

ENROLLED ORDINANCE 159-24

AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF THE SW ¼ OF SECTION 12, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (CZ-1396A)

WHEREAS the subject matter of this Ordinance having been approved by the Oconomowoc Town Board on May 17, 2004, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, 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 Town of Oconomowoc District Zoning Map of the Waukesha County Zoning Code, adopted by Waukesha County on February 26, 1959, is hereby amended to conditionally rezone from the A-P Agricultural Land Preservation District to the R-1 Residential District, certain lands located in part of the SW ¼ of the SW ¼ of Section 12, T8N, R17E, Town of Oconomowoc, 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 (CZ-1396A) and subject to the following conditions:

1. Any land divisions or land transfers shall be accomplished by a Certified Survey Map to be reviewed and approved by the Town of Oconomowoc Plan Commission and the Waukesha County Department of Parks and Land Use.
2. A maximum of three new lots may be created with one of the lots to contain the existing improvements. This condition does not include any transfers to contiguous property owners to enlarge those contiguous lots.
3. All new parcels must have direct access to a public road and be serviced with onsite sewage disposal systems and private wells.
4. The Town Engineer must review and approve all proposed driveway accesses prior to installation and a statement as to this condition must be placed on the face of each Certified Survey Map and any conditions imposed by the Town Engineer shall be complied with prior to issuance of any Building Permits.
5. At such time as the 23-acre parcel is reduced to less than 15 acres, the applicant must receive approval by the Town Plan Commission to maintain more than two accessory buildings prior to approval of the Certified Survey Map.
6. The only recreational vehicles or marine-type equipment to be stored for more than 24 hours on the parcel on the property, shall be registered to the owner of the property on which it is located. All other similar equipment shall be removed from the subject property unless a Conditional Use Permit is applied for and granted, and all conditions of the Town and County Planning Commissions are complied with.

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

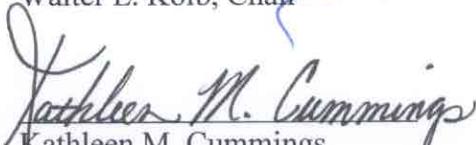
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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

AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF THE SW ¼ OF SECTION 12, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (CZ-1396A)

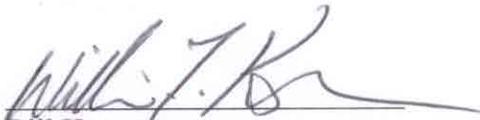
Presented by:
Land Use, Parks, and Environment Committee

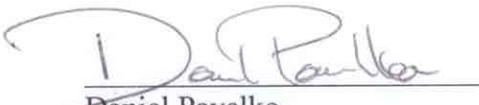

Walter L. Kolb, Chair

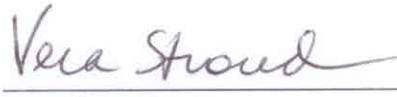

Kathleen M. Cummings


Pauline T. Jaske

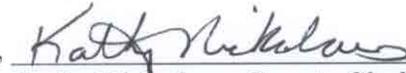

Scott J. Klein


Bill Kramer


Daniel Pavelko


Vera Stroud

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

Date: 6-25-04, 
Kathy Nickolaus, County Clerk

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

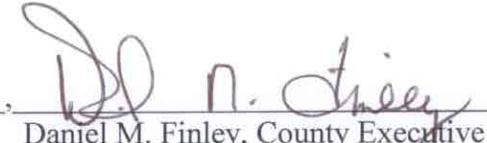
Approved: _____
Vetoed: _____
Date: 6-28-04, 
Daniel M. Finley, County Executive

EXHIBIT "A"

**TOWN OF OCONOMOWOC
PLAN COMMISSION
NOT APPROVED
MAY 3, 2004**

DRAFT

Todd Wozniak/Westshore PUD/Lake Drive/Nelson Road/OCOT 0536-995-008

Todd Wozniak appeared as the petitioner. Mr. Wozniak is requesting a Planned Unit Development for Westshore Subdivision. Mr. Wozniak had two choices either to apply for a variance or a PUD. Had he chosen a variance, every time a homeowner would want to build he would have to obtain a variance. More specifically, he is requesting a 25% increase in the floor area ratio. Currently, the development is allowed to build with a 19.5% FAR because they have sewer. Two options are available. One option is a 15% footprint. This will allow a 30% overall FAR with 15 % for the first floor and 15% for the second floor. The other option is a building envelope. The setbacks are 40' and 15' because the subdivision is on sewer. These setbacks are set in the deed restrictions and are very restrictive.

Robert Peregrine moved to recommend the PUD to Waukesha County subject to the Planner's Memo dated April 29, 2004.

Jim Navin seconded the motion. The motion carried unanimously.

Robert Sell/Rezone/Monterey/W382 N8533 Main Street/OCOT 0461-990

Robert Sell appeared as the petitioner. There was an issue with the rather large amount of earth altering that has occurred on this property. Mr. Sell was informed that he must obtain a permit. He was instructed by Waukesha County that if the berm was not moved within seven days that the earth must be seeded. He stated that he had already seeded the earth. He also stated that Mary Finet, Kathy Moore, and Leif Hauge from Waukesha County Parks and Land Use Department all had the grading plans and they knew about the berm. In regards to item #4 in the Planner's report, Mr. Sell felt that there is already a proper ditch in place. It is in line with the rest of the ditches in the Blue River Reserve Subdivision. The ditch will be reviewed with the Town Engineer. This information will then be distributed to Jeff and the Town.

Robert Peregrine moved to recommend to the Town Board to approve the rezone for Robert Sell subject to the Planner's Report dated April 30, 2004.

Jim Navin seconded the motion. The motion carried unanimously.

CZ - 1396A

Jerry Nettesheim/Rezone/ W349 N8182 Norwegian Road/Petersen Road/OCOT 0479-999-008

Jerry Nettesheim and John Nettesheim appeared as the petitioners. Jerry Nettesheim is proposing to rezone 22.63 acres of his land from A-P, Agricultural Land Preservation with a 35 minimum lot size to R-1, Residential District with a one-acre minimum lot size. A portion of this land (.94 acres) will be transferred to his son John Nettesheim. There is a condition attached to this rezone stating that no more than three new (two additional) lots will be created.

Jean Brown-Ama: My name is Jean Brown-Ama and I live at W350 N7705 Norwegian Road. We are also Norwegian Road residents. We are not clear on what is being proposed. More houses? We weren't aware that there was a request for more houses on Norwegian Road other than the Robinson one. We always understood

Handwritten signature

6.

159-0-025

DRAFT

TOWN OF OCONOMOWOC
PLAN COMMISSION
NOT APPROVED
MAY 3, 2004

that the homes being put on the Nettesheim property was under a special exemption for when you have farm properties and build for a relative. Of course, we have no objection to that because it is all proper under existing law. I think all of us on Norwegian Road to the extent that there are other proposals for developments other than the exception would object. Therefore, the area that he is talking about is not A-P. But it is in A-P with a special density provision.

This property does conform to the Master Plan. If they want to change the zoning, a property owner must comply with the Master Plan.

Robert Peregrine moved to recommend to the Town Board to approve the Nettesheim rezone subject to the Planner's Report dated April 30, 2004.

Richard Garvey seconded the motion. The motion carried unanimously.

John & Diane Schmeihil/CSM/N58 W34498 Road H/OCOT 0530-055 & Arthur Faber/CSM/N58 W34510 Road H/OCOT 0530-057

John Schmeihil appeared as the petitioner. The Schmeihil's were sued by their neighbor, Arthur Faber, for adverse possession. What happened was when a survey was done, the property line for the Schmeihil's came out onto Mr. Faber's lot. The Schmeihil's granted Mr. Faber an easement to allow him to maintain the bushes his late wife had planted. To remedy the situation, both parties negotiated a new lot line.

Robert Peregrine moved to recommend to the Town Board to approve the Certified Survey Map subject to the Planner's Report with the modifications.

Jim Navin seconded the motion. The motion carried unanimously.

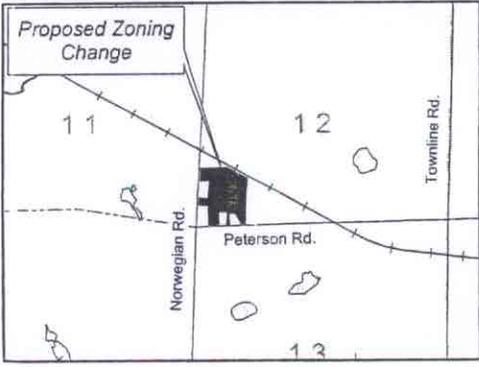
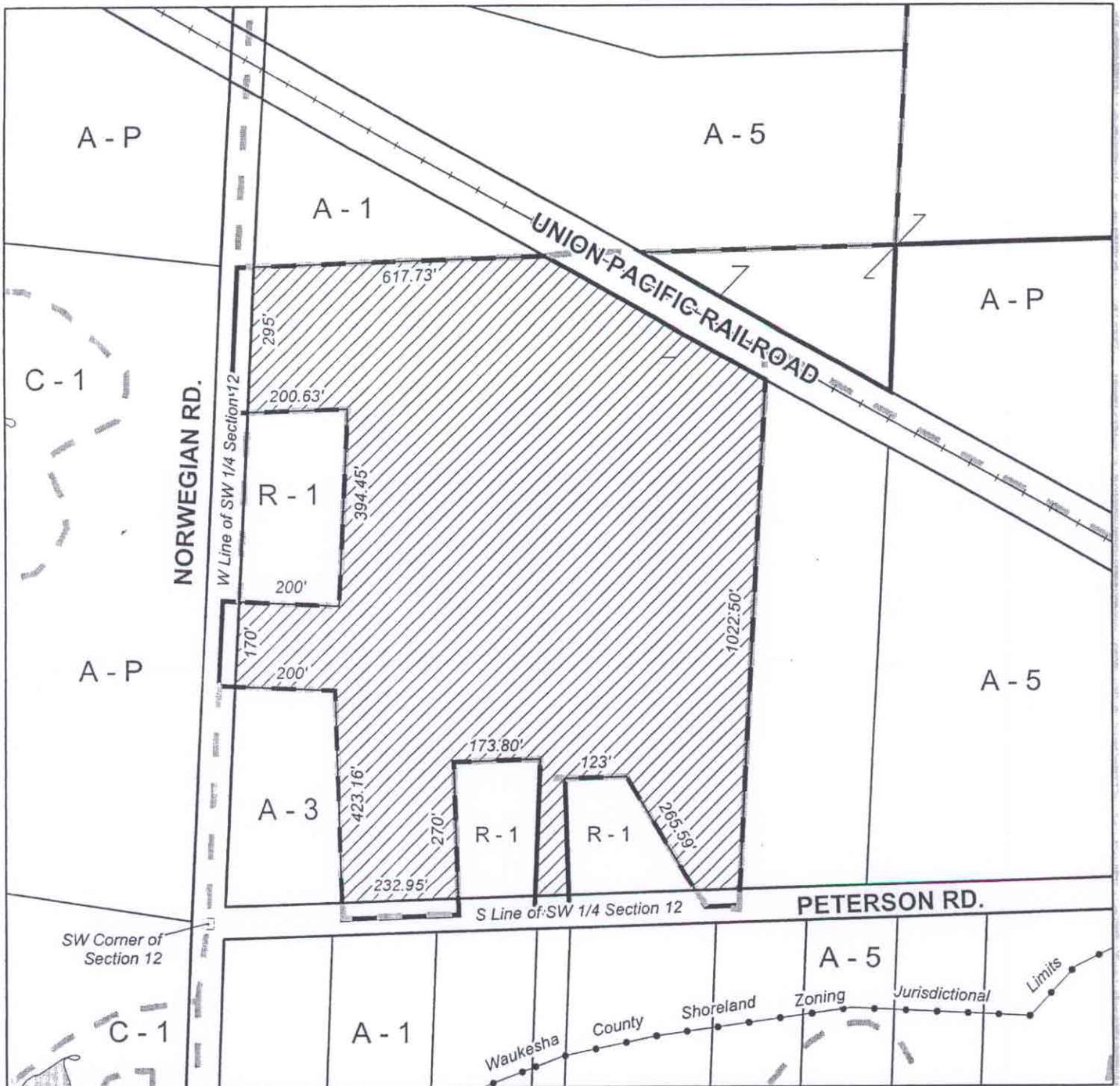
Siepmann/Klink/Conceptual Land Review/Highway K & Road J/OCOT 0527-999-003

John Seipmann appeared on behalf of the petitioner. The total acreage of this parcel is 19.5 acres. This property is located on the southeast corner of Road J and C.T.H. K. It is owned by the Klink Family. They are proposing to divide the lot into 12 lots. There is 1,440 feet of lake frontage. Eight of the lots would have lake frontage. Between the eight lots, the average lake frontage would be 100 feet. The average lot size would be one acre. Outlot 2 is 2.9 acres and is common green space area. Storm water facilities are to be set up in the north east corner of outlot #2. A 30-foot strip of land on the easterly portion of the property has been set aside for a public access point. Currently, the property is zoned A-T with a request to rezone to R-3 which is in accordance with the Master Plan. Perk tests have not been done yet. In the southeast portion of the property, a culvert would divert the stormwater to ponds on the other side. The County will require a minimum of 500 feet in between driveway access points.

The Plan Commission felt that Waukesha County would not approve a public access running parallel to C.T.H. K. They suggested moving the public access in between outlot 2 and Lot 9 or in between Lot 8 and Lot 9.

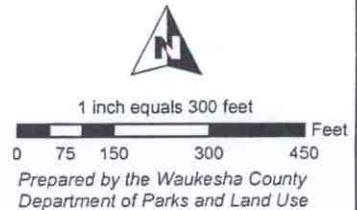
ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 12
TOWN 8N RANGE 17E (OCONOMOWOC)



 CONDITIONAL ZONING CHANGE FROM A-P (AG. LAND PRES. DISTRICT) TO R-1 (RESIDENTIAL DISTRICT)

FILE.....CZ-1396A
 DATE.....5-20-04
 AREA OF CHANGE.....23 ACRES
 TAX KEY NUMBER.....OCOT 0479.999.008



159-0-025

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/22/04

(ORD) NUMBER-1590025

1 K. HERRO.....AYE
 3 D. STAMSTA.....AYE
 5 J. MARCHESE.....AYE
 7 J. JESKEWITZ.....AYE
 9 P. HAUKOHL.....AYE
 11 K. HARENDA.....
 13 J. MORRIS.....AYE
 15 D. SWAN.....AYE
 17 J. BEHREND.....AYE
 19 W. MITCHELL.....AYE
 21 W. KOLB.....AYE
 23 J. TORTOMASI.....AYE
 25 K. CUMMINGS.....AYE
 27 D. PAULSON.....AYE
 29 T. BULLERMANN.....
 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.....AYE
 12 J. GRIFFIN.....AYE
 14 A. KALLIN.....AYE
 16 R. MANKE.....
 18 B. MORRIS.....AYE
 20 M. KIPP.....AYE
 22 G. BRUCE.....
 24 B. KRAMER.....
 26 S. KLEIN.....AYE
 28 P. JASKE.....AYE
 30 K. NILSON.....NAY
 32 P. GUNDRUM.....AYE
 34 R. SINGERT.....AYE

TOTAL AYES-28

TOTAL NAYS-02

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-30