

Enrolled 157-57
PROPOSED ORDINANCE 157-58

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE, FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ AND SW ¼ OF SECTION 24, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SCZ-1448)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.69 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, and the Waukesha County Zoning Code adopted on February 26, 1959, for the Town of Oconomowoc, Waukesha County, Wisconsin, are hereby amended to conditionally rezone certain lands located in part of the NW ¼ and SW ¼ of Section 24, T8N, R17E, Town of Oconomowoc, from the A-T Agricultural Land Preservation Transition District to the R-3 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 (SCZ-1448), subject to the following conditions:

1. A maximum of three lots to have frontage on Okauchee Lake.
2. Maximum density limited to one single-family unit per acre with on-site private waste disposal systems.
3. A Waukesha County Department of Public Works Access Permit to C.T.H. "K" to be filed with the Town Planner, and any future road improvements to C.T.H. "K" to be the responsibility of the subdivider.
4. Reimbursement to the Town of all costs and assessments, including reimbursement for professional fees, prior to issuance of any permits.
5. Construction traffic to be from C.T.H. "K" with no construction traffic on Timberline Drive.
6. The development shall comply, in all respects, with the Waukesha County Stormwater Management and Sediment and Erosion Control Ordinances.
7. The development of the property shall be in substantial compliance with the overall single-family residential Cluster Development Plan presented at the June 20, 2002, Town of Oconomowoc Plan Commission meeting (Exhibit "A").
8. No backlot within the proposed subdivision shall have deeded access to Okauchee Lake and a Deed Restriction shall be filed on any lot having frontage on Okauchee Lake stating that no more than two boats shall be allowed per lot and pyramiding shall not be allowed as defined in the Waukesha County Shoreland and Floodland Protection Ordinance.
9. No lot within the proposed subdivision shall have a lot area of less than 25,000 sq. ft. except that the two lots created as a result of the extension of Timberline Drive shall be one-acre in area as they are zoned R-1 Residential.

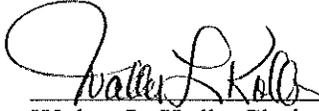
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

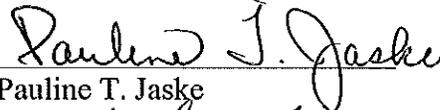
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

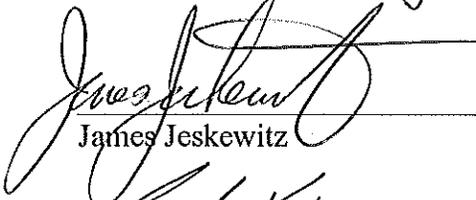
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE, FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ AND SW ¼ OF SECTION 24, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SCZ-1448)

Presented by:
Land Use, Parks, and Environment Committee

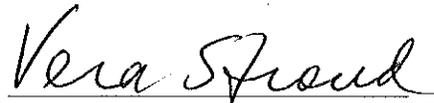

Walter L. Kolb, Chair


Pauline T. Jaske


James Jeskewitz

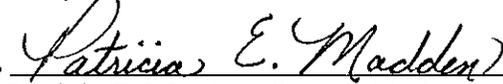

Scott J. Klein


Daniel Pavelko


Vera Stroud

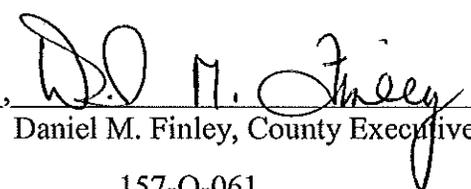

Matt Thomas

The foregoing legislation adopted ^{as amended} by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: October 11, 2002 
Patricia E. Madden, County Clerk

The foregoing legislation adopted ^{as amended} by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:
Vetoed:
Date: 10-18-02


Daniel M. Finley, County Executive

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

FILE NO.: SCZ-1448

DATE: September 5, 2002

PETITIONER: Frontier Development
c/o Jerry Erdmann
1833 Executive Drive, Suite 101
Oconomowoc, WI 53066

OWNER: Milton Babinec
1014 North Lapham Street
Oconomowoc, WI 53066

TAX KEY NO.: OCOT 528.994.001

LOCATION:

The property is located in part of the NW ¼ and SW ¼ of Section 24, T8N, R17E, Town of Oconomowoc, and more specifically located directly south of the intersection of C.T.H. "K" and Circle Drive, containing approximately 61.4 acres.

PRESENT ZONING:

A-T Agricultural Land Preservation Transition District.

PRESENT LAND USE:

Agricultural with a farmstead and out buildings.

PROPOSED ZONING:

R-3 Residential District.

PROPOSED LAND USE:

Single-family Residential.

PUBLIC HEARING DATE:

June 20, 2002.

PUBLIC REACTION:

Residents in the area were concerned with the development of the property. Many expressed concerns of the detrimental affect on their quality of life, safety of their property values and the public in general, noise, and a substantial increase in traffic. Many residents felt the property should be rezoned to an R-1 Residential category, which requires a one-acre lot size minimum, which would be consistent with surrounding developments. Other concerns raised were drainage from the development across an existing drainage easement to Okauchee Lake, why city size lots were being proposed with no room for storage buildings and replacement septic systems, the affect it would have on the schools, police, fire and ambulance services, and that the development would allow back-lot access to lots off of Okauchee Lake. A concern of many that attended was the affect the proposal would have on traffic in the area along Timberline Drive, Breezy Point

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Road, and CTH "K". They felt this should only be used as an emergency access to the development and that Whitaker Road would provide better access to CTH "K".

Numerous letters were received after the Public Hearing was closed. The Town of Oconomowoc Plan Commission indicated they would not consider them as part of the public hearing, but would keep the letters on file for Commission and Town Board members to review. The letters expressed many of the same concerns raised by citizens at the hearing, but some letters encouraged the development of the property as proposed.

TOWN PLAN COMMISSION ACTION:

The Town of Oconomowoc Plan Commission, at their meeting on August 5, 2002, voted to conditionally approve the rezoning request subject to the following conditions:

1. A maximum of three lots to have frontage on Okauchee Lake.
2. Maximum density limited to one single-family unit per acre with on-site private waste disposal systems.
3. A Waukesha County Department of Public Works Access Permit to C.T.H. "K" to be filed with the Town Planner, and any future road improvements to C.T.H. "K" to be the responsibility of the subdivider.
4. An Erosion Control and Stormwater Management Plan approved by the Waukesha County Department of Parks and Land Use, Land Resources Division.
5. Reimbursement to the Town of all costs and assessments, including reimbursement for professional fees, prior to issuance of any permits.
6. Construction traffic to be from C.T.H. "K" with no construction traffic on Timberline Drive.

TOWN BOARD ACTION:

The Town of Oconomowoc Board, at their meeting on August 19, 2002, voted unanimously to approve the rezoning request subject to satisfaction of the six (6) conditions stated within the resolution.

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. 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. The proposal complies with both the Town and County Plans.

OTHER CONSIDERATIONS:

The petitioner is proposing to rezone the property from the A-T Agricultural Land Preservation Transition District to R-3 Residential District. Tillable farmland encompasses a majority of the property to be rezoned with approximately five (5) acres along Okauchee Lake consisting of a residence, agricultural outbuildings

NOTE: The same changes were made to Condition #3 on this page as those made in Condition #8 of the ordinance.

SCZ-1448 Frontier Development c/o Jerry Erdmann (Petitioner)
and Milton Babinec (Owner)

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Road are zoned R-3 Residential District, requiring a 20,000 sq.ft. minimum lot size; the properties to the north are zoned R-2 Residential District, requiring a minimum lot size of 30,000 sq.ft; and the properties to the east are zoned R-1 Residential District, requiring a minimum lot size of one acre. The proposed development will be a cluster-type concept with approximately 15 acres of open space, consisting of walking paths, a pond and landscape amenities. The R-3 Residential District was considered to allow the petitioner the ability to provide for more open space and green space for the public use by the creation of one-half acre lots. The petitioner is proposing 56 lots, with three (3) lake lots consisting of approximately one-acre each, and the remaining lots consisting of 25,000 sq.ft. of land area or more. As proposed, the overall development will have a density of 1.1 acres per dwelling unit, which is comparable to the adjacent development to the east and less dense than lands to the west and north.

Stormwater facilities for the site are anticipated in the northwestern and southeastern portions of the property. Soils onsite will support leach bed and mound- type soil absorption systems. The development will have one direct access to CTH "K", one access connecting to Timberline Drive to the east, which leads to Breezy Point Road and ultimately CTH "K". The extension of Timberline Drive will require the purchase and division of a lot adjacent to Breezy Point Subdivision. The petitioner had originally proposed to utilize Lancelot Drive, which runs to the eastern property line, but was informed that the intersection of Lancelot Drive and CTH "K" does not meet the current Site Distance Requirements and the Waukesha County Public Works Department could not approve the subdivision if Lancelot Drive was considered for access to the property. Whitaker Road, which stubs into the property along the western edge, was not considered since the road is considered private and major upgrades would need to be done to the road to accommodate traffic from the proposed subdivision. A Traffic Impact Analysis 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. The report indicated the development would have a minimum impact, the intersection south of Circle Drive should be utilized as the main access, and this access be improved with acceleration and deceleration lanes. Since the Stone Bank bridge was closed at the time of the study, Traffic Engineering Services anticipated there would have been a 30% increase in traffic along CTH "K".

STAFF RECOMMENDATION:

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

1. The development shall comply, in all respects, with the Waukesha County Stormwater Management and Sediment and Erosion Control Ordinances.
2. The development of the property shall be in substantial compliance with the overall single-family residential Cluster Development Plan presented at the June 20, 2002, Town of Oconomowoc Plan Commission meeting (Exhibit "A").
3. No backlot within the proposed subdivision shall have deeded access to Okauchee Lake and a Deed Restriction shall be filed on any lot having frontage on Okauchee Lake stating that no more than two boats shall be allowed per lot and pyramiding shall not be allowed as defined in the Waukesha County Shoreland and Floodland Protection Ordinance.

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6.

4. No lot within the proposed subdivision shall have a lot area of less than 25,000 sq.ft. except that the two lots created as a result of the extension of Timberline Drive shall be one-acre in area as they are zoned R-1 Residential.

It is felt, as conditioned, the development of the property will allow for a substantial amount of common open space through a cluster development and maintains an overall density of the development at over one acre per dwelling unit, which meets the intent of the Town of Oconomowoc Land Use Plan and the Waukesha County Development Plan.

Respectfully submitted,



Brian P. Depies
Senior Land Use Specialist

BPD:smv

Attachments: Map

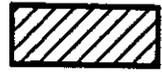
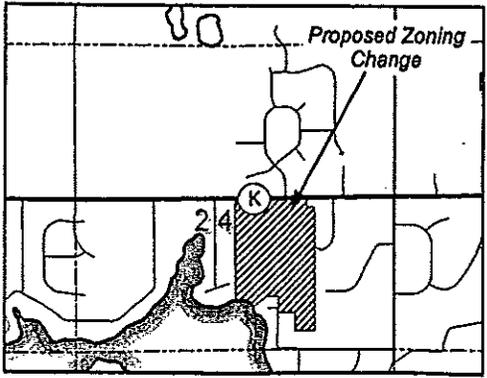
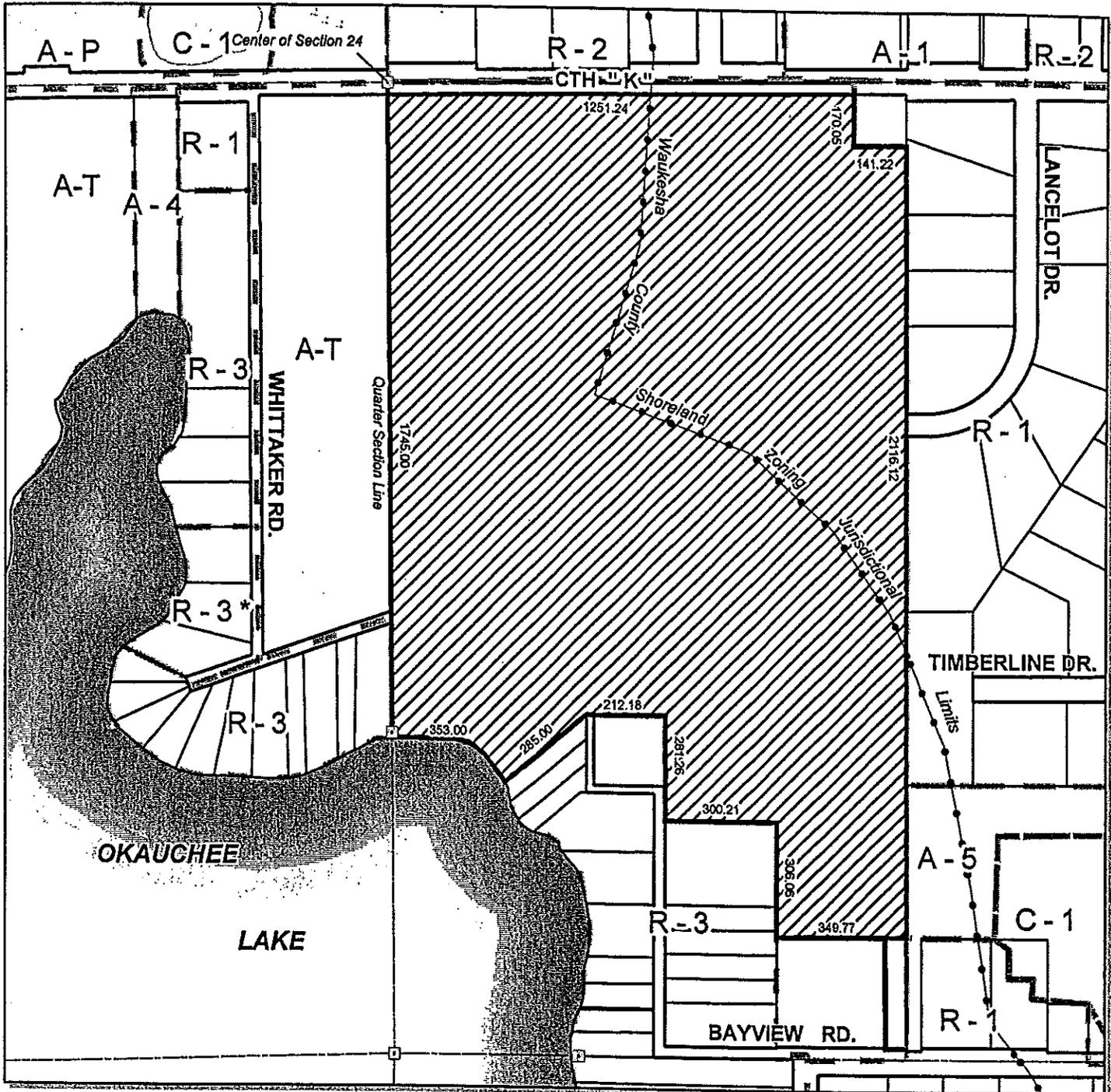
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157-0-061

7.

ZONING MAP AMENDMENT

PART OF THE SOUTHEAST 1/4 OF SECTION 24
TOWN OF OCONOMOWOC



CONDITIONAL ZONING CHANGE FROM A-T (AG. LAND PRES. TRANSITION DISTRICT) TO R-3 (RESIDENTIAL DISTRICT)

FILE.....SCZ-1448

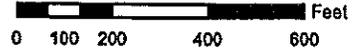
DATE.....9-5-02

AREA OF CHANGE.....61.4 ACRES

TAX KEY NUMBER.....OCOT 0528.994.001



1 Inch equals 400 feet



Prepared by the Waukesha County Department of Parks and Land Use

Amendment to 157-O-061

Supervisor Herro moved to amend the ordinance as follows:

In the first ordained paragraph under 8. delete the words:

“no more than two boats shall be allowed per lot and”

Seconded by Supervisor Harenda.

Vote on amendment: 31 – 2

Vote on ordinance as amended: 32 - 1

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/08/02

(ORD) NUMBER-1570061

as amended

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

TOTAL AYES-32

TOTAL NAYS-01

CARRIED X

DEFEATED _____

as amended

UNANIMOUS _____

TOTAL VOTES-33