

ENROLLED ORDINANCE 169-51

YEAR 2014 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE
DEVELOPMENT PLAN FOR WAUKESHA COUNTY (CYRUS PETERSON,
SECTION 13, T8N, R17E, TOWN OF OCONOMOWOC)

WHEREAS on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County, and

WHEREAS said Comprehensive Development Plan for Waukesha County provides for annual update and amendment procedures, and

WHEREAS, on August 21, 2014, the Waukesha County Park and Planning Commission held a Public Hearing to receive testimony on proposed changes to the Comprehensive Development Plan for Waukesha County, and

WHEREAS the staff has identified in a “Staff Report and Recommendation” dated August 21, 2014, a summary of the Public Hearing, comments and Staff Recommendation for the proposed change to the Comprehensive Development Plan for Waukesha County, and

WHEREAS the “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on August 21, 2014, and a recommendation was reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required in the Comprehensive Development Plan for Waukesha County and as set forth in the attached “Chart of Actions”

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following amendment is hereby approved to the Year 2035 Comprehensive Development Plan for Waukesha County.

1. In the Town of Oconomowoc, the following request is being made:
 - A. *Cyrus Peterson*, W343 N7303 North Pole Lane, Oconomowoc, WI 53066, requests that a 2.86 acre portion of the property located in part of the SW ¼ of the SE ¼ of Section 13, T8N, R17E, Town of Oconomowoc (Tax Key No. OCOT 0484.990.002), be amended from the Farmland Preservation category to the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit) to create a 2.86 acre parcel for a family member to construct a residence.

BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

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

YEAR 2014 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE
DEVELOPMENT PLAN FOR WAUKESHA COUNTY (CYRUS PETERSON,
SECTION 13, T8N, R17E, TOWN OF OCONOMOWOC)

Presented by:
Land Use, Parks, and Environment Committee

(ABSENT)

Walter L. Kolb, Chair

Jim Batzko
Jim Batzko

Jennifer Grant
Jennifer Grant

Keith Hammitt
Keith Hammitt

Eric Highum
Eric Highum

(ABSENT)

Pauline T. Jaske

Thomas J. Schellinger
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: 9-25-14, Kathleen Novack
Kathleen Novack, County Clerk

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

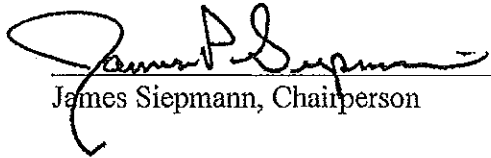
Approved: x
Vetoed: _____
Date: 9-25-14, Daniel P. Vrakas
Daniel P. Vrakas, County Executive

COMMISSION ACTION

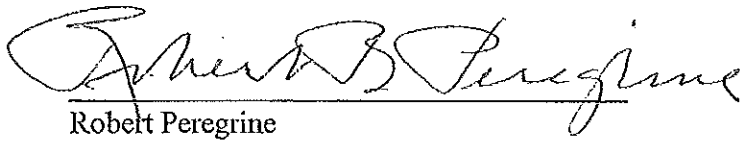
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2014 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (Cyrus Peterson – Section 13, Town of Oconomowoc) hereby recommends approval in concurrence with the attached chart entitled "Year 2014 Amendments to the Comprehensive Development Plan for Waukesha County" (actions taken by the Park and Planning Commission).

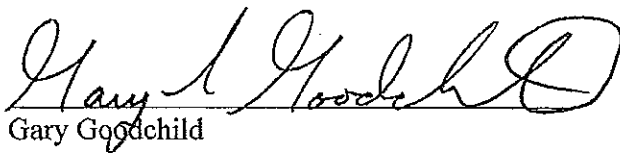
PARK AND PLANNING COMMISSION

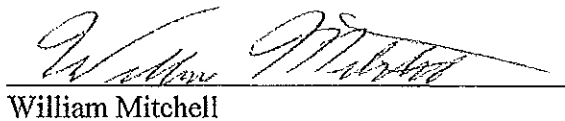
August 21, 2014


James Siepmann, Chairperson


Walter Kolb, Vice Chairperson


Robert Peregrine


Gary Goodchild


William Mitchell

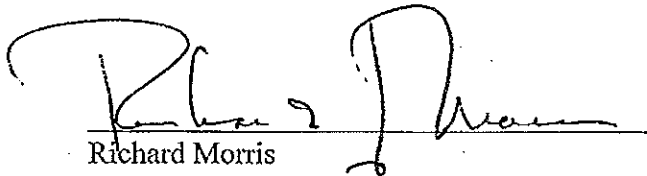

Richard Morris

Chart of Actions

Year 2014 Amendments to the Comprehensive Development Plan for Waukesha County

Item No. (Outlined in the Staff Report and Recommendation)	Town	Staff Recommendation	Park and Planning Commission Decision and Vote 3/6/14	LUPE Decision and Vote 4/7/14	County Board Decision and Vote 4/8/14
1A - Jeanne Safo, S & T North Shore LLC/JRS Holding, Inc.	Brookfield	Table	Tabled: Unanimous	N/A	N/A
2A - Town of Lisbon Board	Lisbon	Approval	Approval: Unanimous	Approval: 5-0	Approval: 22-0
3A - Town of Merton PC and Board	Merton	Approval	Approval: Unanimous	Approval: 4-0	Approval 22-0
3B - Town of Merton PC and Board	Merton	Approval	Approval: Unanimous	Approval: 5-0	Approval 22-0
4A - Town of Oconomowoc PC and Board	Oconomowoc	Approval	Approval: Unanimous	Approval: 5-0	Approval 22-0
5A - Wis. Dept. of Natural Resources	Ottawa	Approval	Approval: Unanimous	Approval: 5-0	Approval 22-0
5B - Wis. Dept. of Natural Resources	Ottawa	Approval	Approval: Unanimous	Approval: 5-0	Approval: 22-0
5C - Wis. Dept. of Natural Resources	Ottawa	Approval	Approval: Unanimous	Approval: 5-0	Approval: 22-0
5D - Wis. Dept. of Natural Resources	Ottawa	Approval	Approval: Unanimous	Approval: 5-0	Approval: 22-0
6A - Thomas Kelenic, Five Diamonds	Waukesha	Approval	Approval: Unanimous	Approval: 5-0	Approval 22-0
7 - Waukesha County Dept. of Parks and Land Use - Housing Plan Recommendations	-----	Approval	Approval: 5-1	Approval: 5-0	Approval: 18-4
Out of Sequence 1A -Cyrus Peterson	Oconomowoc	Approval	Approval: Unanimous		

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A
YEAR 2014 AMENDMENT TO THE COMPREHENSIVE
DEVELOPMENT PLAN FOR WAUKESHA COUNTY

DATE: August 21, 2014

PUBLIC HEARING DATE:
Thursday, August 21, 2014, 1:05 p.m.

REQUEST:
Year 2014 amendment to the Comprehensive Development Plan for Waukesha County pursuant to the procedures outlined in the Plan.

1. In the Town of Oconomowoc, the following request is being made:
 - A. *Cyrus Peterson*, W343 N7303 North Pole Lane, Oconomowoc, WI 53066, requests property located in part of the SW ¼ of the SE ¼ of Section 13, T8N, R17E, Town of Oconomowoc (Tax Key No. OCOT 0484.990.002), be amended from the Farmland Preservation category (35 acres per dwelling unit) to the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit) to create a 2.86 acre parcel for a family member to construct a residence.

EXISTING USE
Agricultural.

PROPOSED USE
Residential.

PUBLIC REACTION
None.

TOWN PLAN COMMISSION AND BOARD ACTION
The Town of Oconomowoc Plan Commission and Board met jointly and approved a local plan amendment request from Prime Agricultural to Residential at their July 24, 2014 meeting.

STAFF ANALYSIS:
The petitioner is proposing to amend the Farmland Preservation planned land use category designation of an approximately 2.8 acre portion of the subject 37 acre property that is located at the northerly extent of North Pole Lane in the Town of Oconomowoc. A complimentary rezoning application (SCZ-1791) is also pending that will be advanced further if the plan amendment is ultimately authorized. The west side of the subject property is primarily wooded and/or wetland. The petitioner's residence and yard area are also located on the west side of the property. The east side of the parcel contains an approximately 16 acre farm field. The proposal to amend the Plan and rezone the property would allow for an approximately 2.8 acre parcel to be created that is immediately adjacent to North Pole Lane (see Exhibit "A"). The petitioner wishes to create a parcel for his grandson to build a new residence. The petitioner had previously petitioned the Town for a plan amendment relative to the property as a whole. That request was not approved by the Town.

It should be noted that most farm acreage within the Town of Oconomowoc that is north of C.T.H. "K" is planned and zoned for farmland preservation. While this parcel contains some limited farm acreage, the petitioner notes that the viability of farm use is limited given the small size of the

cultivated area and the limited access to the site via a subdivision road. As an alternative to a plan amendment the Town had advised the petitioner that he might pursue utilization of the A-T Agricultural Land Preservation Transition zoning district provisions for creation of a parcel for a parent or child. However, such a proposal would not comply with the current County Farmland Preservation Plan density requirements of one dwelling unit per 35 acres because the property already contains a residence. In addition, the exemption for certain family members to create lots does not extend to grandchildren of landowners. Therefore, the petitioner discussed other alternatives with Town and County Staff and he ultimately elected to seek a plan amendment for solely the 2.8 acres that would become a new lot and building site.

As part of the discussions relative to the amended plan amendment request, Staff urged the petitioners to consider creating the proposed building site in the portion of the parcel that is outside of the above described 16 acre cultivated field. However, the petitioners explained that a culvert and drainage pattern prevented that from being a viable alternative. The petitioners also expressed concern about the loss of the yard area that serves the existing home and the constraints relative to wetland setbacks on the west side of the parcel. Town and County staff agreed to analyze the alternate building site that was discussed further and staff concluded that the concerns of the petitioners were legitimate impediments.

The petitioner's grandson expressed during the meeting that he had sold his home anticipating that a simple Certified Survey Map (CSM) approval was all that was needed to commence with construction. Because of the above described sequence of events, Town and County Staff felt that it was appropriate to consider an out of sequence plan amendment request that could run concurrently with the rezoning meeting sequence.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved. The amendment will affect only 2.8 acres of land. The subject lands are immediately adjacent to a road extension and the proposed plan category will match the plan designation of immediately adjacent lands.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Exhibit "A", Map

EXHIBIT "A"

RECEIVED

MAY 23 2014

RECEIVED
APR 24 2014
Town of Oconomowoc
Clerks Office

Certified Survey Map

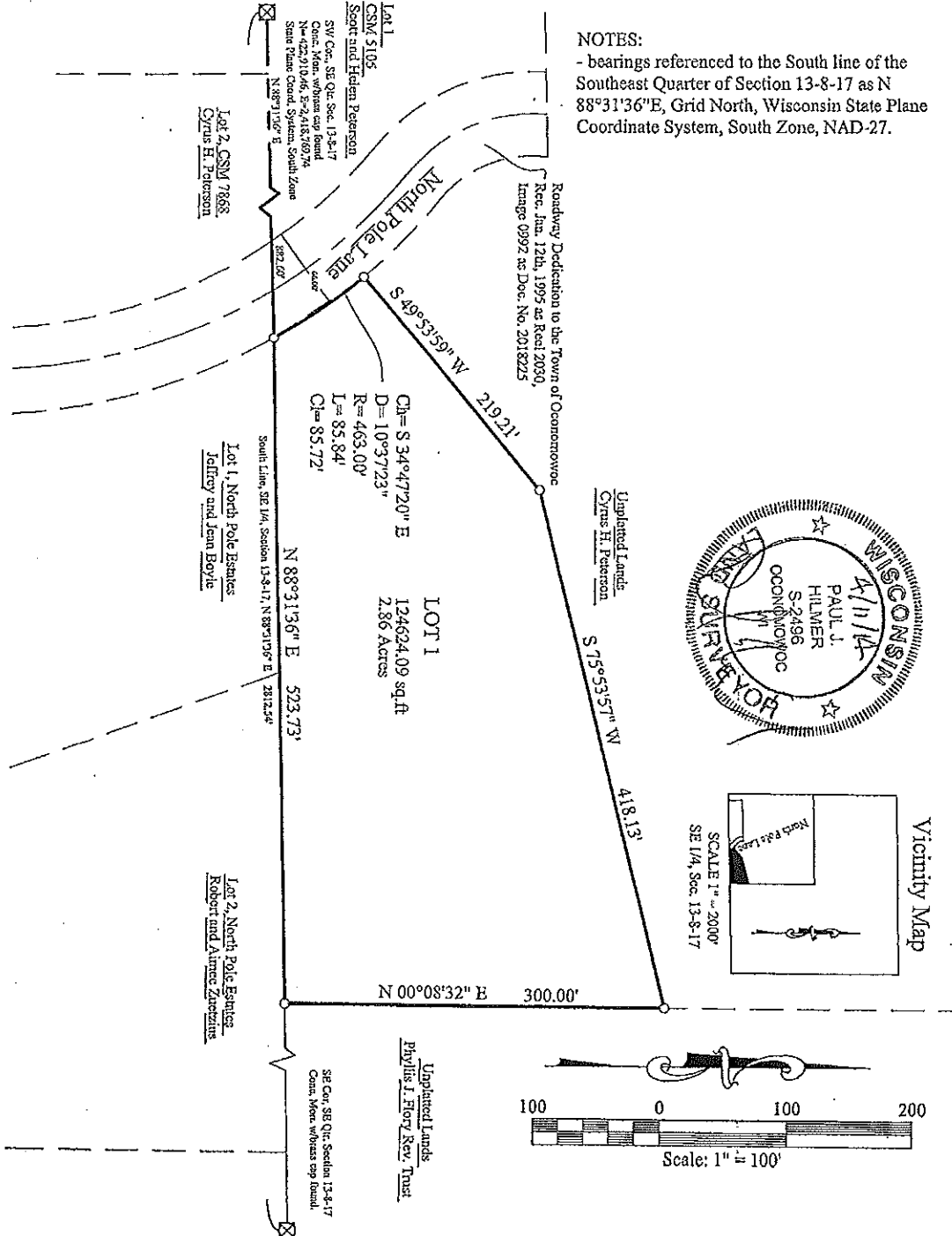
Preliminary Review

being a part of the Southwest Quarter of the Southeast Quarter of Section 13, Town 8 North, Range 18 East, Town of Oconomowoc, Waukesha County, Wisconsin.

Prepared for:
Cyrus H. Peterson
W343N7303 North Pole Ln.
Oconomowoc, WI. 53066

Prepared by:
Hilmer & Associates LLC
Paul J. Hilmer, RLS
W217 Vista Drive
Oconomowoc, WI, 53066
(262) 567-5893

- Legend:
- indicates 1" iron pipe found.
 - indicates 1.315" iron pipe set weighing 1.65 lbs./ft. min.
 - ☒ indicates concrete monument found.

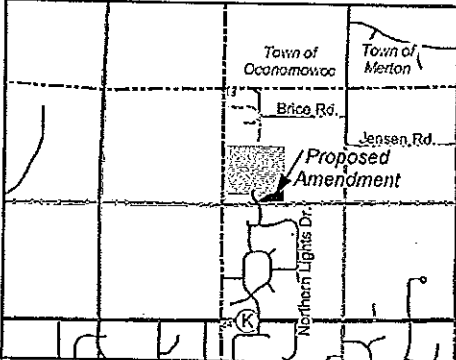
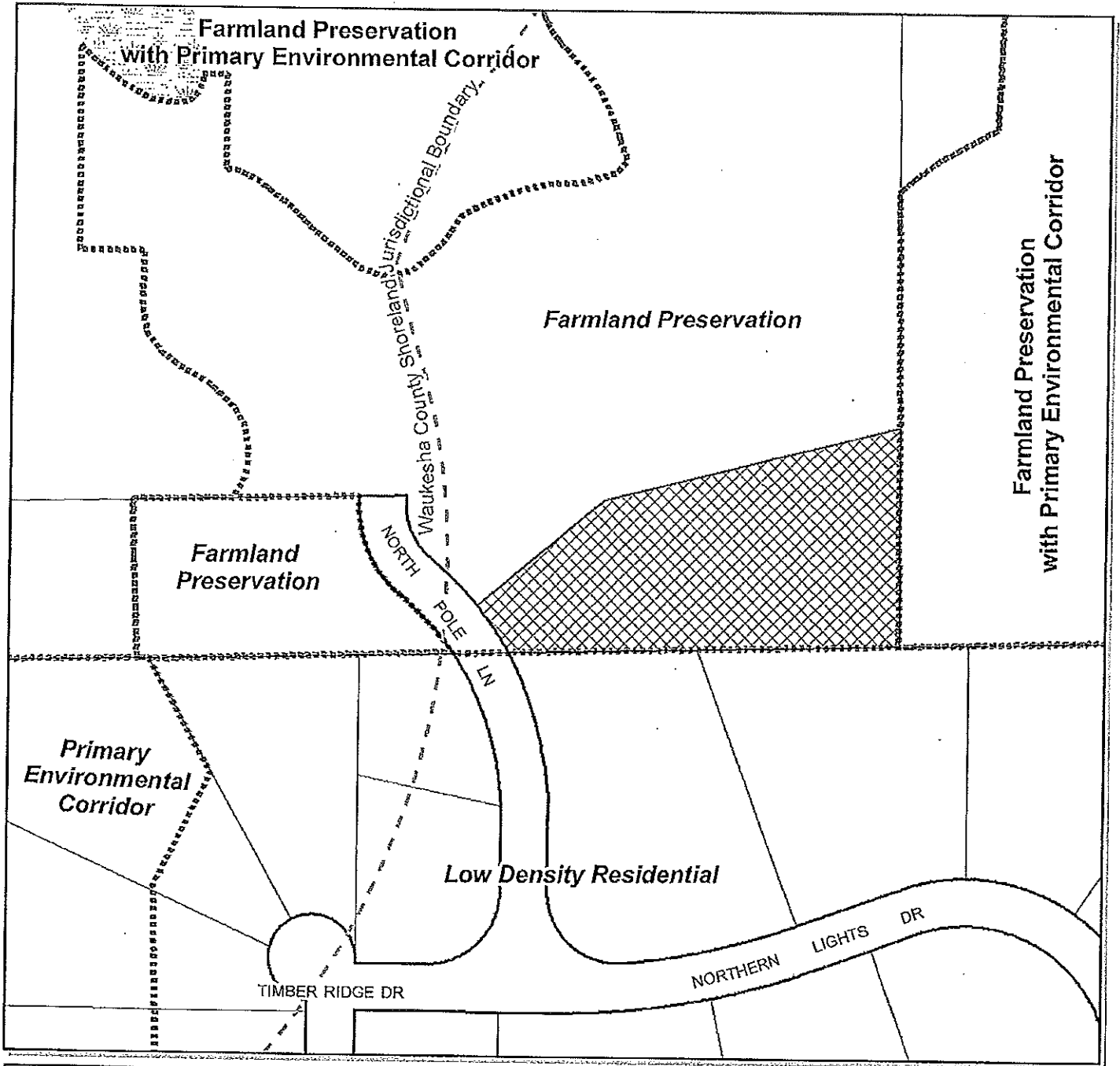


This instrument drafted by Paul J. Hilmer

Sheet 1 of 4 sheets.

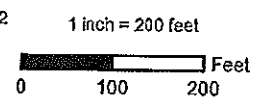
DEVELOPMENT PLAN AMENDMENT

PART OF THE SE 1/4 OF SECTION 13
TOWN OF OCONOMOWOC



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM FARMLAND PRESERVATION TO SUBURBAN I DENSITY RESIDENTIAL

PETITIONER.....CYRUS PETERSON
 DATE OF PLAN COMM. CONSIDERATION.....08/21/14
 AREA OF CHANGE.....2.8 ACRES
 TAX KEY NUMBERS.....OCOT0484.990.002



Referred on: 09/04/14

Prepared by the Waukesha County Department of Parks and Land Use
 File Number: 169-O-052 Referred to: LU 7

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/23/14

(ORD) NUMBER-1690052

- | | |
|--------------------------|--------------------------|
| 1 R. KOLB.....AYE | 2 D. Zimmermann.....AYE |
| 3 R. MORRIS..... | 4 J. BATZKO.....AYE |
| 5 J. BRANDTJEN.....AYE | 6 J. WALZ.....AYE |
| 7 J. GRANT.....AYE | 8 E. HIGHUM.....AYE |
| 9 J. HEINRICH.....AYE | 10 D. SWAN.....AYE |
| 11 C. HOWARD.....AYE | 12 P. WOLFF.....AYE |
| 13 P. DECKER.....AYE | 14 C. PETTIS.....AYE |
| 15 W. KOLB..... | 16 M. CROWLEY.....AYE |
| 17 D. PAULSON.....AYE | 18 L. NELSON.....AYE |
| 19 K. CUMMINGS.....AYE | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE |
| 23 K. HAMMITT.....AYE | 24 S. WHITTOW.....AYE |
| 25 G. YERKE.....AYE | |

TOTAL AYES-23

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-23