

ENROLLED ORDINANCE 178-80

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OTTAWA BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 12, T6N, R17E, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL TRANSITION DISTRICT TO THE AD-10 AGRICULTURAL DENSITY-10 DISTRICT
(RZ135)

WHEREAS, after proper notice was given, a public hearing was held and a recommendation of approval was made by the Town of Ottawa; 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 Sections 59.69 and 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map of the Waukesha County Shoreland Protection Ordinance enacted on October 19, 2023 and the Waukesha County Zoning Code adopted by the Waukesha County Board of Supervisors on February 26, 1959, for the Town of Ottawa, Waukesha County, Wisconsin, is hereby amended to rezone certain lands located in part of the NW ¼ of Section 12, T6N, R17E, Town of Ottawa from the A-T Agricultural Transition District to the AD-10 Agricultural Density-10 District, and as 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 RZ135, 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.

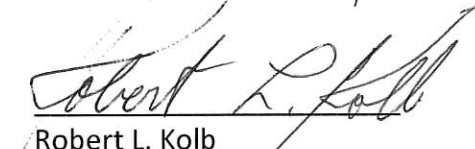
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Presented by:
Land Use, Parks, and Environment Committee


Tyler J. Foti, Chair


Jennifer Grant


Christine M. Howard


Robert L. Kolb

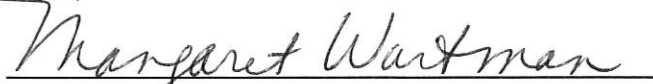
Absent

Brian Meier


Chris Mommaerts


Gary J. Szpara

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

Date: 1/24/2024, 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____

Date: 1/29/2024, 
Paul Farrow, County Executive

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

DATE: December 14, 2023

FILE NO.: RZ135

OWNER/APPLICANT: State of Wisconsin- Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921
c/o James Jackley
W1027 St. Paul Avenue
Milwaukee, WI 53233

TAX KEY NO(s): OTWT 1630.998

LOCATION:

Part of the NW ¼ of the NW ¼ of Section 12, T6N, R17E, Town of Ottawa. More specifically, the property is located on the east side of Waterville Road between Parry Road and Manor House Road.

LOT SIZE: The parcel is approximately 38.4 acres per the GIS.

EXISTING USE(S): Agricultural and undeveloped, recreational trail.

REQUESTED USE:

The owner is proposing to divide a minimum 10 acre parcel from the NW corner of the parcel and sell it for a residential homesite.

EXISTING ZONING DISTRICT CLASSIFICATION(S):

A-T Agricultural Transition District requiring a minimum lot size of 20 acres and a minimum average width of 300 feet.

PROPOSED ZONING DISTRICT CLASSIFICATION(S):

AD-10 Agricultural Density-10 District requiring a density of one dwelling unit per ten acres and a minimum lot size of one acre and a minimum average width of 150 feet.

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

The Waukesha County CDP designates the property as Rural Residential and Other Agricultural Land (having a density of 5.0-34.9 acres per dwelling unit), and the Town of Ottawa CDP designates the property as Agricultural 10 Acre Density which is more restrictive and therefore prevails. If the rezone is recommended for approval by the Town and approved by Waukesha County, the minimum 10 acre lot would comply with both CDPs.

PARK AND OPEN SPACE PLAN:

The Park and Open Space Plan (POSP) designates a portion of the overall parcel for ownership by a non-profit agency and also for the establishment of the Ice Age Trail along its east and south borders (currently). In this case, compliance with the POSP has been achieved by the Wisconsin Department of Natural Resources (DNR) purchasing the property as they plan to retain the larger remnant parcel

and possibly construct a small parking lot for a trailhead and an interpretive site, and preserve a rare drumlin located on the property. In cooperation with the Ice Age Trail (IAT) Alliance, a non-profit agency, this purchase will help to provide additional off road trail for the Alliance. In the future, the trail may be re-routed to include traversing the drumlin.

PUBLIC HEARING DATE: December 4, 2023

PUBLIC COMMENT :

One property owner in the area read from his comments. Although he was mixing terms between zoning and land use, the town planner was able to clarify that he was asking for what was being proposed – that only one ten acre parcel homesite be developed to help preserve the rural character of the town and that the remainder of property be preserved for open space and recreational use. Ottawa Land LLC, the owner of the adjacent quarry, also spoke and said that the trail is a positive aspect for Ottawa, but for the quarry they have to be concerned about hiker safety so trespass and hunting are concerns. The DNR indicated that the trail is well signed against trespass onto private property and overall IAT hikers are respectful of private property. As for hunting, this property will likely not be conducive to much hunting land as the National Park Service requires a 300' buffer on either side of the final trail location which is closed to hunting and the land itself is not prime habitat for deer.

TOWN PLAN COMMISSION ACTION:

On December 4, 2023, the Town of Ottawa Plan Commission unanimously recommended approval of the zoning amendment request to the Waukesha County Park and Planning Commission subject to the Town Planner's report and recommendation (incorporated herein).

STAFF ANALYSIS:

The parcel has an existing farm access from Waterville Road, a state designated Rustic Road with a heavy tree line along its entire length which has an 80 foot established road right of way. Future driveways from the parcel shall be carefully evaluated by the Town Building Inspector to ensure safe ingress/egress onto Waterville Road. The property contains steep topography between 12-20% which encompass the only known drumlin along the Ice Age Trail in Waukesha County. The soils on the parcel are all well drained with slopes up to 12% with the exception of the band of 12-20% slopes running NW-SE through the central portion of the parcel and in the SW corner of the parcel. It is these physical features on which the trail planning is based and focuses the planning to the southeastern three-fourths of the overall parcel leaving the balance of the property in the northwestern corner available for other use such as a residential homesite.

The majority of the property is under the Waukesha County Zoning Code with the southwestern most corner under the Waukesha County Shoreland Protection Ordinance due to a navigable stream located just off of the subject property. In order to divide the 10 acre parcel as proposed, which is under the jurisdiction of the Zoning Code, a zoning change is required. The existing A-T District is intended to reflect the transitional nature of lands that are currently in agricultural or open space use but are planned for and are likely to be developed for other land uses over time. Therefore, a rezone to the AD-10 District has been requested for a portion of the parcel, which complies with both the Town and County CDPs. The purpose of this ten acre density district is to allow for agricultural and rural use (fields, pastures, natural open space, etc.) of lands to continue while also allowing for development on lands located in rural or semi-rural areas. A formal Certified Survey Map for a minimum ten acre parcel (allowing for one residential homesite) will be considered by both the Town and the County once the zoning change has been forwarded to the County for consideration.

The zoning districts surrounding the parcel are: AD-10 with EC overlay to the north; an access strip zoned A-T to the south and then south of that AD-10 with EC overlay as well as a smaller A-2 with EC overlay parcel to the south; Waterville Road to the west (RRD-5 and EC overlay west of Waterville Road); and Q-1 to the east. The adjacent land use designations are: County – Rural Density and Other Agricultural Land and SEC and Extractive (SDR11-3-4.9 ac/du and PEC west of Waterville Road); and Town – Agricultural 10 Acre Density and SEC and Extractive.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning staff recommends **approval** of the rezoning request. The proposal is consistent with the Town and County Comprehensive Development Plans as required and will comply with the Waukesha County Zoning Code in that the proposed approximately ten acre parcel is being rezoned to AD-10 and will meet the required use, lot size and density requirements and will be compatible with surrounding land uses and zoning categories and maintain the rural character of the Town of Ottawa.

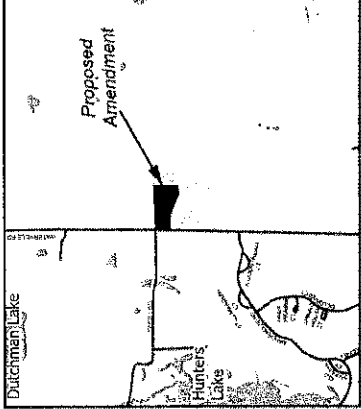
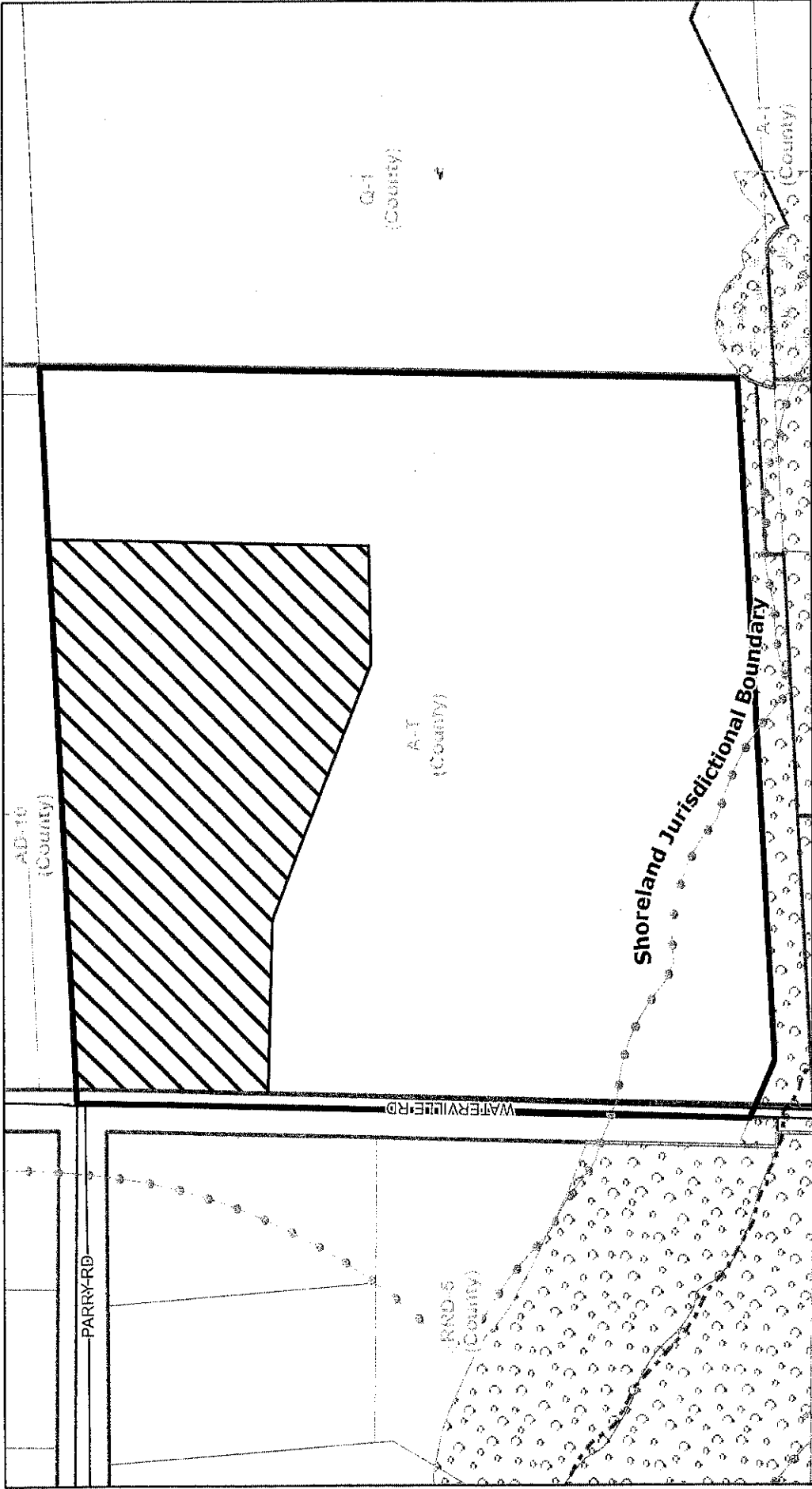
Respectfully submitted,

Sandra L Scherer

Sandy Scherer
Senior Planner

Attachment: Zoning Amendment Map

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CONDITIONAL COUNTY ZONING CHANGE FROM A-T AGRICULTURAL TRANSITION DISTRICT TO AD-10 AGRICULTURAL DENSITY-10 DISTRICT

EC Environmental Corridor Overlay
C-1 Conservancy Overlay

FILE.....RZ135
DATE OF PLAN COMMISSION.....12/14/23
AREA OF CHANGE.....10.3 ACRES
TAX KEY NUMBER.....OTWT 1630-998

0 200 400 Feet

ZONING AMENDMENT

PART OF THE NW 1/4, SECTION 12,
TOWN OF OTTAWA

0 200 400 Feet

VOTE RESULTS >

24

YES

0

NO

0

ABSTAIN

1

ABSENT

Ordinance 178-O-080

Ordinance 178-O-080: Amend the District Zoning Map of the Waukesha County Shoreland Protection Ordinance the Town of Ottawa by Rezoning Certain Lands Located in Part of the NW 1/4 of Section 12, T6N, R17E, Town of Ottawa, Waukesha County, Wisconsin, from the A-T Agricultural Transition District to the AD-10 Agricultural Density-10 District (RZ135)

 **Passed By Majority Vote**

D1 - Foti	AVE	D10 - Thieme	AVE	D19 - Enriquez	AVE
D2 - Weil	AVE	D11 - Howard	AVE	D20 - Schellinger	AVE
D3 - Morris	AVE	D12 - Wolff	AVE	D21 - Gaughan	AVE
D4 - Batzko	AVE	D13 - Hammitt	AVE	D22 - Szpara	AVE
D5 - Grant	AVE	D14 - Mommaerts	AVE	D23 - Decker	ABSENT
D6 - Walz	AVE	D15 - Kolb	AVE	D24 - Bangs	AVE
D7 - LaFontain	AVE	D16 - Crowley	AVE	D25 - Johnson	AVE
D8 - Koremenos	AVE	D17 - Meier	AVE		
D9 - Heinrich	AVE	D18 - Nelson	AVE		