

ENROLLED ORDINANCE 173-089

AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE
WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN SECTION 10, T8N,
R17E, TOWN OF OCONOMOWOC, FROM THE FLP FARMLAND PRESERVATION
DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ20)

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 December 3, 2018; 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 Town of Oconomowoc District Zoning Map of the Waukesha County Zoning Code, 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 Section 10, T8N, R17E, Town of Oconomowoc, from the FLP Farmland Preservation District to the R-1 Residential 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 RZ20, subject to the following conditions:

1. A Certified Survey Map must be reviewed and approved by the Town of Oconomowoc and the Waukesha County Department of Parks and Land Use.
2. A Deed Restriction must be prepared and reviewed and approved by the Waukesha County Department of Parks and Land Use - Planning and Zoning Division Staff and recorded by the petitioner or owner in the Waukesha County Register of Deeds Office stating that, pursuant to the Waukesha County Comprehensive Development Plan, no additional development rights remain for the remnant parcel that comprises the farm tracking unit and that no non-farm buildings may be constructed. Said restriction must also state that the density restriction shall apply in perpetuity unless the Waukesha County Comprehensive Development Plan's Farmland Preservation designation for the property is amended in the future.

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 TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE
WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN SECTION 10, T8N,
R17E, TOWN OF OCONOMOWOC, FROM THE FLP FARMLAND PRESERVATION
DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ20)

Presented by:
Land Use, Parks, and Environment Committee



David D. Zimmermann, Chair


Kathleen M. Cummings


Keith Hammitt



William A. Mitchell


Thomas J. Schellinger


Steve Whittow


Chuck Wood

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

Date: March 1 2019, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed:


Date: 3/4/2019, 
Paul Farrow, County Executive

COMMISSION ACTION

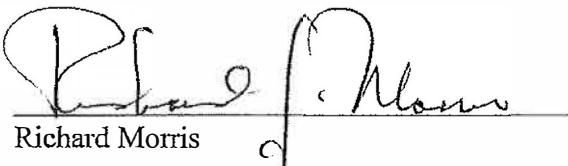
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends approval of (RZ20 Spheeris_Freseth) in accordance with the attached "Staff Report and Recommendation".

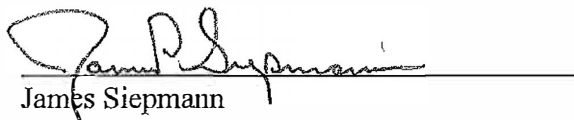
PARK AND PLANNING COMMISSION

January 17, 2019

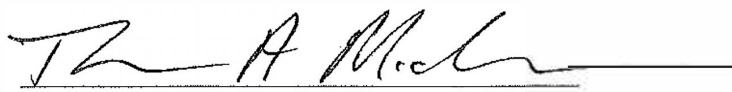

Robert Peregrine, Chairman


William Mitchell, Vice Chairman


Richard Morris


James Siepmann


William Maslowski


Thomas Michalski

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

DATE: January 17, 2019

FILE NO.: RZ20

PETITIONER: Jon Spheeris
175 E. Wisconsin Ave., Ste. A
Oconomowoc, WI 53066

OWNER: Andrew and Lynda Freseth
N77 W36478 Saddlebrook Ln.
Oconomowoc, WI 53066

TAX KEY NO.: OCOT 0489.011.002

LOCATION:

Parcel 2 of Certified Survey Map 8735, located in Section 10, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N77 W36498 Saddlebrook Lane.

EXISTING LAND USE: Residential (of area to be rezoned).

PROPOSED LAND USE: Residential.

EXISTING ZONING: FLP Farmland Preservation District, FLC Farmland Conservancy District, EC Environmental Corridor Overlay District, C-1 Conservancy Overlay District (Wetland and Floodplain).

PROPOSED ZONING: R-1 Residential (3 acre portion of the property zoned FLP).

PUBLIC HEARING DATE: October 29, 2018.

PUBLIC REACTION: None

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On November 19, 2018, the Town Plan Commission unanimously recommended approval of the request to the Town Board.

On December 3, 2018, the Town Board unanimously recommended approval of the request to the Waukesha County Park and Plan Commission.

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

The property is designated in the Farmland Preservation and Farmland Preservation with Primary Environmental Corridor categories on the County Plan and is in the Prime Agricultural and Primary Environmental Corridor categories on the Town Plan. The proposal to rezone part of the property in order to separate an existing single-family use from the remaining acreage in agricultural use is consistent with

plan recommendations that call for a maximum density of one dwelling unit per 35 acres. The remnant acreage remaining in the FLP District will have no remaining development rights in accordance with Section 6.19 of the Waukesha County Zoning Code.

STAFF ANALYSIS:

The subject property is located north of Ashippun Lake on Saddlebrook Lane. In 1991, a previous owner obtained a Conditional Use Permit (SCU-862) which authorized a horse breeding, boarding, and training facility as well as three living units for farm employees, exclusive of the primary residence.

The approved plan included a 208' x 180' L-shaped barn with a riding arena, stables, a lounge and offices, a separate building with three apartments to house employees and a 36' x 50' four (4) stall broodmare barn with loafing shed extensions on either side. A maximum of forty (40) horses are permitted on the property at any given time.

In 1999 (SCU-862A), the current owner sought to amend the Conditional Use Permit to divide the then seventy-five (75) acre parcel into a thirty-nine (39) acre lot which would contain the commercial operation and existing structures in addition to a newly created vacant thirty-six (36) acre lot. The owner also proposed an addition to the training barn to add nine (9) more box stalls and to add two small future additions onto the north side of the training barn. The request was approved and an amended Conditional Use Permit was issued in March 1999. Subsequently, in 2002 the owners constructed a new two (2) story single-family residence on the thirty-nine (39) acre lot.

The owners are currently proposing to divide the thirty-nine (39) acre subject property into two parcels to separate the single-family residence, located in the northeast corner of the lot from the commercial operation located on the southwest part of the lot. A site plan of the conceptual land division is attached as Exhibit "A". It should be noted that this proposal does not increase the development rights available to the owner as the proposed 36 acre lot to remain in the FLP District would not have available density credits to construct additional dwelling units.

The Farmland Preservation District of Waukesha County Zoning Code requires that any new lot of less than thirty-five (35) acres must be created via Certified Survey Map (CSM), must be between one to three acres in size, and must be rezoned to the R-1 Residential District. The owners have submitted a CSM to the Town and County for review and approval and have requested to rezone the proposed three-acre lot from FLP to R-1.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends this request be **approved**, subject to the following conditions:

1. A Certified Survey Map must be reviewed and approved by the Town of Oconomowoc and the Waukesha County Department of Parks and Land Use.
2. A Deed Restriction must be prepared and reviewed and approved by the Waukesha County Department of Parks and Land Use - Planning and Zoning Division Staff and recorded by the petitioner or owner in the Waukesha County Register of Deeds Office stating that, pursuant to the Waukesha County Comprehensive Development Plan, no additional development rights remain for the remnant parcel that comprises the farm tracking unit and that no non-farm buildings may be

constructed. Said restriction must also state that the density restriction shall apply in perpetuity unless the Waukesha County Comprehensive Development Plan's Farmland Preservation designation for the property is amended in the future.

If approved as conditioned, the zoning change would be consistent with Town Land Use Plan and County Comprehensive Development Plan recommendations as the 35-acre density requirement will be maintained. The rezoning of three acres of land will allow the petitioner to separate the existing single family improvements from the remnant farm parcel and associated commercial operation, which will not affect the current agricultural uses on the remnant thirty-six (36) acres. As conditioned and in accordance with the requirements of the Waukesha County Zoning Code, a Deed Restriction will be recorded to disclose the density rights for to the property. This will ensure that the 35-acre density is maintained over time and that the vast majority of the land remains in productive farmland or open space uses. This rezoning furthers the goals of the Farmland Preservation Plan to preserve the last remaining five square mile blocks of productive farmland within the County, adding to the economic base of Waukesha County and preserving the rural landscape. In addition, the rezoning provides the owner with greater flexibility to market and sell the parcels separately.

Respectfully submitted,

Ben Greenberg

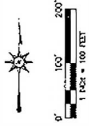
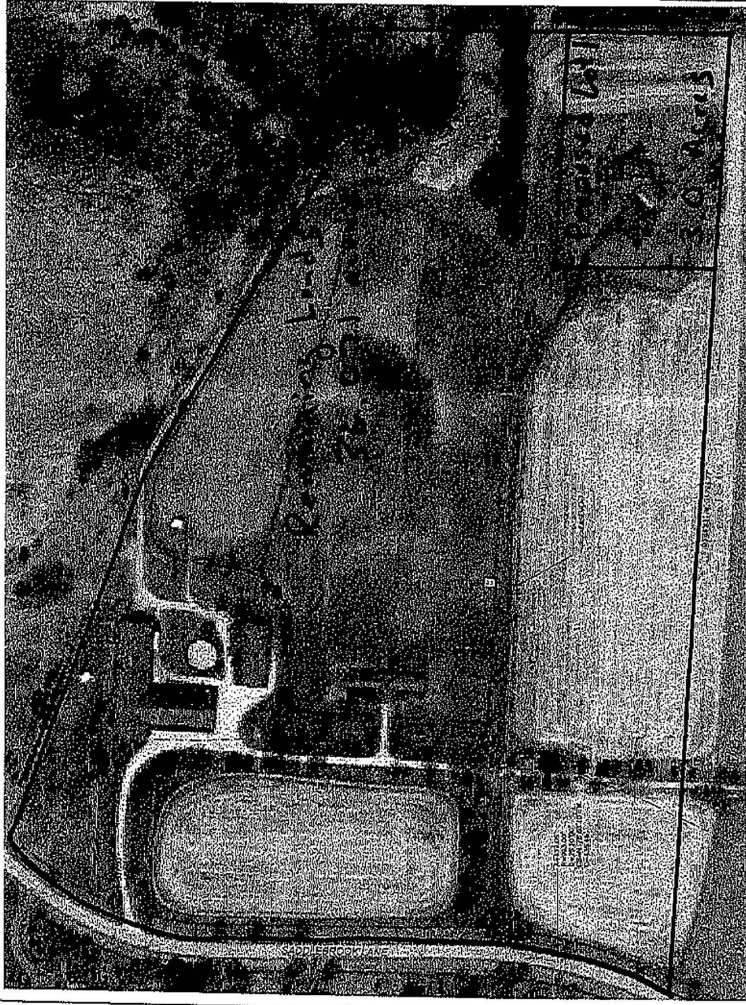
Benjamin Greenberg
Senior Land Use Specialist

Attachments: Exhibit "A"
Map
Town Resolution (2018-16)

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\VRZ2● Freseth_Spbeeris ●ct.Doc

CONCEPTUAL LAND DIVISION
 PARCELS 3 OF CERTIFIED BULKY MAP NO. 174, BEING A FIFTH-SECTION LOT 11 OF SUBDIVISION FARMER ROAD A
 PART OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 17 EAST, TOWNSHIP OF COCHICHOWICK,
 COUNTY OF SIOUX COUNTY, S.DAKOTA

EXHIBIT "A"



DLPT 25 6/183



LAND SURVEYING & LAND PLANNING
P.O. BOX 15, WAUWATONA, WI 53089
WWW.LANDSURVEYING.COM
LANDSURVEYING@GMAIL.COM
(262) 367-7599

N77W3649B
EADLEBROOK LANE
OCONOMOWOC, WI

SIMPLIS

FRESH PROPERTY
CONCEPTUAL LAND DIVISION

SHEET 1 OF 1

DATE: 09/21/2018

1

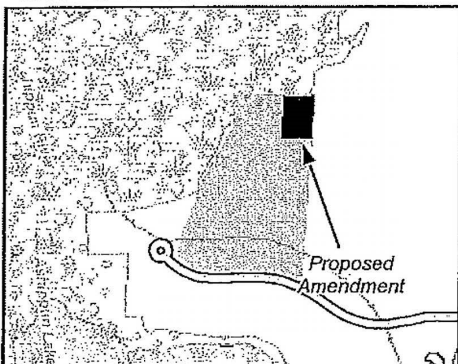
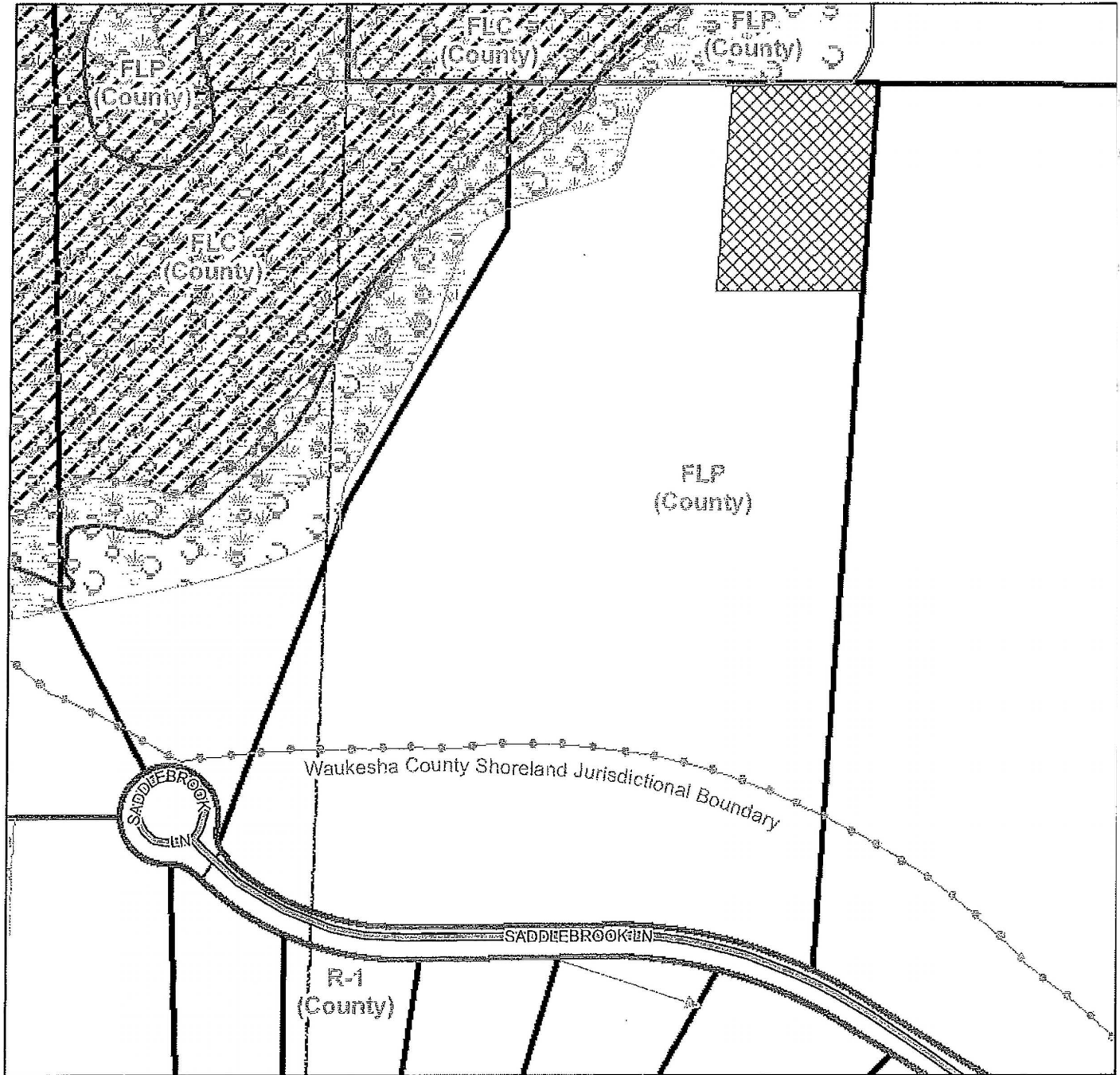
PROJ. NO: 15141


18141 CONCEPT.DWG

File Number: 173-O-089

ZONING AMENDMENT

PART OF THE NE 1/4 AND NW 1/4 OF SECTION 15,
TOWN OF OCONOMOWOC



 COUNTY ZONING AMENDMENT CHANGE FROM FLP FARMLAND PRESERVATION DISTRICT TO R-1 RESIDENTIAL DISTRICT (3.0 AC)

FILE.....RZ20

DATE OF PLAN COMMISSION.....01/17/19

AREA OF CHANGE.....3 ACRES

TAX KEY NUMBER.....OCOT 0498.011.002



1 inch = 300 feet

0 150 300 Feet

Prepared by the Waukesha County Department of Parks and Land Use

RESOLUTION NO. 2018-16

RESOLUTION RECOMMENDING REZONING
OF ANDREW AND LYNDA FRESETH PROPERTY

RECEIVED
12/04/2018
DEPT OF
PARKS & LAND
USE

WHEREAS, Andrew and Lynda Freseth own a parcel of land approximately 39.07 acres in size in the Northeast 1/4 of Section 15, Town 8 North, Range 17 East, in the Town of Oconomowoc (Parcel 2 of Certified Survey Map No. 8735); and

WHEREAS, there is multiple zoning on said parcel, namely:

FLP Farmland Preservation District
EC Environmental Corridor Overlay District
HG Groundwater District
C-1 Conservancy Overlay District

and

WHEREAS, Andrew and Lynda Freseth have petitioned to rezone said parcel to:

R-1 Residential District
C-1 Conservancy Overlay District
HG Groundwater District
FLP Farmland Preservation District
EC Environmental Corridor Overlay District

and

WHEREAS, the Town of Oconomowoc Comprehensive Land Use-2035 Plan designates this parcel in the prime agricultural category; therefore the proposed rezoning complies with said plan; and

WHEREAS, the proposed rezoning has had a public hearing on October 29, 2018, before the Plan Commission and a staff representative of the Waukesha County Department of Parks and Land Use, Planning and Zoning Division; and

WHEREAS, the attached Exhibit A sets forth the areas of proposed rezoning (see Town Planner's report attached hereto); and

WHEREAS, the proposed land use is a commercial horse boarding operation and a single-family residential development.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town of Oconomowoc Plan Commission and Town Planner recommend that the rezoning set forth on Exhibit A be approved by Waukesha County, and that the Town Board requests said rezoning by Waukesha County.

DATED: 12-3-18

TOWN OF OCONOMOWOC

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

ATTEST:

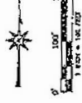
Lori Opitz

Lori Opitz, Clerk

EXHIBIT A

CONCEPTUAL LAND DIVISION
 PARCELS OF 100 ACRES EACH
 PREPARED BY THE BUREAU OF LAND MANAGEMENT
 U.S. DEPARTMENT OF THE INTERIOR

Reduced



U.S. DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT

LAND DIVISION
 P.O. BOX 114, LANDMAN, ALABAMA
 LAND DIVISION
 (205) 382-7335

N779256498
 BACONVILLE
 COCONINO CO., AZ

SHEET
 FREE ETH PROPERTY
 CONCEPTUAL LAND DIVISION
 SHEET 1 OF 1
 DATE: 09/21/2018
 DRAWN BY: J. H. H. H.
 CHECKED BY: J. H. H. H.
 FILE NO: 16141 CONCEPTUAL

THIS MAP IS TO BE USED FOR INFORMATION ONLY
 PURPOSES ONLY

File Number: 173-O-089



Voting Results for Ordinance 173-O-089

Approved The Board Of Supervisors District Twenty Map Of The Waukesha County Zoning Code For The Town Of Okauchee By Consolidating Existing Zoning Districts Located In Sections 16, 20B, 6172, Town Of Okauchee, From The RFP Forward Preparation District To The 11 Residential District (2020)

Passed By Majority Vote

AYE: 25 NAY: 0 ABSTAIN: 0 ABSENT: 0

D1 - Foti	AYE	D14 - Wood	AYE
D2 - Zimmermann	Motion	D15 - Mitchell	AYE
D3 - Morris		D16 - Crowley	AYE
D4 - Batzko		D17 - Paulson	AYE
D5 - Dondlinger		D18 - Nelson	AYE
D6 - Walz		D19 - Cummings	AYE
D7 - Grant		D20 - Schellinger	AYE
D8 - Michalski		D21 - Gaughan	AYE
D9 - Heinrich		D22 - Wysocki	AYE
D10 - Swan		D23 - Hammitt	AYE
D11 - Howard	Second	D24 - Whittow	AYE
D12 - Wolff		D25 - Johnson	AYE
D13 - Decker			