

Enrolled 157-21
PROPOSED ORDINANCE 157-22

1
2
3 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
4 ORDINANCE DISTRICT ZONING MAP IN THE CITY OF OCONOMOWOC BY
5 CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼
6 AND THE NW ¼ OF SECTION 9, T7N, R17E, CITY OF OCONOMOWOC, FROM THE C-1
7 CONSERVANCY DISTRICT TO THE R-3 RESIDENTIAL DISTRICT
8 (SVZ-1312)
9

10
11 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by
12 the Waukesha County Park and Planning Commission after Public Hearing and the giving of
13 requisite notice of said hearing and a recommendation thereon reported to the Land Use, Parks
14 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha
15 County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
18 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on
19 June 23, 1970, for the City of Oconomowoc, Waukesha County, is hereby amended to
20 conditionally rezone certain lands located in part of the SW ¼ and the NW ¼ of Section 9, T7N,
21 R17E, City of Oconomowoc, from the C-1 Conservancy District to the R-3 Residential District,
22 and more specifically described in the "Staff Report and Staff Recommendation" and map on
23 file in the office of the Waukesha County Department of Parks and Land Use, and made a part
24 of this Ordinance by reference (SVZ-1312), subject to the following condition:
25

26 The City of Oconomowoc officially designate and map, on either their
27 Official Map or Transportation Plan for the City, the proposed parkway
28 road from S.T.H. 67 westerly to its terminus, which will likely be Concord
29 Road and at a suggested width of 80 feet.
30

31 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
32 this Ordinance with the City of Oconomowoc.
33

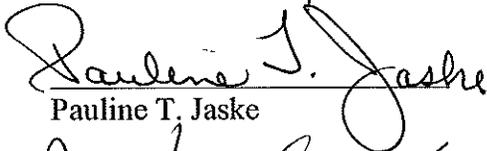
34 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
35 approval and publication.
36

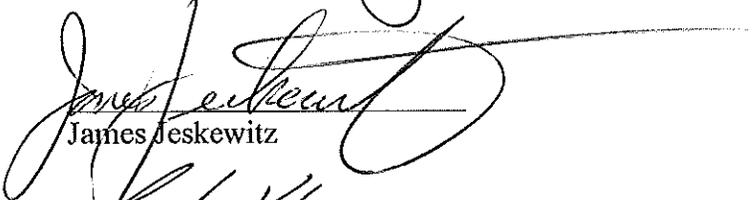
37 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of
38 provisions of this Ordinance are hereby repealed.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP IN THE CITY OF OCONOMOWOC BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼
AND THE NW ¼ OF SECTION 9, T7N, R17E, CITY OF OCONOMOWOC, FROM THE C-1
CONSERVANCY DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SVZ-1312)

Presented by:
Land Use, Parks, and Environment Committee

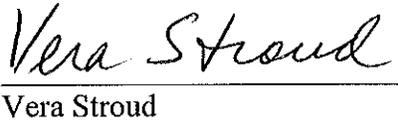

Walter L. Kolb, Chair


Pauline T. Jaske


James Jeskewitz


Scott J. Klein


Daniel Pavelko


Vera Stroud


Matt Thomas

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

Date: June 28, 2002, Kelly Spieger, Deputy
Patricia E. Madden, County Clerk

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

Approved: ✓

Vetoed: _____

Date: 7-1-02, D. M. Finley
Daniel M. Finley, County Executive

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

FILE NO: SVZ-1312

TAX KEY NUMBER: OCOC 0610.994.001

DATE: May 23, 2002

NAME OF PETITIONER: City of Oconomowoc
c/o Ardyce Senfleben
174 E. Wisconsin Avenue
Oconomowoc, WI 53066

NAME OF OWNER: Neumann Enterprises, Inc.
W330 N6233 Hasslinger Road
Nashotah, WI 53058

LOCATION OF PROPERTY

Part of the SW ¼ and NW ¼ of Section 9, T7N, R17E, City of Oconomowoc. More specifically, the property is located west of C.T.H. "Z", approximately 500' north of C.T.H. "B" and immediately north of the Wisconsin Electric Power Company right-of-way.

PRESENT ZONING

C-1 Conservancy District.

PROPOSED ZONING

R-3 Residential District.

PRESENT LAND USE

Vacant and wetland with a new road, rough graded.

PROPOSED LAND USE

Oconomowoc parkway road leading to a new subdivision with mixed residential uses.

PUBLIC HEARING DATE

July 8, 1998.

PUBLIC REACTION

There was some objection voiced to the filling of wetland and the proposed neighborhood business use, which no longer is being proposed.

CITY OF OCONOMOWOC PLAN COMMISSION RECOMMENDATION:

On June 10, 1998, the City of Oconomowoc Plan Commission voted to grant approval of the rezoning and recommend County approval to allow for the new road parkway.

COMMON COUNCIL RECOMMENDATION:

On July 1, 1998, the Common Council of the City of Oconomowoc recommended approval of the rezoning amendment in conformance with the Land Use Plan, but did not officially map a road corridor.

157-0-023

COMPLIANCE WITH THE COUNTY DEVELOPMENT PLAN

The upland portion of the site is designated in the Medium Density Residential category and the wetlands are identified as isolated natural resource areas. The proposed amendment (2/10 of an acre) is inconsistent with the Land Use Plan in that it is being changed to accommodate an urban use (road) through a small wetland area.

OTHER CONSIDERATIONS

This request commenced in 1998, as a request from the City to rezone a small portion of the site to accommodate a new parkway extending from S.T.H. 67 westerly to ultimately connect with S.T.H. 16. Temporarily, it will connect with Concord Road. In 1995, there had been discussions with a Parkway Task Force to try to discern the exact location for a future parkway around the south and west side of the City, but there being no consensus, the Common Council never enacted a designated route. The issue remained on the "back burner" until 1998, when the City requested the rezone. The matter came before the Commission and never moved forward, as there had been discussions with the City with no concurrence of ideas about the proposed parkway road. The matter of the rezoning never moved forward, apparently as a result of a lack of commitment on the part of the City and did not surface until recently when a new Plat called "Lakeridge West" was submitted by the subdivider (Neumann Enterprises). Upon a review of the file, the Staff found the matter had never been resolved and, through information provided by the developer's surveyor, it was determined the City of Oconomowoc had requested Department of Natural Resources (DNR) approval for filling of wetlands, as well as Army Corp of Engineer's approval, which had been received in 1999. During the platting of the previous subdivision (Lakeridge West II), which was platted in November 2001, a very small portion of the rear of one of the lots contained the previously mentioned wetlands. In our review letter of November 21, 2001, we identified the need to show the wetland that had been identified on the site, which was shown on the recorded version of the plat. The Planning Staff's review of that Plat also identified the need to seek rezoning for any other areas of wetland that needed to be filled; however, there was no reference to the fact that the request to rezone had been commenced by the City in 1998. The former rezoning matter, which was on hold, was overlooked. In the meantime, the City had requested approval to fill the wetlands from the Army Corp of Engineers and the DNR and received that approval in 1999; however, no documentation was received by this office until November 2001, after which time we understand the road had been filled and constructed. Subsequently, on April 17, 2002, a new plat called Lakeridge West was submitted, which maps the dedication of the parkway through the subject wetlands. During review of that plat, the Planning Staff determined the rezoning had not been accomplished and the plat was also objected. Shortly upon receipt of that, the City and the developer informed the Planning Staff that the road construction activity had already commenced, based upon the DNR and Army Corp of Engineer Permits. The Planning Staff then consulted with the Waukesha County Corporation Counsel, who determined the previous rezoning request that was never completed in 1998, should be forwarded now to the County Board for a final determination. In the review of all files, it clearly indicates the proposed parkway road was designed to cross the northeast corner of the wetlands and consume less than 1/2 acre of wetland to accommodate the road. The road has an 80' right-of-way width and is intended to serve as a parkway connecting S.T.H. 67 ultimately to Concord Road. The road has been built to the east, up to Paganica Golf Course, and a short strip remains between Silver Lake Street and Paganica Golf Course, which needs to be ultimately designed and constructed. The City owns one of the four parcels that lie in that segment, so it is obvious there is an intent to make the connection in the future. The Planning Staff feels the connection, as a parkway, has always been a viable option and should be promoted; however, as mentioned above, the City never determined to map it officially after various Task Force meetings in 1995.

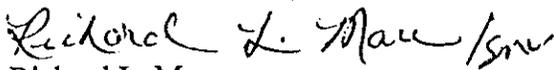
157-0-023

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STAFF RECOMMENDATION

It is the opinion of the Staff this request to rezone a small portion of the wetlands on the subject site be **approved** on the condition that the City of Oconomowoc officially designate and map, on either the Official Map or Transportation Plan for the City of Oconomowoc, the proposed parkway road from S.T.H. 67 westerly to its terminus, where ever that may end up being at a suggested width of 80 ft., based upon the existing right-of-way for the parkway to the east and as proposed in Lakeridge West. It is contemplated its westerly terminus would end at Concord Road and from that point using existing roads to ultimately connect with S.T.H. 16 on the north and west side of the City of Oconomowoc. We feel, in light of the fact this is a City parkway route, it should be officially designated as such and; therefore, the proposed parkway and its route through the periphery of this small isolated wetland is justified, as long as it is officially mapped. Further, no other portions of the wetland associated with this area are being adversely affected. Other wetland areas of the development are being protected in common open green space, along with appropriate preservation requirements. The affected wetland was principally degraded and very low grade and, in light of all the other wetlands on the site that are being protected, this area represents a relatively minor encroachment on the periphery and will serve to promote a parking route for the City.

Respectfully submitted,



Richard L. Mace
Planning and Zoning Manager

RLM:smv

Attachments: Map

N:\PLU New File System (In-Progress)\Planning & Zoning\Rezoning (RZ)\Staff Reports\1312.OCC(City of Oconomowoc) 5-23-02 P&P Meeting.doc

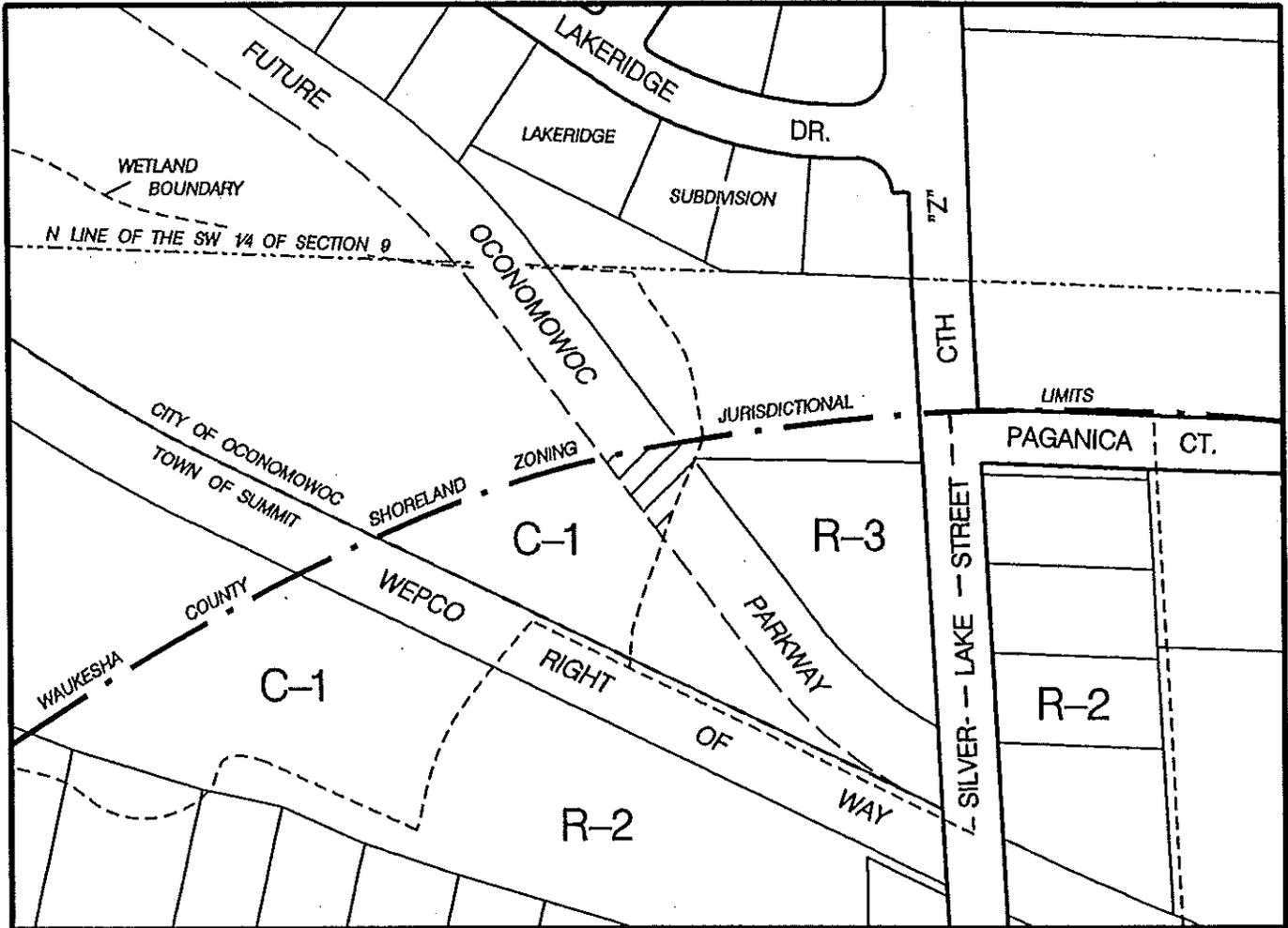
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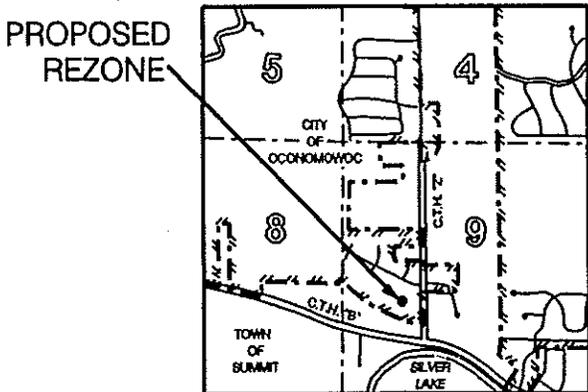
ZONING CHANGE

PART OF THE SW 1/4 OF SECTION 9
T7N R17E

CITY OF OCONOMOWOC



REZONING FROM C-1 (CONSERVANCY DISTRICT)
TO R-3 (RESIDENTIAL DISTRICT)



SW 1/4 OF SECTION 9
T7N R17E

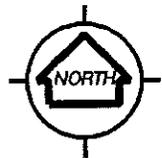
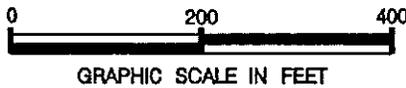
PREPARED BY THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

FILE.....SVZ-1312

DRAWN.....5-23-02

SCALE.....1" = 200'

AREA OF CHANGE.....0.20 ACRES



WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/25/02

NUMBER-1570023

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....
- 19 M. SONNENTAG.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 D. FANFELLE.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....NAY
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-32

TOTAL NAYS-01

CARRIED ~~_____~~

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-33