

ENROLLED ORDINANCE 176-100

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OTTAWA BY REZONING CERTAIN LANDS LOCATED IN PART OF THE S ½ OF SECTION 5, T6N, R17E, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN, FROM THE FLP FARMLAND PRESERVATION AND FLC FARMLAND CONSERVANCY DISTRICTS TO THE R-1 RESIDENTIAL, HG HIGH GROUNDWATER, C-1 CONSERVANCY OVERLAY AND EC ENVIRONMENTAL CORRIDOR OVERLAY DISTRICTS (RZ90)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Ottawa Town Plan Commission on December 6, 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 and Section 60.62, Wis. Stats.

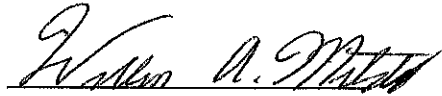
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the Town of Ottawa, Waukesha County, Wisconsin, and the Waukesha County Zoning Code adopted by the Waukesha County Board of Supervisors, on February 26, 1959, are hereby amended to rezone certain lands located in part of the S ½ of Section 5, T6N, R17E, Town of Ottawa, Waukesha County, Wisconsin from the FLP Farmland Preservation and FLC Farmland Conservancy Districts to the R-1 Residential, HG High Groundwater, C-1 Conservancy Overlay and EC Environmental Corridor Overlay Districts, 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 RZ90, is hereby approved.

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

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

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OTTAWA BY REZONING CERTAIN LANDS LOCATED IN PART OF THE S ½ OF SECTION 5, T6N, R17E, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN, FROM THE FLP FARMLAND PRESERVATION AND FLC FARMLAND CONSERVANCY DISTRICTS TO THE R-1 RESIDENTIAL, HG HIGH GROUNDWATER, C-1 CONSERVANCY OVERLAY AND EC ENVIRONMENTAL CORRIDOR OVERLAY DISTRICTS (RZ90)

Presented by:
Land Use, Parks, and Environment Committee



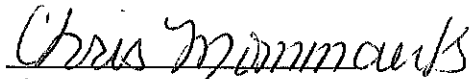
William A. Mitchell, Chair



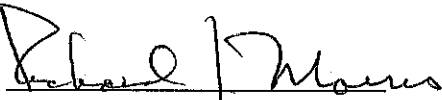
Keith Hammitt



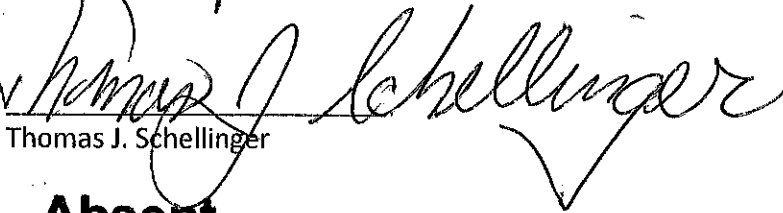
Thomas A. Michalski



Chris Mommaerts



Richard Morris



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:

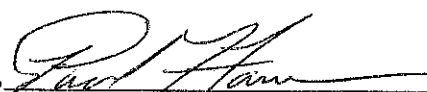
Date: 2/25/2022, Margaret Wartman
Margaret Wartman, County Clerk

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

Approved: X

Vetoed:

Date: 2/25/2022




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 Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, hereby recommends **approval** of **(RZ90 Ottawa LLC_Mangen)** in accordance with the attached "Staff Report and Recommendation".

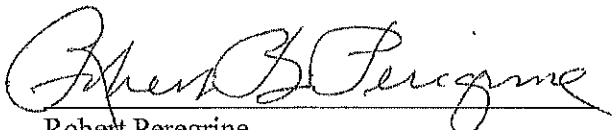
PARK AND PLANNING COMMISSION

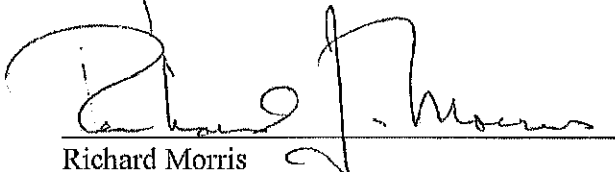
January 20, 2022

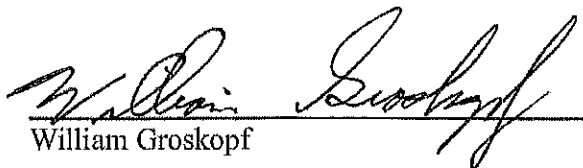

James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson


William Mitchell


Robert Peregrine


Richard Morris


William Groskopf

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

DATE: January 20, 2022

FILE NO.: RZ90

OWNER/PETITIONER: Ottawa LLC
c/o Robert Mangel
100 North Main Street
Fort Atkinson WI 53538

TAX KEY NO.: OTWT 1604.999.001

LOCATION:

The lands to be rezoned are part of the S ½ of Section 5, T6N, R17E, Town of Ottawa, and more specifically, the two proposed parcels are located in the SW ¼ of the SE ¼ of Section 5 on the north side of Kincaid Lane (a private road), at S22 W38420 and S22 W38370 Kincaid Lane. The parent parcel begins approximately 1,450 feet west of Gramling Lane.

LOT SIZE(S): 1.7 acres each for a total of approx. 3.3 acres to be rezoned

EXISTING USE(S): Two single family residences

REQUESTED USE(S): Two single family residences

EXISTING ZONING DISTRICT CLASSIFICATION(S):

FLP Farmland Preservation and FLC Farmland Conservancy Districts under the Waukesha County Zoning Code which requires a minimum lot size of 35 acres.

PROPOSED ZONING DISTRICT CLASSIFICATION(S):

The two proposed parcels are proposed to be rezoned to the R-1 Residential District, HG High Groundwater District, C-1 Conservancy Overlay District (wetland) and EC Environmental Corridor Overlay District.

SOIL TYPES:

Approximately the northern 1/3 of the subject parcels contain soils with hydric conditions and limitations for basements. The parcels have already been developed in the southern 2/3 and therefore soil limitations should not be a consideration. The remainder of the soils are prime agricultural soils of statewide significance.

CONFORMANCE WITH THE WAUKESHA COUNTY COMPREHENSIVE DEVELOPMENT PLAN (WCCDP) AND THE TOWN OF OTTAWA COMPREHENSIVE DEVELOPMENT PLAN (CDP):

The Town CDP designates the subject parcel as Prime Agricultural (35+ acres/dwelling unit) and Primary Environmental Corridor. The County's CDP is similar, except the categories are Farmland Preservation and Farmland Preservation with EC Overlay. The proposed zoning change complies with both the Town and County CDP's as the FLP District allows for rezoning of parcels between one and three acres in size (minimum average width of 150 feet) to the R-1 category.

PUBLIC HEARING DATE: December 6, 2021

PUBLIC COMMENT:

A representative from the Badger Kart Club was present and just wanted to let the owners know that there is a racetrack in the nearby area. Since the homes are existing, the occupants are already aware of the Club's presence.

TOWN PLAN COMMISSION ACTION:

On December 6, 2021, the Town of Ottawa Plan Commission unanimously recommended approval of the rezone request to Waukesha County.

STAFF ANALYSIS:

If the proposed zoning change is approved, the property owner would like to divide two 1.7 acre parcels from the larger parent parcel (refer to exhibit attached). They would each be approximately 195 feet in width and would each contain an existing single family residence, resulting in a 134.6 acre remnant parcel containing a duplex residence. In order to split the two lots from the parent parcel, this rezone request is required in accordance with the FLP requirements of the Waukesha County Zoning Code. The parcels are located on the north side of Kincaid Lane, a private road that extends approximately 1,450 feet west of Gramling Lane before it reaches the parent parcel. Kincaid Lane is also used by the DNR via a recorded easement for access to lands west of the subject property as well as by the buyer of the Kincaid Certified Survey Map (CSM) lot split in 2020.

The overall parcel contains wetland, Primary Environmental Corridor (PEC), hydric and Class I and II soils, and floodplain and the Bark River in the northern part of the parent parcel, and an intermittent stream that flows through the two proposed 1.7 acre lots. The PEC has not been field delineated nor has a navigability determination been conducted on the two proposed lots. These issues will be addressed in the CSM review.

The rezone and proposed land division will make a legal non-conforming situation more conforming by separating two of the four existing living units on their own lots. Further, since this is a farmland preservation parcel, density credits are tracked. The parent parcel has four credits (two existing single family units and one existing duplex unit), the 2020 Kincaid CSM used one credit, and so there are three (3) density credits remaining for the former Kincaid holdings now owned by Mangen (located both north and south of Kincaid Lane). In discussions with the property owner, it has been advised those three remaining density credits be developed along CTH Z, a public road.

Since the existing access easement over Kincaid Lane is proposed to be utilized for access by the two proposed lots/existing residences to Gramling Lane, a public road, the existing access agreement will be required to be modified to allow for these two additional (now) separate users as part of the CSM review. The Town has already granted approval of two new lots not abutting a public road and at less than the three acre lot size. Since this is a farmland presentation parcel, to increase the lot size to the required minimum of 3 acres and 200 feet of minimum average width would require consumption of additional farmland which defeats the purpose and intent of the Farmland Preservation Plan.

With the exception of the Department of Natural Resources (DNR) land to the west, which is designated as Recreational on the CDP, the subject parcels are surrounded by Farmland

Preservation/Prime Agricultural. Likewise, the adjacent zoning districts are FLP/FLC, with the exception of the DNR lands immediately to the west which are zoned P-I Public and Institutional.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division staff recommends **approval** of the rezoning request. The proposal is consistent with the Town and County Comprehensive Development Plans and will comply with the Waukesha County Zoning Code in that the two proposed 1.7 acre parcels are being rezoned to R-1 as required in the FLP District and will meet the lot size required in the zoning district. Further, the rezone and proposed land division will also make a legal non-conforming situation more conforming by separating two of the four existing living units on their own lots. Finally, the FLC areas will be appropriately rezoned to the underlying HG High Groundwater District, C-1 Conservancy Overlay (wetland) and EC Environmental Corridor Overlay Districts. If the rezone is approved, the property owner will submit a Certified Survey Map to the Town and the County for consideration.

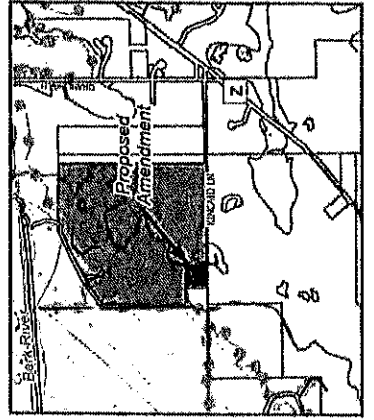
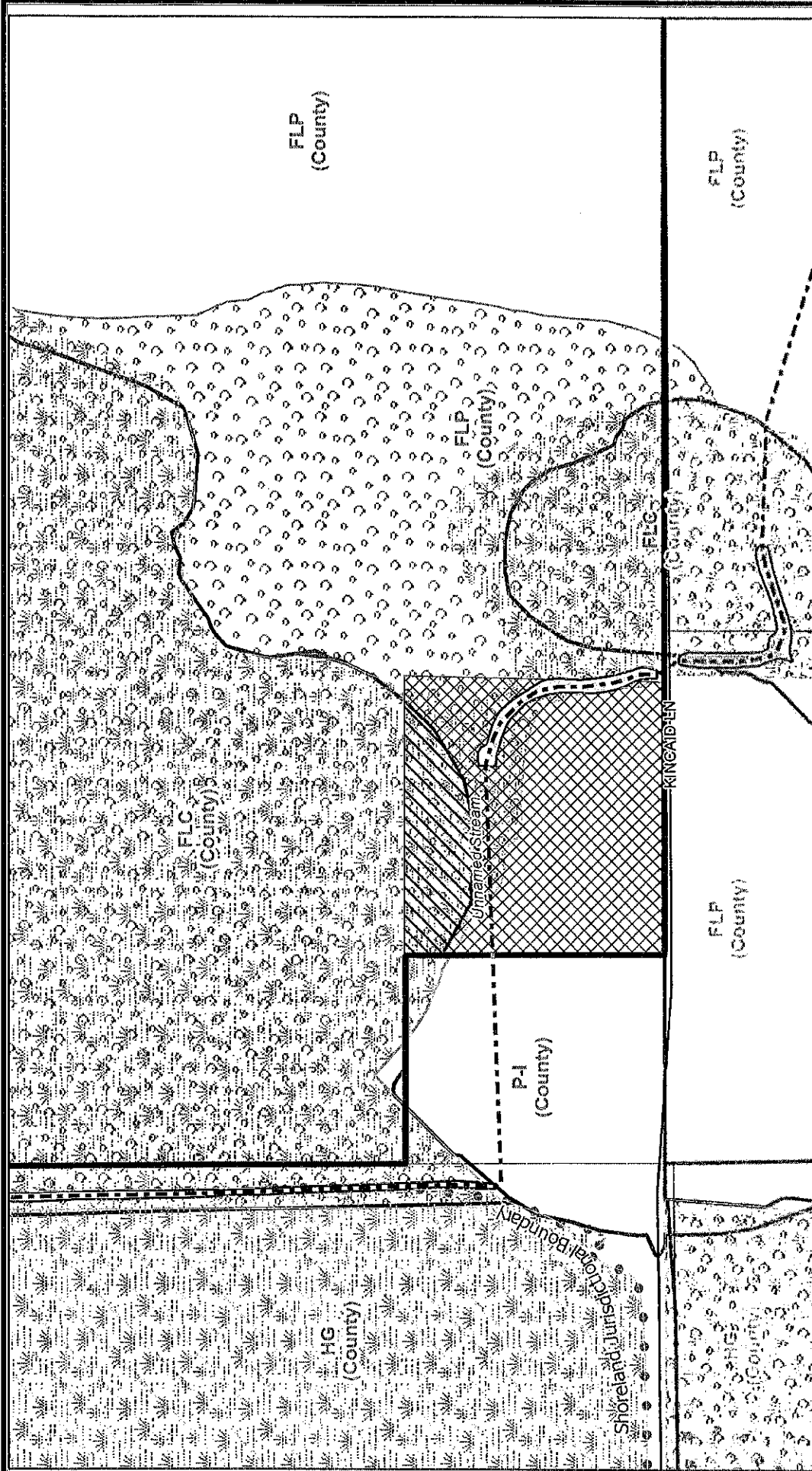
Respectfully submitted,





Sandra L. Scherer

Sandy Scherer
Senior Planner

Attachments: Rezone Map
Proposed land division exhibit

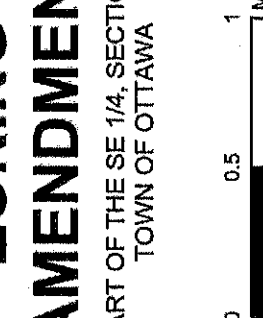
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	COUNTY ZONING CHANGE FROM FLP FARMLAND PRESERVATION DISTRICT TO R-1 RESIDENTIAL DISTRICT
	COUNTY ZONING CHANGE FROM FLC FARMLAND CONSERVANCY DISTRICT TO HG HIGH GROUNDWATER DISTRICT
	EC Environmental Corridor Overlay
	C-1 Conservancy Overlay
FILE.....RZ90	
DATE OF PLAN COMMISSION.....1/20/22	
AREA OF CHANGE.....3.3 ACRES	
TAX KEY NUMBER.....OTWT 1604.999.001	

ZONING AMENDMENT

PART OF THE SE 1/4, SECTION 5,
TOWN OF OTTAWA



0 0.5 1 Miles

Referred to: LU 6

