

ENROLLED ORDINANCE 165-59

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE CITY OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 27, T8N, R17E, CITY OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SVZ-1706)

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 thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Sections 59.692 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, for the City of Oconomowoc, Waukesha County, Wisconsin, is hereby amended to conditionally rezone certain lands located in part of the SE ¼ of Section 27, T8N, R17E, City 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 SVZ-1706 subject to the following conditions:

1. A maximum of 91 dwelling units shall be permitted within the Waukesha County Shoreland Jurisdictional area, which is identified on the enclosed Zoning Map exhibit.
2. All structures must be located a minimum of 75’ from the ordinary high water mark of Rosenow Creek, the 100-year floodplain and wetlands within the Waukesha County Shoreland Jurisdictional area.
3. A minimum of 5,000 square feet of green space must be provided for each dwelling unit within the Waukesha County Shoreland Jurisdictional Area.
4. All dimensional requirements of the Waukesha County Shoreland and Floodland Protection Ordinance Multi-Family Conditional Use provisions must be complied with.
5. A copy of the Wetland Delineation Report for the site shall be provided to the Waukesha County Planning and Zoning Division Staff for review prior to commencement of grading activities.
6. Certification must be submitted to the Waukesha County Planning and Zoning Division verifying that an archaeological investigation or screening has been completed verifying that development activities will not adversely impact cultural resources prior to commencement of grading activities.
7. This rezone shall not be effective until the property is conveyed to Wangard Partners.

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

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

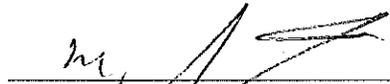
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

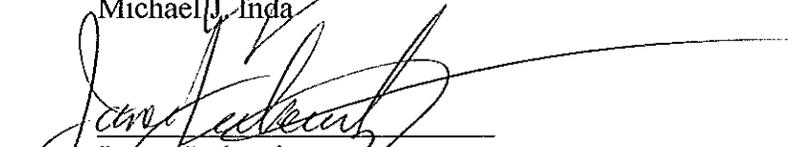
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE CITY OF OCONOMOWOC BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
SE ¼ OF SECTION 27, T8N, R17E, CITY OF OCONOMOWOC, WAUKESHA
COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL LAND PRESERVATION
TRANSITION DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SVZ-1706)

Presented by:
Land Use, Parks, and Environment Committee

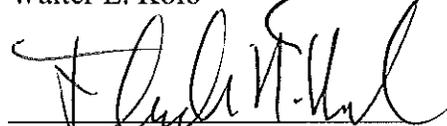

Fritz Ruf, Chair

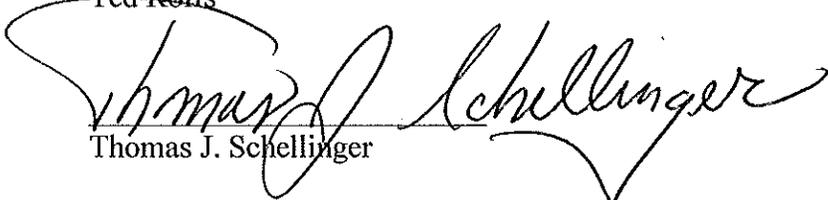
< Absent >
Robert Hutton


Michael J. Inda


James Jeskewitz


Walter L. Kolb

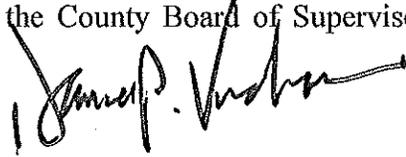

Ted Rolfs


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: 11/24/10, 
Kathy Nickolaus, County Clerk

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

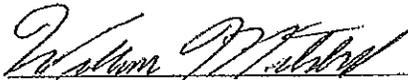
Approved:
Vetoed:
Date: 11-24-10, 
Daniel P. Vrakas, County Executive

COMMISSION ACTION

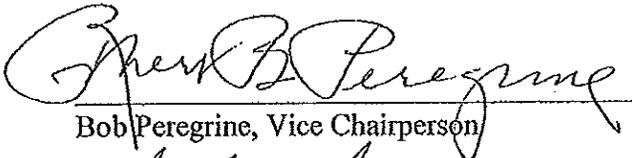
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of (SVZ-1706 Water Street Land, LLC) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

October 21, 2010



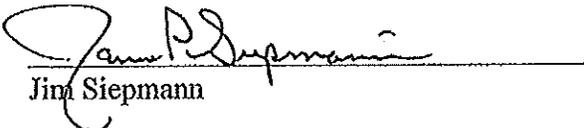
William Mitchell, Chairperson



Bob Peregrine, Vice Chairperson



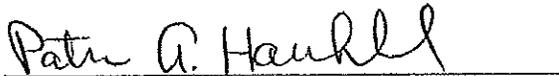
Gary Goodchild



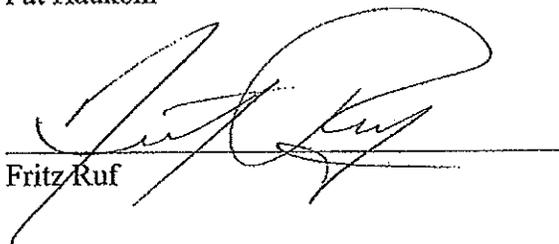
Jim Siepmann



Walter Kolb



Pat Haukohl



Fritz Ruf

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

DATE: October 21, 2010

FILE NO: SVZ-1706

PETITIONER: Yaggy Colby Associates
501 Maple Avenue
Delafield, WI 53018

OWNER: Water Street Land LLC
770 N. Water Street
Milwaukee, WI 53202

TAX KEY NO.: OCOC 0540.999.005 and OCOC 0540.999.021

LOCATION:

The properties are located in part of the SE ¼ of Section 27, T8N, R17E, City of Oconomowoc. More specifically, the properties are located south of C.T.H. "Z", north of Lisbon Road, and west of the Piggly Wiggly on C.T.H. "P". The properties contain approximately 71 acres, of which approximately 26 acres is under the jurisdiction of the County Shoreland Ordinance.

PRESENT ZONING:

A-T Agricultural Land Preservation Transition and C-1 Conservancy Districts.

PRESENT LAND USE:

The properties are used primarily for agricultural purposes.

PROPOSED ZONING:

R-3 Residential and C-1 Conservancy Districts.

PROPOSED LAND USE:

Multi-family residential.

PUBLIC HEARING DATE:

October 13, 2010.

PUBLIC REACTION:

There were no comments from the public.

CITY PLAN COMMISSION ACTION:

At its meeting following the public hearing on October 13, 2010, the City of Oconomowoc Plan Commission recommended approval of the rezoning and the associated Conditional Use request.

CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE CITY OF OCONOMOWOC COMPREHENSIVE LAND USE PLAN:

The properties are designated on the Comprehensive Development Plan for Waukesha County as Medium Density Residential with an area along Rosenow Creek that is designated as Isolated Natural

Resource Area. Under the County's Plan, the Medium Density Residential category allows 6,000 sq. ft. to 19,999 sq. ft. per dwelling unit.

The portion of the properties that are the subject of the rezoning request are designated on the City of Oconomowoc Comprehensive Land Use Plan as Medium Density Residential and the strip of land west of Rosenow Creek as Recreational/Parks. Under the City's Plan, the Medium Density Residential category is intended to provide a variety of residential units with no more than six (6) dwelling units per acre. The proposed rezoning complies with the density parameters of both plans, and the wetlands and floodplain on site are proposed to be preserved in accordance with the plans.

OTHER CONSIDERATIONS:

The property, which was annexed to the City of Oconomowoc in 2002, is bounded on the east by the existing Pebble Creek Shopping Center and C.T.H. "P", on the north by C.T.H. "Z," on the south by Lisbon Road, and the westernmost property boundary runs parallel to Rosenow Creek. The area of the properties located within 300 ft. of Rosenow Creek falls within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance. Shoreland areas in the City of Oconomowoc annexed after 1982 remain subject to the provisions of the County Shoreland Ordinance. The property contains minimal areas of 100-year floodplain along Rosenow Creek and contains nearly 11 acres of wetlands associated with the creek as well as an isolated wetland on the east side of the property. The petitioner is proposing to rezone the area under County zoning jurisdiction from the A-T Agricultural Land Preservation Transition District to the R-3 Residential District, with the C-1 Conservancy District zoned areas to remain as C-1 Conservancy. The A-T District is a holding zone for lands that are currently farmed but are recognized as having development potential. The purpose of the rezone request is to allow the site to be developed for a large multi-family residential development. It should be noted that City sewer and water will be provided for the site. The City of Oconomowoc rezoned the property to the MR-6 Mixed Residential District with a Planned Development Overlay in 2008. These approvals were granted relative to a very similar concept. The City will hold an additional public hearing in November for the Precise Implementation Plan for the proposed project.

The proposed development consists of two phases, see the Site Plan attached as Exhibit "A". Two (2) conceptual Certified Survey Maps have been prepared, which show that the north phase of the project would contain two buildable parcels containing 32.9 acres, while the south phase would contain a 20.8 acre parcel. A seven acre parcel fronting C.T.H. "P" is not part of this project and would be held for future commercial use. The initial, northernmost phase of the project would consist of the construction of 12 multi-family apartment buildings- each containing 17 dwelling units. The buildings would be clustered around four central squares which would contain greenspace. Three of these structures will be located partially within the shoreland jurisdictional limits of Waukesha County. The plan submitted by the petitioner indicates that parts of six dwelling units in Buildings A, B and H will be located within 300 ft. of Rosenow Creek. The second, southernmost phase of the project is conceptual at this point, but a sketch plan shows a potential layout with nine (9) additional multi-family structures, each containing 16 dwelling units. Five (5) of the structures, containing 60 dwelling units, would be located partially within the shoreland jurisdictional limits. A clubhouse building is proposed to be centrally located between the two phases of the project. In total, both phases of the project would result in 352 dwelling units within 21 buildings on approximately 64 acres.

The area within 300 ft. of Rosenow Creek consists of 16.82 acres of upland and 10.81 acres of wetland. Only the upland areas can be utilized when calculating allowable density. As noted above, the site is designated as Medium Density Residential on the Comprehensive Development Plan for

Waukesha County, which allows residential development at a density of 6,000 sq. ft. to 19,999 sq. ft. per unit. However, the site will be developed under the Multi-Family Conditional Use section of the Ordinance which allows residential development at a maximum density of 8,000 sq. ft. per unit where both sewer and water are available. Therefore, the maximum allowable residential units in the shoreland area is approximately 91.5 units. Since only 66 units are proposed within the shoreland area, the proposed development is consistent with the R-3 District parameters relative to density.

The Multi-Family Conditional Use section of the Shoreland Ordinance requires that 5,000 sq. ft. of green space, exclusive of parking areas, driveways, roads, and other paved or impervious surfaces, be provided per unit. Therefore, 7.53 acres of green space is required within the shoreland jurisdictional area. The green/open areas provided within the shoreland area on the site well exceed this threshold. The required Shoreland Ordinance building setback of 75' from the high water mark of Rosenow Creek, the associated 100 year floodplain and wetlands is being provided. In addition, development is being concentrated away from the stream corridor and the associated Isolated Natural Resource Area. It should be noted that there are two wetland mitigation areas within the delineated wetlands on site. The wetland mitigation areas are designated by easements which contain language as to the long-term maintenance of these areas. The wetland mitigation areas are subject to a 100' buffer requirement, which the plan provides. It should be noted that archaeological inventories do reveal possible cultural resources in the subject quarter section, and further investigation of the site should be required to avoid any adverse impacts.

The Multi-Family Conditional Use provisions require a minimum floor area per unit of 900 sq. ft. for one-bedroom units, 1,000 sq. ft. for two-bedroom units, and 1,100 sq. ft. for three-bedroom units. A conceptual architectural rendering of the proposed structures in the north phase of the project has been provided (See Exhibit "B"). Two off-street parking spaces are required to be provided for each dwelling unit. The buildings in the north phase will contain 349 surface parking stalls and 84 garage spaces, which complies with this standard. A minimum building offset of 20 ft., a minimum road setback of 50 ft. from the public road and 20 ft. from the private road is required, and the maximum height of the structures shall not exceed 35 ft. in height. Additional height may be permitted if the offset and setback requirements are increased by one (1) foot for each additional one (10) foot in height above 35 ft. The proposal complies with these setback and height requirements.

The site will be served by a westerly extension of Prairie Creek Boulevard and a new public road connecting to C.T.H. "Z". The Waukesha County Department of Public Works has indicated that a new access to the county highway would be acceptable, but a formal access application has not yet been made by the petitioner. A private drive is proposed to connect to Lisbon Road to the south. The development will be conveniently accessible to neighborhood shopping services in the adjacent commercial development fronting C.T.H. "P".

The Waukesha County Park and Open Space Plan designates lands either side of Rosenow Creek for possible City ownership. Jason Gallo, City Planner informed the Planning and Zoning Division Staff that the city requires a dedication of 1,500 square feet of land for each dwelling unit proposed. The City Park Commission is actively reviewing the project to determine its area of interest for dedication. The submitted Site Plan depicts a trail system traversing the site with a possible crossing of Rosenow Creek at an existing farm crossing.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following conditions:

1. A maximum of 91 dwelling units shall be permitted within the Waukesha County Shoreland Jurisdictional area, which is identified on the enclosed Zoning Map exhibit.
2. All structures must be located a minimum of 75' from the ordinary high water mark of Rosenow Creek, the 100-year floodplain and wetlands within the Shoreland Jurisdictional area.
3. A minimum of 5,000 square feet of green space must be provided for each dwelling unit within the Shoreland Jurisdictional Area.
4. All dimensional requirements of the Waukesha County Shoreland and Floodland Protection Ordinance Multi-Family Conditional Use provisions must be complied with.
5. A copy of the Wetland Delineation Report for the site shall be provided to the Waukesha County Planning and Zoning Division Staff for review prior to commencement of grading activities.
6. Certification must be submitted to the Waukesha County Planning and Zoning Division verifying that an archaeological investigation or screening has been completed verifying that development activities will not adversely impact cultural resources prior to commencement of grading activities.
7. This rezone shall not be effective until the property is conveyed to Wangard Partners.

The Planning and Zoning Division Staff believes that as conditioned, the project conforms to both the County Development Plan and the Shoreland and Floodland Protection Ordinance. The site is ideally situated for higher density development given its location adjacent to two (2) county trunk highways and proximity to shopping services. The natural resources on the site are being buffered and the project will result in additional parklands for use by both development residents and city residents.

Respectfully submitted,

Jason Fruth / Kub

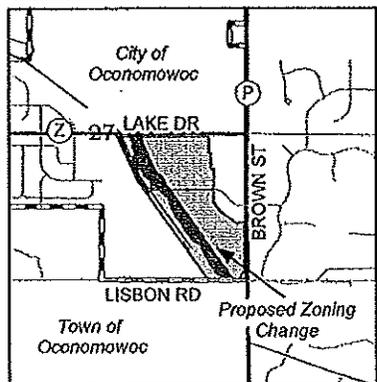
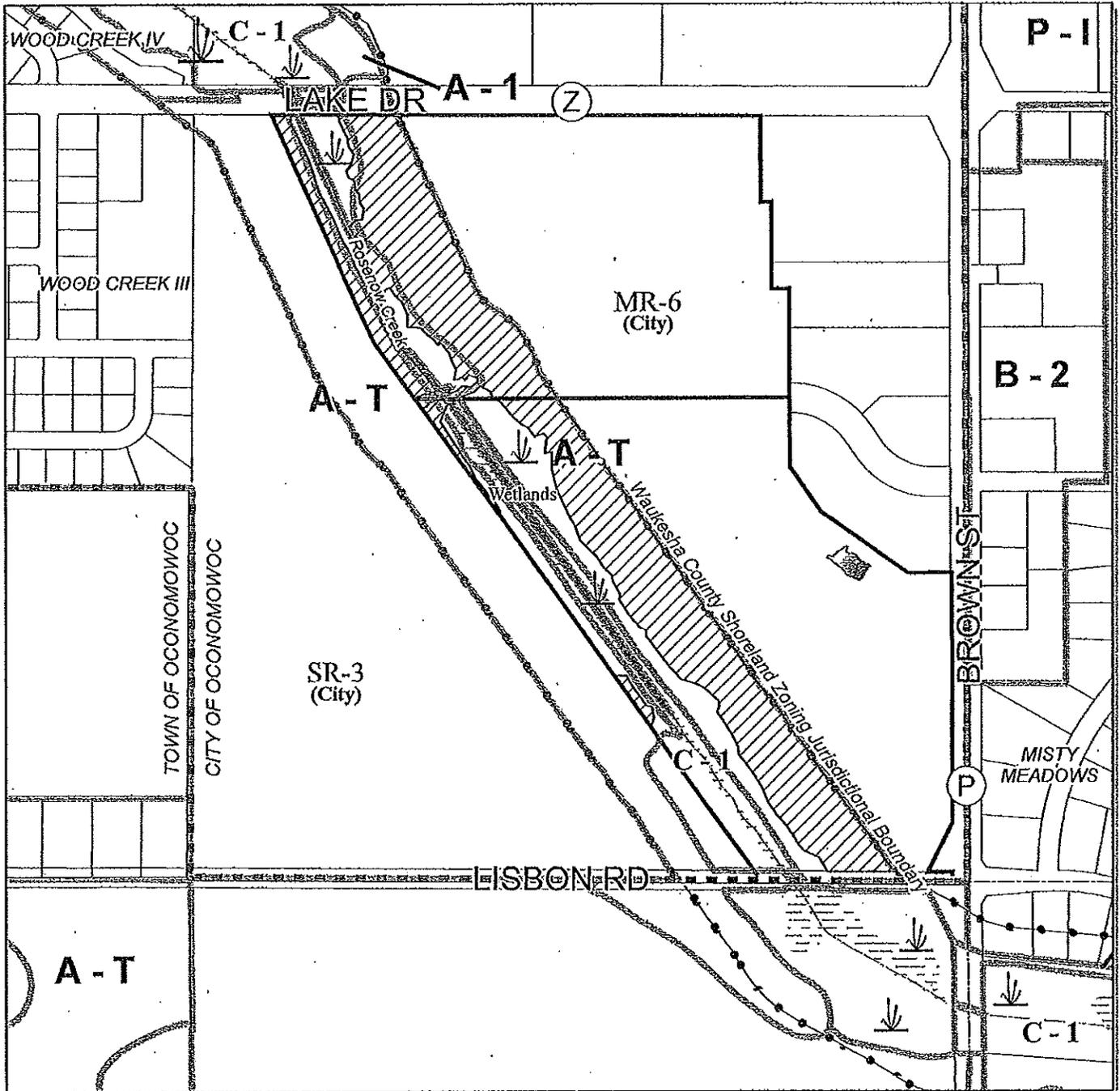
Jason Fruth
Planning and Zoning Manager

Attachment: Exhibits "A", "B" and Map

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ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SECTION 27
CITY OF OCONOMOWOC (T8N, R17E)



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

FILE.....SVZ-1706

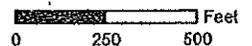
DATE.....10/21/10

AREA OF CHANGE.....16.33 ACRES

TAX KEY NUMBER.....OCOC0540999005
OCOC0540999021



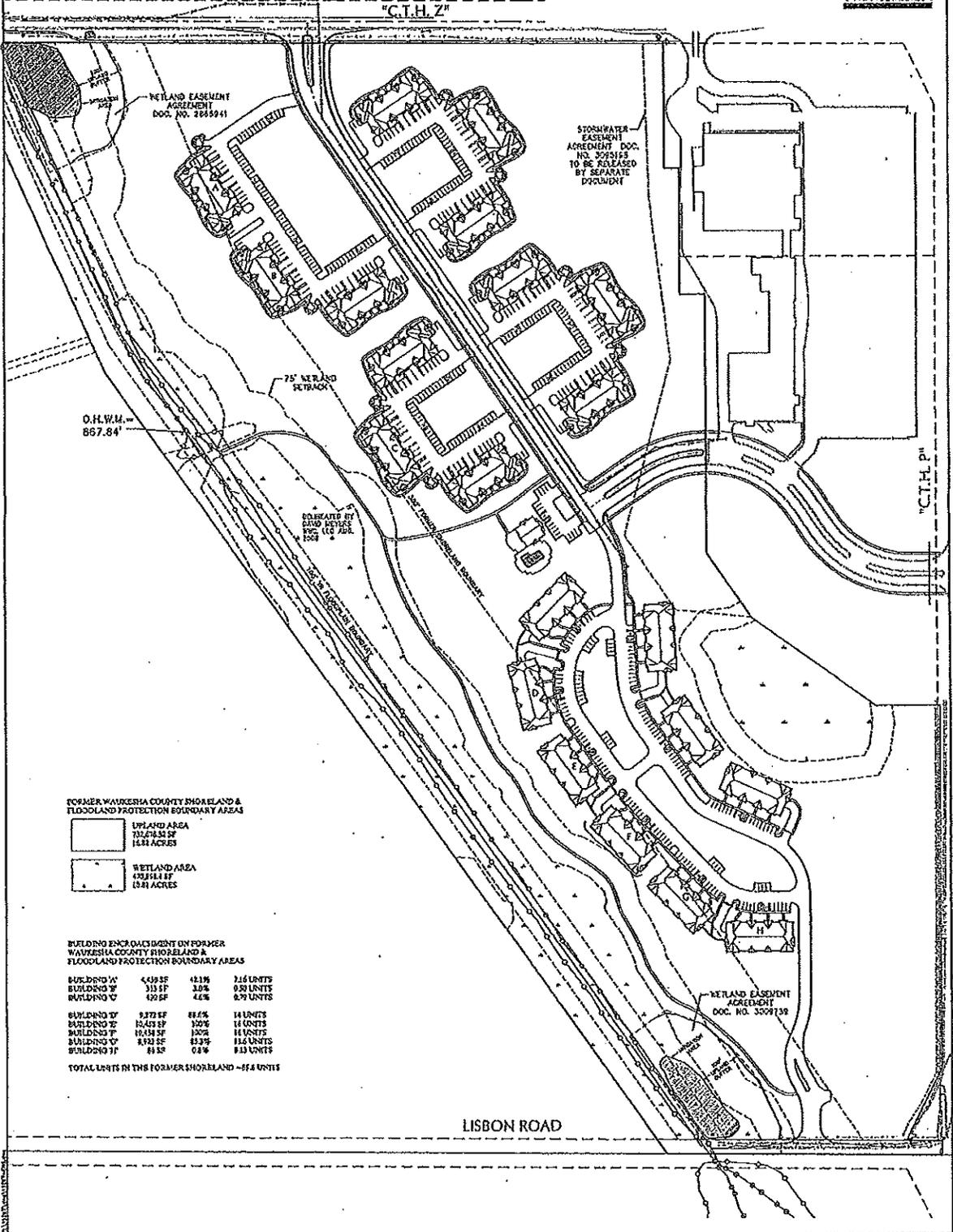
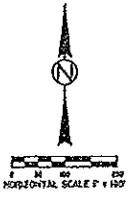
1 inch = 500 feet



Prepared by the Waukesha County Department of Parks and Land Use

165-0-060

EXHIBIT "A"



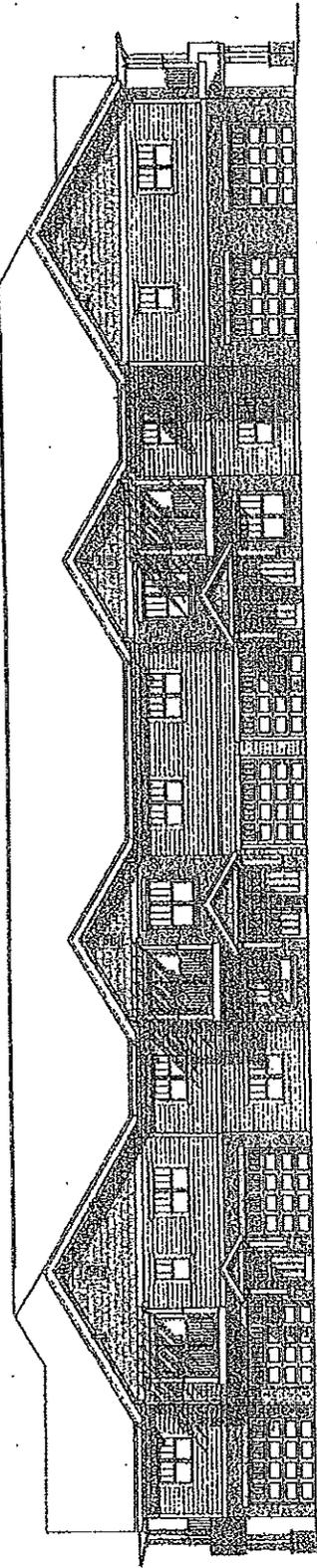
FORMER WAUKESHA COUNTY SHORELAND & FLOODLAND PROTECTION BOUNDARY AREAS

	UPLAND AREA 70,674.51 SF 1.61 ACRES
	WETLAND AREA 42,814.17 SF 0.97 ACRES

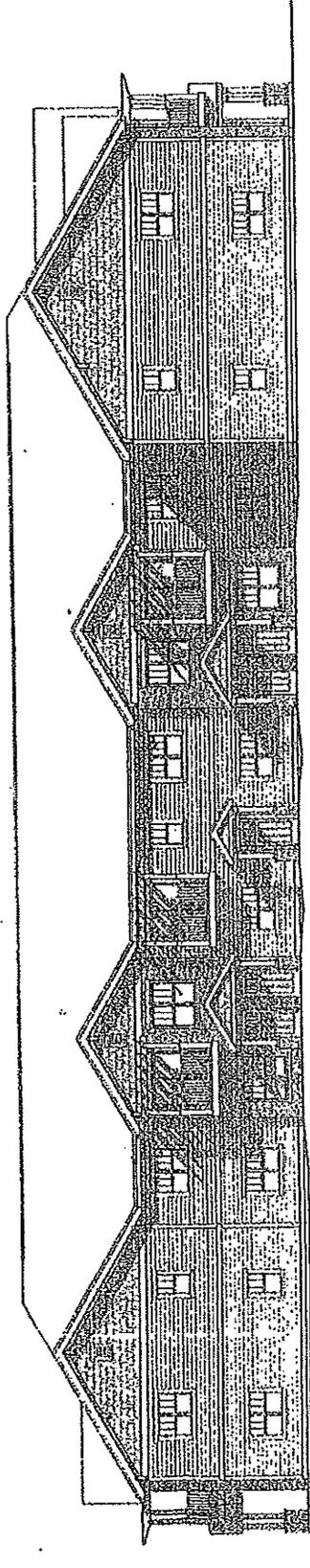
BUILDING ENCROACHMENT ON FORMER WAUKESHA COUNTY SHORELAND & FLOODLAND PROTECTION BOUNDARY AREAS

BUILDING W	4,438 SF	42.1%	216 UNITS
BUILDING Y	313 SF	3.0%	0.20 UNITS
BUILDING Z	420 SF	4.6%	0.29 UNITS
BUILDING 10	9,370 SF	88.6%	14 UNITS
BUILDING 11	16,443 SF	150%	14 UNITS
BUILDING 12	10,618 SF	100%	14 UNITS
BUILDING 13	8,932 SF	83.3%	11.6 UNITS
BUILDING 14	81 SF	0.8%	0.13 UNITS
TOTAL UNITS IN THE FORMER SHORELAND - 84 UNITS			

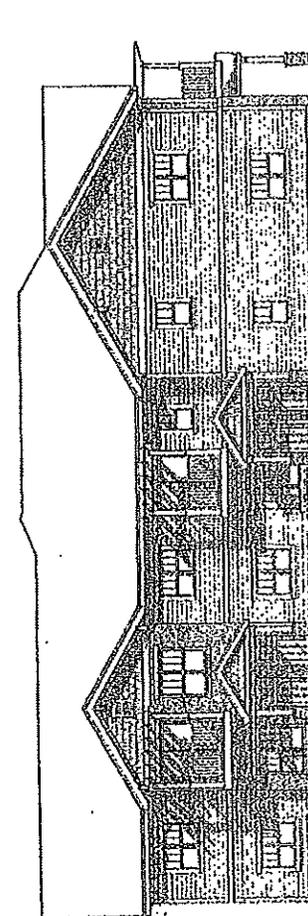
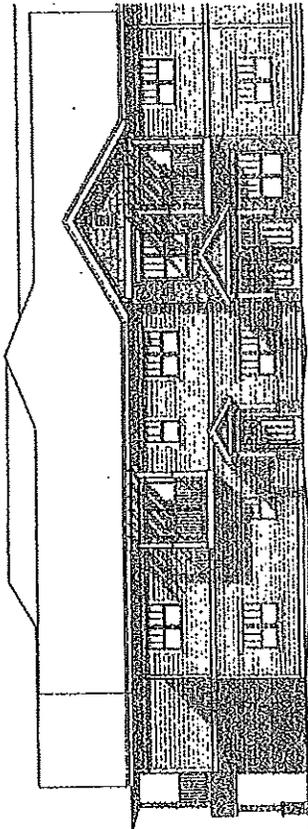
Exhibit "B"



1 FRONT ELEVATION
SCALE 1/8" = 1'-0"



2 REAR ELEVATION
SCALE 1/8" = 1'-0"



165-0-060

10.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/23/10

(ORD) NUMBER-1650060

- 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.....
- 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.....
- 24 W. KOLB.....AYE

TOTAL AYES-23

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-23