

ENROLLED ORDINANCE 176-74

AMEND THE WAUKESHA COUNTY ZONING CODE DISTRICT ZONING MAP FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 35, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE R-2 RESIDENTIAL DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT (RZ84)

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 August 16, 2021; 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 59.69, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Zoning Code District Zoning Map for the Town of Oconomowoc, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on February 26, 1959, is hereby amended to conditionally rezone certain lands located in part of the NW ¼ of Section 35, T8N, R17E, Town of Oconomowoc, from the R-2 Residential District to the B-2 Local Business District, 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 RZ84, is hereby approved, subject to the following conditions:

1. The Zoning Amendment to the B-2 Local Business District shall be limited to professional office type uses (i.e. doctor, dentist, chiropractor, realtor, accountant, attorney or similar type uses).
2. Subject to no retail businesses or customer service establishments with a high traffic volume, which means volume and frequency of visitors, deliveries, truck, and other vehicle traffic, exceeds the number of designated parking spaces under normal conditions or creates a nuisance for neighboring properties or the municipality. There shall be no parking on W. Lake Drive of vehicles, deliveries, or trucks related to the uses present on the property.
3. Subject to no businesses containing a drive-thru window.
4. Subject to absolutely no restaurants, taverns, grocery stores or similar type uses.
5. A vegetative buffer shall be provided along the eastern most property line. A landscaping plan shall be submitted to the Town Planner and Waukesha County for review and approval prior to the issuance of any permits. The vegetative buffer shall contain an initial height of no less than 4 feet and shall contain staggered coniferous trees or non-deciduous trees.

6. A Site Plan and Plan of Operation shall be submitted to the Town of Oconomowoc and Waukesha County Planning and Zoning Division for each proposed business use, prior to the issuance of an occupancy permit.
7. If the subject property is not developed within five (5) years of the Waukesha County Board of Supervisors action (if approved), the zoning of the property shall automatically revert back to the R-2 Residential District, unless extended by the Town and County upon just cause.

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

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

AMEND THE WAUKESHA COUNTY ZONING CODE DISTRICT ZONING MAP FOR THE TOWN OF
OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
NW ¼ OF SECTION 35, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE R-2
RESIDENTIAL DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT (RZ84)

Presented by:
Land Use, Parks, and Environment Committee

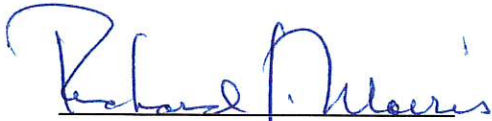

William A. Mitchell, Chair

Absent

Keith Hammitt


Thomas A. Michalski


Chris Mommaerts


Richard Morris


Absent

Thomas J. Schellinger

Absent

Steve Whittow

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

Date: 11/29/2021, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

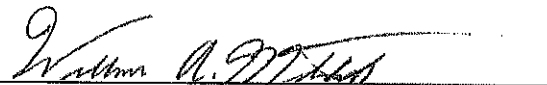
Date: 11/30/2021, 
Paul Farrow, County Executive

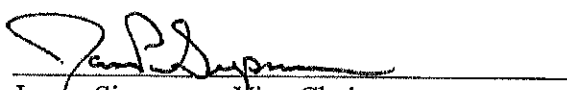
COMMISSION ACTION

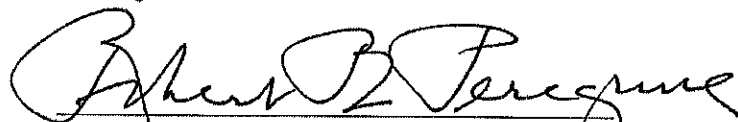
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code hereby recommends **approval** of RZ84 (Alesana Investments, LLC.) in accordance with the attached "Staff Report and Recommendation".


PARK AND PLANNING COMMISSION

October 21, 2021


William Mitchell, Chairperson


James Siepmann, Vice Chairperson


Robert Peregrine


Richard Morris


Thomas Michalski

Absent
William Groskopf

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

DATE: October 21, 2021

FILE NO.: RZ84

OWNER/APPLICANT: Alesana Investments, LLC
970 S. Silver Lake Street, Ste 103
Oconomowoc, WI 53066

TAX KEY NO.: OCOT 0570.995.001

LOCATION:

The property is known as Lot 1 of Certified Survey Map No. 12167, located in part of the NW ¼ of Section 35, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N53 W35994 West Lake Drive, containing approximately one acre.

EXISTING LAND USE: Vacant land with detached garage.

PROPOSED LAND USE: Professional office building.

EXISTING ZONING: R-2 Residential District.

PROPOSED ZONING: B-2 Local Business District.

PUBLIC HEARING DATE: July 19, 2021

PUBLIC REACTION:

Multiple residents spoke against the rezone, citing multiple accidents at the intersection of C.T.H. P and W. Lake Drive, too much traffic on C.T.H. P, existing long-standing drainage issues that may be increased with development, and the overall conceptual site plan that was presented at the hearing. One resident stated that local residents would not use whatever services would be provided here and that they would prefer a restaurant/tavern.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

At their August 2, 2021 meeting, the Town of Oconomowoc Plan Commission recommended to the Town Board approval of the rezone subject to several conditions. On August 16, 2021, the Town Board recommended approval of the request, subject to conditions incorporated herein.

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

The property is designated as Commercial and Office Park on the Comprehensive Development Plan for Waukesha County and as Commercial on the Town of Oconomowoc Land Use Plan. The C.T.H. P corridor from Hwy 16 north into the Town of Oconomowoc is a mix of business and residential uses. The Plan was amended in 2009 as part of a comprehensive update from Low-Density Residential to Commercial and Office Park. The property has been vacant since 2009 but previously housed a business use (restaurant/tavern) for over 50 years. The proposal complies with both plans.

STAFF ANALYSIS:

The property is located at the intersection of W. Lake Drive and C.T.H. P and is served by municipal sewer and private well. The property previously contained a restaurant/tavern and two accessory buildings. Only one accessory building remains on the property. The property is zoned R-2 Residential District under the Waukesha County Zoning Code. There is one accessory building on the property. The east portion of the property has some mature trees that create a small buffer to the neighboring residents. The surrounding area is residential, with other commercial properties within a half mile to the north and south of the subject property.

The property has had multiple zoning district amendments. In 2010, a conditional rezone was granted from the R-2 Residential District to the B-2 Local Business District. The conditions of the rezone were that the use be limited to a restaurant/tavern and that the use must resume within five years. The property remained vacant and in 2015, the petitioners requested a five year extension of the rezone with the same conditions. The restaurant/tavern use never materialized. A new petitioner is proposing to amend the zoning district of the parcel to the B-2 Local Business District to accommodate a professional office building.

The use proposed includes an approximately 5,000 sq. ft. professional office building that would serve 1-2 tenants (Exhibit A). Potential uses such as a medical, office and/or light service based businesses would occupy the units. The accessory building is proposed to remain. The concept plan presented at the hearing shows the maximum build out for the site. The parking requirements in the Ordinance were modernized in 2018 to encourage flexible, shared parking amongst multi-tenant buildings. Less parking results in a reduced amount of pavement that may contribute to stormwater runoff to other properties. Given the small footprint of the proposed building and the number of units (2 units), the parking lot as shown on the concept plan may be oversized. The specific details surrounding the development will be reviewed by the Town and County through the Site Plan/Plan of Operation process. This process will evaluate if the proposed building meets all ordinance requirements such as setbacks, parking, and stormwater management.

Residents also spoke of concerns over the number of accidents that occur at the intersection of C.T.H. P and W. Lake Drive. The Waukesha County Department of Public Works (DPW) has indicated they are aware that this intersection requires improvements, including a south-bound left turn lane. In addition, C.T.H. P will likely become a four-lane highway in the future due to increased developments in this area. However, there is no scheduled timeline to complete this project and no funding is currently available to address any immediate concerns. DPW noted that from a traffic standpoint, the proposed use is a much less intense use than the previous use of a restaurant/tavern and is unlikely to be a source of increased accidents.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends this request be **approved**, subject to the following conditions, which are inclusive of the Town's conditions. Additions to the town's conditions are shown in **bold**.

1. The Zoning Amendment to the B-2 Local Business District shall be limited to professional office type uses (i.e. doctor, dentist, chiropractor, realtor, accountant, attorney or similar type uses).

2. Subject to no retail businesses or customer service establishments with a high traffic volume, which means volume and frequency of visitors, deliveries, truck, and other vehicle traffic, exceeds the number of designated parking spaces under normal conditions or creates a nuisance for neighboring properties or the municipality. **There shall be no parking on W. Lake Drive of vehicles, deliveries, or trucks related to the uses present on the property.**
3. Subject to no businesses containing a drive-thru window.
4. Subject to absolutely no restaurants, taverns, grocery stores or similar type uses.
5. A vegetative buffer shall be provided along the eastern most property line. A landscaping plan shall be submitted to the Town Planner and Waukesha County for review and approval prior to the issuance of any permits. The vegetative buffer shall contain an initial height of no less than 4 feet and shall contain staggered coniferous trees or non-deciduous trees.
6. A Site Plan and Plan of Operation shall be submitted to the Town of Oconomowoc and Waukesha County Planning and Zoning Division for each proposed business use, prior to the issuance of an occupancy permit.
7. If the subject property is not developed within five (5) years of the Waukesha County Board of Supervisors action (if approved), the zoning of the property shall automatically revert back to the R-2 Residential District, **unless extended by the Town and County upon just cause.**

The proposed rezoning, with the conditions recommended above, is in conformance with the Waukesha County and Town of Oconomowoc Land Use Plans. The required Site Plan/Plan of Operation review process will allow the Town and County to address neighborhood concerns surrounding traffic, parking and drainage. The site has historically been used as a restaurant/tavern, which is generally a more intense use than what is being proposed. While the property has been mostly vacant for a number of years, the Town and County Land Use Plans call for commercial uses along the C.T.H. P corridor. As conditioned, it does not appear the rezoning will adversely affect the neighboring property owners.

Respectfully submitted,

Rebekah Leto

Rebekah Leto
Senior Planner

Attachment: Exhibit A: Concept Plan
Map

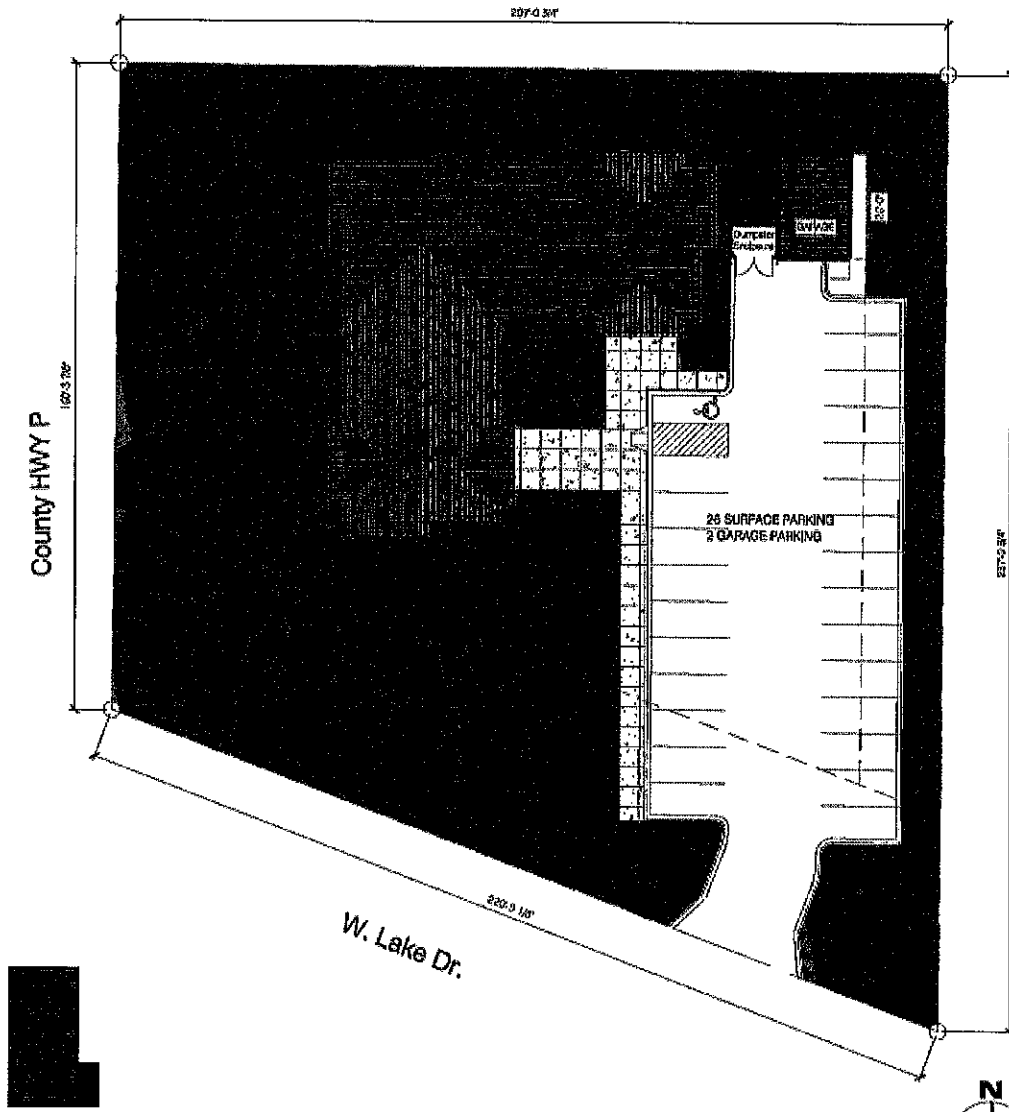
N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ84 Alesana Investments Oct.Doc

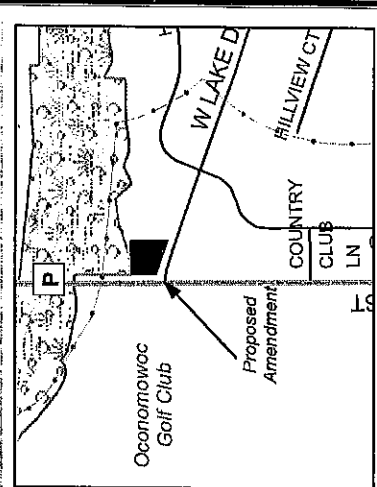
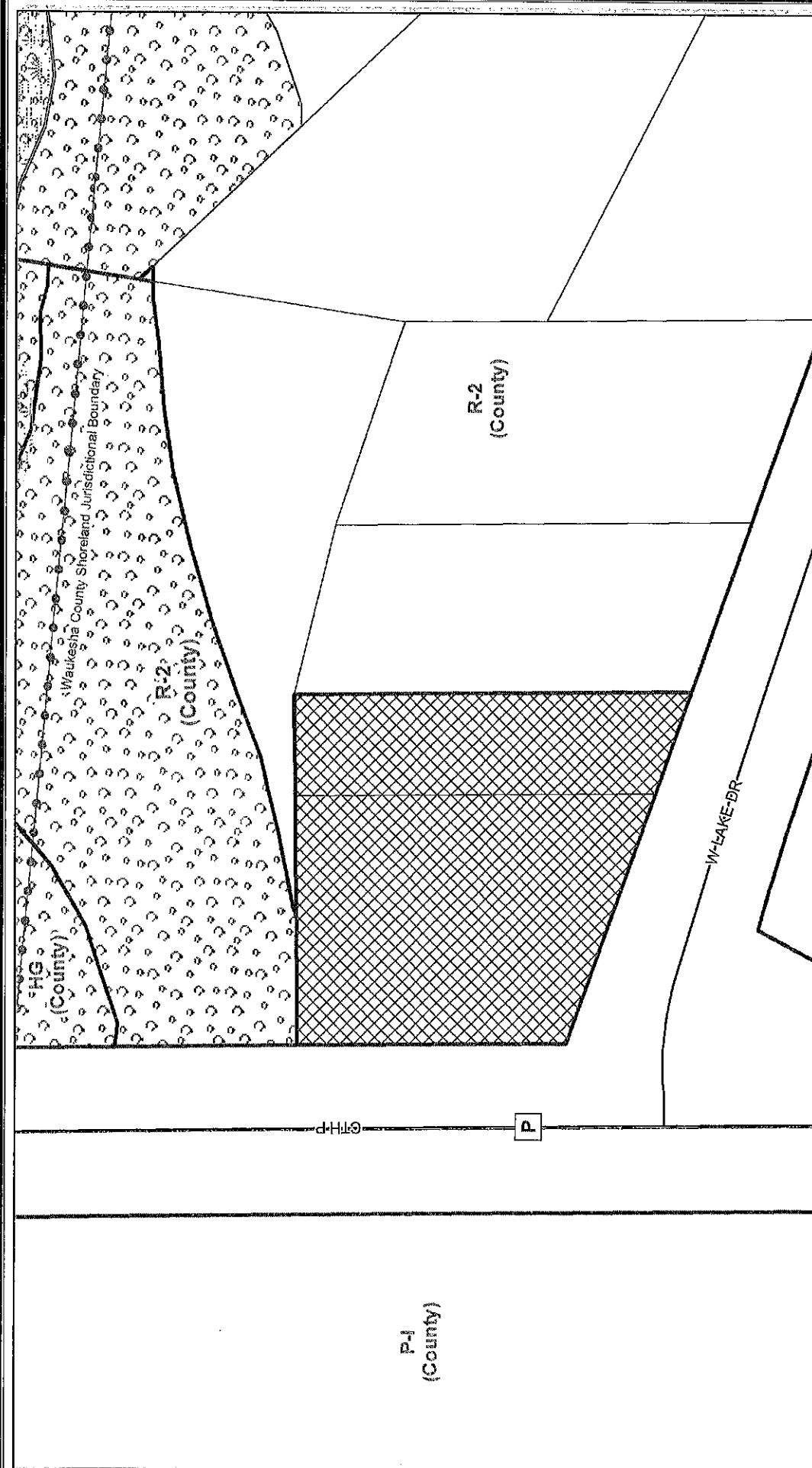
RECEIVED

By Dept. Parks and Land Use at 9:30 am, Jun 11, 2021

Site Plan

EXHIBIT A





COUNTY ZONING CHANGE FROM R-2 RESIDENTIAL DISTRICT TO B-2 LOCAL BUSINESS DISTRICT
 Environmental Corridor Overlay
 C-1 Conservancy Overlay

FILE.....RZ84
 DATE OF PLAN COMMISSION.....10/21/21
 AREA OF CHANGE.....0.9 ACRES
 TAX KEY NUMBER.....OCOT0570995001

1:1,000 Feet
 0 25 50

Prepared by the Waukesha County Department of Parks and Land Use

ZONING AMENDMENT

PART OF THE NW 1/4 OF SECTION 35,
 TOWN OF OCONOMOWOC

VOTING RESULTS

AVE 22 | NAY 0 | ABSTAIN | ABSENT 3

Ordinance 176-O-078

Ordinance 176-O-078: Amend the Waukesha County...

 **Passed By Majority Vote**

D1 - Foti	AVE	D14 - Mommaerts	AVE
D2 - Zimmermann	AVE	D15 - Mitchell	ABSENT
D3 - Morris	AVE	D16 - Crowley	AVE
D4 - Batzko	AVE	D17 - Paulson	AVE
D5 - Dondlinger	AVE	D18 - Nelson	AVE
D6 - Walz	AVE	D19 - Vacant	ABSENT
D7 - LaFontain	AVE	D20 - Schellinger	AVE
D8 - Michalski	AVE	D21 - Gaughan	AVE
D9 - Heinrich	AVE	D22 - Wysocki	AVE
D10 - Swan	AVE	D23 - Hammitt	AVE
D11 - Howard	AVE	D24 - Whitlow	ABSENT
D12 - Wolf	AVE	D25 - Johnson	AVE
D13 - Decker	AVE		

November 23 2021 - November 23 2021 07:09:37 PM



1 AMEND THE WAUKESHA COUNTY ZONING CODE DISTRICT ZONING MAP FOR THE TOWN OF
2 OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
3 NW ¼ OF SECTION 35, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE R-2
4 RESIDENTIAL DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT (RZ84)
5
6

7 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
8 this Ordinance was approved by the Oconomowoc Town Board on August 16, 2021; and
9

10 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
11 Planning Commission, which recommended approval and reported that recommendation to the
12 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
13 as required by Section 59.69, Wis. Stats.
14

15 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
16 Waukesha County Zoning Code District Zoning Map for the Town of Oconomowoc, Waukesha
17 County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on February 26,
18 1959, is hereby amended to conditionally rezone certain lands located in part of the NW ¼ of
19 Section 35, T8N, R17E, Town of Oconomowoc, from the R-2 Residential District to the B-2 Local
20 Business District, and more specifically described in the "Staff Report and Recommendation"
21 and map on file in the office of the Waukesha County Department of Parks and Land Use and
22 made a part of this Ordinance by reference RZ84, is hereby approved, subject to the following
23 conditions:
24

- 25 1. The Zoning Amendment to the B-2 Local Business District shall be limited to professional
26 office type uses (i.e. doctor, dentist, chiropractor, realtor, accountant, attorney or similar
27 type uses).
28
- 29 2. Subject to no retail businesses or customer service establishments with a high traffic
30 volume, which means volume and frequency of visitors, deliveries, truck, and other vehicle
31 traffic, exceeds the number of designated parking spaces under normal conditions or
32 creates a nuisance for neighboring properties or the municipality. There shall be no parking
33 on W. Lake Drive of vehicles, deliveries, or trucks related to the uses present on the
34 property.
35
- 36 3. Subject to no businesses containing a drive-thru window.
37
- 38 4. Subject to absolutely no restaurants, taverns, grocery stores or similar type uses.
39
- 40 5. A vegetative buffer shall be provided along the eastern most property line. A landscaping
41 plan shall be submitted to the Town Planner and Waukesha County for review and approval
42 prior to the issuance of any permits. The vegetative buffer shall contain an initial height of
43 no less than 4 feet and shall contain staggered coniferous trees or non-deciduous trees.
44
- 45 6. A Site Plan and Plan of Operation shall be submitted to the Town of Oconomowoc and

46 Waukesha County Planning and Zoning Division for each proposed business use, prior to the
47 issuance of an occupancy permit.

48

49 7. If the subject property is not developed within five (5) years of the Waukesha County Board
50 of Supervisors action (if approved), the zoning of the property shall automatically revert
51 back to the R-2 Residential District, unless extended by the Town and County upon just
52 cause.

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

55

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