

Enrolled 158-12  
PROPOSED ORDINANCE 158-12

1  
2  
3 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
4 ORDINANCE OF THE TOWN OF OCONOMOWOC, BY CONDITIONALLY  
5 REZONING CERTAIN LANDS LOCATED IN THE NW ¼ OF THE  
6 SW ¼ OF SECTION 35, T8N, R17E, TOWN OF OCONOMOWOC,  
7 FROM THE R-2 RESIDENTIAL DISTRICT TO THE B-2  
8 LOCAL BUSINESS DISTRICT (SZ-1476)  
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 giving the  
13 requisite notice of said hearing, and the 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 District  
19 Zoning Map for the Town of Oconomowoc, Waukesha County, Wisconsin, adopted by the  
20 Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to conditionally  
21 rezone from the R-2 Residential District to the B-2 Local Business District, certain lands located  
22 in part of the NW ¼ of the SW ¼ of Section 35, T8N, R17E, Town of Oconomowoc, and more  
23 specifically described in the "Staff Report and Recommendation" and map on file in the office  
24 of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance  
25 by reference (SZ-1476) and subject to the following conditions:  
26

- 27 1. Complete soil tests shall be performed on the site to determine whether or not  
28 space is available and soil conditions are suitable to accommodate a private onsite  
29 waste disposal system on the property for both the residential and commercial  
30 areas. Further, if a septic site is found, it should be protected from any grading,  
31 compaction or construction activities until the system is installed.  
32
- 33 2. A Site Plan shall be reviewed and approved by the Waukesha County Park and  
34 Planning Commission for the entire site, including but not limited to a Parking  
35 Plan, landscaping, signage, lighting and waste disposal. Individual tenants will  
36 need to submit a Site Plan/Plan of Operation for their intended use.  
37
- 38 3. A Certified Survey Map shall be prepared for all parcels of land. The Certified  
39 Survey Map shall be reviewed and approved by the Waukesha County  
40 Department of Parks and Land Use, prior to the zoning taking effect.  
41
- 42 4. Documentation shall be submitted to the Planning and Zoning Division Staff that  
43 the relocated Lakeshore Drive is acceptable to the Waukesha County Department  
44 of Public Works.  
45
- 46 5. A Conditional Use Permit for filling and earth-altering activity on this area be  
47 applied for and reviewed by the Town and County.  
48

48           6.     A 40 ft. wide strip of land on the north side of the newly relocated Lakeshore  
49           Drive and east of the right-of-way of C.T.H. "P" shall be dedicated to the Town of  
50           Oconomowoc on the Certified Survey Map to accommodate the possible  
51           relocation of the residential driveway on the property to the north when C.T.H.  
52           "P" is reconstructed so that the private driveway can be relocated to Lakeshore  
53           Drive.

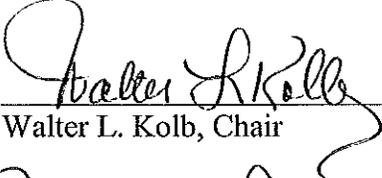
54  
55   BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
56   this Ordinance with the Town of Oconomowoc Clerk.

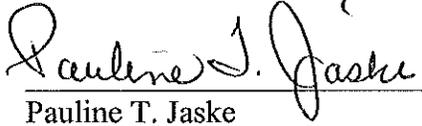
57  
58   BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
59   approval and publication.

60  
61   BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of  
62   provisions of this Ordinance are hereby repealed.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
ORDINANCE OF THE TOWN OF OCONOMOWOC, BY CONDITIONALLY  
REZONING CERTAIN LANDS LOCATED IN THE NW ¼ OF THE  
SW ¼ OF SECTION 35, T8N, R17E, TOWN OF OCONOMOWOC,  
FROM THE R-2 RESIDENTIAL DISTRICT TO THE B-2  
LOCAL BUSINESS DISTRICT (SZ-1476)

Presented by:  
Land Use, Parks, and Environment Committee

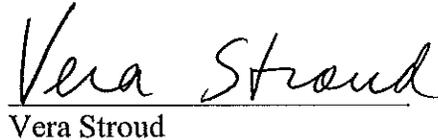
  
Walter L. Kolb, Chair

  
Pauline T. Jaske

Absent  
James Jeskewitz

  
Scott J. Klein

  
Daniel Pavelko

  
Vera Stroud

Absent  
Matt Thomas

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

Date: 5-30-03,   
Kathy Nickolaus, County Clerk

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

Approved:

Vetoed:

Date: 5-31-03,   
Daniel M. Finley, County Executive

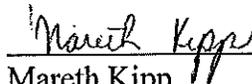
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends **approval** of SZ-1476 (Hans Weissgerber) in accordance with the attached "Staff Report and Recommendation".

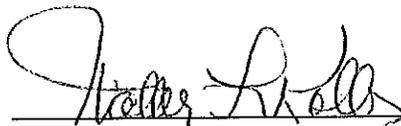
PARK AND PLANNING COMMISSION      April 17, 2003

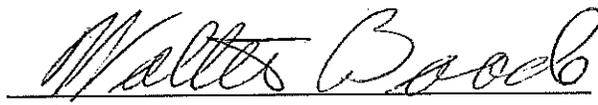
  
Betty Willert, Chairperson

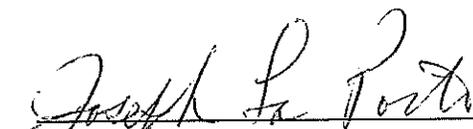
  
Vy Janusonis

  
Mareth Kipp

  
Ellen Gennrich

  
Walter Kolb

  
Walter Baade

  
Joseph La Porte

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

**DATE:** April 17, 2003

**FILE NO.:** SZ-1476

**PETITIONER:** HWLH Partnership  
P. O. Box 41  
Okauchee, WI 53069

**OWNER:** Hans Weissgerber  
P. O. Box 41  
Okauchee, WI 53069

**TAX KEY NO.:** OCOT 0571.986

**LOCATION:**  
The property is located in the NW ¼ of the SW ¼ of Section 35, T8N, R17E in the Town of Oconomowoc, and more specifically, north of Lakeshore Drive, containing 4.4 acres.

**PRESENT ZONING:**  
R-2 Residential District.

**PROPOSED ZONING:**  
B-2 Local Business District and R-3 Residential District.

**PRESENT LAND USE:**  
Single-family residence.

**PROPOSED LAND USE:**  
Retail business center, office space and future duplex.

**CONFORMANCE WITH THE COUNTY LAND DEVELOPMENT PLAN AND THE TOWN OF OCONOMOWOC LAND USE PLAN:**

A Land Use Plan Amendment was approved by Waukesha County in 2002. The proposed rezoning and use of this property is in conformance with that amended plan and the Town of Oconomowoc Land Use Plan.

**PUBLIC HEARING DATE:**  
March 17, 2003.

**PUBLIC REACTION:**  
There were a number of persons in attendance who expressed concerns with the proposed duplex located on the north side of the proposed relocation of North Lake View Drive. The residents were concerned that all properties in the neighborhood were single-family residences and a two-family residence would not be

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compatible with their subdivision. In addition, there were some concerns with regards to erosion control and if the storm water facilities would be adequate for the additional commercial building.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

The Town Plan Commission, on January 21, 2002, voted to recommend approval of the rezoning subject to the following:

1. A Site Plan/Plan of Operation shall be reviewed and approved by the Town Plan Commission for the entire site, including but not limited to a Parking Plan, Landscaping Plan, signage, lighting and waste disposal. Each individual tenant (if applicable) will need to submit a Site Plan/Plan of Operation for his or her intended use. Said Site Plan/Plan of Operation will need to be reviewed and approved by the Town Plan Commission, prior to occupancy of the intended space.
2. A Certified Survey Map shall be prepared for all parcels of land owned by the petitioner contiguous to this parcel and those lands included as part of the Oconomowoc Lakes Plaza. The Certified Survey Map shall be reviewed and approved by the Town of Oconomowoc Board, prior to the B-2 and R-3 zoning taking effect.
3. Documentation shall be submitted to the Town Planner that the Waukesha County Department of Public Works has approved the relocation of Lake Shore Drive and all accesses onto C. T. H. "P."
4. Documentation shall be submitted to the Town Planner that Waukesha County Department of Parks and Land Use, Land Resources Division has approved Erosion Control and Storm Water Management Plans.
5. Complete soil tests shall be performed on the site to determine whether or not space is available and soil conditions are suitable to accommodate a private onsite waste disposal system on the property. Further, if a septic site is found, it should be protected from any grading, compaction or construction activities until the system is installed.
6. The area zoned R-3 Residential District shall result in a maximum density of 15,000 sq. ft. per unit.

The Plan Commission also added that they shall review the plans for the residence prior to issuance of any permits for said residence. The Town Board approved the amendment on April 7, 2003, subject to the conditions recommended by the Town Plan Commission.

**OTHER CONSIDERATIONS:**

The petitioner is proposing to rezone a 4.4-acre parcel of land, which lies north of the existing Lakeshore Drive. The petitioner will be relocating Lakeshore Drive further north and proposes to rezone the property south of the relocated drive as the B-2 Local Business District, and lands north of the relocated drive to the R-3 Residential District. The site is presently occupied by a residence and accessory buildings which will be removed. Currently, the petitioner is constructing a commercial complex south of the existing Lakeshore Drive and would like to construct a new commercial complex on the newly rezoned area of land. When Lakeshore Drive is relocated, there will be an odd-shaped remnant parcel to the north of the drive containing approximately 30,000 sq.ft. The petitioner is also proposing to rezone the 0.152-acre piece of land from C.T.H "P" to the east, to the new R-3 Residential District along with a 7,785 sq. ft. piece, south from the proposed R-3 Residential District to the B-2 Local Business District.

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5.

The surrounding landowners were concerned about the lands to the north of Lakeshore Drive being zoned commercial and for multi-family uses. The petitioner explained that one of the B-2 zoned areas was for storm water management for the commercial development south of Lakeshore Drive, however, it was unclear what the purpose was for the small 6,635 sq.ft. strip. The neighboring property adjacent to this strip of land stated that when C.T.H "P" is reconstructed, their access will be eliminated from C.T.H. "P" and will need an easement through this strip of land for their residential driveway. The area proposed for a stormwater management basin north of Lakeshore Drive would not have to be zoned B-2 to locate a stormwater basin on this property. Detailed plans for stormwater management have not been reviewed and approved by the Town Engineer or the Land Resource Division of the Department of Parks and Land Use, so it is unclear if this site would be adequate for the proposed development. The surrounding subdivision is currently zoned R-2 Residential District, as is the subject parcel. This district does not allow for the construction of a duplex, although the R-3 Residential District does, thereby requiring its rezoning to accommodate a duplex or a buffer between the commercial area and the single-family development. No soil tests have been performed on the site to demonstrate whether or not a septic system site can be accommodated. Soil maps for the area indicate very suitable soils for onsite waste disposal are present on the site and it has been determined by the Environmental Health Division that onsite waste disposal opportunities may exist, but until soils tests are performed, the Division cannot commit to whether soil conditions are favorable for onsite waste disposal. The newly constructed development to the south of the existing Lakeshore Drive does have an on-site waste disposal system areas available.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that the request for the B-2 Local Business District south of the relocated Lakeshore Drive be approved and the requested R-3 Residential District category north of the road be denied subject to the following conditions.

1. Complete soil tests shall be performed on the site to determine whether or not space is available and soil conditions are suitable to accommodate a private onsite waste disposal system on the property for both the residential and commercial areas. Further, if a septic site is found, it should be protected from any grading, compaction or construction activities until the system is installed.
2. A Site Plan shall be reviewed and approved by the Waukesha County Park and Planning Commission for the entire site, including but not limited to a Parking Plan, landscaping, signage, lighting and waste disposal. Individual tenants will need to submit a Site Plan/Plan of Operation for their intended use.
3. A Certified Survey Map shall be prepared for all parcels of land. The Certified Survey Map shall be reviewed and approved by the Waukesha County Department of Parks and Land Use, prior to the zoning taking effect.
4. Documentation shall be submitted to the Planning and Zoning Division Staff that the relocated Lakeshore Drive is acceptable to the Waukesha County Department of Public Works.
5. A Conditional Use Permit for filling and earth-altering activity on this area be applied for and reviewed by the Town and County.

158-0-008

6.

6. A 40 ft. wide strip of land on the north side of the newly relocated Lakeshore Drive and east of the right-of-way of C.T.H. "P" shall be dedicated to the Town of Oconomowoc on the Certified Survey Map to accommodate the possible relocation of the residential driveway on the property to the north when C.T.H. "P" is reconstructed so that the private driveway can be relocated to Lakeshore Drive.

We feel, as conditioned, the proposed use of the site south of Lakeshore Drive is in conformance with the County and Town Comprehensive Land Use Plans and is an appropriate use and logical extension of the commercial area to the south of the site. Because of the small amount of land area that the petitioner left for the residential uses on the north side of the proposed road, it does not allow for a reasonable buffer of land area to accommodate a duplex use, so a single-family structure is more appropriate.

Respectfully submitted,



Michelle J. Staff  
Senior Land Use Specialist

MJS

Attachments: Map

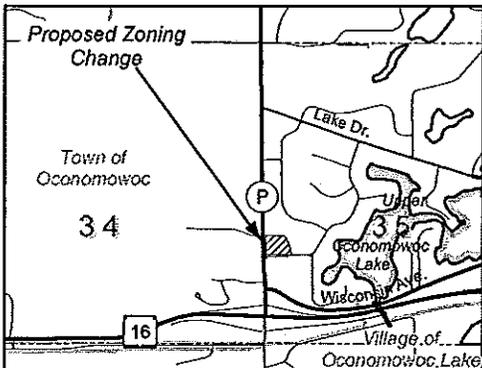
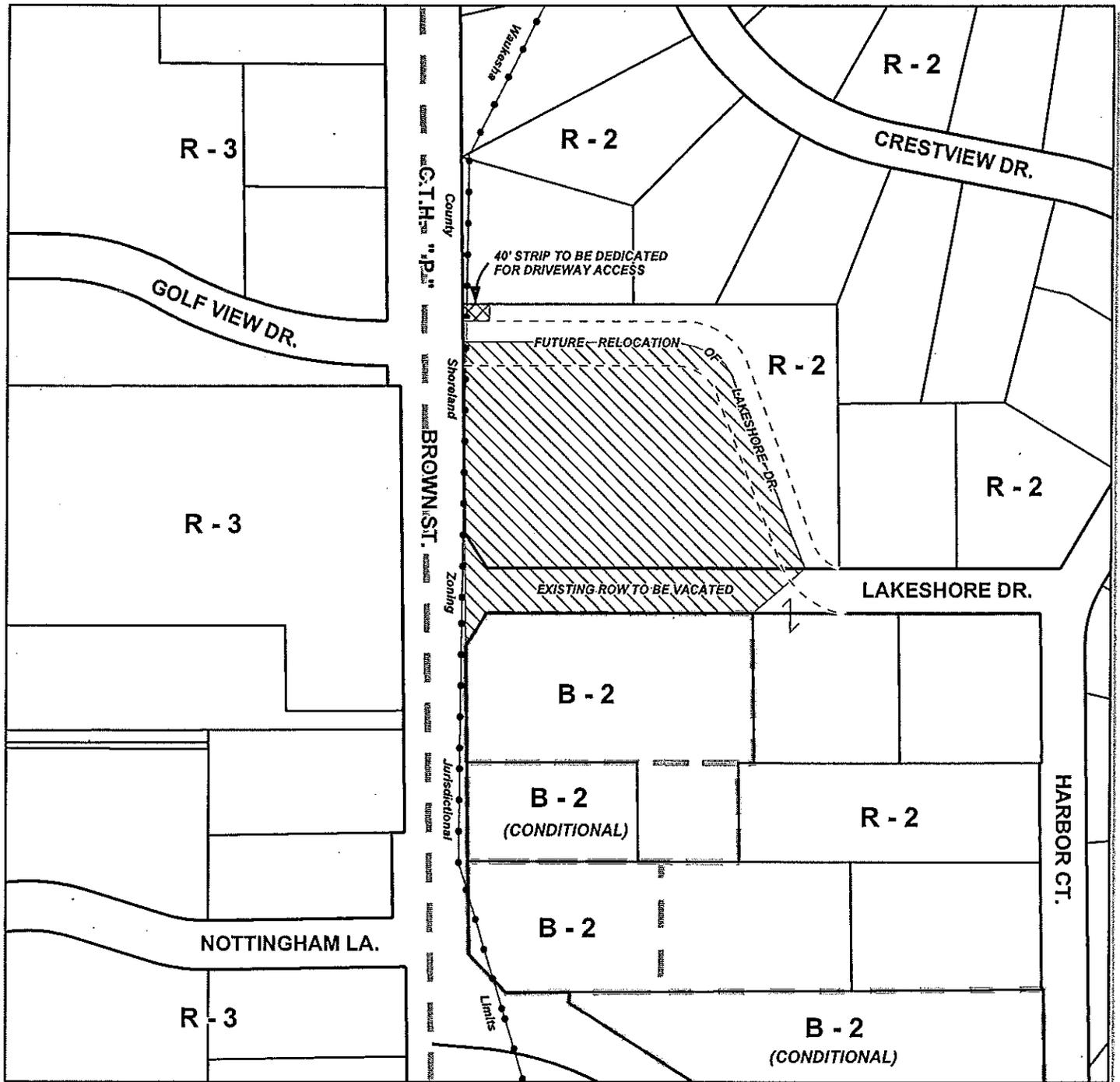
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158-0-008

7.

# ZONING MAP AMENDMENT

PART OF THE SOUTHWEST 1/4 OF SECTION 35  
TOWN OF OCONOMOWOC



CONDITIONAL ZONING CHANGE FROM R-2 RESIDENTIAL TO B-2 LOCAL BUSINESS DISTRICT (3.35 AC)

FILE.....SZ-1476

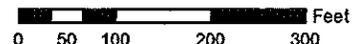
DATE.....4-17-03

AREA OF CHANGE.....3.35 ACRES

TAX KEY NUMBER.....OCOT 0571.986



1 inch equals 200 feet



Prepared by the Waukesha County Department of Parks and Land Use

158-0-008

WAUKESHA COUNTY BOARD OF SUPERVISORS

EO 158-12

V

DATE-05/25/03

NUMBER-1580008

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 M. SONNENTAG.....
- 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.....
- 35 C. SEITZ.....

- 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.....
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-31

TOTAL NAYS-00

CARRIED   X  

DEFEATED       

UNANIMOUS   X  

TOTAL VOTES-31