

Enrolled 157-89
PROPOSED ORDINANCE 157-91

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2
3 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
4 ORDINANCE OF THE TOWN OF OTTAWA, BY CONDITIONALLY REZONING
5 CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 17, T6N, R17E,
6 TOWN OF OTTAWA, FROM THE A-E EXCLUSIVE AGRICULTURAL
7 CONSERVANCY DISTRICT TO THE C-1 CONSERVANCY DISTRICT (SZ-1464)
8
9

10 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by
11 the Waukesha County Park and Planning Commission, after Public Hearing, and giving the
12 requisite notice of said hearing, and the recommendation thereon reported to the Land Use, Parks
13 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha
14 County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.
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16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
17 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance District
18 Zoning Map for the Town of Ottawa, Waukesha County, Wisconsin, adopted by the Waukesha
19 County Board of Supervisors on June 23, 1970, is hereby amended to conditionally rezone from
20 the A-E Exclusive Agricultural Conservancy District to the C-1 Conservancy District, certain
21 lands located in part of the NE ¼ of Section 17, T6N, R17E, Town of Ottawa, and more
22 specifically described in the "Staff Report and Recommendation" and map on file in the office
23 of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance
24 by reference (SZ-1464) and subject to the following condition:
25

26 Submittal of a Certified Survey Map (CSM) by the property owners, to be reviewed and
27 approved by the Town and the County, that would be drafted to provide that the
28 nonconforming lot surrounded by the 50 acre Lauer parcel contain a minimum of 5 acres
29 and frontage for a conforming access to School Section Lake Road.
30

31 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
32 this Ordinance with the Town of Ottawa Clerk.
33

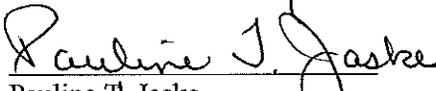
34 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
35 approval and publication.
36

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

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE OF THE TOWN OF OTTAWA, BY CONDITIONALLY REZONING CERTAIN
LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 17, T6N, R17E, TOWN OF OTTAWA,
FROM THE A-E EXCLUSIVE AGRICULTURAL CONSERVANCY DISTRICT TO
THE C-1 CONSERVANCY DISTRICT (SZ-1464)

Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair


Pauline J. Jaske


James Jaskewitz

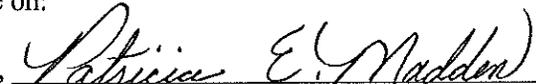

Scott J. Klein


Daniel Pavelko


Vera Stroud


Matt Thomas

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

Date: December 17, 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: 12-17-02, 
Daniel M. Finley, County Executive

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

DATE: November 7, 2002

FILE NO: SZ-1464

PETITIONER/OWNER: Daniel J. Lauer
S31 W38449 School Section Lake Road
Dousman, WI 53118

TAX KEY NO(S): OTWT 1649.998

LOCATION:

Part of the NE ¼ of Section 17, T6N, R17E, Town of Ottawa. More specifically, the property is located at the address cited above containing approximately 50 acres, of which approximately 11.5 acres are proposed to be rezoned.

EXISTING ZONING CLASSIFICATION(S):

The subject area to be rezoned is currently zoned A-E Exclusive Agricultural Conservancy District (35 acre minimum lot size). The remainder of the property is zoned A-P, EC and C-1.

EXISTING USES:

The subject area to be rezoned is fallow farm and pasture land. Since the land is no longer farmed and is designated as wetland on the 1984 DNR Wetland Inventory Maps, it will eventually convert back to wetland over time and should be reclassified (rezoned) as such due to inherent wet soil characteristics and the likely reemergence of natural vegetation indicative of wet soils. The majority of the remainder of the Lauer property is farmed and contains the farmhouse and farm buildings.

REQUESTED ZONING CLASSIFICATION AND USE:

The petitioner is proposing to amend the zoning map of the Waukesha County Shoreland and Floodland Protection Ordinance from A-E Exclusive Agricultural Conservancy District to C-1 Conservancy (approximately 11.5 acres). At least 5 acres of the rezoned land (but no more than 15 acres) would then be sold to an adjoining property owner to make his nonconforming lot conforming with the requirements of the zoning ordinance as to lot size.

CONFORMANCE WITH THE WAUKESHA COUNTY LAND DEVELOPMENT PLAN (WCLDP) AND THE TOWN OF OTTAWA MASTER LAND USE PLAN:

The WCLDP designates the property as Primary Environmental Corridor (PEC). The Town's Plan designates the property as Environmental Corridor/Conservancy. The proposed zoning change conforms with both plans.

PUBLIC HEARING DATE: October 7, 2002

PUBLIC REACTION: None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On October 7, 2002, the Town of Ottawa Plan Commission recommended approval of the request to the Town Board of Supervisors in accordance with the Town Planner's recommendation. On October 14, 2002, the Town of Ottawa Board of Supervisors recommended approval of the amendment of the zoning map to Waukesha County with the condition recommended by the Town Plan Commission which was as follows:

Subject to the submittal of a Certified Survey Map (CSM) by the property owners, to be reviewed and approved by the Town and the County, that would be drafted to provide that the nonconforming lot surrounded by the 50 acre Lauer parcel contain a minimum of 5 acres and frontage for a conforming access to School Section Lake Road.

STAFF ANALYSIS:

The petitioner is proposing to sell a portion of his property to an adjoining property owner (Wegner) whose property was actually created within the boundary of the petitioner's property and is served by a 10' easement to School Section Lake Road (e.g., the property is landlocked). The Wegner property was originally sold to a Daniel Z. Lauer in 1948 as a 95' x 140' parcel (13,300 square feet) with the 10' easement. An additional 35' x 140' piece (4,900 square feet) was added to the original parcel in 1980 for a total parcel size of 130' x 140' (18,200 square feet). The Wegner property is zoned EC and C-1 and contains a single family residence. The purpose of the petitioner's rezoning request is to enable him to sell his neighbor enough land to make his parcel conform with the current zoning requirements of the EC District which has a 5 acre minimum lot size and provide the property with frontage on School Section Lake Road. The property was part of a comprehensive zoning change in 1995, which established the EC zoning category. In order to sell the land, the petitioner, who no longer farms the land currently zoned A-E, is requesting to rezone the land to C-1 which is appropriate since A-E land is basically farmed wetland and when it is no longer farmed it will eventually convert back to wetland as explained above. The petitioner could not sell his neighbor any land zoned A-E as A-E requires a minimum lot size of 35 acres and the petitioner's parcel is not 70 acres in size so he doesn't have enough land to sell if the zoning remained A-E. Therefore, in order to accomplish the objective of selling his neighbor some land, and at the same time eliminating a nonconforming lot not abutting a public road, the petitioner is requesting to rezone the A-E land to C-1. It should be noted that C-1 zoned land does not have a minimum lot size (the lot size required would be that of the zoning district the remainder of the property is in, e.g., EC requires a 5 acre lot size), and so the petitioner would be able to sell his neighbor enough land to achieve a conforming minimum 5 acre lot size and provide him frontage on School Section Lake Road while also retaining a minimum of 35 acres of land which is required for his land which is zoned A-P.

Access to the property would continue via the existing driveway, however the 10' easement would no longer be necessary as the property would abut a public road. Review of the soil types delineated in the A-E zoned area, revealed the entire area contains soils with high groundwater conditions. In addition to the wetland, the area also contains 100-year floodplain. The State Department of Agriculture does not have any objection to the rezoning request. The surrounding zoning categories (and land uses) are AD-10, C-1 and EC to the north (farm); A-P to the west (farm); C-1 to the south (County access to School Section Lake); and EC to the east (residential).

STAFF RECOMMENDATION:

Based upon the above information, the Planning and Zoning Division Staff recommends **approval** of the petitioner's request to amend the zoning map as proposed with the condition that a Certified Survey Map be reviewed and approved by the Town and the County that would be drafted to provide the nonconforming lot contained within the 50 acre Lauer parcel a minimum of 5 acres and frontage for a conforming access to School Section Lake Road.

Approval of the proposal is within the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance, as a conforming parcel with frontage on a public road would result, and is also in conformance with the Waukesha County Development Plan, the Waukesha County Park and Open Space Plan, and the Town of Ottawa Master Land Use Plan and the Town of Ottawa Park and Open Space Plan. Therefore, it would be appropriate to amend the zoning map as requested. The previously farmed wetland conservancy will now be in a zoning category which will preserve and protect the environmentally sensitive wetland and PEC.

Respectfully submitted,

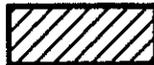
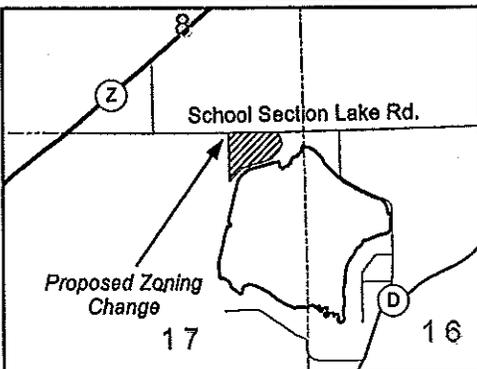
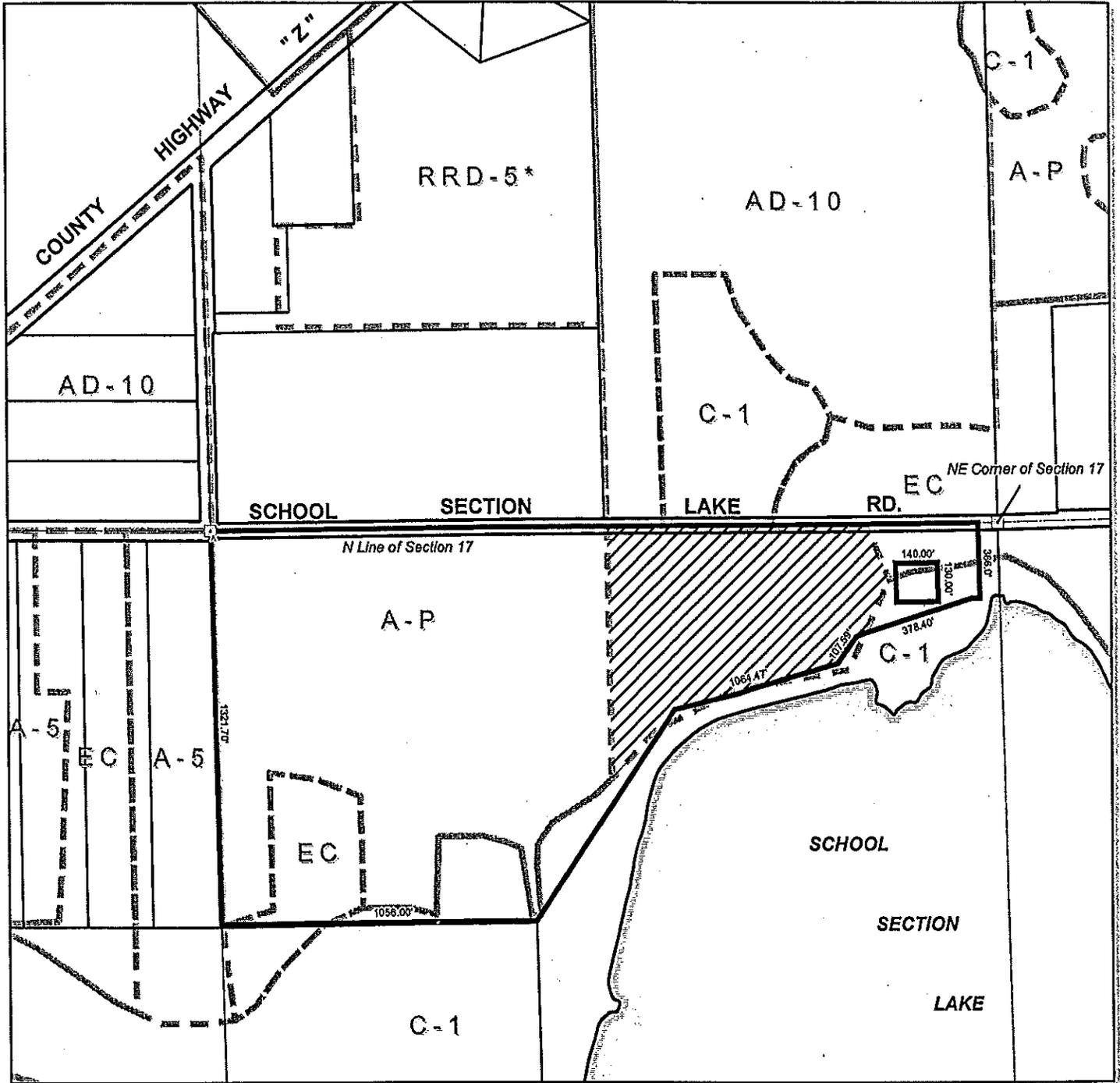


Sandy Scherer
Senior Planner

N:\PLU New File System (In-Progress)\Planning & Zoning\Rezoning (RZ)\Staff Reports\1464.oxt (Lauer).doc

ZONING MAP AMENDMENT

PART OF THE NE 1/4 OF SECTION 17
TOWN OF OTTAWA



CONDITIONAL ZONING CHANGE FROM A-E (EXCLUSIVE AG. CONS. DISTRICT) TO C-1 (CONSERVANCY DISTRICT)

FILE.....SZ-1464

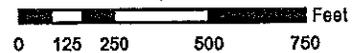
DATE.....11-7-02

AREA OF CHANGE.....11.5 ACRES

TAX KEY NUMBER.....OTWT 1649.998



1 Inch equals 500 feet



Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-12/17/02

(ORD) NUMBER-1570090

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....
- 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.....
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....
- 35 C. SEITZ.....

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....
- 16 R. MANKE.....AYE
- 18 D. FANFELLE.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....
- 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-29

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS_____

TOTAL VOTES-29