

ENROLLED ORDINANCE 165-13

AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF THE NW ¼ OF SECTION 21, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE R-1 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS TO THE P-I PUBLIC AND INSTITUTIONAL AND C-1 CONSERVANCY DISTRICTS (CZ-1703)

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 Environment 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 Town of Oconomowoc District Zoning Map of the Waukesha County Zoning Code, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on February 26, 1959, is hereby amended to conditionally rezone certain lands located in part of the SW ¼ of the NW ¼ of Section 21, T8N, R17E, Town of Oconomowoc, from the R-1 Residential and C-1 Conservancy Districts to the P-I Public and Institutional and C-1 Conservancy Districts, 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-1703 subject to the following condition:

“The final Site Plan/Plan of Operation shall be reviewed and approved by the Waukesha County Park and Planning Commission.”

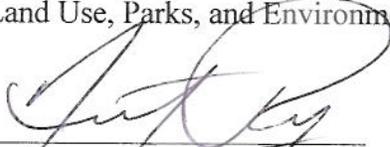
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

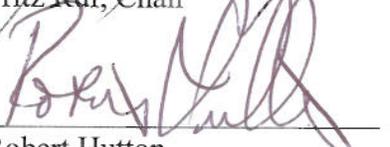
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF THE NW ¼ OF SECTION 21, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE R-1 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS TO THE P-I PUBLIC AND INSTITUTIONAL AND C-1 CONSERVANCY DISTRICTS (CZ-1703)

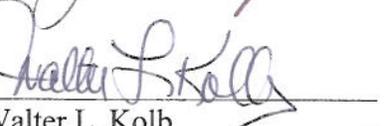
Presented by:  
Land Use, Parks, and Environment Committee

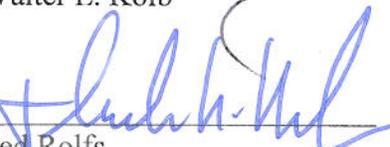
  
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Fritz Ruf, Chair

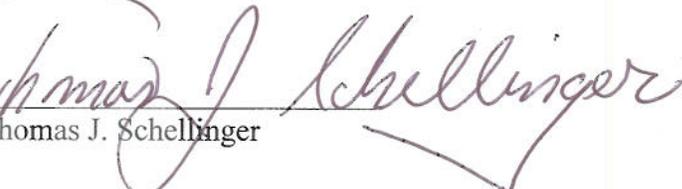
  
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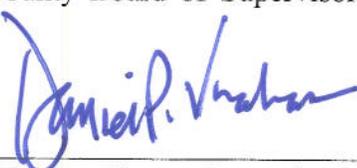
  
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Thomas J. Schellinger

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

Date: June 25, 2010,   
\_\_\_\_\_  
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 6-25-10,   
\_\_\_\_\_  
Daniel P. Vrakas, County Executive

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

**DATE:** May 6, 2010

**FILE NO:** CZ-1703

**PETITIONER/OWNER:** Town of Oconomowoc  
W359 N6812 Brown St.  
Oconomowoc, WI 53066

**AGENT:** Jeff Herrmann, Town Administrator  
W359 N6812 Brown St.  
Oconomowoc, WI 53066

**TAX KEY NO.:** OCOT:0514.997

**LOCATION:**

Part of the SW ¼ of the NW ¼ of Section 21, T8N, R17E, Town of Oconomowoc. More specifically, the property is located on the east side of N. Lake Road between the Hwy. 16 bypass and C.T.H. "K". The property is approximately three (3) acres in size.

**PRESENT ZONING:** R-1 Residential and C-1 Conservancy Districts.

**PRESENT LAND USE:** Vacant.

**PROPOSED ZONING:** P-I Public and Institutional and C-1 Conservancy Districts.

**PROPOSED LAND USE:**

The petitioner is proposing to use the property for the new Town of Oconomowoc Recycling Center and for future Public Works buildings.

**PUBLIC HEARING DATE:**

April 19, 2010.

**PUBLIC REACTION:**

Five neighbors spoke in opposition to the rezone request at the public hearing. No one spoke in favor of the request. The issues raised by the neighbors centered around concerns with increased traffic from the use, concerns with noise from activities on site such as shredding, as well as noise from truck back up alarms. The neighbors were upset that material was already being dumped on the site and trees and branches were being cut before the rezone was approved and any permits were issued. Concerns were raised regarding the smell of woodchips and that the new site will look unorganized, messy, and junky, like the existing site. Concerns were also raised regarding possible contamination of the wetland areas. Some of the neighbors were also concerned that burning would take place on site.

165-0-014

The Town Planner indicated the materials dumped on site are for the proposed asphalt pad only and that all dumping has ceased. He also indicated there would be some crushing/shredding of materials on site but that there would be no burning.

It should be noted that material in addition to asphalt has been dumped on the site. However, appropriate erosion control measures have been installed.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

At their meeting on April 19, 2010, the Town of Oconomowoc Plan Commission, voted to recommend that the Town Board approve the request to rezone the property. The minutes are attached as Exhibit "A."

At their meeting on May 3, 2010, the Town of Oconomowoc Board, voted unanimously to approve the resolution to recommend approval of the proposed rezoning of the property. The Town Board Resolution is attached as Exhibit "B."

**CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF OCONOMOWOC LAND USE PLAN**

The property is designated as Governmental and Institutional on the Comprehensive Development Plan of Waukesha County and as Institutional on the Town of Oconomowoc Land Use Plan. The southeast portion of the property is designated as Isolated Natural Area on both Plans. The "Governmental and Institutional" and "Institutional" categories are defined in the Comprehensive Development Plan for Waukesha County and in the Town of Oconomowoc Land Use Plan as "areas for government and public and private institutional buildings, facilities, and grounds such as schools, churches, libraries, cultural facilities, nonprofit charitable organizations, hospitals, and police and fire stations, that have a direct bearing on the quality of life and on public safety." The proposed use of the property for the Town Recycling Center and future public works building is in compliance with both Plans.

**STAFF ANALYSIS:**

The property is approximately three acres in size and is located between the Oconomowoc Landscape Supply Center and the Hwy. 16/67 bypass on the east side of N. Lake Road (formerly S.T.H. 67). The property is currently zoned R-1 Residential District with the wetland areas on the site zoned C-1 Conservancy District. The petitioner is proposing to rezone the upland portion of the property to the P-I Public and Institutional District to allow the property to be used for the new Town of Oconomowoc Recycling Center and future public works buildings. The wetland areas on the property will remain zoned C-1 Conservancy. The proposal indicates there will be a 30 ft. buffer from the proposed operation to the wetland. No disturbance is proposed in the wetland.

A detailed Site Plan/Plan of Operation review of the operation will be completed by the Planning and Zoning Division Staff prior to the operation commencing on the site.

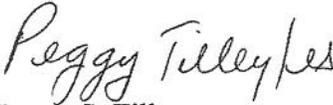
The public raised numerous concerns regarding the proposed operation, including increased traffic, noise, smells, salt contamination and the aesthetics of the site. It should be noted that there are acceleration and deceleration lanes on Lake Dr. leading to the site. This should accommodate the additional traffic turning into and out of the site. There are existing trees that help screen the site from the residential properties across Lake

Road, although it is not a 100% barrier/screen. The Planning and Zoning Division Staff may require in the Site Plan/Plan of Operation additional plantings to aid in screening the site. Limits on the hours of operation will be established through the Site Plan/Plan of Operation review to ensure that shredding only occurs on the site during normal business hours. The petitioners will be required to obtain the necessary permits from the DNR as well as the necessary permits from the Waukesha County Land Resources Division to ensure the wetland areas are appropriately protected. It should be noted that no details have been submitted for the proposed public works buildings at this time.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends approval of the request to rezone the property from the R-1 Residential and C-1 Conservancy Districts to the P-I Public and Institutional and C-1 Conservancy Districts to allow the operation of the Town Recycling Center and future public works buildings. The proposed rezone is consistent with both the Comprehensive Development Plan for Waukesha County and the Town of Oconomowoc Land Use Plan. The detailed review of the Site Plan/Plan of Operation by the Planning and Zoning Division Staff should ensure the proposed use will be reasonably compatible with the surrounding uses in the area.

Respectfully submitted,

  
Peggy S. Tilley  
Senior Land Use Specialist

Attachments: Exhibits "A" and "B"  
Map

# EXHIBIT "A"

TOWN OF OCONOMOWOC

PLAN COMMISSION

APRIL 19, 2010

RECEIVED  
APR 21 2010  
DEPT OF PARKS & LAND USE

Present: Chairman Runyard , Commissioners Peregrine, Garvey, Navin, Husak, Largent, Balthazor, Town Planner Herrmann, Peggy Tilley, Waukesha County Parks and Land Use, approximately 20 citizens.



**Joint Public Hearing between Waukesha County & the Town of Oconomowoc to consider the Zoning Amend request of the Town of Oconomowoc to amend the District Zoning Map of the Waukesha County Zoning Code from the R-1, Residential District and the C-1, Conservancy District to the P-1 Public & Institutional District and the C-1 Conservancy District. The property is located on the east side of N. Lake Road between the 16/67 Bypass and C.T.H. K.**

Chairman Runyard opened the public hearing at 7:00 p.m. He read the notice and Peggy Tilley explained that the property is about 3 acres in size, the C-1 is wetlands, and the Town is requesting rezoning in order to have the Town Recycling Center there. The rezoning is consistent with the County Zoning Plan and the Town Land Use Plan. A 100 ft x 180 ft asphalt path is proposed and there will be improvements in the future. Peggy suggested the Town think about a septic site for the future for rest rooms.

Robert Weigman, W380 N6989 N Lake Rd. The resident who formerly lived in that house was forced to move because he was told he shouldn't be driving in and out onto the road because it was too close to the by pass. Now there are trucks there? The cul de sac was only to be used for access to the agricultural area. It was supposed to stay farmland. The land has not been rezoned and already they are dumping there. Do you have DNR approval?

Jeff: It has been staked and we are not touching the wetland. We are working with the DNR on permits.

Richard Ische, N69 W38095 Park St. You are taking a farming community and making a public place out of it. I am definitely opposed. The church has lots of traffic. When they put in the bypass they were supposed to reduce the speed limit to 45 mph, which they never did. You paid \$65,000 for the property which sold on estate for \$165,000.

Arman Guose, 38145 Park St. Why are they putting recyclibles on it now when it hasn't been rezoned? This is a high traffic area and we should not have a dump site in our back yards. I strongly oppose this.

Jeff: We thought it was zoned Public and Institutional because it is on the County Plan as that, but on further research we learned that it was not, and we are taking corrective action.

165-0-014

Karen Reilly, 38067 Park St. This looks like a done deal. I am concerned with the traffic. How do you dispose of branches? Concerned with the noise. Will wood chips be stored there? A salt shed? I am against this.

Jeff: We have a list of people who want wood chips And at some point we will have a salt shed.

Chris Krenke, W380 N6961 N. Lake Rd. March 8 they started dumping reclaimed asphalt on the property. On the 29<sup>th</sup> there were 4 people dumping gravel & stone; they were cutting bushes. I called Mr. Hultquist who said there is nobody working there. Within 10 minutes they left. April 12-15 there were 17 truckloads of gravel hauled in I called the local paper who evidently contacted the Town and there hasn't been anybody there since then. The Recycling Center is a pig sty. We don't want the lights shining in our windows, the beeping of the vehicles, the salt contaminating our ground water, the traffic, our property values, possible burning. Really that we were not notified as to what was going on with the property. Do we have any recourse? I am adamantly opposed.

Arman Goose: My taxes are \$3000 and we get no services It's wrong to put this in our back yard. Who represents this community? How did you start this before it was a done deal ?

Jeff: If this is denied we will remove all the material.

The Public Hearing was closed at 7:25 p.m.

**Public Hearing by the Town of Oconomowoc to consider the request of Frank Hertneky, N61 W38100 Blackhawk Drive, Oconomowoc, Wisconsin to construct a fence that exceeds the height requirement of the Town of Oconomowoc Building Code.**

Chairman Runyard read the notice. Susan Sorrentino, attorney and daughter of the petitioner, presented the request. She explained that they wanted the fence to keep deer out of the property. They have an opportunity to be in a garden tour this summer and would like to protect their property from the deer. It would be a decorative wrought iron fence along the south border, which is what is visible. A wire fence would be along the other sides which would not be visible because of trees and brush. There would be no barbed wire, no points, there would be gates at the two driveway entrances. There is no opposition from neighbors and they produced a letter from Mr. Katcha to that effect.

The public hearing was closed at 7:35 p.m.

**Plan commission meeting.**

**1. Approve minutes for March 15, 2010 Plan Commission meeting.**

Navin moved to approve the minutes as printed. Seconded by Husak. Carried unanimously.

**2. Public Comments: None**



3. Consider and Act on Zoning Amendment Request of the Town of Oconomowoc to amend the District Zoning Map of the Waukesha County Zoning Code from the R-1, Residential District and the C-1, Conservancy District to the P-1 Public & Institutional District and the C-1 Conservancy District. The property is located on the east side of N.Lake Road between the 16/67 Bypass and C.T.H. K.

Husak explained the residency requirements of the Town Board, Plan Commission and Town employees, as this was questioned by former speakers.

Peregrine moved to recommend to the Town Board that the zoning applied for be granted. Seconded by Navin. Carried unanimously.

Former speakers asked who their attorney should address. Jeff replied that it would be him. Peggy Tilley explained the procedure the request would have to follow and this was not a done deal.

**4. Consider and Act on Fence Variance of Frank Hertneky, N61 W38100 Blackhawk Drive, Oconomowoc, Wisconsin to construct a fence that exceeds the height requirement of the Town of Oconomowoc Building Code.**

Peregrine moved that the petitioner be permitted to put up a 5 ft fence, both the wrought iron and the galvanized at that height. Seconded by Garvey. Carried unanimously.

**5. Consider and act on Site Plan/Plan of Operation for Alfa Collision Center – N58 W39800 Industrial Drive**

Mike Herro and Robert Hamilton explained that they took possession of part of the building two months ago. Now they would like to occupy the entire building. They need more room for storage, as some customers have collector cars and would like them stored inside. They have no objection to Jeff's report.

Navin moved to recommend approval for the Plan of Operation for Fall Line, LLC for the storage, office space in the industrial building on Industrial Drive per the Planner's report of April 14, 2010. Seconded by Garvey. Carried unanimously.

**6. Consider and act on Retaining Wall within five feet of a property line – Begler – N52 W35577 W. Lake Dr.**

Mr. Begler wants to extend the height of his retaining wall on the east side of his property. The County said he could build an 18 in wall without a permit. It will be under the 28 – 30 in range. He is higher than his neighbor and he wants to hold it back. The County Planner has inspected the wall and gave his O.K. The neighbor on the east side is not opposed. The County wanted an O.K. from the Plan Commission before they issued a permit

Carol Uebelacker, N52 W35601 Lake Dr said she would like to see a drainage plan for Mr. Begler and she questioned the permit process.

**EXHIBIT "B"**

RESOLUTION NO. 2010-9

RESOLUTION RECOMMENDING APPROVAL OF REZONING  
(TOWN OF OCONOMOWOC PROPERTY)

RECEIVED  
MAY 04 2010  
DEPT OF PARKS & LAND USE

WHEREAS, Jeffrey Herrmann, Town Administrator, on behalf of the Town of Oconomowoc, owner, petitioned to rezone a parcel of land located on the east side of STH 67 which has Tax Key No. OCOT 514.997, which is described on Exhibit A attached hereto and which is incorporated herein by reference, from R-1 Residential District to P-1 Public and Institutional District and C-1 Conservancy District; and

WHEREAS, the purpose of the rezoning is to allow the use of the subject parcel as a site for a public works facility and a recycling center for yard waste only; and

WHEREAS, the Town of Oconomowoc Town Board has discussed the purchase of the subject property from the Wisconsin Department of Transportation since 2007; and

WHEREAS, at a duly scheduled and conducted special town meeting, the town electors approved the purchase of the subject property from the Wisconsin Department of Transportation; and

WHEREAS, the Town Board had numerous meetings since 2007 which discussed the purchase of the subject parcel and the use as a location for municipal buildings and as a recycling center; and

WHEREAS, on April 19, 2010, a joint public hearing was held with the Waukesha County Department of Parks and Land Use at which interested parties were heard; and

WHEREAS, after hearing the petitioner's presentation and comments by all interested persons, the Plan Commission recommended the rezoning on April 19, 2010; and

WHEREAS, the Town of Oconomowoc Comprehensive Land Use Plan-2035 designates this parcel in a governmental and institutional land use category; therefore, the proposed use is consistent with the goals and objectives of the Town of Oconomowoc Comprehensive Land Use Plan-2035; and

NOW THEREFORE, BE IT HEREBY RESOLVED that for the reasons set forth in the recital paragraphs of this resolution and in the report of the Planner, the Town Board of the Town of Oconomowoc does hereby recommend that Waukesha County rezone the parcel with Tax Key No. OCOT 514.997 located on the east side of STH 67 from R-1 Residential District to P-1 Public and Institutional District and C-1 Conservancy District.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Waukesha County Department of Parks and Land Use for presentation to appropriate county committees and ultimately the County Board.

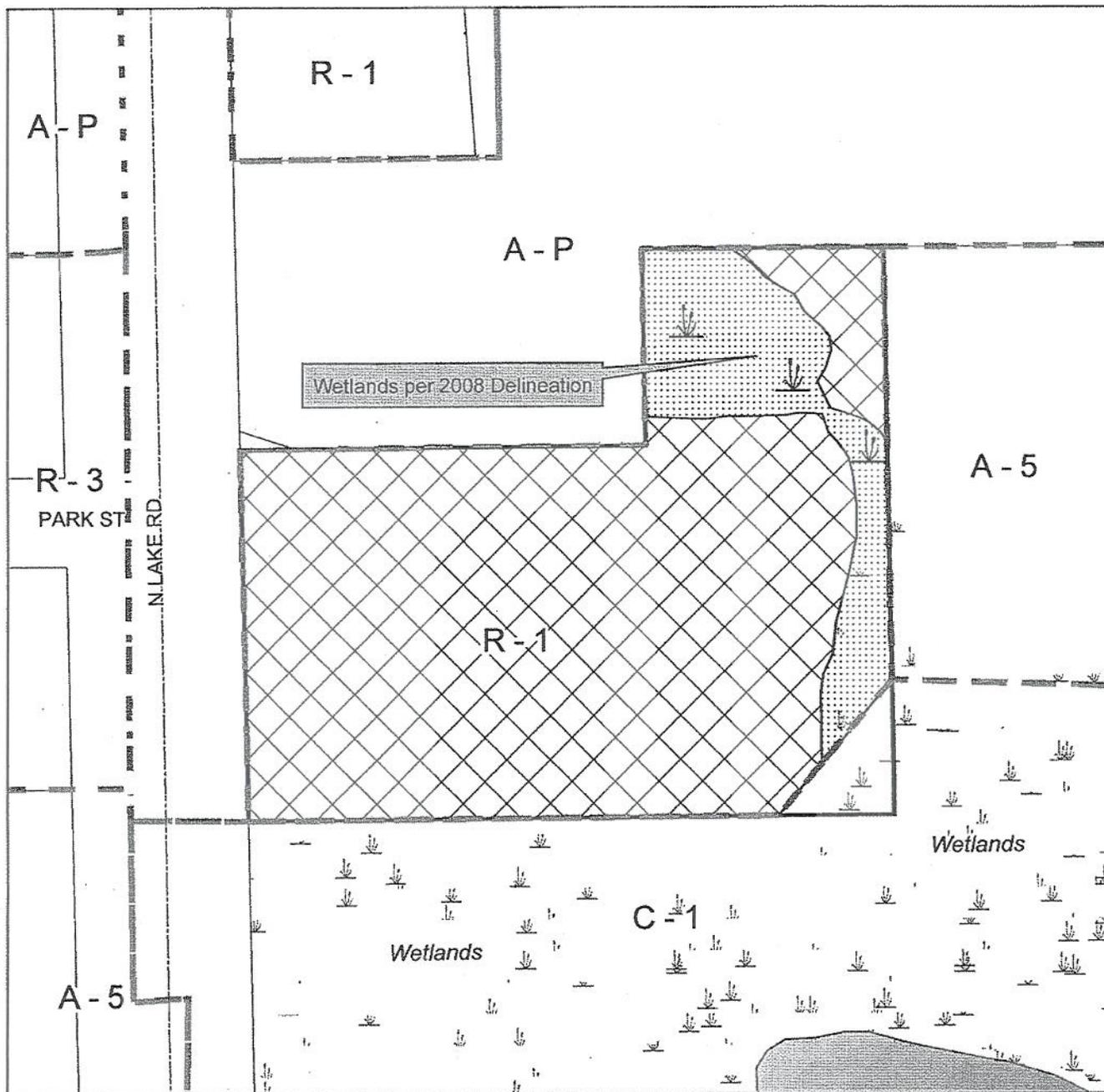
DATED: May 3, 2010

TOWN OF OCONOMOWOC  
By: Robert C. Hultquist  
Robert C. Hultquist, Chairman

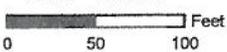
ATTEST:  
Jo Ann Lesser  
Jo Ann Lesser, Clerk

# ZONING MAP AMENDMENT

PART OF THE NW 1/4 OF SECTION 21  
TOWN OF OCONOMOWOC



	COUNTY ZONING CHANGE FROM R-1 RESIDENTIAL TO P-I PUBLIC AND INSTITUTIONAL; EXISTING C-1 CONSERVANCY WILL REMAIN UNCHANGED (2.48 AC)
	COUNTY ZONING CHANGE FROM R-1 RESIDENTIAL TO C-1 CONSERVANCY (0.44 AC)
FILE.....	CZ-1703
DATE.....	05-06-10
AREA OF CHANGE.....	2.9 ACRES
TAX KEY NUMBER.....	OCOT 0514.997

  
 1 inch = 100 feet  


Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/23/10

(ORD) NUMBER-1650014

1 D. FALSTAD.....AYE  
 3 R. HUTTON.....AYE  
 5 J. JESKEWITZ.....AYE  
 7 P. HAUKOHL.....AYE  
 9 J. HEINRICH.....AYE  
 11 F. RUF.....AYE  
 13 P. DECKER.....AYE  
 15 P. MEYERS.....AYE  
 17 J. TORTOMASI.....AYE  
 19 S. WIMMER.....AYE  
 21 W. ZABOROWSKI.....AYE  
 23 K. CHIAVEROTTI....AYE  
 25 G. YERKE.....AYE

2 T. ROLFS.....AYE  
 4 J. DWYER.....AYE  
 6 J. BRANDTJEN.....AYE  
 8 T. SCHELLINGER....AYE  
 10 D. SWAN.....AYE  
 12 P. WOLFF.....AYE  
 14 M. INDA.....AYE  
 16 D. PAULSON.....AYE  
 18 K. CUMMINGS.....AYE  
 20 P. JASKE.....AYE  
 22 P. GUNDRUM.....AYE  
 24 W. KOLB.....AYE

TOTAL AYES-25

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-25