

ENROLLED ORDINANCE 169-25

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE E ½ OF SECTION 36, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE C-1 CONSERVANCY DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SZ-1769)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Oconomowoc Town Board on April 7, 2014, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS 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 C-1 Conservancy District to the R-3 Residential District, certain lands located in part of the E ½ of Section 36, 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 ZT-1769, is hereby approved, with the following conditions:

1. A Conditional Use Permit must be obtained prior to any fill or land disturbance activities commencing.
2. The area of fill shall be limited to 1,250 sq. ft. of area as identified on Exhibit “B” of the “Staff Report and Recommendation.”
3. The zoning of the property shall revert to the C-1 Conservancy District if the proposed fill project is not completed within three (3) years of County Board approval.

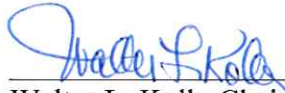
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town of Oconomowoc Clerk.

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 the provisions of this Ordinance are hereby repealed.


AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF OCONOMOWOC BY  
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE E ½  
OF SECTION 36, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY,  
WISCONSIN, FROM THE C-1 CONSERVANCY DISTRICT TO THE  
R-3 RESIDENTIAL DISTRICT (SZ-1769)

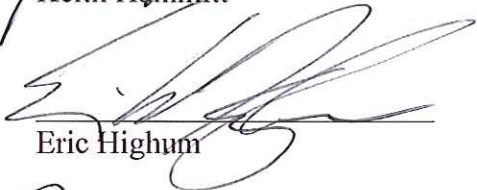
Presented by:  
Land Use, Parks, and Environment Committee

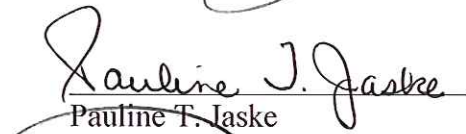
  
\_\_\_\_\_  
Walter L. Kolb, Chair

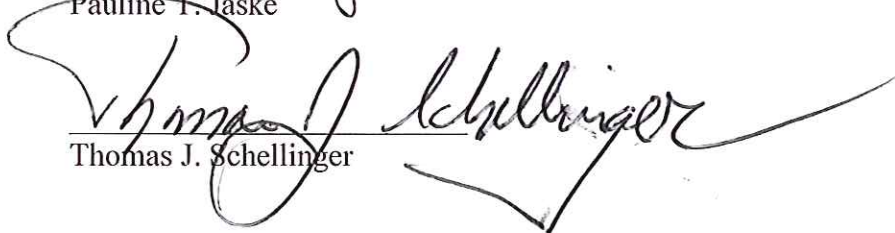
  
\_\_\_\_\_  
Jim Batzko

  
\_\_\_\_\_  
Jennifer A. Grant


  
\_\_\_\_\_  
Keith Hammitt

  
\_\_\_\_\_  
Eric Highum


  
\_\_\_\_\_  
Pauline T. Jaske

  
\_\_\_\_\_  
Thomas J. Schellinger

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

Date: July 1, 2014,   
\_\_\_\_\_  
Kathleen Novack, County Clerk

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

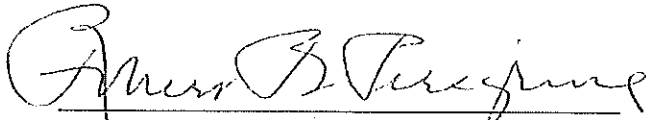
Approved:  \_\_\_\_\_  
Vetoed: \_\_\_\_\_  
Date: 7-1-14,   
\_\_\_\_\_  
Daniel P. Vrakas, County Executive

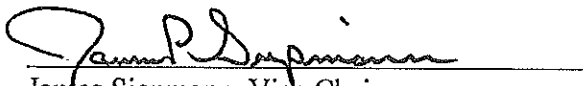
COMMISSION ACTION

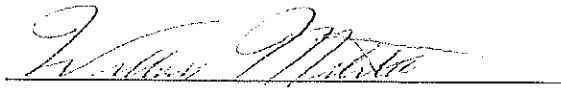
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of SZ-1769 (Norman and Ann Greeb) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

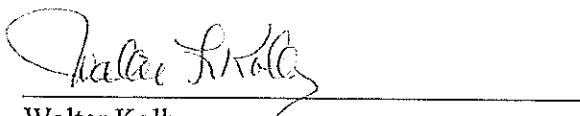
May 15, 2014

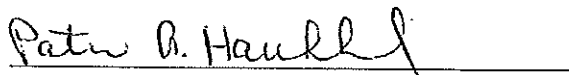
  
Robert Peregrine, Chairperson

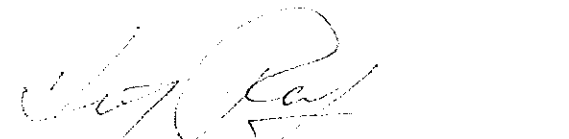
  
James Siepmann, Vice Chairperson

  
William Mitchell

  
Gary Goodchild

  
Walter Kolb

  
Pat Haukohl

  
Fritz Ruf

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

**FILE NO.:** SZ-1769

**DATE:** May 15, 2014

**OWNER:** Norman and Ann Greeb  
W1820 Town MM  
Neosho, WI 53059

**AGENT:** Rob Davy, Lake Country Engineering  
970 S. Silver Lake St.  
Oconomowoc, WI 53066

**TAX KEY NO.:** OCOT0576.036

**LOCATION:**

Lot 19, Okauchee Lake Park, located in part of the E ½ of Section 36, T8N, R17E, Town of Oconomowoc. The property address is N51 W34306 Park Bay Road. The property contains approximately 15,643 sq. ft.

**EXISTING ZONING:**

R-3 Residential District and C-1 Conservancy District.

**PROPOSED ZONING:**

R-3 Residential District.

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

The property is designated as Low Density Residential (20,000 sq. ft. of area per dwelling unit) on both the Comprehensive Development Plan for Waukesha County and the Town of Oconomowoc Land Use Plan. Since the land altering activities have been minimized to the greatest extent possible and are being completed in order to provide access to the only practical residential building site and there is no other practical alternative available to access the site, the proposed activities would comply with the Town and County Plans.

**PUBLIC HEARING DATE:**

March 3, 2014.

**PUBLIC REACTION:**

None.

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

On March 17, 2014, the Town of Oconomowoc Plan Commission recommended that the Town Board approve the proposed rezone as requested. On April 7, 2014, the Town Board approved the rezone and recommended approval to the County Board subject to the rezone applying only to the area being filled for the construction of a driveway, i.e., (approximately 1,250 sq. ft.) as shown on Exhibit "B" and if the fill is not completed within three (3) years of the Waukesha County Board of Supervisors approval action, the zoning of the property shall automatically revert back to the C-1 Conservancy District. The Town's Resolution (2014-5) is attached as Exhibit "A".

**EXISTING LAND USES:**

Abandoned house and garage.

**PROPOSAL AND STAFF ANALYSIS:**

The property is approximately 15,643 sq. ft. in size and has approximately 50 ft. of shore frontage on Okauchee Lake. The property is served by public sewer and a private well. There is an isolated wetland kettle located on the property that spans the entire 50 ft. width of the property. The wetland quality was confirmed to be poor per the Wisconsin Department of Natural Resources (WDNR). The wetland separates Park Bay Road from the most desirable and practical building site on the property, which is near the lake. The existing pattern of development for nearby lots on Park Bay Road includes single family residences near the lake on the north side of the wetland kettle complex. The existing residence and detached garage on the subject property are also located between the wetland and lake. However, it should be noted that the existing residence and detached garage are in poor condition and uninhabitable and will most likely be replaced with new structures. In April 1998, a previous property owner of the adjacent property to the southeast (Lot 18) granted the current owners of the subject property (Lot 19) a temporary ingress/egress easement through Lot 18 until December 31, 1998.

The petitioner is proposing to fill a portion of the wetland and the eastern side slope of the kettle in order to construct the proposed driveway. One thousand, two hundred and fifty (1,250) sq. ft. of wetland area will be filled with 250 cubic yards of material. A little less than half of the wetland area will be filled. The wetland complex is currently 2,656 sq. ft. in area as determined through a wetland delineation completed in 2012 and concurred with by the WDNR and the U.S. Army Corps of Engineers (ACOE). The petitioner contemplated several options to avoid wetland impacts, including constructing a bridge through the wetland, which was financially unfeasible (approximately \$85,000), and requesting an ingress/egress easement from both of the adjacent property owners, which was denied by both parties. The petitioner reduced the area of fill to the greatest extent possible by placing the driveway at the narrowest point of the wetland and by reducing the area of fill for the side slopes without compromising driveway slope conditions or requiring retaining walls. The existing low quality wetland vegetation in the remaining wetland will be killed and reseeded with Agrecol's wet prairie mix or equal, improving the quality of the remaining wetland. The Waukesha County Shoreland and Floodland Protection Ordinance requires that any area of wetland fill be rezoned from the C-1 Conservancy District to the adjacent upland district. In this case, the adjacent upland district is the R-3 Residential District. Therefore, the petitioner is proposing to rezone the area identified on the enclosed map, which constitutes 1,250 sq. ft., from the C-1 Conservancy District to the R-3 Residential District. The proposed land altering activities are also subject to a Conditional Use Permit, which will be considered as a separate matter by the Waukesha County Park and Planning Commission.

The Waukesha County Land Resources Staff is reviewing the proposed land altering activities and related storm water calculations to insure that the fill of the wetland, which is also an internally drained kettle, does not adversely affect the drainage of the area. The WDNR and ACOE have permitted the proposed wetland fill activities.

**STAFF RECOMMENDATION:**

Based upon the above information, the Planning and Zoning Division Staff recommends **approval** of the petitioner's request to rezone a portion of the C-1 Conservancy District to the R-3 Residential Zoning District, subject to the following conditions:

1. A Conditional Use Permit must be obtained prior to any fill or land disturbance activities commencing.
2. The area of fill shall be limited to 1,250 sq. ft. of area as identified on Exhibit "B".
3. The zoning of the property shall revert to the C-1 Conservancy District if the proposed fill project is not completed within three (3) years of County Board approval.

Since the wetland fill activities have been minimized as much as possible and the petitioners are proposing to improve the remaining wetland with native wetland vegetation, the impacts of the proposed fill are being minimized to the extent possible. The rezoning is needed to allow for access to the site so that redevelopment is possible.

Respectfully submitted,

*Amy Barrows*

Amy Barrows  
Senior Land Use Specialist

Attachment: Exhibit "A"-Town Resolution, Exhibit "B", and Map

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**EXHIBIT "A"**

RESOLUTION NO. 2014-5

WHEREAS, Norm and Ann Greeb have petitioned to rezone part of the property they own, which is Lot 19, Okauchee Lake Park, with an address of N51 W34306 Park Bay Road, Oconomowoc, Wisconsin from its current C-1 Conservancy (wetlands) District to R-3 Residential District; and

WHEREAS, the part requested to be rezoned is limited to 1,250 square feet; and

WHEREAS, the request to rezone to R-3 Residential District is to allow fill to be placed into a portion of a poor quality wetland in order to allow for the construction of a driveway from Park Bay Road to the site of a single-family structure located on the property; and

WHEREAS, a public hearing was held on March 3, 2014, before the Town of Oconomowoc Plan Commission; and

WHEREAS, the Town Plan Commission, at a properly noticed and scheduled meeting on March 3, 2014, recommended that the petition to rezone from C-1 Conservancy District to R-3 Residential District be approved; and

WHEREAS, the Town of Oconomowoc Comprehensive Land Use Plan-2035 designates this area in a low density residential category, and therefore the proposed rezoning complies with the goals and objectives of the said land use plan.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town Board of Supervisors of the Town of Oconomowoc approves the rezoning, and recommends that the County Board also approve the petition to rezone the subject property from C-1 Conservancy District to R-3 Residential District based upon the reasons set forth in the above recitals and as set forth in the Planner's report attached hereto.

BE IT FURTHER RESOLVED that this recommendation is based upon the rezoning applying only to the area being filled for the construction of a driveway, i.e., approximately 1,250 square feet as indicated on Exhibit A attached hereto.

BE IT FURTHER RESOLVED that if the proposed driveway fill is not completed within three years of the Waukesha County Board of Supervisors approval action, the zoning of the property shall automatically revert back to the C-1 Conservancy District.

DATED: 4-7-14

TOWN OF OCONOMOWOC

By: Robert C. Hultquist  
Robert C. Hultquist, Chairman

ATTEST:

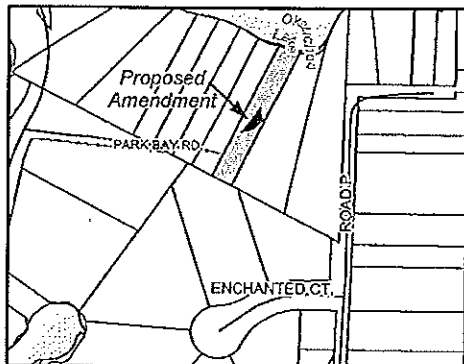
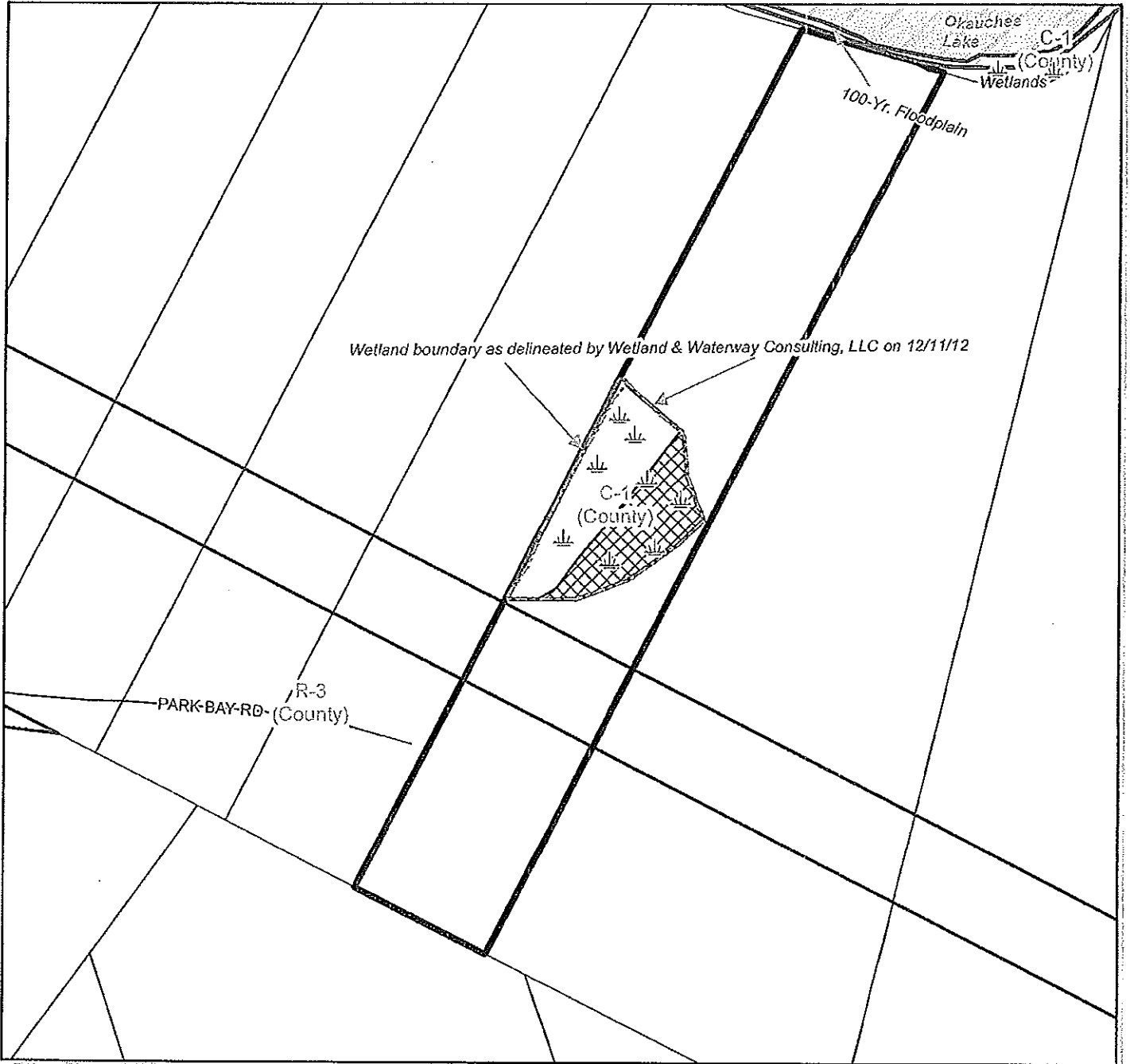
Lori Opitz  
Lori Opitz, Town Clerk





# ZONING AMENDMENT

PART OF THE E 1/2 OF SECTION 36  
TOWN OF OCONOMOWOC

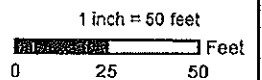


 CONDITIONAL SHORELAND ZONING CHANGE FROM C-1 CONSERVANCY DISTRICT TO R-3 RESIDENTIAL DISTRICT

PETITIONER.....Norman Greeb  
 FILE.....SZ-1769  
 DATE OF PLAN COMM. CONSIDERATION.....05/15/14  
 AREA OF CHANGE.....0.03 ACRES  
 TAX KEY NUMBERS.....OCOT 0576.036



Prepared by the Waukesha County Department of Parks and Land Use



WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/24/14

(ORD) NUMBER-1690025

- 1 R. KOLB.....AYE
- 3 R. MORRIS.....AYE
- 5 J. BRANDTJEN.....AYE
- 7 J. GRANT.....AYE
- 9 J. HEINRICH.....
- 11 C. HOWARD.....AYE
- 13 P. DECKER.....AYE
- 15 W. KOLB.....AYE
- 17 D. PAULSON.....AYE
- 19 K. CUMMINGS.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 K. HAMMITT.....AYE
- 25 G. YERKE.....AYE

- 2 D. Zimmermann.....AYE
- 4 J. BATZKO.....AYE
- 6 J. WALZ.....AYE
- 8 E. HIGHUM.....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 C. PETTIS.....AYE
- 16 M. CROWLEY.....AYE
- 18 L. NELSON.....AYE
- 20 T. SCHELLINGER....AYE
- 22 P. JASKE.....AYE
- 24 S. WHITLOW.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-24