or assignment of this Conditional Use Permit, any successor to the Petitioner shall fully comply with all provisions of this Conditional Use Permit, the Site Plan/Plan of Operation Permit, SPCC Plan, Reclamation Plan, and the Restoration Agreement noted in Condition #15 below, and said assignment and transfer shall not relieve the Petitioner of any obligations hereunder.
6. The Town Attorney and Town Planner shall review and approve of the conditions as to form. In the event clarification is required, the item shall be referred back to the Town Plan Commission for clarification. *This condition has been addressed.*
7. The Owner/Petitioner/Operator shall allow the subject property to be available for inspection by the Town of Ottawa and Waukesha County officials, employees, agents, and independent contractors at any reasonable time and upon reasonable notice in accordance with Mine Safety, and Health Administration (MSHA) regulations.
8. The potential for accidental spillage of contaminants exists in the quarry. Pursuant to Federal Regulations, the Owner/Petitioner/Operator shall **update** as necessary and file with the Town of Ottawa and the Waukesha County Department of Parks and Land Use-Planning and Zoning Division, a copy of their Spill Prevention, Control and Countermeasures Plan (SPCC), to be placed into effect if an emergency occurs through spillage of contaminants, **prior to the issuance of revised Conditional Use and SPPO Permits.**
9. No quarrying or disturbance by the quarrying operation **or** the portable asphalt batch plant operation is allowed in the areas zoned EC Environmental Corridor Overlay District in accordance with Section 3.08(7)(S) of the Waukesha County Zoning Code.
10. Subject to compliance with Wisconsin Administrative Code Chapter NR 135 and the Final Reclamation Plan that has been submitted to, approved by, and is enforced by the Waukesha County LRD. If the requested uses herein are approved and in any way alter the

Reclamation Plan currently on file with the Land Resources Division, a **revised** Final Reclamation Plan must be submitted to the Land Resources Division for review and approval, **prior to the issuance of revised Conditional Use and SPPO Permits.**

11. Per the Waukesha County Zoning Code, no part of the quarrying operation, **including** the portable asphalt batch plant, shall be permitted closer than 200 feet to any property line, except with written consent of the owner of the adjoining property, or where the property is abutting a quarrying district or an existing quarrying operation, but in no case shall such operation be closer than 20 feet to any property line except by agreement between abutting quarrying operations in accordance with Section 3.08(7)(S) of the Waukesha County Zoning Code, or otherwise exempted by Section 3.08(7)(S)3(f)(iv) of the Waukesha County Zoning Code, nor be in conflict with Section 3.04(5) of the Waukesha County Zoning Code relating to the preservation of topography.

Note: the areas along CTH C and the Glacial Drumlin Trail appear to be exempt from this provision as those areas were apparently quarried prior to the Zoning Code becoming effective. However, there are areas quarried after 1959 (and even after 1990) that should be either 20 feet or 200 feet from the property lines, and outside of the wetland and INRA's located on the property, but do not appear to be according to the aerial photographs of the site. The Town of Ottawa and Waukesha County reserve all rights in this regard.

A **revised** Site Plan shall be submitted to the Town Planner and the Waukesha County Planning and Zoning Division showing the location of the portable asphalt batch plant will meet the above setbacks and offsets with dimensions indicated on the Site Plan, **prior to the issuance of revised Conditional Use and SPPO Permits.**

12. All previous conditions of all previous approvals for the subject property, including those granted to a previous Owner/Petitioner/Operator, remain in full force and effect unless modified herein or the uses have subsequently terminated on the subject property.
13. An Annual Report shall be submitted to the Town of Ottawa on or before **June 30th** of each calendar year for review and approval in accordance with the original conditional use approval granted in 1990 and shall include **all** uses on the subject property. As part of the Annual Report, Petitioner shall include specific information regarding the portable asphalt batch plant and the Town Plan Commission shall conduct an Annual Review of the Portable Asphalt Batch Plant. If complaints are received during the year regarding odor, the Town Plan Commission shall retain the option to require an additive be added to the asphalt mixture to assist in reducing any odor.
14. Any future (new or amended) uses on the subject property will require approval of an amended Conditional Use Permit and Site Plan and Plan of Operation by the Town of Ottawa and Waukesha County.
15. This approval is subject to the Owner/Petitioner/Operator becoming party to the Restoration Agreement ("Agreement"), accepting all terms and conditions of the Agreement, accepting all of the rights and obligations of the Agreement, and to **revising** the Agreement as necessary and then submitting the Agreement to and receiving approval

from the Town of Ottawa Plan Commission, Ottawa Town Board, Ottawa Town Engineer, Ottawa Town Attorney, Ottawa Town Planner, the Waukesha County Park and Planning Commission, and the Waukesha County Department of Parks and Land Use Planning and Zoning and Land Resources Divisions, and such approved **revised** Restoration Agreement being signed and executed by the Owner/Petitioner/Operator, the Town of Ottawa Town Board Chairman, and the Chairman of the Waukesha County Park and Planning Commission, **prior to the issuance of revised Conditional Use and SPPO Permits.**

16. The subject property must comply with all Federal, State, County, and local laws, ordinances, codes, rules and regulations. Copies of all required licenses and permits shall be on file with the Town and County including, but not limited to, Wisconsin Department of Natural Resources and Wisconsin Department of Transportation approvals as required, and in particular for the portable asphalt batch plant.
17. All fencing and screening/landscaping requirements of Section 3.08(7)(S)3(d)(i) and (vii) of the Waukesha County Zoning Code shall be complied with as deemed necessary by the Town Board and Town Plan Commission respectively and in accordance with any recommendations regarding the screening/landscaping from the Waukesha County Park and Planning Commission. All fencing and screening/landscaping shall be maintained until and unless the quarry operation terminates and the reclamation plan is implemented.
18. No music, entertainment, or special events are proposed or permitted herein.
19. The Town of Ottawa Building Inspector shall inspect the entire premises to determine compliance with all applicable building codes. All compliance violations shall be corrected to the Building Inspector's satisfaction **prior to the issuance of an Occupancy Permit.** If State Approved Building Plans are required, they shall be submitted to the Building Inspector for review and approval, **prior to the issuance of a Building Permit.** *This condition is enforceable by the Town only.*
20. The Western Lakes Fire District shall inspect the premises to ensure all applicable fire codes are complied with. All compliance violations shall be corrected to the Fire District's satisfaction, **prior to the issuance of an Occupancy Permit.** *This condition is enforceable by the Town only.*
21. The portable asphalt batch plant is allowed to operate between the months of April and November annually. If weather or demand for the material requires additional operation days, a request can be made to the Town Chair and the Waukesha County Planning and Zoning Division. Both entities must approve of the request. The hours of operation are limited to between 7:00 a.m. and 6:00 p.m. Monday through Saturday with no operation on Sundays or holidays in accordance with the Waukesha County Zoning Code Section 3.08(7)(S)3(d)(viii). Maintenance, start up, and shut down are allowed to occur between the hours of 6:00 a.m. and 7:00 p.m. Monday through Saturday (no Sundays or holidays). When State and local agencies require the road work to be done at night to avoid delays to the travelling public, the applicant may be allowed to preform work on projects beyond the approved hours of operation, even at night, upon request to and approval by the Town

Chair and the County Planning and Zoning Decision prior to beginning any such work outside of the approved hours of operation. Both entities must approve of the request.

22. Subject to the following Standard Conditional Use Conditions:

- A. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Town Plan Commission and the Waukesha County Park and Planning Commission for determination.
- B. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, regulation, code, ordinance, order or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a Zoning or Building Permit, nor shall this order constitute any other license or permit required by Town ordinance or other law.
- C. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission and the Waukesha County Park and Planning Commission as being in compliance with all pertinent ordinances.
- D. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Owner/Petitioner/Operator be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Town Plan Commission and the Waukesha County Park and Planning Commission, pursuant to the enforcement provisions of this Conditional Use Order, and all applicable ordinances.
- E. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the subject property), structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed. In the case of a question as to whether or not a change modifies the Conditional Use Permit, the question shall be

submitted to the Town Plan Commission, Town Board, and the Waukesha County Park and Planning Commission for determination.

- F. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this Conditional Use Order may be amended upon the prior approval of the Town Plan Commission and the Waukesha County Park and Planning Commission if the Town Plan Commission and the Waukesha County Park and Planning Commission find the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Town Plan Commission and the Waukesha County Park and Planning Commission feel, in their sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.
- G. Should any paragraph or phrase of this Conditional Use Permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- H. If any aspect of this Conditional Use Permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Town Plan Commission and the Waukesha County Park and Planning Commission.
- I. The Owner/Petitioner/Operator is obligated to file with the Municipal Clerk a current mailing address and a current phone number at which the Owner/Petitioner/Operator can be reached, which must be continually updated by the Owner/Petitioner/Operator if such contact information should change, for the duration of this Conditional Use Permit. If the Owner/Petitioner/Operator fails to maintain such current contact information, the Owner/Petitioner/Operator thereby automatically waives notice of any proceedings that may be commenced under this conditional permit, including proceedings to terminate this Conditional Use Permit.
- J. Subject to a letter from the Owner, Petitioner, and Operator acknowledging and accepting all terms and conditions of the Conditional Use approval in its entirety being submitted to the Waukesha County Department of Parks and Land Use – Planning and Zoning Division, **prior to the issuance of the Conditional Use Permit**. The Conditional Use Permit shall not be issued or effective until such acknowledgement and acceptance is received by the County.
- K. *Professional Fees.* The Owner/Petitioner/Operator shall, on demand, reimburse the Town of Ottawa for all costs and expenses of any type that the Town incurs in connection with this conditional use, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to

enforce the conditions in this conditional approval due to a violation of these conditions. *This condition is enforceable by the Town only.*

- L. *Payment of Charges.* Any unpaid bills owed to the Town of Ottawa by the petitioner, property owner, or their agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within 30 days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval. *This condition is enforceable by the Town only.*

Section 3.08(7)(S)2.a. of the Waukesha County Zoning Code states the Town Board shall, within ten (10) days after receipt of the Plan Commission recommendation, take action to approve or disapprove of the request and shall be guided by consideration of the public health, safety, and welfare, and shall give particular consideration to the following factors in making their decision. It should be noted the language in this section refers to a proposed quarry operation which already exists on the property.

1. The effect of the proposed operation on existing roads and traffic movement in terms of adequacy, safety, and efficiency.
This was addressed at the hearing and in the Planner's Staff Report. There could be 10-15 trucks/hour when the plant is operating. Unless the job is immediately south of the quarry, all truck traffic must go north on CTH C to USH 18 which can efficiently, safely, and adequately accommodate the traffic according to the vehicles per day and accident reports.
2. The effect of the proposed operation on drainage and water supply.
There would be no effect on drainage and no additional effect on the water supply. State and Federal regulations must be met, permits acquired, and reporting is required.
3. The possibility of soil erosion as a result of the proposed operation.
The plant is located within the existing quarry and there would be no soil erosion.
4. The degree and effect of dust and noise as a result of the proposed operation.
The noise will be similar to that of the existing quarry, they can use low frequency back up alarms or try and have trucks go forward only when loading to further reduce noise levels, and they do not allow jake braking. Dust is addressed in condition #2 of the recommendation. P&D also stated in their application that dust will be controlled on the roads by watering and sweeping as needed.
5. The practical possibility of restoration of the site.
A Reclamation Plan is on file with the Waukesha County Land Resources Division as required NR135 and condition #10 requires the Plan be updated to include the portable asphalt batch plant.
6. The effect of the proposed operation on the natural beauty, character, tax base, land value, and land uses in the area.
The property is designated as Extractive on both the Town and County Comprehensive

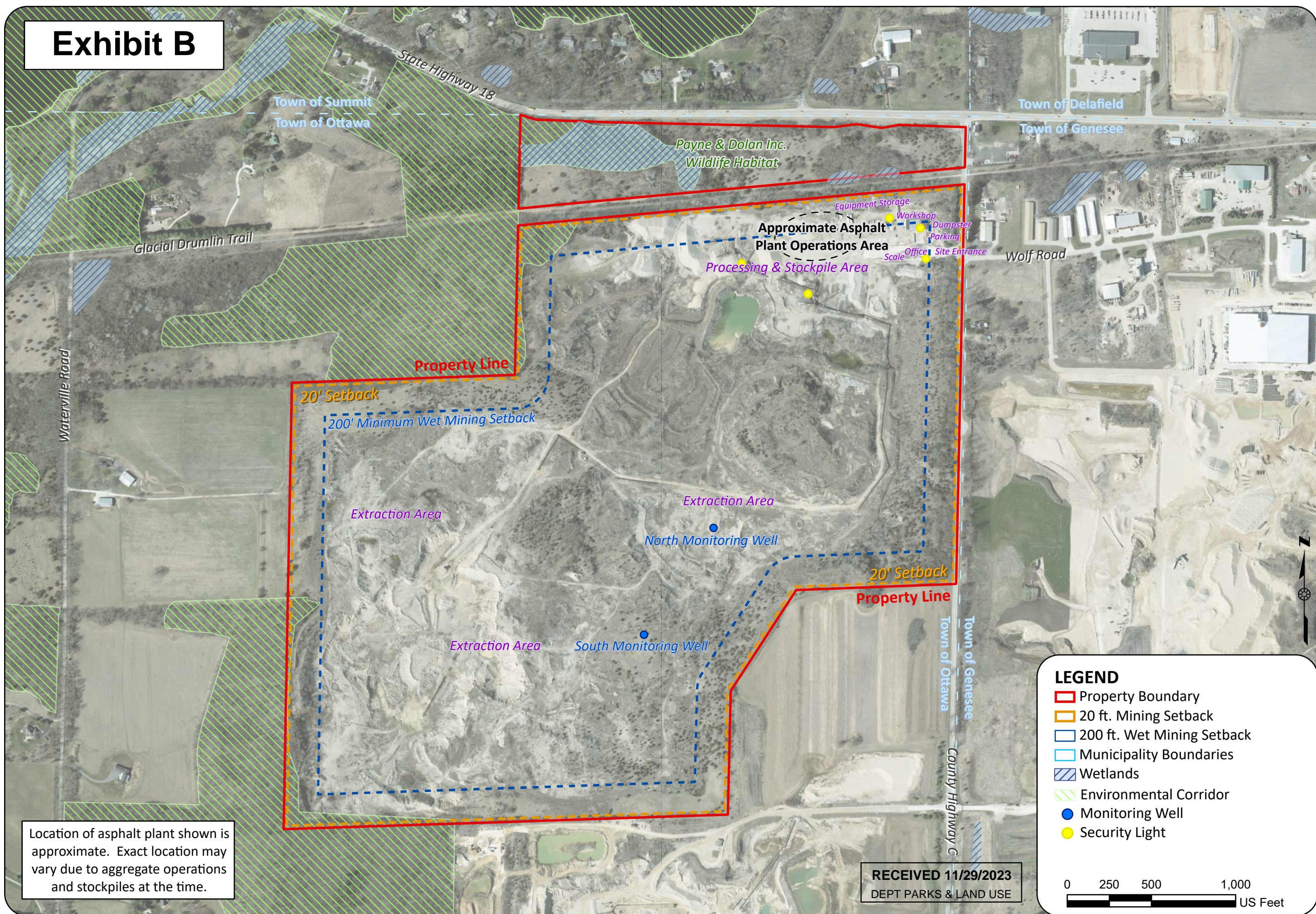
Development (Land Use) Plans, and zoned Q-1 Quarrying District. The Petitioner has a Conditional Use and Site Plan/Plan of Operation to operate a quarry on the site and neither the Town nor the County have any complaints on file for the operation for the current owners who have been in operation since 2013. The quarry has existed in this location since the 1950's and provides a needed resource for infrastructure and building in the area. The Reclamation Plan provides for future residential on the site.

7. *The most suitable land use for the area with particular consideration for future residential value. The Kettle Moraine provides a source for sand and gravel resources, and the highest quality material for nonmetallic mining is concentrated in the western half of the county along the Kettle Moraine and its outwash plains. This is one of the largest sand and gravel quarry areas in the county. The Reclamation Plan provides for future residential on the site.*

Section 3.08(7)(S)2.d. of the Waukesha County Zoning Code states the determination of the Town Board shall be immediately transmitted to the county zoning agency which shall within forty-five days approve or disapprove of the determination.

Based on the above, and after considering the public health, safety, and welfare of the Town of Ottawa, and in particular the seven factors noted above, it is recommended the Town Board make a determination to approve of the request for a portable asphalt batch plant on the subject property per the Planner's Report and Recommendation as amended by the Plan Commission and as stated herein and transmit said determination to the county zoning agency.

Exhibit B



Location of asphalt plant shown is approximate. Exact location may vary due to aggregate operations and stockpiles at the time.

RECEIVED 11/29/2023
DEPT PARKS & LAND USE

LEGEND

- Property Boundary
- 20 ft. Mining Setback
- 200 ft. Wet Mining Setback
- Municipality Boundaries
- Wetlands
- Environmental Corridor
- Monitoring Well
- Security Light

0 250 500 1,000
US Feet

Payne & Dolan, Inc.
N3 W23650 Badinger Rd
Waukesha, WI 53187

NOTES:
Section 1, Township 6N,
Range 17E
Town of Ottawa,
Waukesha County

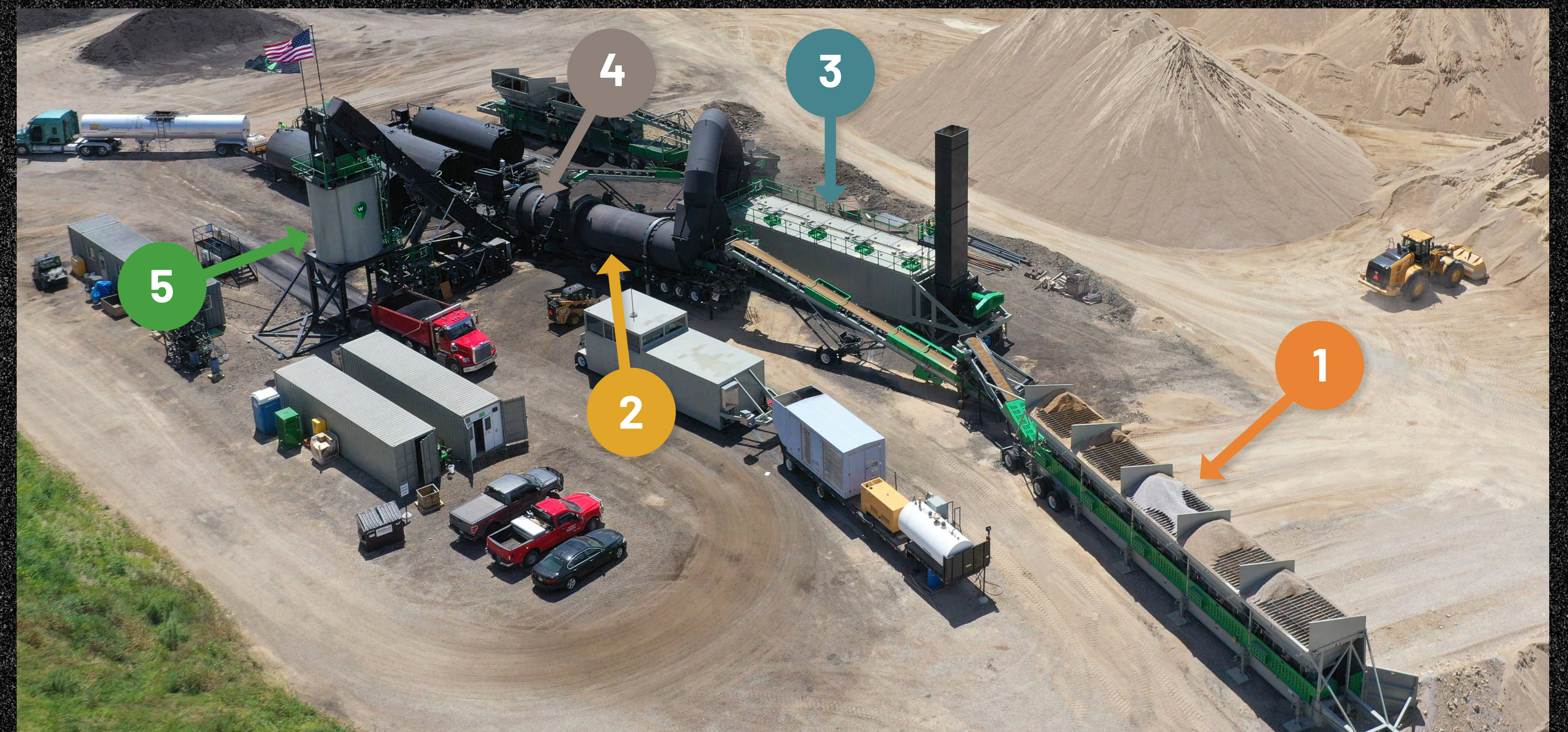
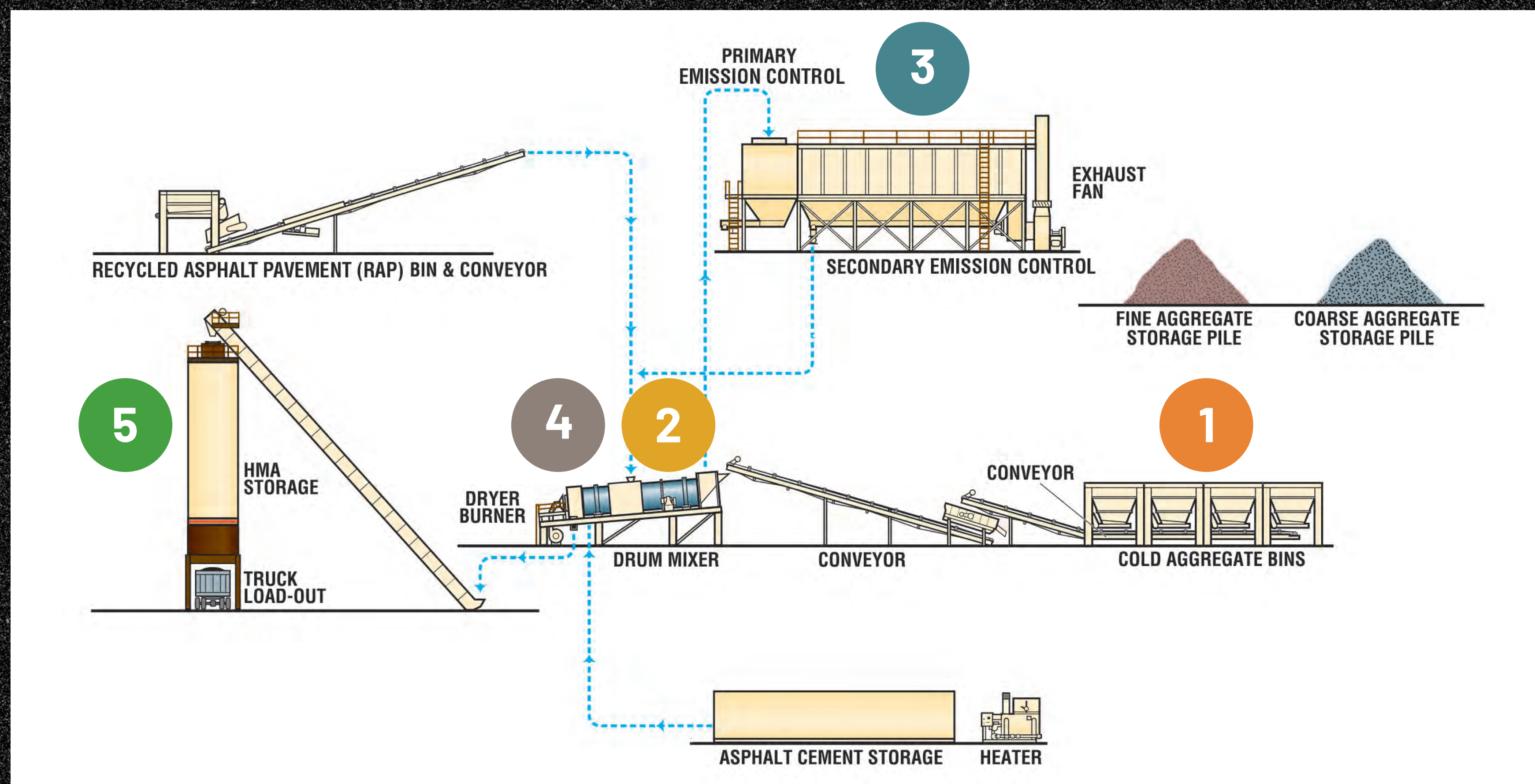
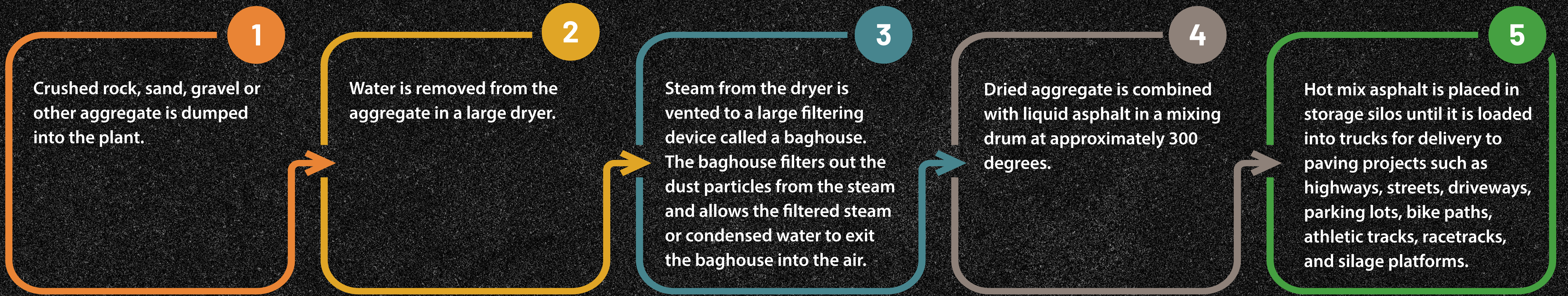
PROJECT:
Site Plan
Dousman Aggregate Site
Town of Ottawa, Waukesha County, Wisconsin

DATE: 10/16/2023	DRAWN BY: BLB	DRAWING #: 1
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1

How to Produce HMA at a Hot Mix Asphalt Plant Facility

EXHIBIT C



WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
CONDITIONAL USE

DATE: April 18, 2024

FILE NO.: CU112

OWNER: Randy and Susan Veenhuis
N2407 Kunz Road
Fort Atkinson, WI 53538

APPLICANT: David F. Moore
Moore Designs, Inc.
W193 N10975 Kleinmann Drive
Germantown, WI 53022

TAX KEY NO.: MRTT 0395.979.002

LOCATION:

The subject property is described as Lot 1, Certified Survey Map (CSM) No. 12395, part of the SW ¼ of Section 27, T8N, R18E, Town of Merton. More specifically, the property is located at N57 W30678 CTH K containing approximately 0.7 acres.

ZONING CLASSIFICATION:

R-1 Residential District.

EXISTING LAND USE:

Residential.

PROPOSED LAND USE:

Land altering activities associated with the construction of a single family residence and the reconstruction and reconfiguration of retaining walls.

PUBLIC HEARING DATE: April 3, 2024

PUBLIC REACTION:

Staff read into the record an email from the adjacent neighbor stating concerns about preserving one of the trees based on the construction methods generally involved with retaining wall replacement.

A neighbor noted that many of the trees were removed from the kame with the development of the property to the east. He relayed he would like to see erosion control up throughout construction to protect the lake from debris.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

At their meeting on April 3, 2024, the Town of Merton Plan Commission unanimously recommended to the Waukesha County Park and Planning Commission approval of the request.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCDP) AND THE TOWN OF MERTON COMPREHENSIVE DEVELOPMENT PLAN:

The subject property is designated as Low Density Residential (20,000 sq. ft. – 1.4 acres/dwelling unit) on the Waukesha County Comprehensive Development Plan (CDP) and the Town of Merton Land Use Plan. The Plans contain recommendations relative to preservation of topography. The Plans

recommend that slopes in excess of 12% be preserved. As conditioned, the proposed grading activities are in conformance with the plan recommendations and allow for the redevelopment of the parcel.

STAFF ANALYSIS:

The property is located north of C.T.H. K on the south shore of Beaver Lake. The original parcel consisted of the subject lot and the lot to the west. The parent parcel contained a single family residence on the west side of the parcel, a detached garage built into a hill on the east side of the parcel, a boathouse with an upper residence near the shore, and a significant number of retaining walls (Exhibit A). A reconfiguration of the lot line via a 2022 CSM resulted in the existing lot configuration and removed all structures except the boathouse (including the 2nd story residence that was above the boathouse). The lot to the west was developed in 2023 and obtained a Conditional Use for land altering activities. Access to the property is via an 18 ft. private easement that extends north from C.T.H. K. that runs through the south portion of the property and provides access to the western lot. The septic field is located south of the driveway and the tanks will be located north of the driveway near the east property line. The property will be served by private well.

The subject property contains variable topography. The property rises in elevation from C.T.H. K and has a very steep slope down to Beaver Lake. A kame, which is a steep sided mound of sand and gravel deposited by a glacier, spans multiple riparian lots along the shore and the west side of the subject parcel. The kame creates a side slope condition with the highest elevations near the east property line. The kame is between 13-15 ft. tall and contains a large retaining wall series. The existing wall series is constructed of field stone material, with evergreen shrubs and trees that provide some screening. Historic aerial photographs show the kame has been disturbed with retaining walls and a patio since at least the 1960s. There are many large mature trees on the kame, most of which are proposed to remain. There is also a retaining wall series east of the existing boathouse on the lake side slope and close to the shore. The retaining walls on the kame and near the shore appear to be failing based on a county site visit.

The petitioners are proposing to construct a two-story single-family residence with a first floor attached garage and a lower level attached garage, a covered deck, covered entryway, a walkway with stairs to the lake and remodeling of the boathouse. Plan elevations of the home are attached as Exhibit B. The residence will have a partial side yard exposure on the east side rather than a typical lake side exposure. The proposed finished yard grade (926.7') is 2.7 ft. higher than the natural grade (924'). The proposed lower level garage is at 916.5', which is .5 ft. lower in elevation than the previous detached garage elevation. The portion of the lot that is north of the driveway contains a 17% slope (5 ft. of grade change) to the flat portion of the site where the residence is proposed. A side entry garage is proposed on top of the lower level garage. To achieve a proper driveway slope in the limited space available, the proposed garage is flanked by a series of retaining walls to hold back 9 ft. of fill on the west side. The area of new fill is approximately 2,500 sq. ft. and is in an area where the existing site contained walls that accounted for the grade change from 917' to 924'. See Exhibit C for the proposed grading plan. Much of the site is already filled as the adjacent property owner who owned the property at the time stockpiled much of the fill from his development onto the subject property and much of the property has been graded out. However, this significantly reduced the amount of imported fill needed to grade the side. The south half of the property slopes towards the west to a drainage area on the adjacent property that ultimately drains to the lake. The Environmental Health Division has noted that the grading plan shows the runoff directed toward the neighbor's mound system, which should be avoided.

As part of the site redevelopment, the petitioner is proposing to replace the retaining walls near the shore and on the kame with natural stone outcroppings. The walls near the shore will be replaced virtually in-kind but may be modified slightly to remove curves that had originally accommodated a tree that is no longer there. The walls on the kame will be curved to accommodate the natural shape of the kame. The fill proposed for the residence reduces the need for such an extensive wall series to be rebuilt. In fact, none of the proposed walls on the kame are greater than four feet tall. The petitioner recently received a shore setback variance that permits retaining walls within 75 ft. in substantial compliance with the submitted landscaping plan (Exhibit D). The

petitioner has indicated that the walls are necessary to prevent mass erosion issues that may impact the integrity of the kame. The landscaper has noted that significant landscaping will be proposed above, below and within the wall series of the kame and from the lake view to screen the visibility of the stone.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the request, subject to the following conditions:

1. All conditions of BA184 shall be complied with.
2. Subject to documentation being submitted to the Town Planner and the Waukesha County Planning and Zoning Division that a Stormwater and/or an Erosion Control Permit have been reviewed and approved by the Waukesha County Department of Parks and Land Use, Land Resources Division, prior to the issuance of a Conditional Use Permit. The LRD review may necessitate further design changes to the final grading plan.
3. Surface water flow should be directed away from the Mound systems located south of the driveway. This may necessitate further changes to the final grading plan.
4. Grading and land altering shall substantially comply with the grading plan prepared by LandTech Surveying, with a revision date of April 3, 2024.
5. As half of the subject property's stormwater runoff is proposed to be directed to the adjacent western neighbor, a Drainage Easement Agreement between the subject property and the property to the west shall be submitted to Waukesha County Department of Parks and Land Use for review and approval. The drainage easement shall incorporate the area west of the driveway on the subject lot (east parcel), beginning at the end of the retaining wall (917' contour) moving east over the intended drainage swale to the proposed rain garden located on the property to the west, as well as the rain garden and the pipe to the lake. The agreement shall include the intended use of the easement area and proposed maintenance responsibilities. The final agreement with an exhibit shall be recorded in the Waukesha County Register of Deeds, prior to issuance of the Conditional Use Permit.
6. Subject to all land altering activities being completed and the site completely stabilized and vegetated no later than November 1, 2025, unless extended by Waukesha County Staff.
7. If retaining walls exceed 4 ft. in height, a Licensed Landscape Architect or Professional Engineer shall certify that the walls will be constructed in a manner to withstand the pressure from the soil, groundwater and surface water runoff. Cross sections of the wall(s) shall be submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit.
8. All land altering and grading activities shall not create adverse drainage conditions or have an adverse impact on an adjacent property.
9. A complete and detailed Vegetation Plan including species and sizes of plants and/or other vegetation shall be submitted to Waukesha County Planning and Zoning Division staff for review and approval prior to the issuance of any permits. The proposed vegetation shall provide adequate screening from the adjacent property and the lake. All vegetation shall be native and the Vegetation Plan must include a timetable for completion and long-term maintenance plan.

10. Subject to a Vegetation Removal Permit being issued and any associated deed restrictions being recorded, prior to the issuance of the Conditional Use Permit.
11. Subject to the Conditional Use Permit being issued prior to the Zoning Permit for the single family residence, attached garage and all appurtenances.

This approval balances the preservation of natural topography and the petitioner's interest in constructing a new residence with a garage on first floor level of the home. The kame creates a challenging side slope condition and the overall grading plan generally works with that existing topography by establishing an exposure on the east side of the home versus a more typical lakeside exposure. In addition, a non-conforming home was removed from the top of the boathouse and the integrity of the kame is being protected. The most severe area of fill is limited to the driveway. The recommended screening plan should soften the view of the retaining walls from adjacent neighbors and as viewed from the lake. Therefore, as conditioned, the approval of this request is within the purpose and intent of the Waukesha County Shoreland Protection Ordinance.

Respectfully submitted,



Rebekah Leto
Senior Planner

Attachments: Exhibit A – Exiting Site Plan
Exhibit B – House elevations
Exhibit C – Grading Plan
Exhibit D –Landscaping Plan

PLAT OF SURVEY

LOT 1 AND LOT 2 OF CSM 12395 BEING PART OF THE SOUTHWEST 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 18 EAST, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN.

EXHIBIT A

RECEIVED 12/05/2023
DEPT PARKS & LAND USE

APPROX. O.H.W.M.
ELEV: 909.48
07/29/2022

BEAVER LAKE

8'-7.6"

EXISTING IMPERVIOUS SURFACE LOT 2
 DWELLING = 3,182'
 DECK(S) = 895
 PATIO(S) = 128
 STEPS = 26
 RETAINING WALLS (ONE SQ. FT. PER LINEAL FT.) = 237
 DRIVEWAYS = 3,451
 SIDEWALKS = 231
 CONC = 100
 TOTAL IMPERVIOUS SURFACE AREA = 8,250
 LOT SIZE = 22,883
 TOTAL PERCENT IMPERVIOUS SURFACE = 36.1%
 *INCLUDES ROOF OVERHANG

LOT 1
 TO O.H.W.M.
 27,329 S.F.
 0.627 ACRES
 TO MEANDER
 25,256 S.F.
 0.580 ACRES
LOT 2
 TO O.H.W.M.
 22,883 S.F.
 0.525 ACRES
 TO MEANDER
 21,349 S.F.
 0.490 ACRES

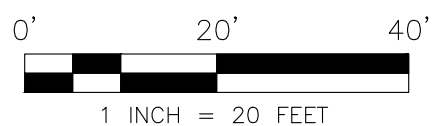
PARCEL 1
CSM 2865

EXISTING IMPERVIOUS SURFACE LOT 1
 DWELLING = 620
 GARAGE = 876
 BOATHOUSE = 1951
 PATIO EAST = 708
 PATIO LAKE = 399
 STEPS = 196
 RETAINING WALLS (ONE SQ. FT. PER LINEAL FT.) = 685
 DRIVEWAY = 5,892
 SIDEWALK = 1237
 BRICK PAVERS = 130
 HOUSE STOOP = 19
TOTAL IMPERVIOUS SURFACE AREA = 12,713
 LOT SIZE = 27,239
 TOTAL PERCENT IMPERVIOUS SURFACE = 46.5%

this number is based on a plat of survey that is inaccurate. the home and detached garage were removed per CSM requirements.

NOTES:

- TITLE COMMITMENT PROVIDED PREPARED BY KNIGHT BARRY TITLE GROUP DATED JULY 22, 2022, FILE No. 2157715 WITH THE FOLLOWING EASEMENTS THAT MAY AFFECT THE SUBJECT PARCEL:
- EXCEPTION 11.: EASEMENT FOR INGRESS AND EGRESS AND OTHER MATTERS CONTAINED IN THE DEED RECORDED JULY 24, 1957 AS DOCUMENT NO. 462864, AND VARIOUS OTHER DEEDS RECORDED THERETO. (AS SHOWN)
- EXCEPTION 12.: EASEMENT AND OTHER MATTERS CONTAINED IN THE INSTRUMENT RECORDED NOVEMBER 27, 1984 AS DOCUMENT NO. 1279025. (PLUMBING SYSTEMS AND ENFORCEMENT EASEMENT)
- ANY LANDS BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.
- FLOODPLAIN IS PER FEMA FIRM MAP No. 55133C0176H, MAP REVISED NOVEMBER 5, 2014, ZONE X.
- THE O.H.W.M. (ORDINARY HIGH WATER MARK) IS AN APPROXIMATE LOCATION DETERMINED BY THE SURVEYOR.
- THE APPROXIMATE 75' O.H.W.M. SETBACK MAY NEED TO BE VERIFIED BY WAUKESHA COUNTY PRIOR TO CONSTRUCTION.
- BOTH LOT 1 AND LOT 2 ARE WITHIN THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE JURISDICTIONAL LIMITS.



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WSCORS 2018) AND REFERENCED TO THE SOUTH LINE OF THE SW 1/4 OF SEC. 27-8-18 MEASURED AS N88°47'24"W.
 VERTICAL DATUM IS NAVD 88 (GEOID 12A).

CURVE TABLE

CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING
C1	91.00'	72°16'40"	114.80'	107.33'	N 34°32'06" W
C2	109.00'	72°16'40"	137.50'	128.56'	S 34°32'06" E

LEGEND

	SECTION CORNER MONUMENT
	FOUND 1" IRON PIPE OR NOTED MANHOLE
	WELL
	SEPTIC VENT
	SEPTIC CLEANOUT
	EXISTING SPOT GRADE
	EXISTING CONTOUR
	RECORD DIMENSION
	MANHOLE
	UTILITY PED
	TV PED
	ELECTRIC PED
	UTILITY POLE
	SOIL BORE
	UNDERGROUND ELEC.
	UNDERGROUND GAS
	FLOOR ELEVATION
	DECID. TREE WITH TRUNK DIA.
	CON. TREE WITH TRUNK DIA.
	AIR CONDITIONER

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 67°32'16" W	19.26'
L2	N 01°36'14" E	12.01'
L3	N 70°40'26" W	20.15'
L4	N 01°35'17" E	18.90'
L5	S 70°40'26" E	25.90'
L6	S 01°36'14" W	18.87'

SW CORNER SECTION 27-8-18 CONC. MON. W/ SEWRPC BRASS CAP FND.
 N 88°47'24" W 2640.97'
 S. LINE OF THE SW 1/4 OF SEC 27-8-18
 C.T.H.K
 66' WIDE R.O.W.
 SOUTH 1/4 CORNER SECTION 27-8-18 CONC. MON. W/ SEWRPC BRASS CAP FND.
 860.62'

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAY AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE, THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

SIGNED: MATTHEW T. O'ROURKE, PROFESSIONAL LAND SURVEYOR S-2771



SHEET 1 OF 1	CLIENT MOORE DESIGNS	LOCATION N57W30678 & N57W30688 COUNTY ROAD K HARTLAND, WI. 53029	REV.	 SURVEYING & LAND PLANNING LAND SURVEYING • LAND PLANNING 111 W. 2ND STREET OGDONSDWDC, WI 53066 WWW.LANDTECHWI.COM (262) 367-7599
	DATE 11/22/2023		REV.	
	PROJECT VEEHNUIS		REV.	
	LAYOUT EXISTING CONDITIONS		REV.	
DRAWING 22213_SURVEY.DWG	DRAWN BY LJS	CHECKED BY MTO	REV.	

EXHIBIT B

SHEET INDEX

1. FRONT ELEVATION
2. FIRST FLOOR PLAN
3. SECOND FLOOR PLAN
4. BASEMENT PLAN
5. FINISHED LOWER LEVEL PLAN
6. LEFT SIDE ELEVATION
7. RIGHT SIDE ELEVATION
8. REAR ELEVATION
9. SECTIONS
10. CABINET ELEVATIONS
11. FIRST FLOOR ELECTRICAL PLAN
12. SHEAR WALL BRACING PLAN
13. BOAT HOUSE REMODEL

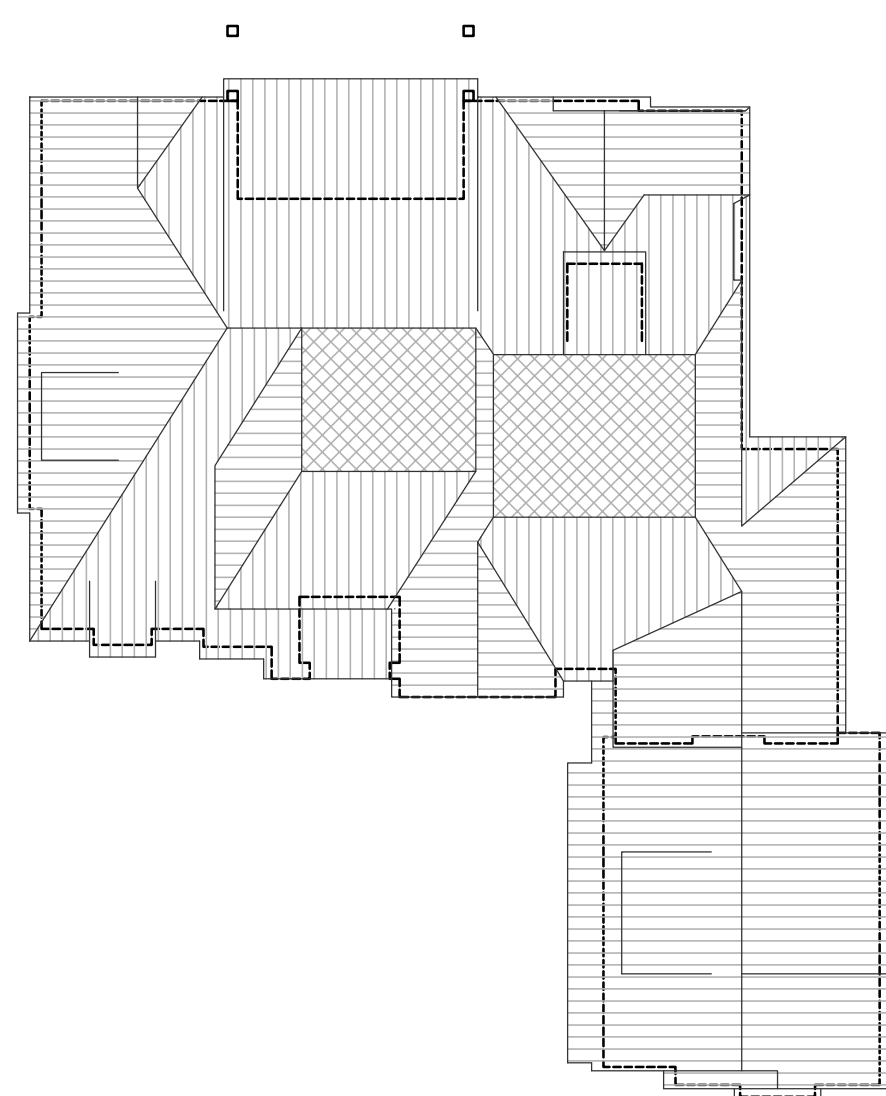
RECEIVED

Waukesha County Dept Parks
and Land Use
02/21/2024



FRONT ELEVATION

SCALE: 1/4" = 1'-0"



ROOF PLAN

SCALE: 1/16" = 1'-0"

MARVIN SIGNATURE COLLECTION
ULTIMATE WINDOWS & PATIO DOORS

FOOTPRINT ANALYSIS

LIVING AREAS:	
FIRST FLOOR LIVING AREA:	2649 S.F.
FRONT PORCH AREA:	62 S.F.
GARAGE AREA:	808 S.F.
REAR COVERED PORCH AREA:	310 S.F.
TOTAL:	3829 S.F.
ALLOWABLE:	3878 S.F.

DWELLING SQUARE FOOTAGES

LIVING AREAS:	
FIRST FLOOR LIVING AREA:	2649 S.F.
SECOND FLOOR LIVING AREA:	2124 S.F.
FINISHED LOWER LEVEL LIVING AREA:	1005 S.F.
TOTAL LIVING AREA:	5778 S.F.
NON-LIVING AREAS:	
FRONT PORCH AREA:	62 S.F.
GARAGE AREA:	808 S.F.
UNFINISHED BASEMENT AREA:	324 S.F.
REAR COVERED PORCH AREA:	310 S.F.
REAR 2ND FLOOR DECK AREA:	245 S.F.
RIGHT SIDE DECK AREA:	108 S.F.

THIS COPY SENT FOR
ENGINEER REVIEW

RESIDENCE FOR:

MR. & MRS. VEENHUIS

DATE:
02/09/23 08/04/23 10/16/23 - BID LEVEL PLAN
02/13/23 09/28/23 02/15/24
03/02/23 09/04/23
07/30/23 09/10/23

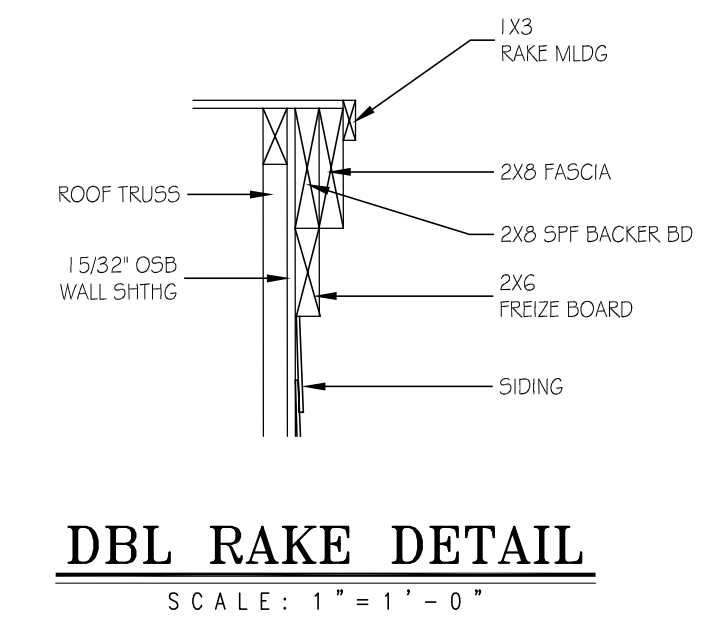
SHEET NO.

1



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



DBL RAKE DETAIL
SCALE: 1" = 1'-0"

REAR ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT C

PLAT OF SURVEY

LOT 1 OF CSM 12395 BEING PART OF THE SOUTHWEST 1/4 OF SECTION 27, TOWN 8 NORTH, RANGE 18 EAST, TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN.

RECEIVED
Waukesha County Dept Parks
and Land Use
4/5/2024

- NOTES:**
- ANY LANDS BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.
 - FLOODPLAIN IS PER FEMA FIRM MAP No. 55133C0176H, MAP REVISED NOVEMBER 5, 2014, ZONE X.
 - THIS PARCEL IS ALSO SUBJECT TO ALL OTHER EASEMENTS, INCLUDING UTILITY EASEMENTS AND RESTRICTIONS, EITHER RECORDED OR UNRECORDED, IF ANY.
 - ENTIRE PARCEL IS WITHIN THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE JURISDICTIONAL LIMITS.
 - THE EXCAVATOR AND MASON MUST VERIFY AT LEAST 2 BENCHMARKS SHOWN ABOVE.
 - PROPOSED ELEVATIONS AS SHOWN ON THIS DRAWING IS A SUGGESTED GRADE AND SHOULD BE VERIFIED BY THE OWNER AND/OR THE BUILDER AND APPROVED BY THE BUILDING INSPECTOR.
 - EROSION CONTROL MEASURES SHALL BE PROVIDED BY THE BUILDER AND/OR BUILDING INSPECTOR BASED ON SITE CONDITIONS.

CURVE TABLE

CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING
C1	91.00'	72°16'40"	114.80'	107.33'	N 34°32'06" W
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L2	N 01°36'14" E	12.01'
L3	N 70°40'26" W	20.15'
L4	N 01°35'17" E	18.90'
L5	S 70°40'26" E	25.90'
L6	S 01°36'14" W	18.87'

EXISTING IMPERVIOUS SURFACE

- DWELLING = 620
- GARAGE = 876
- BOATHOUSE = 1951
- PATIO EAST = 708
- PATIO LAKE = 399
- STEPS = 196
- RETAINING WALLS (ONE SQ. FT. PER LINEAL FT.) = 685
- DRIVEWAY = 5,892
- SIDEWALK = 1237
- BRICK PAVERS = 130
- HOUSE STOOP = 19

TOTAL IMPERVIOUS SURFACE AREA = 12,713
LOT SIZE = 27,239
TOTAL PERCENT IMPERVIOUS SURFACE = 46.5%

PROPOSED IMPERVIOUS SURFACE

- RECALCULATED 04/03/24
- DWELLING = 3,866
- DECK = 109
- BOATHOUSE (INCLUDES OVERHANGS) = 1019
- STAIRS = 112
- DRIVEWAYS = 4,827
- SIDEWALKS = 326
- LAKESIDE PATIO = 400
- EXISTING RETAINING WALLS = 140
- PROPOSED/REPLACEMENT RETAINING WALLS = 549
- EGRESS WELL RETAINING WALL = 35

TOTAL IMPERVIOUS SURFACE AREA = 11,383
LOT SIZE = 27,329
TOTAL PERCENT IMPERVIOUS SURFACE = 41.7%

PROPOSED BUILDING FOOTPRINT RATIO

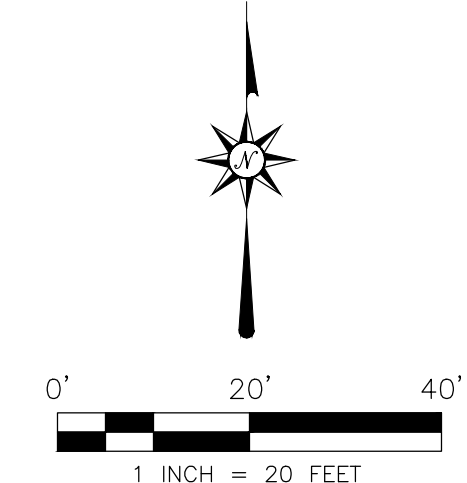
- DWELLING = 3,866
- BOATHOUSE FOUNDATION FOOTPRINT = 917
- TOTAL FOOTPRINT AREA = 4,783
- LOT SIZE = 27,329
- TOTAL PERCENT IMPERVIOUS SURFACE = 17.5%

LEGEND

- SECTION CORNER MONUMENT FOUND 1" IRON PIPE OR NOTED SET 0.75" O.D. X 18" REBAR WEIGHING 1.502 LBS./FT.
- MANHOLE
- PROPOSED WELL
- SEPTIC VENT
- SEPTIC CLEANOUT
- EXISTING SPOT GRADE
- EXISTING CONTOUR
- RECORD DIMENSION
- MANHOLE
- UTILITY PED
- TV PED
- ELECTRIC PED
- UTILITY POLE
- SOIL BORE
- FLOOR ELEVATION
- PROPOSED SILT FENCE
- PROPOSED ELEVATION
- PROPOSED CONTOUR
- PROPOSED FLOW DIRECTION
- CON. TREE WITH TRUNK DIA.
- DECID. TREE WITH TRUNK DIA.
- *RED LABELED TO BE REMOVED*
- 10' OFFSET OR NOTED

TREE SPECIES LEGEND

DESIGNATOR	TREE SPECIES
BE	BEECH
CW	WHITE CEDAR
TA	BASSWOOD
EXSP	EXOTIC SPECIES
OR	RED OAK



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCONSIN 2018) AND REFERENCED TO THE SOUTH LINE OF THE SW 1/4 OF SEC. 27-8-18 MEASURED AS N88°47'24"W.

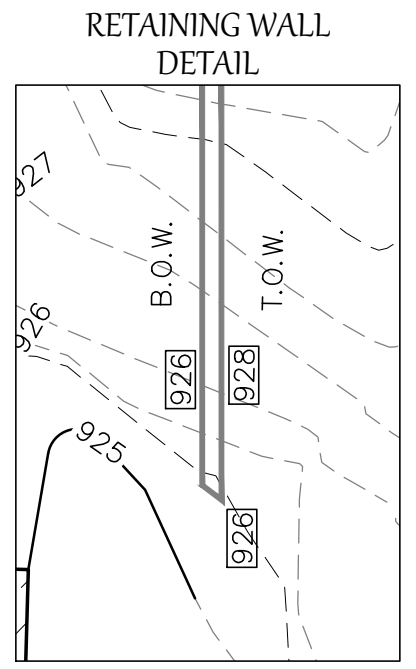
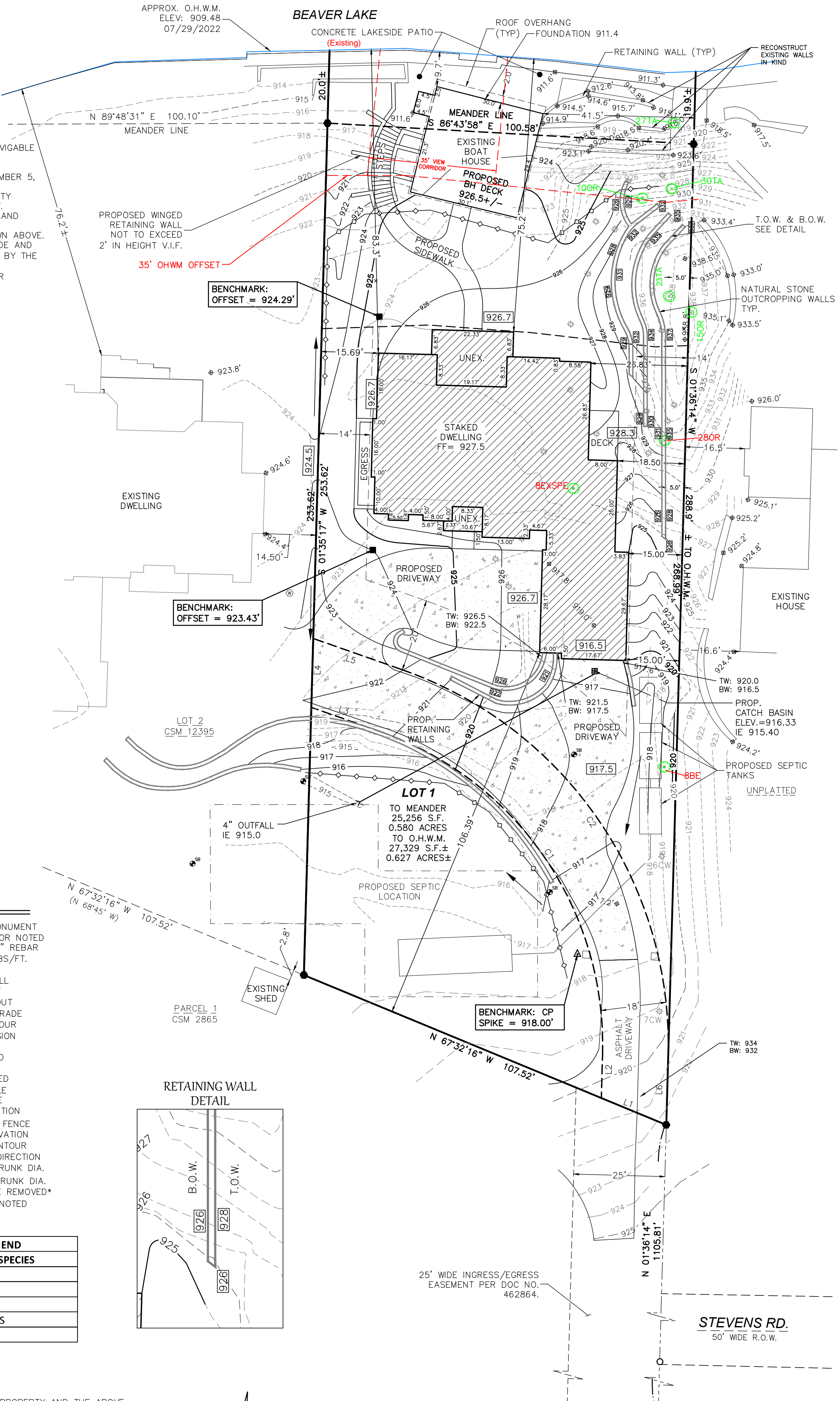
VERTICAL DATUM IS NAVD 88 (GEOID 12A).



SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAY AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE, THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

SIGNED: MATTHEW T. O'ROURKE, PROFESSIONAL LAND SURVEYOR S-2771



SW CORNER SECTION 27-8-18 CONC. MON. W/ SEWRPC BRASS CAP FND.

N 88°47'24" W 2640.97' S. LINE OF THE SW 1/4 OF SEC 27-8-18

C.T.H. K 66" WIDE R.O.W.

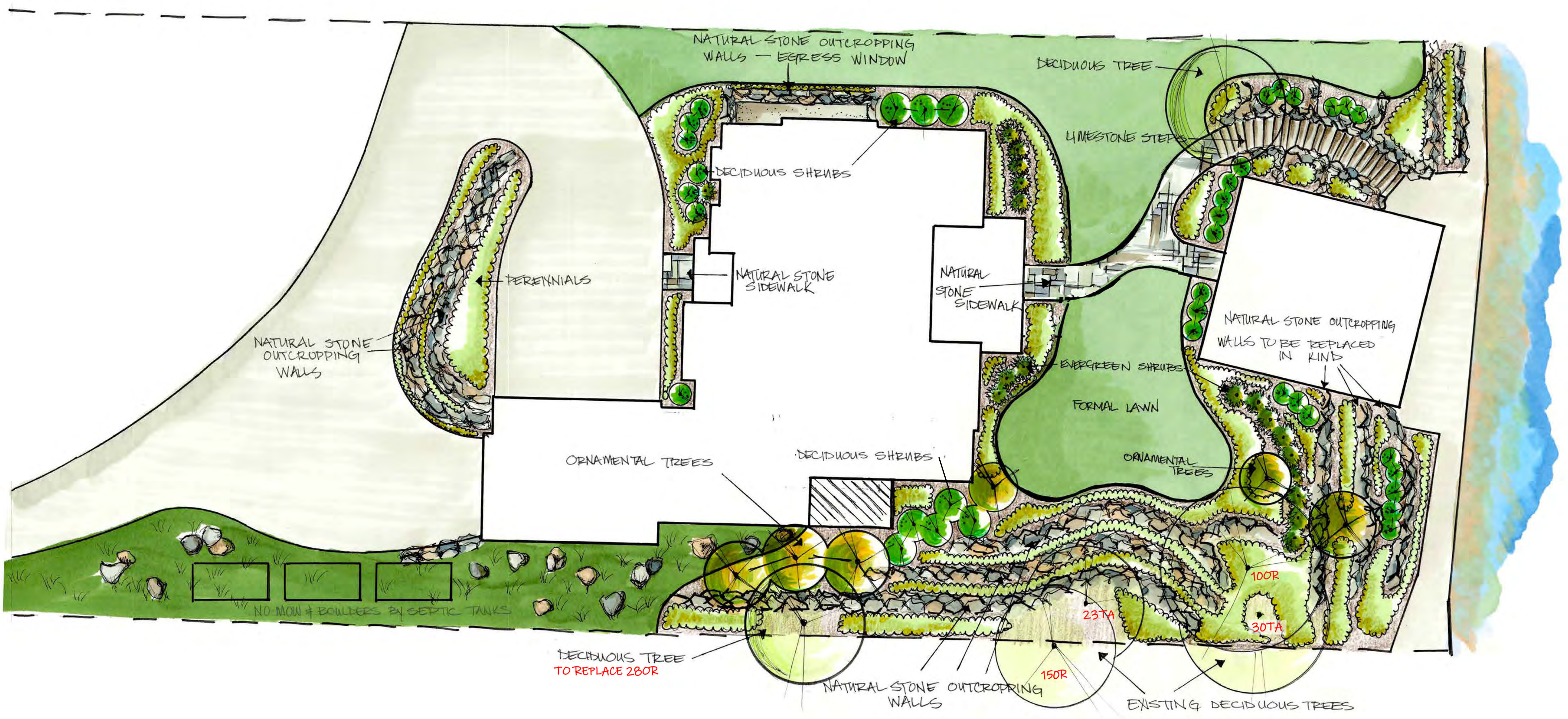
SOUTH 1/4 CORNER SECTION 27-8-18 CONC. MON. W/ SEWRPC BRASS CAP FND.

SHEET 1 OF 1	DATE 03/26/2024	CLIENT MOORE-DESIGNS	LOCATION N57W30678 & N57W30688 COUNTY ROAD K HARTLAND, WI. 53029	REV. SIDEWALK & IMPERVIOUS CALCULATIONS 4/03/2024 (JBK)	<p>LAND SURVEYING • LAND PLANNING 111 W. 2ND STREET OCONOMOWOC, WI 53066 WWW.LANDTECHWI.COM (262) 367-7599</p>
	JOB NO. 23217	PROJECT VEENHUIS		REV. TREE UPDATES 1/4/2024 (MO)	
DRAWING 23217_SURVEY.DWG	LAYOUT STAKED DWELLING	REV. BH UPDATES 2/13/2024 (MO)			
	DRAWN BY MJN	CHECKED BY MTO	REV. RETAINING WALL UPDATES (03/22/2024) JBK		

EXHIBIT D

RECEIVED
Waukesha County Dept Parks
and Land Use
4/5/2024

LANDWORKS
landscape services
www.landworkswisconsin.com
N69W25195 Indiagrass Ln
Sussex, WI 53089
p.262.820.2501



Veenhuis Residence
N57W30678 Cty Rd. K
Merton, WI

Conceptual Landscape Plan
Steve Kehl, PLA & Amy Scheper
Revisions:
Sheet Number: 1/1
Date: 2.15.24

North arrow pointing up and a graphic scale bar showing 0, 10, and 20 feet. Below the scale bar, a disclaimer reads: 'This drawing is made solely for the individual named herein and is the property of LandWorks, Inc. Any unauthorized use or duplication is in violation of the copyright laws & subject to prosecution.'

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
CONDITIONAL USE

DATE: April 18, 2024

FILE NO.: CU111 and SP231

OWNER: Lisa Gall
N64 W38242 Lac La Belle Drive
Oconomowoc, WI 53067

APPLICANT: Dream Kitchens
3700 Hillside Drive
Delafield, WI, 53018

TAX KEY NO.: OCOT 0512.995

LOCATION:

The subject property is located in part of the S ½ of the SE ¼ of Section 20, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at the Lac La Belle address cited above, containing approximately 1.5 acres.

ZONING CLASSIFICATION(S):

R-3 Residential District.

EXISTING USE(S):

Single family residential.

REQUEST:

Construct an in-law unit within the existing residence.

PUBLIC HEARING DATE: March 18, 2024

PUBLIC REACTION: None

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

The subject property is designated in the High-Density Residential Category of the CDP and Multi Family Residential Category of the Town Land Use Plan. The request complies with both plans. It should be noted that the in-law unit conditional use is considered accessory to the existing principal residential use.

TOWN PLAN COMMISSION ACTION:

On March 18, 2024, the Town of Oconomowoc Plan Commission unanimously recommended approval of the request to the Waukesha County Park and Planning Commission, subject to several conditions incorporated below.

STAFF ANALYSIS:

The subject lot is located on Lac La Belle Drive, midway between N. Lake Drive and the lake (Lac La Belle). The lot contains an existing single-family home with attached garage and a swimming pool. There are a mix of two-family and single-family residences east and southeast of the subject lot. A Town owned parcel with environmental corridor is located directly across the road. The Woodlake (single family)

subdivision is located to the northwest. Wooded areas buffer the subdivision, the duplexes to the east and subject property. There is a 39-acre adjacent parcel north of the subject lot, currently in agricultural use and the future site for a single-family subdivision.

The owner is proposing to construct an in-law unit within an existing bonus room above the attached garage. The unit would be used by the owner's children during long stays. In the future, she may occupy the in-law unit and her children would occupy the main unit.

Access to the unit is provided by a side entrance common to the proposed in-law unit and the main unit of the home. The proposed unit has one bedroom, one bathroom, a kitchen, living room, utility closet and storage closet. The unit would provide 702 ft. of livable area. The lot contains a very large circular drive which provides ample off-street parking well screened from other residences with existing vegetation. The owner noted that she may also provide a parking space in the existing garage for the family member/tenant of the in-law unit. No exterior changes to the single-family residence are proposed. A site plan showing the in-law unit, parking and common entrance is attached as Exhibit A. Interior plans of the proposed in-law unit are attached as Exhibit B.

SECTION 4(g)(13) (In-law Unit) - CONDITIONAL USE STANDARDS & REQUIREMENTS:

A. The location, building plan, site plan and plan of operation shall be submitted to and approved by the Plan Commission and the County Zoning Agency. *A site plan (Exhibit A) has been submitted to the Waukesha County Planning and Zoning Division.*

B. The Waukesha County Department of Parks and Land Use, Environmental Health Division shall certify that the septic system will accommodate the proposed use and in accordance with SPS 383, county and State Sanitary Codes. *The Waukesha County Environmental Health Division approved a Preliminary Site Evaluation on January 26, 2024.*

C. Maximum living area of the in-law unit shall not exceed eight hundred (800) square feet and shall contain no more than two (2) bedrooms. There shall be an additional parking space for the in-law unit. There shall be no more than one (1) in-law unit per single-family lot.

D. Architecture of the residence shall be compatible with the adjacent residential neighborhood and shall appear to be a single-family residence. All other appropriate zoning district requirements for the principal living unit shall be complied with. A common entrance to the residence and in-law unit should be designed into the structure so that a separate front entrance off of the common entrance is available and the structure does not appear to be a duplex.

E. The Plan Commission and the County Zoning Administrator shall determine if it is appropriate to have an interior door between the in-law unit and the principal residence.

F. A Deed Restriction shall be filed in the Waukesha County Register of Deeds Office and a copy of the recorded document presented to the Building Inspector prior to issuance of the Building Permit. This Deed Restriction shall state that the in-law unit is to be occupied by persons related by blood or marriage to the family occupying the principal unit and that the Conditional Use is not transferable without formal approval of the Plan Commission and the County Zoning Agency without necessity of a public hearing and that the unit will be used as intended.

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. This Conditional Use Order authorizes an in-law unit to be located within the subject property, consisting of a room or suite of rooms used or occupied as a separate housekeeping entity within the single-family dwelling (adjacent to garage area) occupied by persons related by blood or marriage to the family or persons occupying the single-family dwelling, subject to all terms and conditions of this Conditional Use Order.
2. The use shall be conducted in compliance with the building plans, site plan and plan of operation that have been approved by the Town Plan Commission, Waukesha County **Planning and Zoning Division (PZD)** and on file with Waukesha County **PZD**. Any modification to the building plans, site plan, or plan of operation shall be submitted to the Town Planner and Waukesha County Staff for review and approval. No such modifications are permitted unless the Town Planner and Waukesha County Staff first approve them. Substantial changes may require a new permit and all procedures in place at the time must be followed.
3. The maximum living area in an in-law unit shall not exceed 800 square feet for a two-bedroom unit. *The proposed in-law unit provides 702 ft.+/- of living space.*
4. There shall be an additional **parking** space for the in-law unit. *Ample, well screened off-street parking is provided on the existing circle drive.*
5. There shall be no more than one (1) in-law unit per single-family lot.
6. Architecture of the residence shall be compatible with the adjacent residential neighborhood and shall appear to be a single-family residence. All other appropriate zoning district requirements for the principal living unit shall be complied with. A common entrance to the residence and in-law unit should be designed into the structure so that a separate front entrance off the common entrance is available and the structure does not appear to be a duplex. Waukesha County Staff shall ensure that this requirement is met. *The proposed in-law unit requires interior remodeling only. The unit will share an existing service door with the main home. No exterior changes are being proposed.*
7. **The location, building plan, site plan and plan of operation shall be submitted to and approved by the Plan Commission and the County Zoning Agency. A site plan (Exhibit A) has been submitted to the Waukesha County Planning and Zoning Division.**
8. **The Waukesha County Department of Parks and Land Use, Environmental Health Division shall certify that the septic system will accommodate the proposed use and in accordance with SPS 383, county and State Sanitary Codes. The Waukesha County Environmental Health Division approved a Preliminary Site Evaluation on January 26, 2024.**
9. The Town Planner and the Waukesha County **Planning and Zoning Division** staff shall determine if it is appropriate to have an interior door between the in-law unit and the principal residence.
10. A Deed Restriction shall be filed in the Waukesha County Register of Deeds Office and a copy of the recorded document presented to the Town Clerk and Building Inspector prior to issuance of the

Building Permit. This Deed Restriction shall state that the in-law unit is to be occupied by persons related by blood or marriage to the family occupying the principal unit and that the Conditional Use is not transferable without formal approval of the Plan Commission and the County Zoning Agency without necessity of a public hearing and that the unit will be used as intended.

11. Subject to the petitioner satisfying all terms, conditions, and requirements of the Town of Oconomowoc Building Inspector, regarding the building and the property, to ensure compliance with all applicable laws, codes, statutes, ordinances, rules and other lawful authorities, prior to occupancy of the building for the intended use. The petitioner shall allow the Town of Oconomowoc Building Inspector access to the property and building for the purpose of conducting such inspections.
12. Subject to the proposed use and any plans being reviewed and approved by the Western Lakes Fire District, prior to issuance of a permit. Any concerns or issues raised by Western Lakes Fire District shall be complied with. Any disputes with Western Lakes Fire District shall be forwarded to the Town Plan Commission for resolution of the dispute.
13. The petitioner shall allow the premises to be available for inspection by the Town of Oconomowoc **and Waukesha County** officials at any reasonable time and upon reasonable notice.
14. All activities on the subject property herein may not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor.
15. Subject to all laws, ordinances, regulations and rules of the State, County, Town and USA.
16. Petitioner shall, on demand, reimburse the Town of Oconomowoc for all costs and expenses of any type that the Town incurs in connection with this conditional use permit, including the cost of professional services incurred by the Town of Oconomowoc (including engineering, legal, planning and other consulting fees) and for the review and preparation of the conditional use permit or attendance at meetings or related professional services for this application, as well as for any actions that the Town of Oconomowoc is required to take to enforce the conditions in this conditional use permit due to a violation of these Petitioner shall, on demand, reimburse the Town of Oconomowoc for all costs and expenses of any type that the Town incurs in connection with this conditional use permit, including the cost of professional services incurred by the Town of Oconomowoc (including engineering, legal, and planning). All fees due and owing at the time shall be paid prior to the issuance of the conditional use permit, and such fees coming due following the issuance of the conditional use permit shall be paid within thirty (30) days of billing. ***This condition is enforceable by the Town of Oconomowoc only.***
17. Payment of Charges. Any unpaid bills owed to the Town by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval. ***This condition is enforceable by the Town of Oconomowoc only.***

If approved as conditioned, the petitioner will be allowed to create an in-law unit to provide multi-generational living improvements with an existing single-family home. All changes to the residence are on the interior; the subject lot is well screened and provides ample parking. Given these factors and given the substantial proportion of two-family homes in the surrounding area, the proposed use will not adversely affect adjacent property owners and is consistent with the purpose and intent of the Waukesha County Shoreland Protection Ordinance.

Respectfully submitted,

Ben Greenberg

Ben Greenberg
Senior Planner

Attachments: Exhibits A & B



0 50.00 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.



Notes:

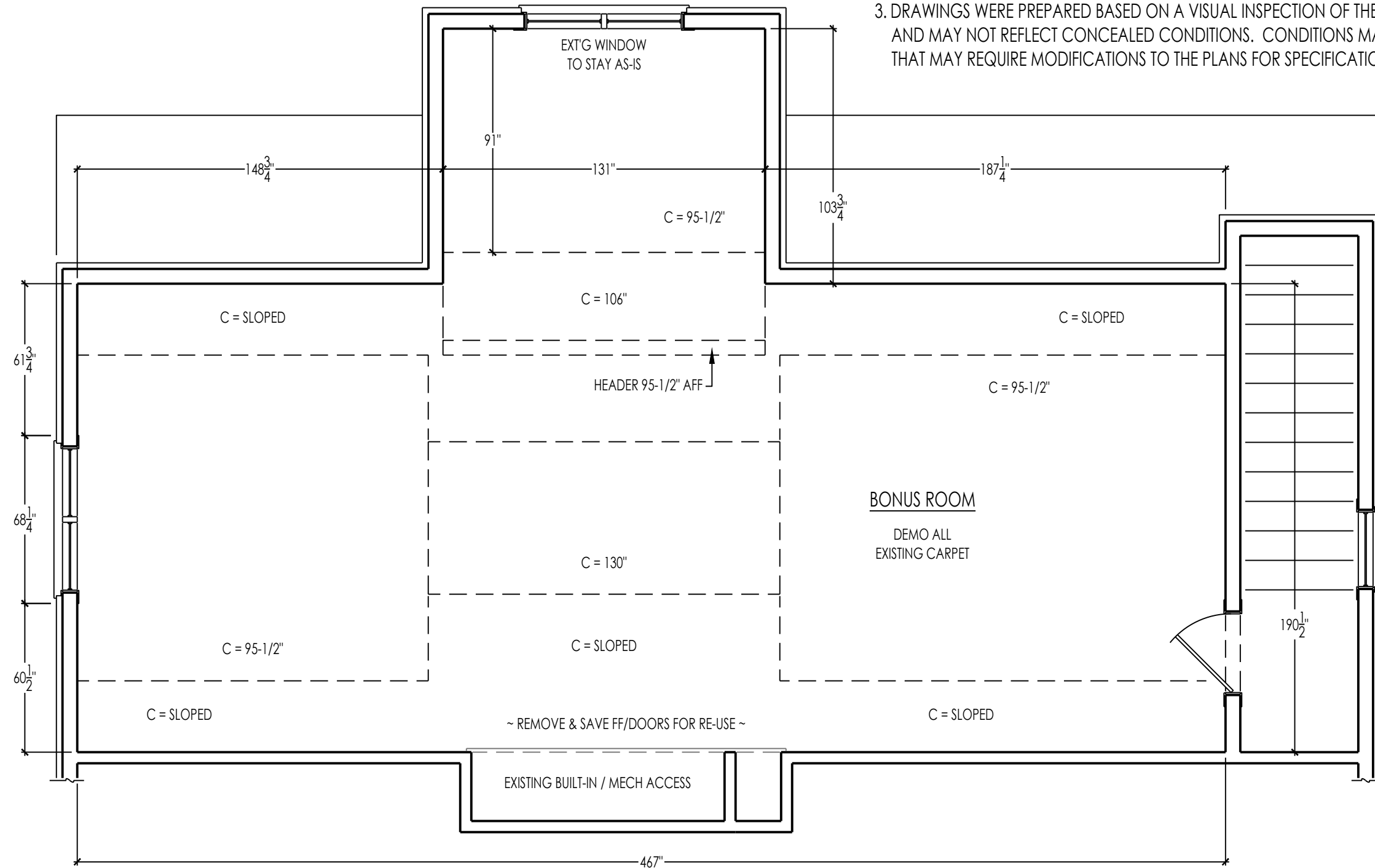
Printed: 3/20/2024

Received
02/13/2024
Waukesha County Dept.
of Parks and Land Use

Current Space

GENERAL NOTES

1. EXISTING FINISHES TO BE PROTECTED AS REQUIRED DURING THE RENOVATION.
2. DIMENSIONS LISTED ARE FINISHED DIMENSIONS UNLESS OTHERWISE NOTED.
3. DRAWINGS WERE PREPARED BASED ON A VISUAL INSPECTION OF THE HOME AND MAY NOT REFLECT CONCEALED CONDITIONS. CONDITIONS MAY EXIST THAT MAY REQUIRE MODIFICATIONS TO THE PLANS FOR SPECIFICATIONS.



dream house
dream kitchens

GALL RESIDENCE
N64W38242 LACLABELLE DRIVE
OCONOMOWOC, WI 53066

CUSTOMER APPROVAL:

DESIGNED BY: SA/NL
DRAWN BY: AMN
PROJECT #:
SCALE: 1/4"=1'0"

ISSUANCE / REVISIONS

- 05.09.2023 CONCEPT
- 10.24.2023 REVISIONS
- 11.24.2023 REVISIONS
- 01.03.2024 REVISIONS
- 01.18.2024 ISSUED FOR CONSTRUCTION

SHEET TITLE

BONUS ROOM
DEMO PLAN

SHEET NUMBER

D1.0



Waukesha County

Department of Parks and Land Use

MEMORANDUM

To: Waukesha County Park and Planning Commission

From: Jacob Heermans, Senior Land Use Specialist

Date: April 18, 2024

Re: **PPC24_002 Lorenz Holding Corporation**, N73 W32438 River Road, Hartland, WI 53029-9726, lot not abutting a public road. The parcels are both located in part of the S½ of Section 17, T8N, R18E, Town of Merton. More specifically, the properties are located at N73 W32438 and N72 W32434 River Road, respectively (Tax Key No.'s MRTT 0356.984 and MRTT 0356.985).

The petitioners own two adjacent lots on River Road which together are approximately 4.9 acres in size. The lots lie along the Oconomowoc River, west of North Lake and south of Reddelien Road. The southern lot which abuts the Oconomowoc River contains two residences, one of which also contains a wet boathouse, two detached garages, a storage shed, and shelter. There is an existing office building, which formerly held a contractor's office, which bisects the common lot lines between the southern and northern lots. With the exception of the office building, which is proposed to be removed, the northern lot is free of any improvements. There is a small pocket of wetlands which was delineated by SEWRPC in 2021 on the west side of the property. It should be noted that the storage shed on proposed Lot 2 and the shelter near the shore on proposed Lot 1 are also proposed to be removed.

The petitioners are proposing a three (3) lot land division which will create three (3) new residential parcels. The lots, which are proposed to be rezoned to R-3 Residential District are required to be a minimum of 20,000 sq. ft. in size and an average width of 120 ft. The proposed Certified Survey Map resolves a nonconforming use by placing each existing single-family residence on its own lot while also creating an additional residential lot for future development. Proposed Lot 1 will be just over 2 acres in size and will contain the dual residence and boathouse and a detached garage. The parcel is long and narrow and does not abut a public road. A 45' wide ingress and egress easement along the existing driveway will provide access to Lot 1. Proposed Lot 2 is 1.4 acres in size and will contain a single-family residence, shed and detached garage. Lot 3 is 1.4 acres in size and is proposed for single-family residential use.

Planning and Zoning Division

The proposal requires a waiver from Section 3(d)2 of the Waukesha County Shoreland Protection Ordinance (SPO) for Buildings or Creation of Lots on a Private Street or Way and Lots not abutting a public road. Lots which do not abut a public road must be a minimum of 3 acres in size and 200 feet in average lot width and shall be accessed by an easement at least 33' in width. Proposed Lot 1 will be served by a 45' wide easement, however, it does not meet the minimum size and width requirements. While proposed Lot 1 does not meet the minimum size and width requirements for a lot not abutting a public road, the use and lot is actually becoming more conforming. A nonconforming use is resolved, and several nonconforming structures are proposed to be removed. Additionally, the proposal allows the petitioners to retain the existing family residence/boathouse.

The Town of Merton approved the creation of a lot not abutting a public road on March 20, 2024 subject to the approval of a Certified Survey Map. The Planning and Zoning Division Staff recommends **approval** of this request, subject to the conditions listed below:

1. The related pending rezone (RZ144) must be authorized prior to this approval being effective.
2. A note must be placed on the Certified Survey Map indicating that the Waukesha County Park and Planning Commission approved the creation of Lot 1 as a lot not abutting a public road on April 18, 2024.

Approval of the request, as conditioned, will allow the petitioners to create three new residential lots and to construct a new residence in the future, while preserving the existing residences. This approval allows Lot 1 to be created without abutting a public road. A further review of the Certified Survey Map to ensure that it complies with the requirements of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance will be done by the Planning and Zoning Division Staff.

Attachments: Exhibit A

Exhibit A

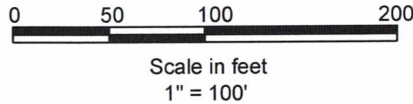
Waukesha County Certified Survey Map

Part of Government Lot Four (4), in the SW 1/4 of the SE 1/4 and SE 1/4 of the SW 1/4 all in Section 17, Township 8 North, Range 18 East, Town of Merton, Waukesha County, Wisconsin.

Center
Sec. 17-8-18
conc.mon./brass cap found
N: 425,769.93
E: 2,397,892.32
(State Plane Coordinates NAD83)

Sheet 1 of 5

- (r.a.) means "recorded as"
P.O.B. - means "Point of Beginning"
- - indicates a 1.3"od iron pipe found unless noted.
 - - indicates a 1.3"od x 18" iron pipe weighing 1.68 lbs./ft. set.
 - - indicates soil test pit location. P-2



Bearings are referenced to the Wisconsin State Plane Coordinate System Grid, South Zone (NAD-83/2011). The west line of the SE 1/4 of Sec. 17- 8-18 has a grid bearing of N 00°24'20" W.

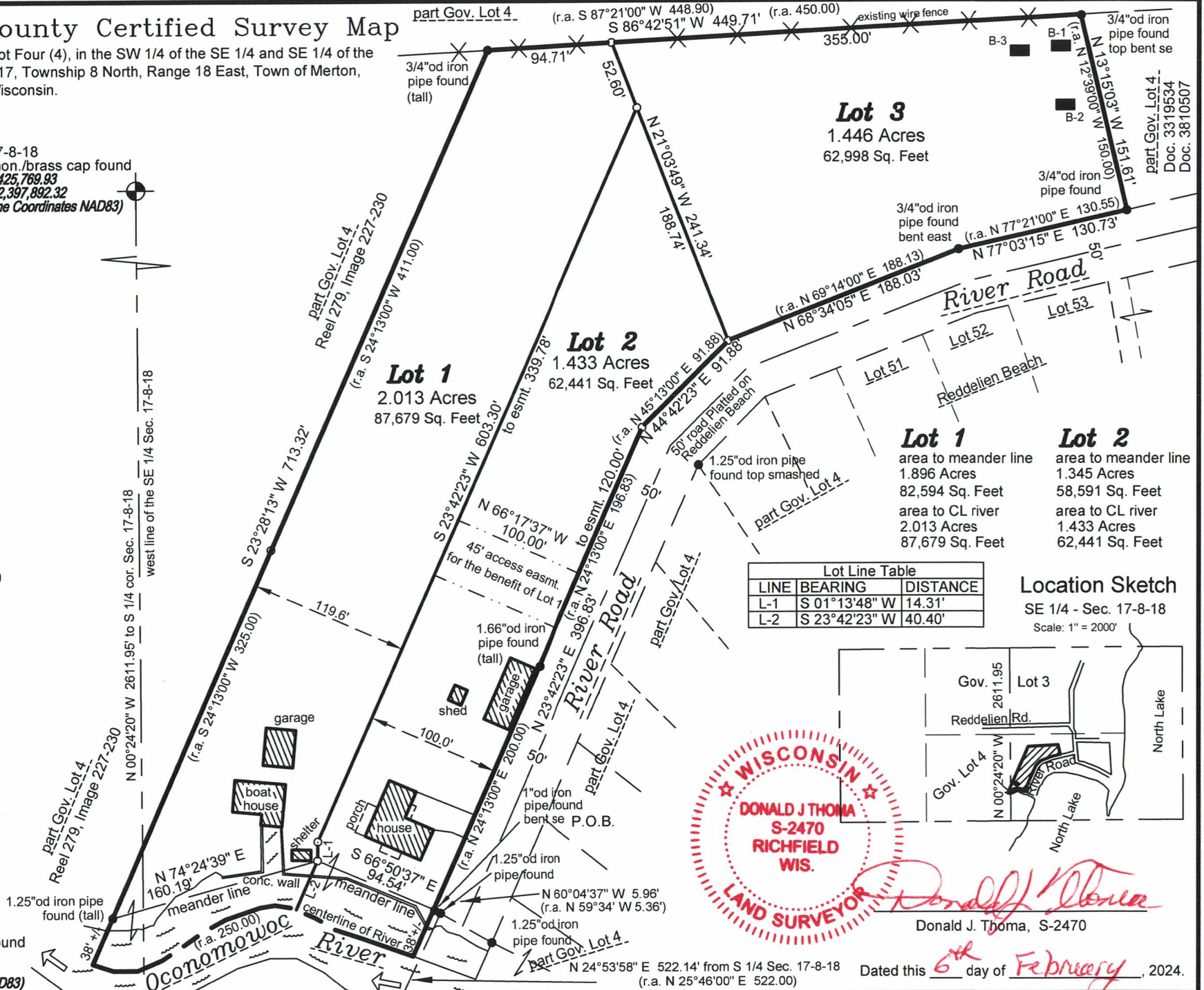
Owner/Subdivider

Lorenz Holding Corp.
N73W32438 River Road
North Lake, WI 53064

Surveyor

Donald J. Thoma
Accurate Surveying &
Engineering, LLP.
2911 Wildlife Lane
Richfield, WI 53076

South quarter corner
Sec. 17-8-18
conc.mon./brass cap found
N: 423,158.46
E: 2,397,910.81
(State Plane Coordinates NAD83)

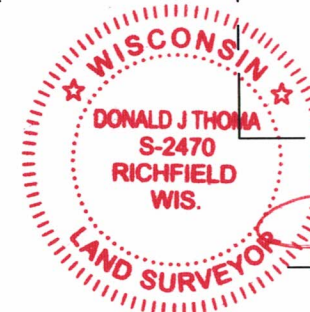
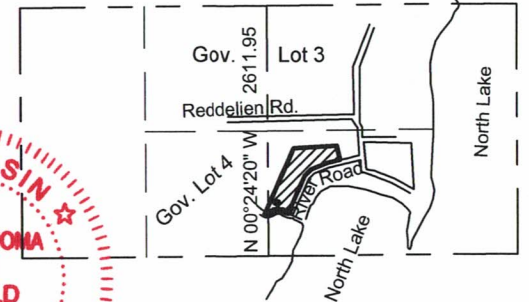


Lot	Area to meander line	Area to CL river
Lot 1	1.896 Acres 82,594 Sq. Feet	2.013 Acres 87,679 Sq. Feet
Lot 2	1.345 Acres 58,591 Sq. Feet	1.433 Acres 62,441 Sq. Feet

LINE	BEARING	DISTANCE
L-1	S 01°13'48" W	14.31'
L-2	S 23°42'23" W	40.40'

Location Sketch

SE 1/4 - Sec. 17-8-18
Scale: 1" = 2000'



Donald J. Thoma
Donald J. Thoma, S-2470

Dated this 6th day of February, 2024.

Waukesha County Certified Survey Map

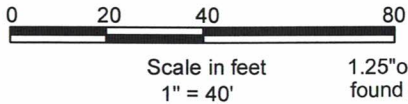
Part of Government Lot Four (4), in the SW 1/4 of the SE 1/4 and SE 1/4 of the SW 1/4 all in Section 17, Township 8 North, Range 18 East, Town of Merton, Waukesha County, Wisconsin.

LINE	BEARING	DISTANCE
W12	S 34°32'24" E	4.51'
W13	S 77°31'05" E	15.59'
W14	N 69°12'23" E	14.27'
W15	N 35°14'42" E	15.38'
W16	N 40°38'40" E	9.46'
W17	N 64°07'22" E	21.69'
W18	N 07°31'31" E	3.86'
W19	N 65°11'30" E	12.38'
W20	S 50°17'44" E	7.50'

(r.a.) means "recorded as"

P.O.B. - means "Point of Beginning"

- - indicates a 1.3"od iron pipe found unless noted.
- - indicates a 1.3"od x 18" iron pipe weighing 1.68 lbs./ft. set.
- - indicates soil test pit location. P-2



Bearings are referenced to the Wisconsin State Plane Coordinate System Grid, South Zone (NAD-83/2011). The west line of the SE 1/4 of Sec. 17- 8-18 has a grid bearing of N 00°24'20" W.

W17 - indicates Wetlands delineated by SEWRPC 2021.

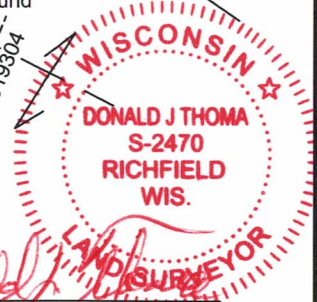
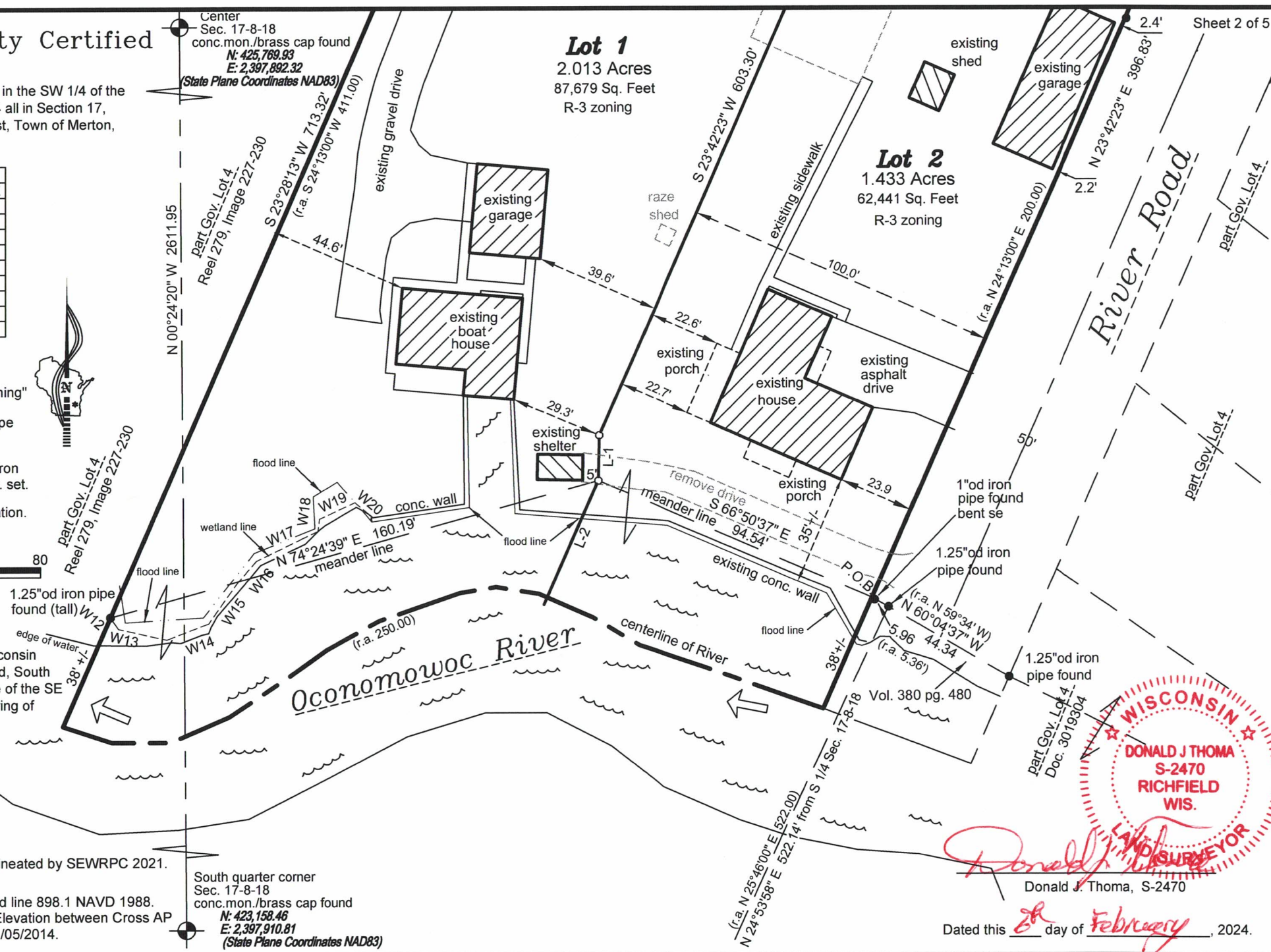
- indicates 100 year Flood line 898.1 NAVD 1988. (FIRM 55133C0044G Elevation between Cross AP & AQ) effective date 11/05/2014.

Center Sec. 17-8-18 conc.mon./brass cap found
N: 425,769.93
E: 2,397,892.32
(State Plane Coordinates NAD83)

South quarter corner Sec. 17-8-18 conc.mon./brass cap found
N: 423,158.46
E: 2,397,910.81
(State Plane Coordinates NAD83)

Lot 1
2.013 Acres
87,679 Sq. Feet
R-3 zoning

Lot 2
1.433 Acres
62,441 Sq. Feet
R-3 zoning



Donald J. Thoma, S-2470
Dated this 28 day of February, 2024.

Waukesha County Certified Survey Map

Part of Government Lot Four (4), in the SW 1/4 of the SE 1/4 and SE 1/4 of the SW 1/4 all in Section 17, Township 8 North, Range 18 East, Town of Merton, Waukesha County, Wisconsin.

(r.a.) means "recorded as"

- - indicates a 1.3"od iron pipe found unless noted.
- - indicates a 1.3"od x 18" iron pipe weighing 1.68 lbs./ft. set.

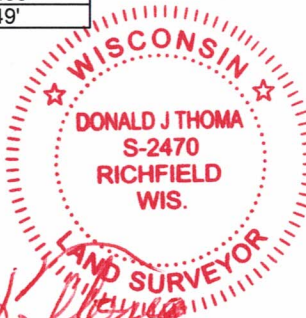
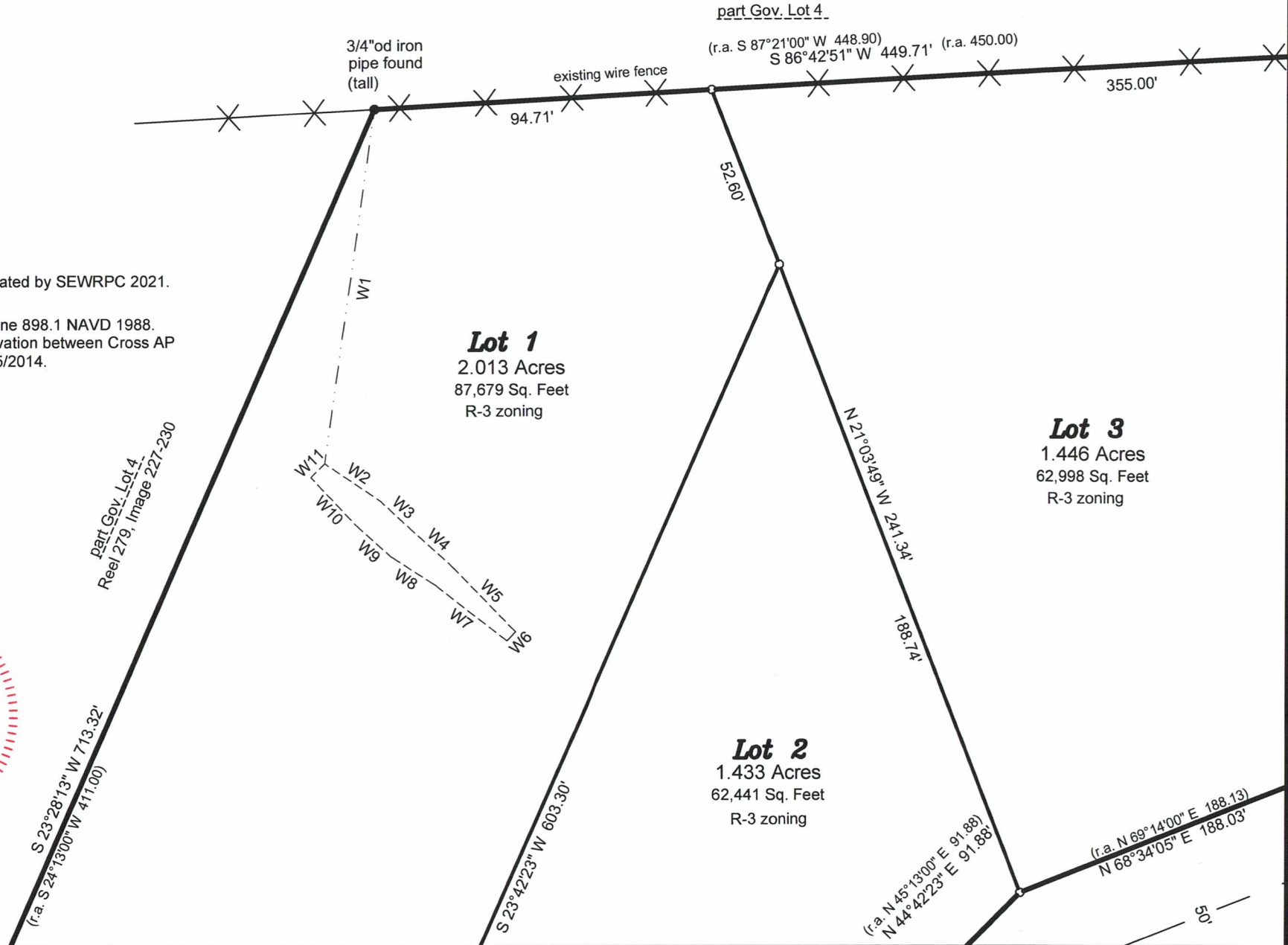


Scale in feet
1" = 40'

Bearings are referenced to the Wisconsin State Plane Coordinate System Grid, South Zone (NAD-83/2011). The west line of the SE 1/4 of Sec. 17- 8-18 has a grid bearing of N 00°24'20" W.

- W17 ----- - indicates Wetlands delineated by SEWRPC 2021.
- - indicates 100 year Flood line 898.1 NAVD 1988. (FIRM 55133C0044G Elevation between Cross AP & AQ) effective date 11/05/2014.

Wetland Line Table		
LINE	BEARING	DISTANCE
W1	S 07°59'49" W	100.09'
W2	S 56°03'47" E	18.92'
W3	S 47°03'25" E	11.81'
W4	S 48°03'25" E	15.10'
W5	S 43°58'01" E	25.68'
W6	S 42°55'10" W	3.53'
W7	N 51°52'22" W	25.26'
W8	N 57°21'36" W	14.98'
W9	N 48°05'52" W	12.31'
W10	N 43°24'51" W	19.35'
W11	N 45°54'24" E	5.49'



Donald J. Thoma
Donald J. Thoma, S-2470

Dated this 6th day of February, 2024.



Waukesha County
Department of Parks and Land Use

MEMORANDUM

TO: Waukesha County Park and Planning Commission

FROM: Kassie Slotty Figueroa, Land Use Specialist

DATE: April 18, 2024

SUBJECT: File No. PPC24_005, Gordie Boucher Ford of Kenosha, 4141 S. 108th St, Greenfield, WI, 53228. Retaining wall located within five (5) feet of the western property line. Part of the SE ¼ and SW ¼ of Section 34, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N48 W36216 Wisconsin Avenue (Tax Key No. OCOT 0568.989).

The subject property is located north of East Wisconsin Avenue and south of STH 16 with access from East Wisconsin Avenue. The property is mostly flat but with steep slopes along the eastern and southern lot lines. The southwestern portion of the lot slopes downward toward a wetland complex on the adjacent property. The property is served by a private onsite sewage system and well. The lot is approximately 4.6 acres in size. The parcel contains an approximately 18,469 square foot automotive dealership on the eastern side of the property and associated parking lot. A new automotive dealership approximately 17,244 square feet in size is proposed on the western side of the property.

There is currently a stormwater retention basin on the western side of the property that is proposed to be retained as a vaulted basin underground. The site plan submitted on February 22, 2024 (Exhibit A), shows the existing conditions and demolition plan. A retaining wall is proposed within five (5) feet of the western lot line to support the basin and parking lot proposed above it. The proposed retaining wall varies in height and reaches a maximum height of 7.1 feet. The wall is approximately 94 feet in length. The grading and erosion control plan submitted on February 22, 2024 (Exhibit B) shows the proposed retaining wall.

The petitioner is requesting approval to construct the retaining wall within five (5) feet of the west lot line. The Waukesha County Shoreland Protection Ordinance requires that all retaining walls located within five (5) feet of a lot line obtain approval from the Town Plan Commission and the Waukesha County Park and Planning Commission.

Planning and Zoning

At their meeting on March 18, 2024, the Town of Oconomowoc Plan Commission approved the request to construct a retaining wall within 5 feet of the west lot line.

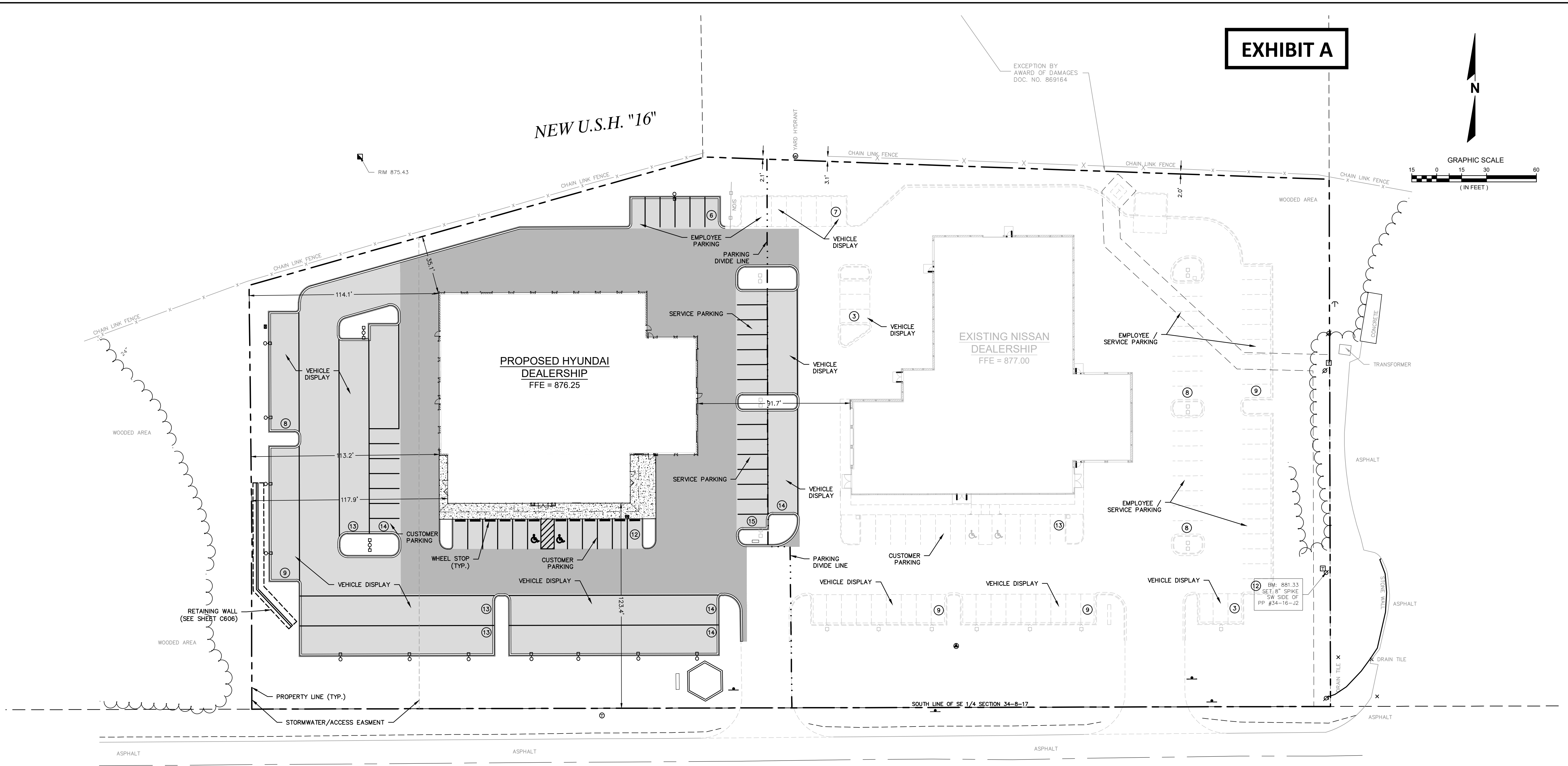
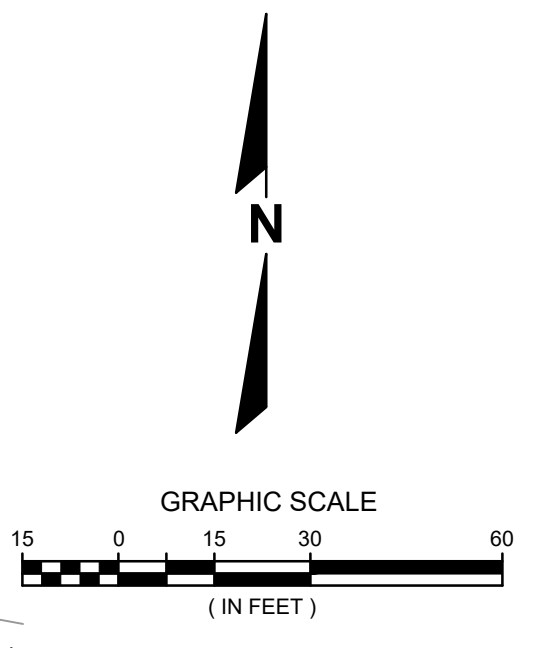
Based upon the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request subject to the following conditions:

1. All conditions of Stormwater Permit 601356 and its amendments currently under review by Waukesha County Land Resources Division shall be complied with. The amendment of the Stormwater Permit must be approved prior to the issuance of a zoning permit for the retaining wall.
2. A Zoning Permit shall be issued prior to the construction of the retaining wall.
3. Engineer stamped plans of the retaining wall shall be submitted to the Planning and Zoning Division for review and approval prior to the issuance of a Zoning Permit for the retaining wall.
4. The retaining wall shall be located outside of the C-1 Conservancy (wetland) Overlay District.

The approval of this request will allow the applicant to complete a complex grading and drainage plan associated with new automotive dealership and parking lot construction. The aesthetics of the retaining wall will not have a negative impact to adjacent properties due to the undeveloped wetland and Highway right-of-way to the west. Therefore, the request will meet the purpose and intent of the Waukesha County Zoning Code.

Attachments: Exhibit A and B

EXHIBIT A



OLD U.S.H. "16" (E. WISCONSIN AVE.)

LEGEND

- PROPERTY LINE
- PROPOSED 18" CURB AND GUTTER
- STANDARD DUTY ASPHALT PAVEMENT
- HEAVY DUTY ASPHALT PAVEMENT
- STANDARD DUTY CONCRETE PAVEMENT
- PROPOSED ACCESSIBLE PAVEMENT MARKING
- STALL PARKING COUNT
- PROPOSED LIGHT POLE (SEE PHOTOMETRIC PLAN)

PARKING CALCULATIONS

NISSAN PARKING	
CUSTOMER SPACES	11
ACCESSIBLE SPACES	2
EMPLOYEE/SERVICE SPACES	37
DISPLAY SPACES	43
TOTAL PARKING SPACES	93
*PER ADA PARKING, FOR 26-50 PARKING SPACES THERE SHOULD BE 2 ACCESSIBLE SPACES	
HYUNDAI PARKING	
CUSTOMER SPACES	17
ACCESSIBLE SPACES	2
EMPLOYEE/SERVICE SPACES	23
DISPLAY SPACES	91
TOTAL PARKING SPACES	133
*PER ADA PARKING, FOR 26-50 PARKING SPACES THERE SHOULD BE 2 ACCESSIBLE SPACES	

SITE STATISTICS

	SQFT	AC	COVERAGE
PARCEL AREA	202,118	4.64	100.0%
EXISTING PERVIOUS	75,323	1.73	37.3%
EXISTING IMPERVIOUS*	126,795	2.91	62.7%
EXISTING NISSAN BUILDING AREA	18,295	0.42	9.05%
PROPOSED PERVIOUS	52,000	1.19	25.7%
PROPOSED IMPERVIOUS*	150,118	3.45	74.3%
PROPOSED HYUNDAI BUILDING AREA	17,626	0.40	8.72%
*INCLUDES BUILDING AREA			

ZONING CODE 15.02

BUILDING SETBACK FROM LOCAL ROAD = 50'
WETLAND SETBACK = 75'

DATE	DESCRIPTION

16745 W. Bluemound Road
Brookfield, WI 53005-5938
(262) 781-1000
rasmith.com



Brookfield, WI | Milwaukee, WI | Appleton, WI | Madison, WI
Cedarburg, WI | Naperville, IL | Irvine, CA

**BOUCHER LAKE COUNTRY HYUNDAI
TOWN OF OCONOMOWOC, WI**

OVERALL SITE PLAN



Know what's below.
Call before you dig.

CONTRACTOR SHALL PROVIDE EROSION CONTROL FACILITIES IN ACCORDANCE WITH THE AUTHORITY HAVING JURISDICTION EROSION CONTROL ORDINANCE, THE WISCONSIN DNR STORMWATER CONSTRUCTION AND POST CONSTRUCTION TECHNICAL STANDARDS, WDNR PERMIT CONDITIONS, AND THESE DOCUMENTS; THE MOST STRINGENT TO APPLY.

THE LOCATIONS OF EXISTING UTILITY INSTALLATIONS AS SHOWN ON THIS PLAN ARE APPROXIMATE. THERE MAY BE OTHER UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.

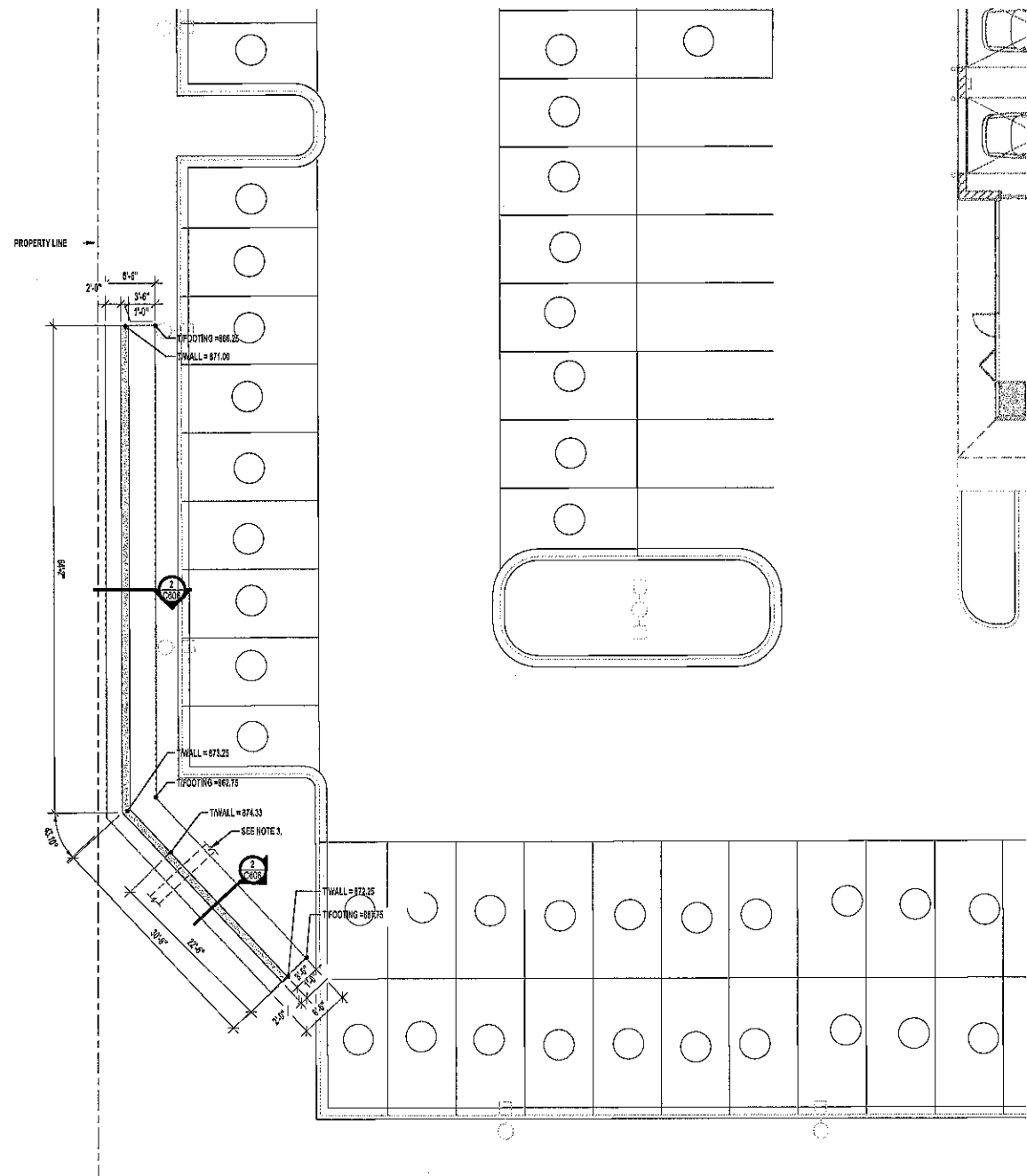
R.A.SMITH, INC. ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT THE EXPRESSED WRITTEN CONSENT OF R.A.SMITH, INC.

© COPYRIGHT 2024 R.A. Smith, Inc.
DATE: 2/16/2024
SCALE: 1" = 30'
JOB NO. 3210267.01
PROJECT MANAGER: RYAN, J LANCOUR, P.E.
DESIGNED BY: JJJ
CHECKED BY: RJL
SHEET NUMBER
C300

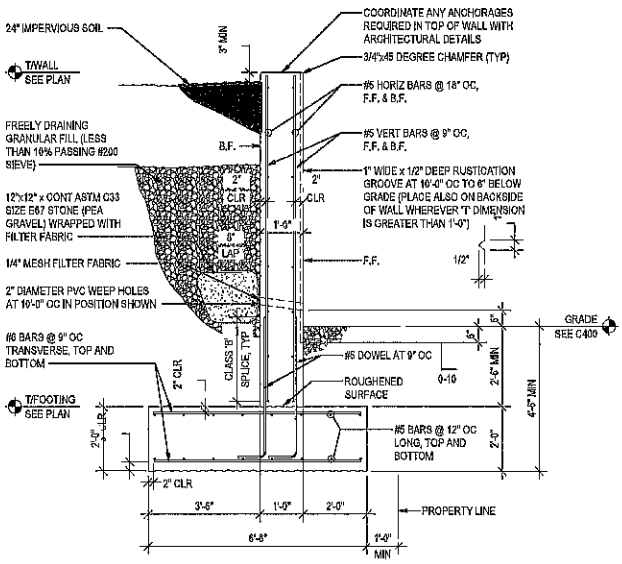
P:\3210267\3210267.01_Hyundai\01_Hyundai\01_SitePlan.dwg, OVERALL SITE PLAN, 2/16/2024 12:38:07 PM, jll

EXHIBIT B

Received by Waukesha
County Parks and Land
Use 2/27/24

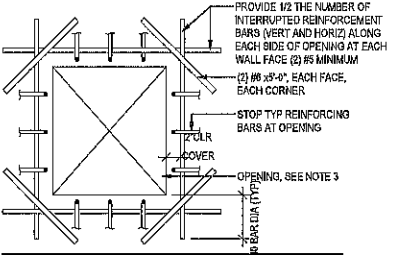


1 RETAINING WALL PLAN
SCALE: 1" = 10'-0"



2 RETAINING WALL SECTION
SCALE: 3/8" = 1'-0"

RETAINING WALL PLAN NOTES:
 1. SEE PLAN FOR TOP OF WALL AND TOP OF FOOTING ELEVATIONS.
 TOP OF WALL AND TOP OF FOOTING ELEVATIONS SHALL BE LINEARLY INTERPOLATED BETWEEN ELEVATION POINTS SHOWN ON PLAN.
 2. SEE SHEET C400 FOR GRADE ELEVATIONS.
 3. SEE SHEET C500 FOR LOCATION/ELEVATION OF PIPE PENETRATION THROUGH RETAINING WALL. SEE DETAIL C3000 FOR OPENING REQUIREMENTS IN RETAINING WALL.



3 ADDED REINF AT WALL OPENING
SCALE: 1" = 1'-0"

NOTES:
 1. ADDED REINFORCEMENT AS SHOWN SHALL BE PROVIDED FOR ALL OPENINGS 12" DIA OR 12" SQUARE AND LARGER IN SIZE.
 2. SPACE ADDED BARS AS CLOSE AS PERMISSIBLE BY CODE FOR THE REQUIRED BAR SIZE.
 3. VERIFY SIZE & LOCATION OF OPENINGS WITH TRADE OR SUBCONTRACTOR WHICH REQUIRES OPENING.

DATE	DESCRIPTION

R.A. Smith
 CREATIVITY BEYOND ENGINEERING
 16745 W. Bluemound Road
 Brookfield, WI 53005-5938
 (262) 781-1000
 ras@smith.com
 Brookfield, WI | Milwaukee, WI | Appleton, WI | Madison, WI
 Cedarburg, WI | Wauwatosa, WI | Waukegan, IL | Irvine, CA

**BOUCHER LAKE COUNTRY HYUNDAI
 TOWN OF OCONOMOWOC, WI**
RETAINING WALL DESIGN

© COPYRIGHT 2024
 R.A. Smith, Inc.
 DATE: 2/18/2024
 SCALE: 1" = 50'
 JOB NO. 3210267.01
 PROJECT MANAGER:
 RYAN, J LANCDOR, P.E.
 DESIGNED BY: JJJ
 CHECKED BY: R.J.L.
SHEET NUMBER
C606

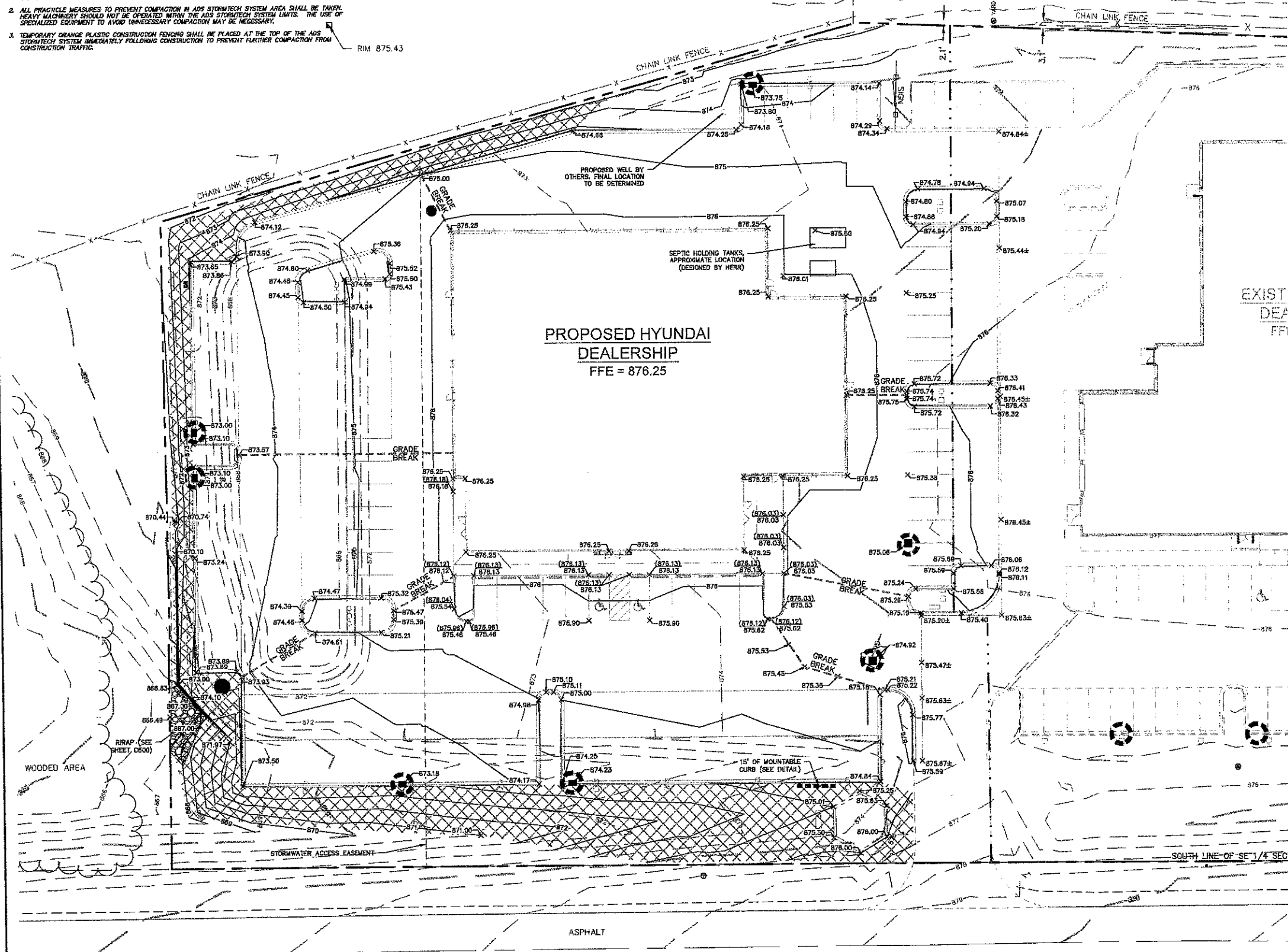
PRELIMINARY RETAINING WALL
 DESIGN. LAYOUT PENDING FINAL
 GEOTECHNICAL RECOMMENDATIONS.

INFILTRATION ADS STORMTECH CONSTRUCTION NOTES:

1. THE BOTTOM ELEVATION OF THE ADS STORMTECH SYSTEM SHALL BE UNDERCUT TO THE LOAMY SAND LAYER. UNDERCUTTING BELOW DESIGN SPACES MAY BE NECESSARY TO REACH SURFACE SOILS. SOILS SHALL BE TESTED BY GEOTECHNICAL ENGINEER PRIOR TO BACKFILLING UNDERCUT AREAS.
2. ALL PRACTICAL MEASURES TO PREVENT COMPACTION IN ADS STORMTECH SYSTEM AREA SHALL BE TAKEN. HEAVY MACHINERY SHOULD NOT BE OPERATED WITHIN THE ADS STORMTECH SYSTEM LIMITS. THE USE OF SPECIALIZED EQUIPMENT TO AVOID UNNECESSARY COMPACTION MAY BE NECESSARY.
3. TEMPORARY ORANGE PLASTIC CONSTRUCTION FENCING SHALL BE PLACED AT THE TOP OF THE ADS STORMTECH SYSTEM IMMEDIATELY FOLLOWING CONSTRUCTION TO PREVENT FURTHER COMPACTION FROM CONSTRUCTION TRAFFIC.

RIM 875.43

NEW U.S.H. "16"



GRADING LEGEND

- PROPERTY LINE
- TEMPORARY EROSION CONTROL MATTING (SHEET C800)
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED SPOT GRADE AT CUTTER OR SPOT GRADE ON PAVEMENT
- PROPOSED SPOT GRADE AT TOP OF CURB
- MATCHING GRADES INTO EXISTING
- PROPOSED CATCH BASIN
- PROPOSED STORM MANHOLE
- TEMPORARY INLET PROTECTION, TYPE B

GENERAL GRADING NOTES

1. THE PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED ACCORDING TO THE D.O.T. STANDARD SPECIFICATIONS, LOCAL ORDINANCES AND SPECIFICATIONS, AND RECOMMENDATIONS IN THE GEOTECHNICAL REPORT.
2. THE CONTRACTOR SHALL MAINTAIN SITE DRAINAGE THROUGHOUT CONSTRUCTION. THIS MAY INCLUDE THE EXCAVATION OF TEMPORARY DITCHES OR PUMPING TO ALLEVIATE WATER PONDING.
3. SILT FENCE AND OTHER EROSION CONTROL FACILITIES MUST BE INSTALLED PRIOR TO CONSTRUCTION OR ANY OTHER LAND DISTURBING ACTIVITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL EROSION CONTROL FACILITIES ONCE THE THREAT OF EROSION HAS PASSED WITH THE APPROVAL OF THE GOVERNING AGENCY.
4. THE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR THE COMPUTATIONS OF ALL GRADING AND FOR ACTUAL LAND BALANCE, INCLUDING UTILITY TRENCH SPOIL. THE CONTRACTOR SHALL IMPORT OR EXPORT MATERIAL AS NECESSARY TO COMPLETE THE PROJECT.
5. GRADING SHALL CONSIST OF CLEARING AND GRUBBING EXISTING VEGETATION, STRIPPING TOPSOIL, REMOVAL OF EXISTING PAVEMENT OR FOUNDATIONS, IMPORTING OR EXPORTING MATERIAL TO ACHIEVE AND ON-SITE EARTHWORK BALANCE, GRADING THE PROPOSED BUILDING PADS AND PAVEMENT AREAS, SCARPING AND FINAL COMPACTION OF THE PAVEMENT SUBGRADE, AND PLACEMENT OF TOPSOIL.
6. NO FILL SHALL BE PLACED ON A WET OR SOFT SUBGRADE. THE SUBGRADE SHALL BE PROOF-ROLLED AND INSPECTED BY THE GEOTECHNICAL ENGINEER BEFORE ANY MATERIAL IS PLACED.
7. ALL FILL SHALL BE CONSIDERED STRUCTURAL FILL AND SHALL BE PLACED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT.
8. BEFORE PROCEEDING WITH ANY UTILITY CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE EACH EXISTING LATERAL OR POINT OF CONNECTION AND VERIFY THE SIZE, LOCATION AND ELEVATION OF ALL UTILITIES.



Know what's below.
Call before you dig.

CONTRACTOR SHALL PROVIDE EROSION CONTROL FACILITIES IN ACCORDANCE WITH THE AUTHORITY HAVING JURISDICTION. EROSION CONTROL ORDINANCE, THE WISCONSIN DNR STORMWATER CONSTRUCTION AND POST CONSTRUCTION TECHNICAL STANDARDS, NDRP PERMIT CONDITIONS, AND THESE DOCUMENTS, THE MOST STRINGENT TO APPLY.

THE LOCATIONS OF EXISTING UTILITY INSTALLATIONS AS SHOWN ON THIS PLAN ARE APPROXIMATE. THERE MAY BE OTHER UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.

R.A.SMITH, INC. ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT THE EXPRESSED WRITTEN CONSENT OF R.A.SMITH, INC.

DESCRIPTION	DATE
10745 W. Blenheim Road Brookfield, WI 53005-5958 (262) 781-1000 rasmith.com	
raSmith CREATIVITY BEYOND ENGINEERING	
BOUCHER LAKE COUNTRY HYUNDAI TOWN OF OCONOMOWOC, WI	
GRADING AND EROSION CONTROL PLAN	
© COPYRIGHT 2024 R.A. Smith, Inc.	
DATE: 2/16/2024	
SCALE: 1" = 20'	
JOB NO. 3210267.01	
PROJECT MANAGER: RYAN, J LANCOUR, P.E.	
DESIGNED BY: JJJ	
CHECKED BY: RJL	
SHEET NUMBER C400	

\\s210267\3210267_01_Hyundai\Drawings\3210267.dwg GRADING PLAN, 2/15/2024 12:58:37 PM, B



Waukesha County
Department of Parks and Land Use

MEMORANDUM

To: Waukesha County Park and Planning Commission

From: Sandy Scherer, Senior Planner

Date: April 18, 2024

RE: PPC24_006 Matt Shafer, creation of a lot not abutting a public road and road frontage waiver, Tax Key No. OCOT 0574.188.001, Lots 3 and 4, Tearney Subdivision, part of the NE ¼ and NW ¼ of Section 36, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at W345 N5306 Tearney Road.

The existing 0.77-acre parcel is proposed to be divided via a two-lot Certified Survey Map (SCS-1505) in order to construct a new single-family home on proposed Lot 1 (Exhibit A). The land is located between Tearney Lake on the south and Road Q on the north in the Town of Oconomowoc. Proposed Lot 1 of the CSM (16,820 SF) is accessed by Road Q and is currently vacant.

While researching the register of deeds documents for the property, staff determined the vacated portions of Tierney Road were incorrectly shown on the CSM and on the GIS. We have asked that the CSM and the GIS be corrected. The result of these errors is that Proposed Lot 2 (16,539 SF) has not had access to Tearney Road since 2001 (although technically the 0.77 acre parcel did abut Road Q but did not gain access from Road Q), whereas a minimum of 30 feet of frontage is required. This requires a waiver from the Waukesha County Shoreland and Floodland Subdivision Control Ordinance now that the 0.77 acre parcel is being divided. Proposed Lot 2 contains a single-family residence, two decks, and a shed.

In addition, Section 3(d)2. of the Waukesha County Shoreland Protection Ordinance requires that the creation of a lot not abutting a public road must be approved by the Waukesha County Park and Planning Commission. As noted above, the existing 0.77 acre lot has been in this configuration since 2001 when Tearney Road was vacated (Document No, 2664831) and attached to the abutting parcels, but it technically also abutted Road Q although it did not gain access from Road Q. It should be noted a portion of the vacated roadway is also now a pedestrian easement. Proposed Lot 2 will continue to utilize the existing driveway, which eventually connects to the end of Tearney Road after crossing an adjacent lot. Therefore, an easement and a Driveway Access and Maintenance Agreement

Planning and Zoning

(Agreement) will be required so the owner of Proposed Lot 2 can legally access Tierney Road. The Planning and Zoning Division staff has already reviewed a draft easement agreement document (i.e., the Agreement) and recommended the owner's attorney attach an exhibit of the easement to the easement agreement document.

The Town of Oconomowoc approved the creation of a lot not abutting a public road on June 5, 2023.

The Planning and Zoning Division Staff recommends **approval** of these requests, subject to the following conditions:

1. A note must be placed on the Certified Survey Map indicating that the Waukesha County Park and Planning Commission approved the creation of Lot 2 as a lot not abutting a public road on April 18, 2024.
2. A note must be placed on the Certified Survey Map indicating that the Waukesha County Park and Planning Commission approved a waiver of a lot having less than 30 feet of frontage on a public road on April 18, 2024.
3. A revised Driveway Access and Maintenance Agreement (easement agreement document) shall be submitted to the Waukesha County Planning and Zoning Division for final review and approval, and be recorded in the Register of Deeds office, prior to the Director signing the Final CSM, and the easement shall be shown on the CSM referencing the recorded document number of the Agreement (easement document).

Approval of these waiver requests, as conditioned, will allow the property owners to create a two-lot CSM and construct a new residence on Proposed Lot 1 while providing the existing residence with legal access to Tearney Road via a newly recorded easement and easement agreement document. This approval allows Proposed Lot 2 to be created without abutting a public road and without the required amount of road frontage. This situation has been existing for over twenty years and the access will not be changing, however, it will now be legal. In addition, review of the Certified Survey Map to ensure that the land division complies with the requirements of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance and the Shoreland Protection Ordinance and the Floodland Protection Ordinance is being conducted by the Planning and Zoning Division Staff. Therefore, the request meets the purpose and intent of these ordinances.

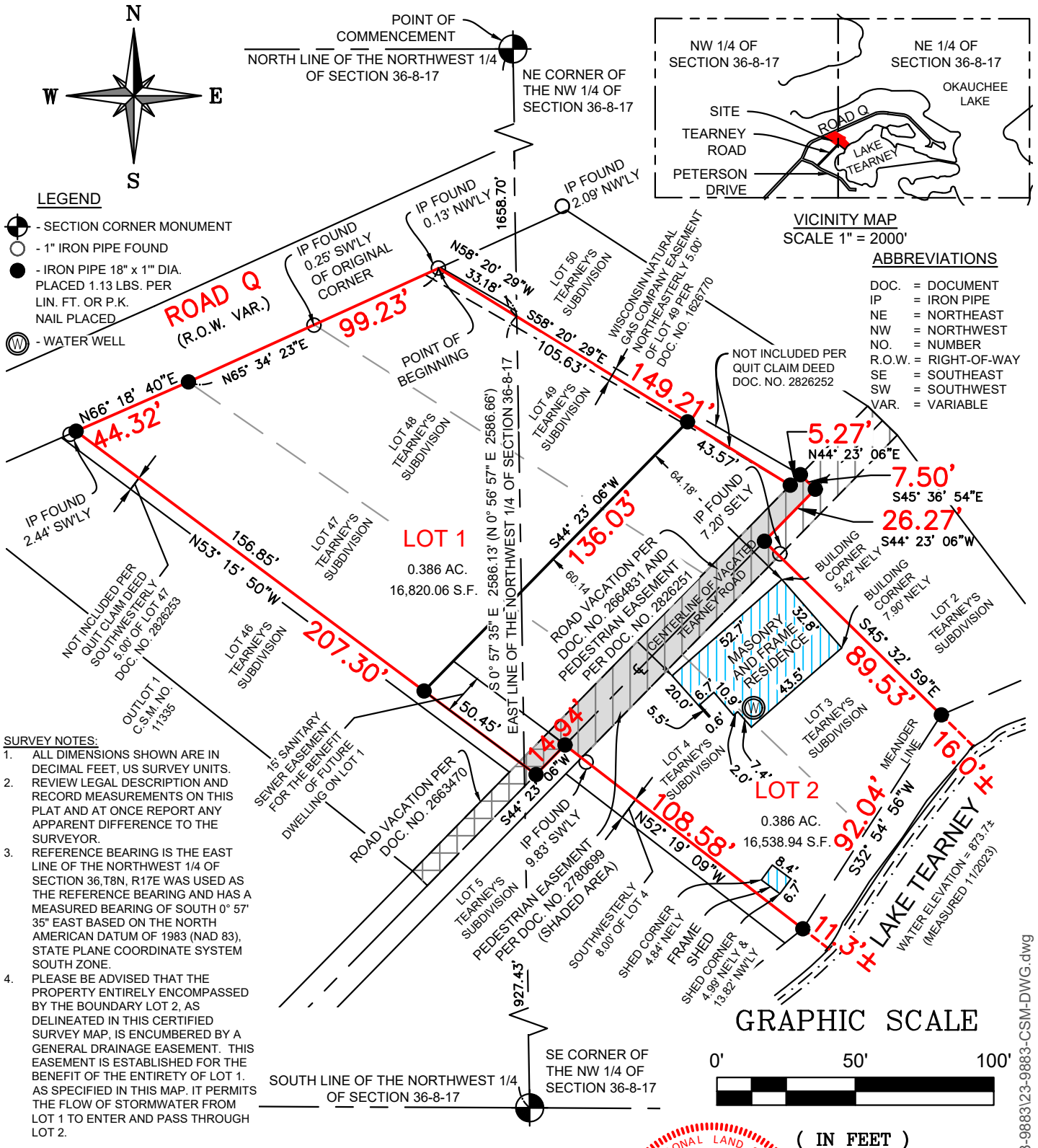
Attachment: Exhibit A

Exhibit A

RECEIVED 12/21/2023
DEPT PARKS & LAND USE

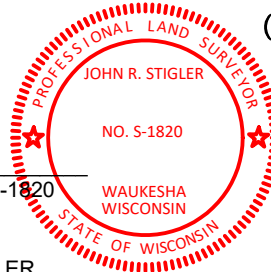
CERTIFIED SURVEY MAP NO. _____

LOTS 3 AND 4, EXCEPTING THE SOUTH 8 FEET OF LOT 4, AND LOTS 47, 48, AND 49 IN TEARNEY'S SUBDIVISION, AND VACATED PORTIONS OF TEARNEY ROAD, BEING A PART OF THE NE 1/4 OF THE NW 1/4 AND THE NW 1/4 OF THE NE 1/4 OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 17 EAST IN THE TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN



DATED AT WAUKESHA, WISCONSIN THIS 14th DAY OF DECEMBER, 2023.

BY: *John R. Stigler*
JOHN R. STIGLER - WISCONSIN PROFESSIONAL LAND SURVEYOR NO. S-1820



OWNER:
THE MATT & SANDRA SHAFER
LIVING TRUST
W345N5306 TEARNEY ROAD
OKAUCHEE, WI 53069
(262) 224-2649

THIS INSTRUMENT WAS DRAFTED UNDER THE SUPERVISION OF JOHN R. STIGLER.

SHEET: 1 OF 4	<p>JAHNKE & JAHNKE ASSOCIATES, LLC. ENGINEERS • PLANNERS • SURVEYORS CONNECT ► EMPOWER ► DESIGN WWW.JAHNKEANDJAHNKE.COM 524 BLUEMOUND ROAD, WAUKESHA, WI 53188 PHONE: (262) 542-5797, EMAIL: SURVEY@JAHNKEANDJAHNKE.COM</p>	DRAWN BY: J.A.C.	CHECKED BY: JRS
		JOB NO.: 23-9883	DATE: 12/13/2023
		REVISION	
		DATE	DESCRIPTION

FILE NAME: S:\projects\23-9883\23-9883-CSM-DWG.dwg