

Enrolled Ordinance 157-101

PROPOSED ORDINANCE 157-103

1
2
3 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF OCONOMOWOC ZONING
4 ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART
5 OF THE NE ¼ AND SE ¼ OF THE SE ¼ OF SECTION 27, T8N, R17E, TOWN OF
6 OCONOMOWOC, FROM THE A-T AGRICULTURAL LAND PRESERVATION
7 TRANSITION DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT
8 (ZT-1439)
9

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11 WHEREAS the subject matter of this Ordinance having been approved by the Oconomowoc
12 Town Board on November 4, 2002, after Public Hearing, and the giving of requisite notice of
13 said hearing, and duly referred to and considered by the Waukesha County Park and Planning
14 Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and
15 Environment Committee and the Waukesha County Board of Supervisors, as required by Section
16 59.69 of the Wisconsin State Statutes.
17

18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
19 ORDAIN that the District Zoning Map for the Town of Oconomowoc Zoning Ordinance,
20 adopted by the Town of Oconomowoc on February 26, 1959, is hereby amended to conditionally
21 rezone from the A-T Agricultural Land Preservation Transition District to the B-2 Local
22 Business District, certain lands located in part of the NE ¼ and the SE ¼ of the SE ¼ of Section
23 27, T8N, R17E, Town of Oconomowoc, and more specifically described in the "Staff Report and
24 Recommendation" and map on file in the office of the Waukesha County Department of Parks
25 and Land Use, and made a part of this Ordinance by reference (ZT-1439) and subject to the
26 following conditions:
27

- 28 1. Access to C.T.H. "P" and/or C.T.H. "Z" from the subject site shall be approved
29 by the Waukesha County Department of Public Works and any and all
30 conditions established by Waukesha County Department of Public Works shall
31 be strictly adhered to. If signals are required, the cost of such signalization
32 shall be the responsibility of the petitioner and Waukesha County and not the
33 Town of Oconomowoc.
34
- 35 2. A Site Plan/Plan of Operation shall be reviewed and approved by the Town
36 Plan Commission for the entire site, including but not limited to a Parking
37 Plan, Landscaping Plan, signage, lighting and waste disposal. Each individual
38 tenant will need to submit a Site Plan/Plan of Operation for his or her intended
39 use. Said Site Plan/Plan of Operation will need to be reviewed and approved
40 by the Town Plan Commission, prior to occupancy of the intended space.
41
- 42 3. Documentation shall be submitted to the Town Planner, that the City of
43 Oconomowoc has agreed to provide sanitary sewer to the subject parcel, prior
44 to the rezoning becoming effective.
45
- 46 4. Documentation shall be submitted to the Town Planner that an Access Permit
47 onto C.T.H. "P" (Brown Street) or C.T.H. "Z" (Lake Drive) has been issued by
48 the Waukesha County Department of Public Works, prior to the construction
49 of any roads.

- 50 5. Waukesha County Department of Parks and Land Use shall approve all
51
52 Stormwater Management Plans, prior to commencement of any construction
53 activities.
54
55 6. Documentation shall be submitted showing that the City of Oconomowoc has
56 amended their Extra-Territorial Plan to allow commercial type uses on this
57 property.
58
59 7. Documentation shall be submitted from the Wisconsin Department of Natural
60 Resources indicating that the proposed wetland fill has been approved.
61

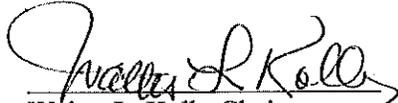
62 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
63 this Ordinance with the Town Clerk of Oconomowoc.
64

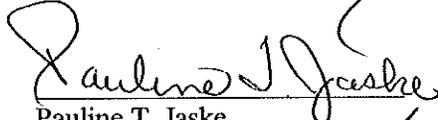
65 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
66 approval and publication.
67

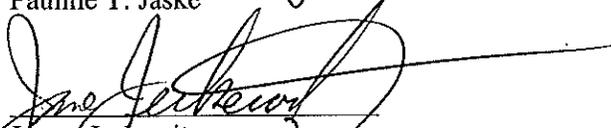
68 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
69 provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF OCONOMOWOC ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ AND SE ¼ OF THE SE ¼ OF SECTION 27, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT (ZT-1439)

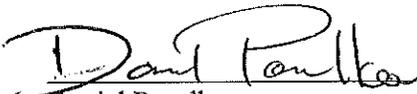
Presented by:
Land Use, Parks, and Environment Committee

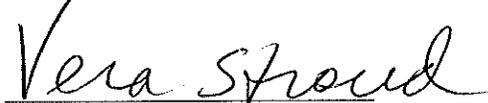

Walter L. Kolb, Chair

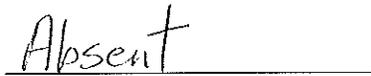

Pauline T. Jaske


James Jeskewitz

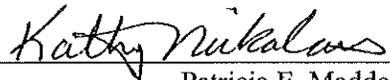
 (OPPOSED)
Scott J. Klein


Daniel Pavelko

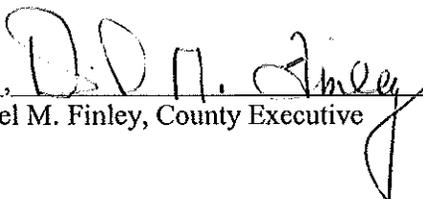

Vera Stroud

 Absent
Matt Thomas

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

Date: 1-28-03, 
Patricia E. Madden, County Clerk
Kathy Nickolau

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

Approved:
Vetoed:
Date: 1-31-03, 
Daniel M. Finley, County Executive

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

FILE NO: ZT-1439

TAX KEY NUMBER: OCOT 540.999.003 and .004

DATE: December 19, 2002

NAME OF OWNERS: Stewart Wangard
4525 N. Hewitt's Point Road
Oconomowoc, WI 53066

LOCATION OF PROPERTY:

Being a part of the NE ¼ and SE ¼ of the SE ¼ of Section 27, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin, consisting of approximately 12.5 acres.

PRESENT ZONING:

A-T Agricultural Land Preservation Transition District, requiring 35-acre minimum parcel size.

PROPOSED ZONING:

B-2 Local Business District.

PRESENT LAND USE:

Farmland with a small wetland/low area.

PROPOSED LAND USE:

Commercial-type uses, with a potential grocery store and strip mall.

PUBLIC HEARING DATE:

March 28, 2002.

PUBLIC REACTION:

Concerns were raised by citizens regarding the filling of wetlands for the proposed development, the addition of a grocery store within the area when three supermarkets and a family-owned business have closed in the Oconomowoc area since Pick 'n Save opened, and that a grocery store already exists across the street and has a lease through 2010. An adjacent property owner to the west wrote a letter indicating that he agreed with the proposed rezoning to accommodate future business sites in a growing area.

TOWN PLAN COMMISSION ACTION:

The Town of Oconomowoc Plan Commission, at their meeting on October 14, 2002, voted to conditionally approve the rezoning request subject to the following conditions:

1. Access to C.T.H. "P" and/or C.T.H. "Z" from the subject site shall be approved by the Waukesha County Department of Public Works and any and all conditions established by Waukesha County Department of Public Works shall be strictly adhered to. If signals are required, the cost of such signalization shall be the responsibility of the petitioner and Waukesha County, and not the Town of Oconomowoc.

157-0-104

4.

2. A Site Plan/Plan of Operation shall be reviewed and approved by the Town Plan Commission for the entire site, including but not limited to a Parking Plan, Landscaping Plan, signage, lighting and waste disposal. Each individual tenant will need to submit a Site Plan/Plan of Operation for his or her intended use. Said Site Plan/Plan of Operation will need to be reviewed and approved by the Town Plan Commission, prior to occupancy of the intended space.
3. Documentation shall be submitted to the Town Planner, that the City of Oconomowoc has agreed to provide sanitary sewer to the subject parcel, prior to the rezoning becoming effective.
4. Documentation shall be submitted to the Town Planner that an access permit onto C.T.H. "P" (Brown Street) or C.T.H. "Z" (Lake Drive) has been issued by the Waukesha County Department of Public Works, prior to the construction of any roads.
5. Waukesha County Department of Parks and Land Use shall approve all Stormwater Management Plans, prior to commencement of any construction activities.

TOWN BOARD ACTION:

The Town of Oconomowoc Board, at their meeting on November 4, 2002, voted to approve the rezoning request subject to the Town Plan Commissions recommendation.

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

The Town of Oconomowoc Master Land Use Plan designates this area in a commercial category. Therefore, the proposed use is compatible with the Town of Oconomowoc Land Use Plan. However, the Waukesha Development Plan designates this area in the Medium Density Residential category allowing 6,000 to 19,999 square feet of lot area per dwelling unit. The petitioner has applied for an amendment to the City of Oconomowoc Extra-Territorial Plan to allow commercial type uses on this property. If this amendment is approved by the City of Oconomowoc, then the Waukesha County Development plan will be automatically amended to reflect this change.

OTHER CONSIDERATIONS:

The owner, along with his partner, own 90-acres of land between C.T.H. "P", C.T.H. "Z" and Lisbon Road, of which 77.5 acres have been annexed to the City of Oconomowoc. The applicant is proposing to rezone the remaining 12.5-acre parcel of land located at the southwest corner of C.T.H. "Z" and C.T.H. "P" from the A-T Agricultural Land Preservation Transition District to the B-2 Local Business District. The applicant anticipates a grocery store in the first phase of development, approximately 60,000 sq. ft. in size with the ability to add another 12,000 to 15,000 sq.ft. in the future, and retail shops to serve the community's needs. A boulevard off of C.T.H. "P", directly across from Silver Dollar Drive, is being proposed within the City of Oconomowoc to access the property. An additional direct access point from C.T.H. "Z" to the property will be provided. The applicant has completed a traffic impact analysis for the site, which indicates several recommendations for the proposed commercial property including modifications to intersections and signalization of the intersection. The Waukesha County Department of Public Works has not indicated what additional changes will be necessary to address traffic concerns for the subject property. The property will be served by sewer and municipal water is anticipated in 2003/2004.

In conjunction with the development of this property, the applicant is also proposing to fill a .53-acre isolated wetland located on the property. The wetland area did not appear on the wetland inventory maps within the office as a wetland and the area is currently zoned A-T Agricultural Land Preservation Transition District. On October 31, 2002, the Waukesha County Department of Parks and Land Use received notification from the Wisconsin Department of Natural Resources regarding a proposed filling of the isolated wetland. The notice indicates the applicant proposes on-site mitigation by ending farming practices and restoring farmed wetlands along Rosenow Creek. In addition to this, the applicant proposes to create and maintain a 100-foot buffer area adjacent to the newly restored wetland area. In order to meet the standards for State mitigation, the applicant is required to create .80-acres of wetland to compensate for the .53-acre wetland loss. The applicant is proposing to create .90-acres of wetland with an additional 1.3-acre buffer. Through conversations with the representative from the WDNR for this area, it appears the proposed filling and mitigation will be approved.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved in accordance with the Town of Oconomowoc Board action, subject to the following conditions:

1. Access to C.T.H. "P" and/or C.T.H. "Z" from the subject site shall be approved by the Waukesha County Department of Public Works and any and all conditions established by Waukesha County Department of Public Works shall be strictly adhered too. If signals are required, the cost of such signalization shall be the responsibility of the petitioner and Waukesha County and not the Town of Oconomowoc.
2. A Site Plan/Plan of Operation shall be reviewed and approved by the Town Plan Commission for the entire site, including but not limited to a Parking Plan, Landscaping Plan, signage, lighting and waste disposal. Each individual tenant will need to submit a Site Plan/Plan of Operation for his or her intended use. Said Site Plan/Plan of Operation will need to be reviewed and approved by the Town Plan Commission, prior to occupancy of the intended space.
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5. Waukesha County Department of Parks and Land Use shall approve all Stormwater Management Plans, prior to commencement of any construction activities.
6. Documentation shall be submitted showing that the City of Oconomowoc has amended their Extra-Territorial Plan to allow commercial type uses on this property.
7. Documentation shall be submitted from the Wisconsin Department of Natural Resources indicating that the proposed wetland fill has been approved.

The proposed rezone of this property to accommodate new business in this area of the Town is appropriate and complies with the Town of Oconomowoc Master Land Use Plan and will comply, once amended, with the City of Oconomowoc's Extraterritorial Plan. By allowing the petitioner to fill the .53-acre wetland, a larger wetland will be restored within the area of Rosenow Creek and buffer areas will be implemented along Rosenow Creek, which complies with the Waukesha County Development Plan and recommended Open Space Plan.

Respectfully submitted,

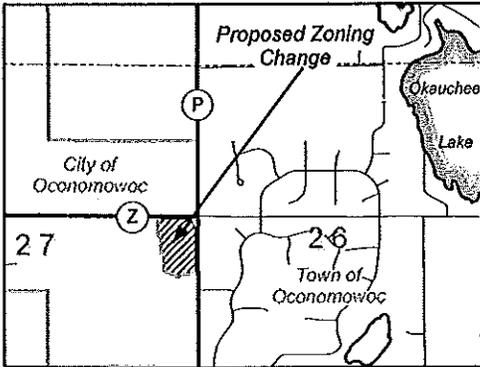
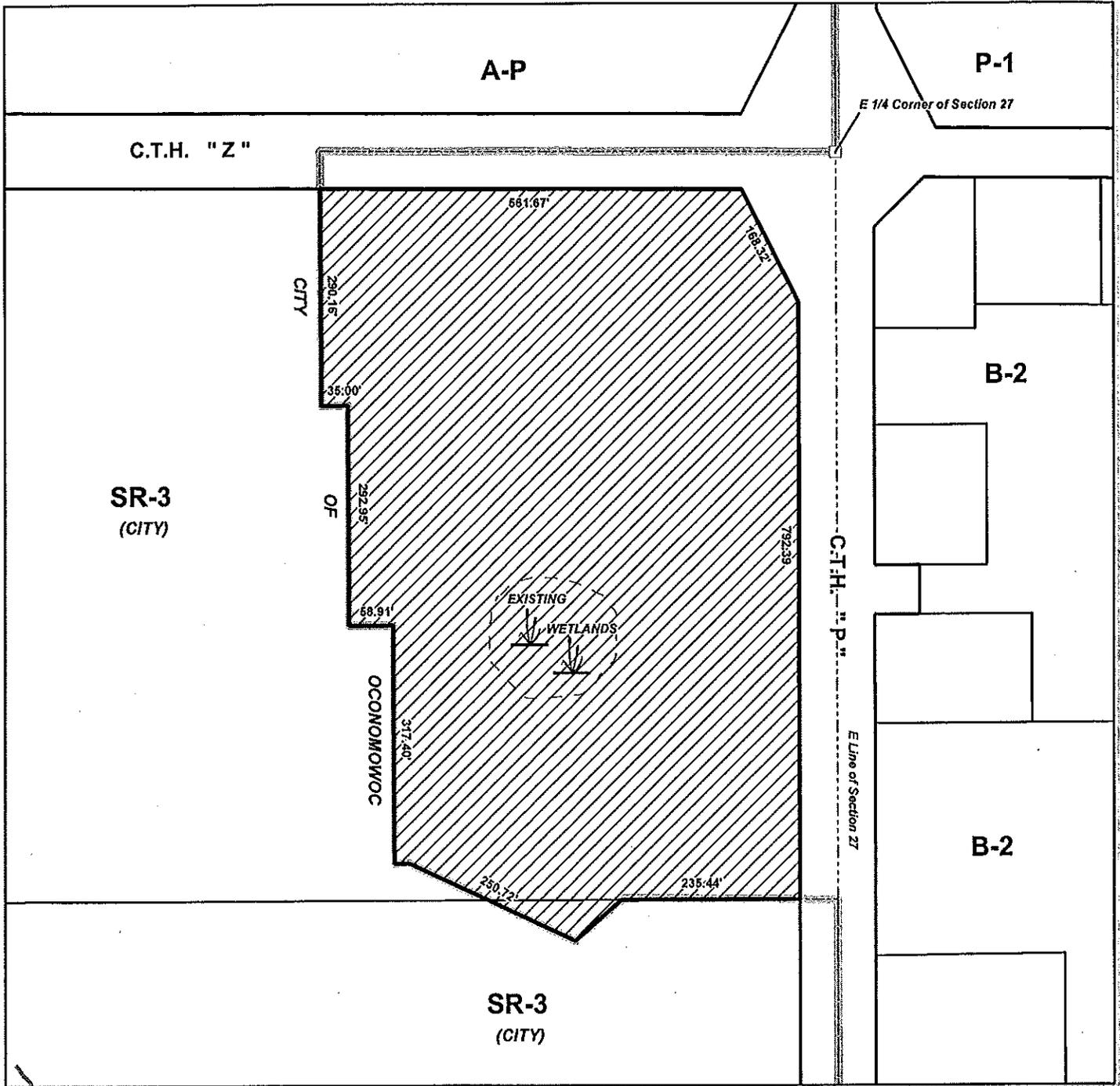

Brian P. Depies
Senior Land Use Specialist

BPD:smv

N:\PLU NEW FILE SYSTEM (IN-PROGRESS)\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1439_OCT(WANGARD).DOC

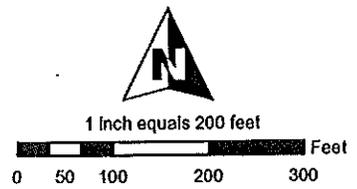
ZONING MAP AMENDMENT

PART OF THE SOUTHEAST 1/4 OF SECTION 27 TOWN OF OCONOMOWOC



CONDITIONAL ZONING CHANGE FROM A-T (AG. LAND PRES. TRANSITION DISTRICT) TO B-2 (LOCAL BUSINESS DISTRICT)

FILE.....ZT-1439
 DATE.....12-19-02
 AREA OF CHANGE.....12.5 ACRES
 TAX KEY NUMBER.....OCOT 0540.999.003



Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-01/28/03

(ORD) NUMBER-1570104

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....NAY
- 11 K. HARENDA.....
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....NAY
- 17 J. BEHREND.....AYE
- 19 M. SONNENTAG.....
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....NAY
- 27 D. PAULSON.....NAY
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....NAY
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....NAY
- 18 D. FANFELLE.....AYE
- 20 M. KIPP.....NAY
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....NAY
- 28 P. JASKE.....AYE
- 30 K. NILSON.....NAY
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-22

TOTAL NAYS-09

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-31