

1
2
3 AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND
4 AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY
5 ZONING CODE, BY CONDITIONALLY REZONING CERTAIN LANDS BEING ALL OF
6 LOT 25 OF OKAUCHEE PLAT NO. 1; ALSO A PART OF THE NE ¼ AND SE ¼ OF THE
7 SE ¼ OF SECTION 26, AND PART OF THE NW ¼, SW ¼ AND SE ¼ OF THE SW ¼, OF
8 SECTION 25, ALL IN T8N, R17E, TOWN OF OCONOMOWOC, FROM THE A-T
9 AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE
10 R-3 RESIDENTIAL DISTRICT
11 (SCZ-1438)
12

13 WHEREAS the subject matter of this ordinance having been duly referred to and considered by
14 the Waukesha County Park and Planning Commission after public hearing and the giving of
15 requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks
16 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha
17 County, Wisconsin, as required by Section 59.692 and 59.69 of the Wisconsin State Statutes.
18

19 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
20 ORDAIN that the Waukesha County Shoreland and Floodland Protection ordinance adopted on
21 June 23, 1970, and the Waukesha County Zoning Code adopted on February 26, 1959, for the
22 Town of Oconomowoc, Waukesha County, are hereby amended to conditionally rezone from the
23 A-T Agricultural Land Preservation Transition District to the R-3 Residential District, certain
24 lands being all of Lot 25 of Okauchee Plat No. 1; also a part of the NE ¼ and SE ¼ of the SE ¼
25 of Section 26, and part of the NW ¼, SW ¼ and SE ¼ of the SW ¼, of Section 25, all in T8N,
26 R17E, Town of Oconomowoc, and more specifically described in the "Staff Report and
27 Recommendation" and map on file in the office of the Waukesha County Department of Parks
28 and Land Use and made a part of this ordinance by reference (SCZ-1438), subject to the
29 following conditions:
30

- 31 1. No direct access to the realigned North Lake Drive shall be permitted from any
32 residential lot within this subdivision.
- 33
34 2. The development shall be limited to a maximum of 84 single-family lots with on-
35 site private waste disposal systems or 136 single-family lots with municipal
36 sanitary sewer.
- 37
38 3. The development shall comply, in all respects, with the Waukesha County
39 Stormwater Management and Sediment and Erosion Control ordinances.
- 40
41 4. No wetland areas are to be rezoned and no wetland shall be changed, modified,
42 relocated or disturbed without prior authorization from all Federal, State, County
43 and Local units of Government.
- 44
45 5. The development of the property shall be in substantial compliance with the
46 overall cluster development plan presented at the March 28, 2002, Town of
47 Oconomowoc Plan Commission meeting.
- 48
49 6. The Preliminary Plat shall include the Isolated Natural Areas, and no single-

50 family residence or on-site septic systems shall be allowed within said Isolated
51 Natural Areas.

- 52
- 53 7. Prior to Preliminary Plat approval, documentation shall be submitted to Waukesha
54 County by the local sanitary district indicating whether or not this property can be
55 served by sewer. If the property cannot be served by sewer, the local sanitary
56 district shall indicate why this cannot be accomplished.
- 57
- 58 8. If the property is to be served by on-site waste disposal systems, soil borings shall
59 be submitted showing that each lot has adequate area for a septic system in
60 accordance with the Waukesha County Code of Ordinances Regulating On-Site
61 Waste Disposal Systems prior to Preliminary Plat approval.
- 62
- 63 9. Prior to the northwestern 25 acres being developed, west of the proposed
64 realigned Lake Drive, the Oconomowoc School District shall indicate in writing
65 whether they have any interest in purchasing the property.
- 66
- 67 10. No lot within the proposed subdivision shall have access, or deeded access, to
68 Okauchee Lake.

69

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

72

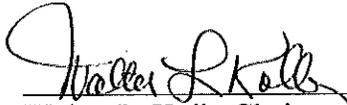
73 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
74 approval and publication.

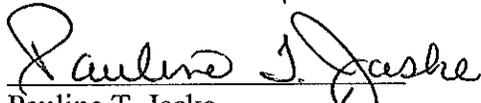
75

76 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of
77 provisions of this Ordinance are hereby repealed.

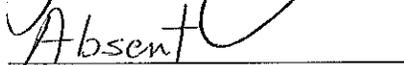
AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE, BY CONDITIONALLY REZONING CERTAIN LANDS BEING ALL OF LOT 25 OF OKAUCHEE PLAT NO. 1; ALSO A PART OF THE NE ¼ AND SE ¼ OF THE SE ¼ OF SECTION 26, AND PART OF THE NW ¼, SW ¼ AND SE ¼ OF THE SW ¼, OF SECTION 25, ALL IN T8N, R17E, TOWN OF OCONOMOWOC, FROM THE A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SCZ-1438)

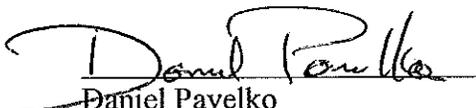
Presented by:
Land Use, Parks, and Environment Committee

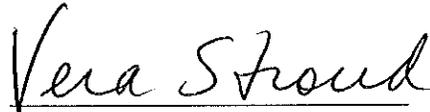

Walter L. Kolb, Chair

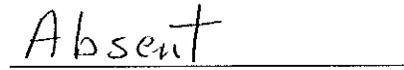

Pauline T. Jaske


James Jeskewitz

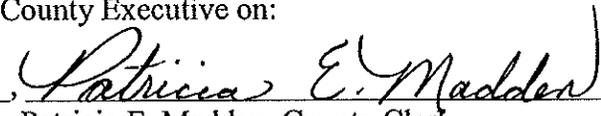

Absent
Scott J. Klein


Daniel Pavelko


Vera Stroud


Absent
Matt Thomas

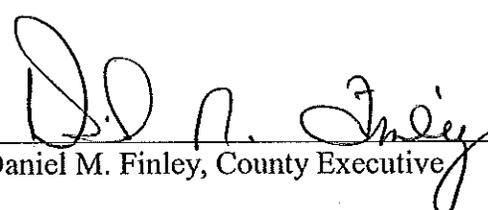
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: July 26, 2002, 
Patricia E. Madden, County Clerk

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

Approved:

Vetoed:

Date: 7-26-02, 
Daniel M. Finley, County Executive

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

FILE NO: SCZ-1438

TAX KEY NUMBER: OCOT 530.121
OCOT 531.986
OCOT 536.999
OCOT 536.995.001

DATE: June 6, 2002

NAME OF OWNERS: Lake Drive LLC
c/o Todd Wozniak – Petitioner/Owner
N21 W28121 Domecki Court
Pewaukee, WI 53072

John Collier – Owner
12200 Ridge Road
Louisville KY 40223

LOCATION OF PROPERTY:

Being all of Lot 25 of Okauchee Plat No. 1; also a part of the NE ¼ and SE ¼ of the SE ¼ of Section 26, and part of the NW ¼, SW ¼ and SE ¼ of the SW ¼, of Section 25, all in T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin; consisting of approximately 126 acres.

PRESENT ZONING:

A-T Agricultural Land Preservation Transition, 35-acre minimum parcel size and C-1 Conservancy (No change).

PROPOSED ZONING:

R-3 Residential District, permitting development with 20,000 sq. ft. lot sizes and conditioned upon no more than 84 lots being created on private waste disposal systems or 136 lots on public sewer.

PRESENT LAND USE:

Farmland, with the southeastern portion of the property having two (2) ponds/wetlands and tree coverage.

PROPOSED LAND USE:

84 lot residential subdivision on private waste disposal systems or 136 lots on public sewer.

PUBLIC HEARING DATE:

March 28, 2002

PUBLIC REACTION:

Residents in the area were concerned with the development of the property. Many expressed concerns of the detrimental affect on their groundwater quality and the water quality of Okauchee Lake if the development was not required to be on sewer. Other concerns raised were that the wildlife areas would be ruined by the additional people, fertilizers and runoff from the development; back-lot access would be provided to Okauchee Lake; the present West and North Lake Drive are not wide enough to handle additional traffic; homes would have to be on sewer since current residences

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are raised to prevent water problems; the type of materials, maintenance, architectural design and proposed sizes of the homes, and that lot sizes were too small. One person did speak in favor of the proposal, as they liked the size of the proposed lots.

TOWN PLAN COMMISSION ACTION:

The Town of Oconomowoc Plan Commission, at their meeting on May 6, 2002, voted to conditionally approve the rezoning request subject to the following conditions:

1. No direct access to the realigned North Lake Drive shall be permitted from any residential lot within this subdivision.
2. The development shall be limited to a maximum of 84 single-family lots with on-site private waste disposal systems or 136 lots with municipal sanitary sewer.
3. The development shall comply, in all respects, with the Waukesha County Stormwater Management and Sediment and Erosion Control Ordinances.
4. No wetland areas are to be rezoned and no wetland shall be changed, modified, relocated or disturbed without prior authorization from all Federal, State, County and Local units of Government.
5. The subdivision road leading from the proposed subdivision on the south end to Nelson Road be constructed as part of the first phase, wherever it is, and that there be no construction traffic on North Lake Drive off of West Lake Drive.

TOWN BOARD ACTION:

The Town of Oconomowoc Board, at their meeting on May 20, 2002, voted to approve the rezoning request with conditions one through four as established by the Town Plan Commission. Condition five (the construction of a 2,000 foot long roadway) is excluded since only Phase I will be developed at this time, and it is unknown whether sewer will be available immediately.

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

The Town of Oconomowoc Land Use Plan designates this area in the Low Density Residential category consisting of single-family detached dwelling units of .67 to 2.1 dwelling units per acre, which represents lot sizes ranging from 20,000 sq. ft. to 1.5 acres, and Primary Environmental Corridor/Conservancy. The text of the Town Plan also discusses the possibility of acquiring additional lands for a school site and park lands between Lake Drive and Nelson Road, which is where this property is located.

The Waukesha County Development Plan designates the property in the Low Density Urban Residential category, allowing residential development at 20,000 sq. ft. to 1.4 acres of lot area per dwelling unit, Recreational and Isolated Natural Resource Area. The proposal complies with both the Town and County Plans.

OTHER CONSIDERATIONS:

The petitioner is proposing to rezone approximately 126 acres of land of the approximately 145 acre parcel from the A-T Agricultural Land Preservation District to R-3 Residential District. Tillable farm land encompasses a majority of the property to be rezoned on the northern two-thirds of the property and to the southwest, with the remainder of the property consisting of two ponds and surrounding

wetlands, which will remain zoned C-1 Conservancy. The neighboring properties to the north, east and a portion to the south side of the property are zoned R-3 Residential District, requiring a 20,000 sq. ft. minimum lot size, and the properties to the west and a portion of the south are zoned R-2 Residential District, requiring a minimum lot size of 30,000 sq. ft. The proposed development will be a cluster-type concept with a vast area of open space (approximately 32 acres) to be owned by the Town of Oconomowoc for walking trails and a future park site. The property is within the Oconomowoc Sewer Service Area, but the property is not currently within a utility district for service by sewer. The petitioner has indicated he is attempting to have sewer serve the site, which would allow for the development of 136 lots in the development. If the property is served by private on-site septic systems, no more than 84 lots will be created.

The petitioner has discussed the possibility of the Oconomowoc School District acquiring the northwest portion of the property, approximately 25 to 30 acres, for a future school site. According to the petitioner, the school district is not interested in purchasing the property at this time. Areas with significant change in topography, tree coverage, ponds and wetlands along the southern portion of the property will be preserved through donation to the Town of Oconomowoc. Lots are proposed to vary in size from 24,000 sq. ft. to 35,000 sq. ft. As proposed, the overall development, if served by sewer, will have a density of 1.05 acres per dwelling unit, and if served by onsite septic systems, will have a density of 1.72 acres per dwelling unit.

During the initial phase of the project, the petitioner is proposing to realign Lake Drive through the proposed development. No lots will have direct access onto the new Lake Drive and the road will essentially divert through traffic, away from the existing Lake Drive to the north. Approximately 20 lots within the subdivision are proposed to utilize existing roads within the area, while all other lots will be served by new roads within the subdivision. An initial traffic review for the proposed development was prepared by Wayne Higgins of Traffic Engineering Services and submitted to the Town Plan Commission per their direction at the close of the public hearing. According to the staff report prepared by Jeff Herrmann, Town of Oconomowoc Planner, three intersections were reviewed: West Lake Drive and Nelson Road, West Lake Drive and Lake Drive, and Lake Drive and Nelson Road. The report indicated the three (3) intersections analyzed will operate without undue delay with or without the development traffic and geometric modifications to the intersections will not be needed to accommodate this development. The report states, "the Okauchee West Development will have no detrimental impact on intersection operations that have been analyzed." It is important to note that the initial review also took into consideration the proposed impact from the most recent proposed development for the Bay Pointe Development (a.k.a. the Van Lare property).

STAFF RECOMMENDATION:

It is the opinion of the staff this request be **approved** in accordance with the Town of Oconomowoc Board action, subject to the following conditions:

1. No direct access to the realigned North Lake Drive shall be permitted from any residential lot within this subdivision.
2. The development shall be limited to a maximum of 84 single-family lots with on-site private waste disposal systems or 136 single-family lots with municipal sanitary sewer.
3. The development shall comply, in all respects, with the Waukesha County Stormwater Management and Sediment and Erosion Control Ordinances.

157-0-027

4. No wetland areas are to be rezoned and no wetland shall be changed, modified, relocated or disturbed without prior authorization from all Federal, State, County and Local units of Government.
5. The development of the property shall be in substantial compliance with the overall cluster development plan presented at the March 28, 2002, Town of Oconomowoc Plan Commission meeting.
6. The Preliminary Plat shall include the Isolated Natural Areas, and no single-family residence or on-site septic systems shall be allowed within said Isolated Natural Areas.
7. Prior to Preliminary Plat approval, documentation shall be submitted to Waukesha County by the local sanitary district indicating whether or not this property can be served by sewer. If the property cannot be served by sewer, the local sanitary district shall indicate why this cannot be accomplished.
8. If the property is to be served by on-site waste disposal systems, soil borings shall be submitted showing that each lot has adequate area for a septic system in accordance with the Waukesha County Code of Ordinances Regulating On-Site Waste Disposal Systems prior to Preliminary Plat approval.
9. Prior to the northwestern 25 acres being developed, west of the proposed realigned Lake Drive, the Oconomowoc School District shall indicate in writing whether they have any interest in purchasing the property.
10. No lot within the proposed subdivision shall have access, or deeded access, to Okauchee Lake.

It is felt, as conditioned, the development of the property is in conformance with and meets the intent of the Town of Oconomowoc Land Use Plan and the Waukesha County Development Plan. The plan calls for the donation of environmentally sensitive lands and parkland to the Town of Oconomowoc, and calls for the realignment of Lake Drive through the development to accommodate traffic from this development and existing residential development along Okauchee Lake. Since the property is within the Oconomowoc Sewer Service Area, all reasonable efforts should be made to incorporate municipal sewer to this property.

Respectfully submitted,

Brian P. Depies
Senior Land Use Specialist

BPD

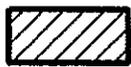
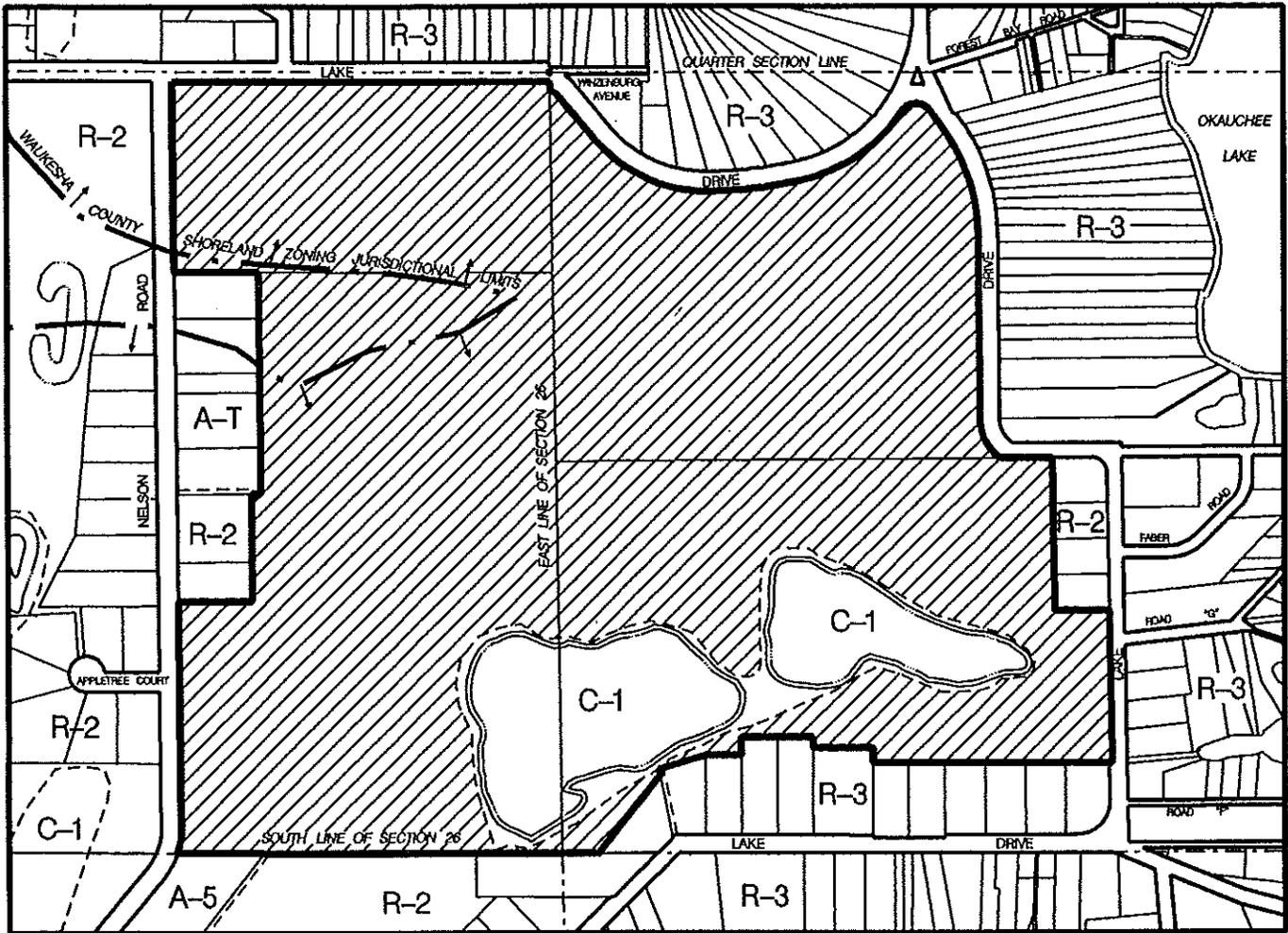
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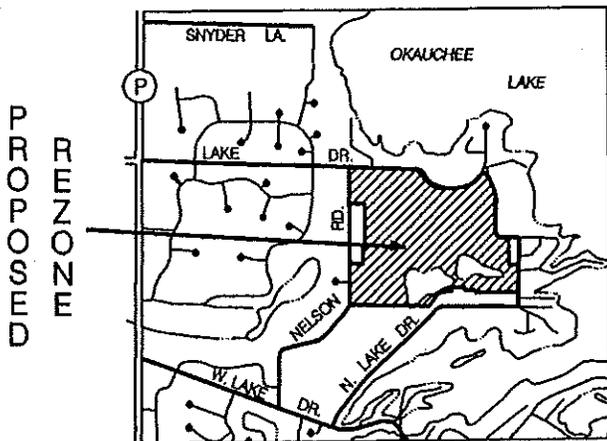
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ZONING CHANGE

PART OF THE SW 1/4 OF SECTION 25 &
THE SE 1/4 OF SECTION 26
TOWN OF OCONOMOWOC



ZONING CHANGE FROM A-T (AG. LAND PRESERVATION TRANSITION)
TO CONDITIONAL R-3 (RESIDENTIAL DISTRICT - 20,000 SQ. FT. LOT SIZE)



LOCATION MAP

FILE.....SCZ-1438

DRAWN.....6-6-01

SCALE.....1" = 600'

AREA OF CHANGE..... +/-126 ACRES



GRAPHIC SCALE IN FEET



PREPARED BY THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

157-0-027

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/23/02

Ord (RES) NUMBER-1570027

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

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

TOTAL AYES-29

TOTAL NAYS-03

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-32