

Enrolled 4
← PROPOSED ORDINANCE 156-4

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE OF THE TOWN OF OCONOMOWOC, BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN W 1/2 OF SECTION 9, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE A-I AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SZ- 1403)

WHEREAS the subject matter of this ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after public hearing, and giving the requisite notice of said hearing, and the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection ordinance District Zoning Map for the Town of Oconomowoc, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to conditionally rezone from the A-I Agricultural Land Preservation Transition District to the R-3 Residential District, certain lands consisting of 10,644 square feet, located in the W 1/2 of Section 9, T8N, R17E, Town of Oconomowoc, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this ordinance by reference (SZ-1403), subject to the following conditions:

1. A Certified Survey Map shall be prepared and submitted to the Town of Oconomowoc and Waukesha County, showing the combination of the two lots.
2. All necessary variances shall be granted by the Waukesha County Board of Adjustment.

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

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

BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this ordinance are hereby repealed.

Referred on: 04/10/01

File Number: 156-O-004

Referred to: LU

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE OF THE TOWN OF OCONOMOWOC, BY CONDITIONALLY REZONING
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TRANSITION DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SZ- 1403)

Presented by:
Land Use, Parks, and Environment Committee

Paul G. Vrakas
Paul G. Vrakas, Chair

Pauline T. Jaske
Pauline T. Jaske

James Jeskewitz
James Jeskewitz

Walter L. Kolb
Walter L. Kolb

Karen J. McNelly
Karen J. McNelly

Daniel F. Meissner
Daniel F. Meissner

Ronald V. Rydberg
Ronald V. Rydberg

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

Date: April 27, 2001, Patricia E. Madden
Patricia E. Madden, County Clerk

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

Approved: ✓

Vetoed: _____

Date: 4-30-01, Daniel M. Finley
Daniel M. Finley, County Executive

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

DATE: March 22, 2001

FILE NO: SCZ-1403

PETITIONER: Ronald & Sandra Palkowitz
N83 W37860 Division St.
Oconomowoc, WI 53066

TAX KEY NO.: Part of Ocot 0466.996.001

LOCATION:

Located in the West ½ of Section 9, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin. Located south of Division Street and approximately ½ mile from Mill Street, containing approximately 10,664 sq.ft.

PRESENT ZONING:

A-T Agricultural Land Preservation Transition District requiring a minimum lot size of 35 acres and a minimum average width of 600'.

PROPOSED ZONING:

R-3 Residential District requiring a minimum lot size of 20,000 sq.ft. and a minimum average width of 120'.

PRESENT LAND USE:

Vacant.

PROPOSED LAND USE:

To be combined with an 86' x 144.61' parcel on the north side of a private road (Division Street) to accommodate a new septic system.

PUBLIC HEARING DATE:

February 22, 2001.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On March 5, 2001, the Town of Oconomowoc Plan Commission recommended (unanimously) to the Town of Oconomowoc Board of Supervisors to approve the zoning change from the A-T Agricultural Land Preservation Transition District to the R-3 Residential District contingent upon clarification of the ownership of the private road and upon a Certified Survey Map being prepared, which would tie the parcel being rezoned with the remainder of the Palkowitz property on the north side of Division Street. Town Board recommended approval with no conditions on March 19, 2001.

156-0-004

COMPLIANCE WITH THE WAUKESHA COUNTY LAND DEVELOPMENT PLAN AND THE TOWN OF OCONOMOWOC MASTER PLAN:

The Waukesha County Land Development Plan designates this parcel in a Recreational category but is across and adjacent to Low-Density Residential. After discussion with the Waukesha County Parks System Manager, this land will not be acquired by the park system as it is not necessary for the future expansion of Ashippun Park. The proposed parcel is currently zoned A-T (Agricultural Transitional), which lands in this district are recognized for the possible development potential consistent with adopted plans for the community. The Town of Oconomowoc Master Plan designates this area in the Low-Density Residential category consisting mainly of single-family detached dwelling units of .67 to 2.1 dwelling units per acre, which represents lot sizes ranging from 20,000 sq.ft. to 1.5 acres. This rezoning will be creating a parcel of land which has no intent of development for a new residential home, only to accommodate a new septic. With the land currently being zoned Agricultural Transitional, the Development Plan designating the land for Recreational which the Parks Department has stated they do not plan to acquire, and the Town of Oconomowoc Master Plan designating this as low-density residential, we feel the proposed zoning change to allow the addition of land to the existing lot, would be considered consistent with both plans.

STAFF ANALYSIS:

Mr. Palkowitz owns an approximate 86' x 144.61' lot on the north side of a private road which contains a single-family residence and two detached accessory structures. This parcel is currently a legal non-conforming lot of record and is substandard in width and size and currently has pending variance requests from Section 3.10 (2)(A) Lot Size and Lot Width of the Waukesha County Shoreland and Floodland Protection Ordinance, to permit him to add an 86' x 124' parcel of land on the south side of Division street. Section 3.10(2)(A) states that no lot shall be created less than the minimum area or minimum average width which the current zoning district allows. Mr. Palkowitz also purchased a 20' foot strip of land from the adjacent property to the east (Arnold Roth) of his home theoretically creating the 86' width, which is also pending a variance. Last June, Mr. Palkowitz applied for a Private Sewer Evaluation for an addition to the home. Results indicated that Mr. Palkowitz's system was failing and a replacement system was needed. No suitable location was found on the current lot (66' x 144.6'). In January of 2001 on the advice of his attorney, Mr. Palkowitz purchased a 86' x 124' parcel of land on the south side of the private road formally known as Division Street, from the above cited Arnold Roth and his brother Richard Roth, to accommodate the replacement septic system. The land Mr. Palkowitz purchased is zoned A-T Agricultural Land Preservation Transition, which requires a minimum lot size of 35 acres. The intent of the district is to protect it for future development while accommodating agricultural in the interim. The area to be rezoned is a portion of a 77-acre parcel currently being cultivated. All parcels lying north of Division Street are legal lots of record with single family homes, generally consisting of a variety of sizes ranging from + or - 10,000 to in excess of one acre. North of Mr. Palkowitz's home is the Monterey Mill Pond. The area to be rezoned contains Fox Silt Loam, which has a slope less than 2% and has slight limitations for a private sewage system.

156-0-004

4.

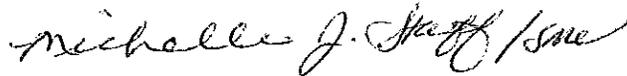
STAFF RECOMMENDATION:

It is the opinion of the staff that this request be **approved** subject to the following conditions:

1. A Certified Survey Map shall be prepared and submitted to the Town of Oconomowoc and Waukesha County, showing the combination of the two lots.
2. All necessary variances granted by the Waukesha County Board of Adjustment.

It is felt that the approval of this request will make the petitioner existing non-conforming lot more conforming with the Waukesha County Shoreland and Floodland Protection Ordinance. Also it is felt that a new conventional septic system is a better alternative then a holding tank, which would require more maintenance and upkeep.

Respectfully submitted,



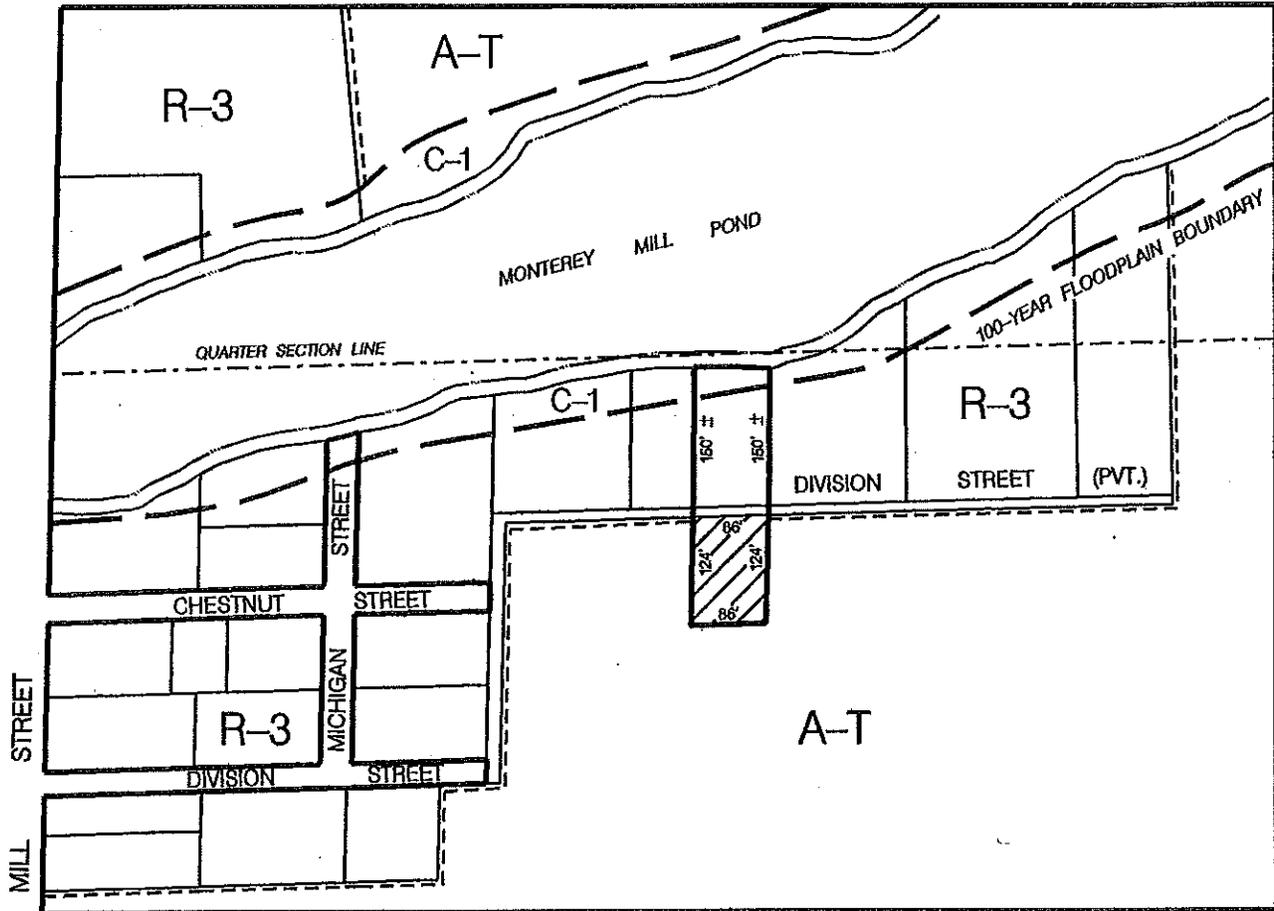
Michelle J. Staff
Senior Land Use Specialist

MJS:smv

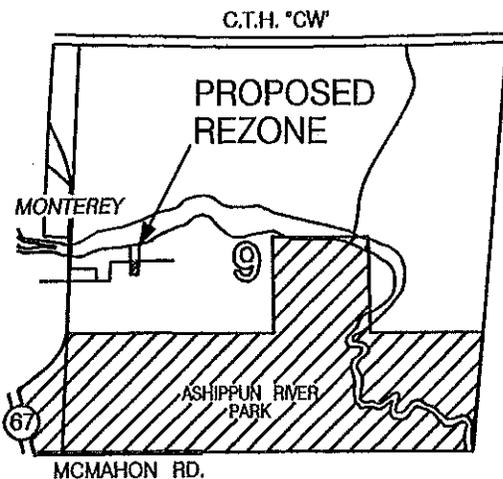
\\W1\VOL2\DEPTS\PRKANDLU\GROUP\PLU New File System (In-Progress)\Planning & Zoning\Rezoning (RZ)\Staff Reports\1403(Palkowitz)_oct.doc

ZONING CHANGE

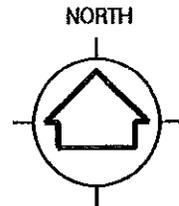
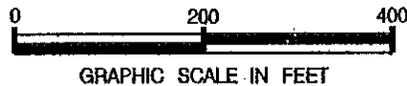
SW 1/4 OF SECTION 9
TOWN OF OCONOMOWOC



CONDITIONALLY REZONING FROM A-T (AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT) TO R-3 (RESIDENTIAL)



LOCATION MAP SECTION 9



FILE.....SCZ-1403

DRAWN.....3-22-01

SCALE.....1" = 200'

AREA.....0.24 ACRES

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

156-0-004

6.

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends **approval** of SZ-1403 (Ronald Palkowitz) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION March 22, 2001

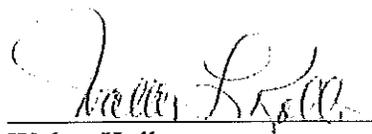
Absent
Betty Willert, Chairperson


Vy Janusonis

Absent
Mareth Kipp


Joseph C. LaPorte


Ellen Gennrich


Walter Kolb


Walter Baade

156-0-004

d.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/24/01

NUMBER-1560004 (ORD)

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 S. WOLFF.....AYE
- 11 B. TESMER.....
- 13 E. LA MONTE.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 C. SEITZ.....AYE
- 21 W. KOLB.....AYE
- 23 E. KRAUS.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 J. MAAS.....AYE
- 31 V. STROUD.....AYE
- 33 P. GUNDRUM.....AYE
- 35 K. McNELLY.....

- 2 C. WILSON.....AYE
- 4 D. MEISSNER.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 P. HAUKOHL.....AYE
- 12 J. WILLIAMS.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 J. ARNDT.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 R. RYDBERG.....AYE
- 26 P. VRAKAS.....AYE
- 28 P. JASKE.....AYE
- 30 M. THOMAS.....AYE
- 32 C. WICHGERS.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-33

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-33