

ENROLLED ORDINANCE 166-70

AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY REVISING A PREVIOUSLY IMPOSED CONDITION OF APPROVAL (CONDITION NO. 4, ENROLLED ORDINANCE NO. 162-109) FOR LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 20, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN (CZ-1663A)

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 ORDAINS 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 revise a previously imposed condition of approval (Condition No. 4, Enrolled Ordinance No 162-109), for lands located in part of the NW ¼ of Section 20, T8N, R17E, Town of Oconomowoc, Waukesha, Wisconsin, 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-1663A, subject to the following conditions:

1. All conditions of the Town of Oconomowoc, as detailed in the resolutions dated November 19, 2007 (refer to Exhibit “A”) and September 19, 2011 (refer to Exhibit “B”), shall be an integral part of this approval, except as amended herein.
2. All conditions of the Waukesha County Board of Supervisors, as detailed in enrolled ordinance 162-109 (refer to Exhibit “C”), shall be an integral part of this approval, except as amended herein. The new deadline to develop the property shall be September 19, 2016.
3. A Conditional Use amendment must be obtained from the Town of Oconomowoc and Waukesha County for a Planned Unit Development for any proposed part of the building development that has more than one (1) dwelling unit and the development shall not exceed six (6) total dwelling units.
4. The deadline to obtain the Planned Unit Development Conditional Use Permit must be extended by the Town of Oconomowoc and Waukesha County (refer to Condition No. 21 of that approval letter dated November 23, 2009).

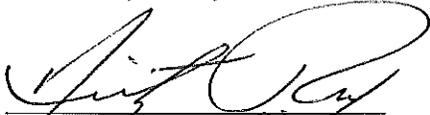
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

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

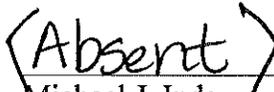
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY REVISING A PREVIOUSLY IMPOSED CONDITION OF APPROVAL (CONDITION NO. 4, ENROLLED ORDINANCE NO. 162-109) FOR LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 20, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN (CZ-1663A)

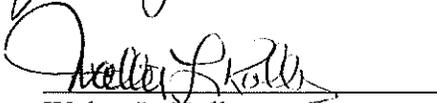
Presented by:  
Land Use, Parks, and Environment Committee

  
Fritz Ruf, Chair

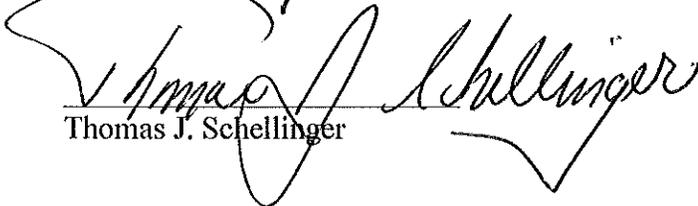
  
Robert Hutton

  
Michael J. Inda

  
James Jeskewitz

  
Walter L. Kolb

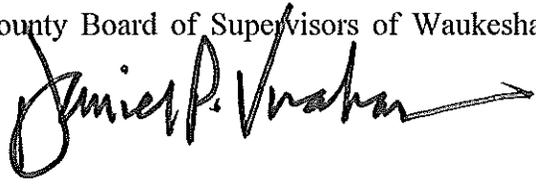
  
Ted Rolfs

  
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: 11-23-11   
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 11-23-11   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/22/11

(ORD) NUMBER-1660070

1 D. FALSTAD.....AYE  
 3 R. HUTTON.....  
 5 J. JESKEWITZ.....  
 7 P. HAUKOHL.....AYE  
 9 J. HEINRICH.....  
 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 D. DRAEGER.....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.....AYE  
 24 W. KOLB.....AYE

TOTAL AYES-21

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-21

**COMMISSION ACTION**

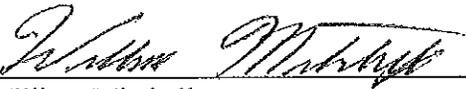
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends **approval** of (CZ-1663A Irene Boschuetz Trust) in accordance with the attached "Staff Report and Recommendation".

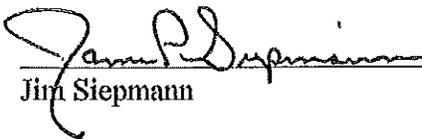
**PARK AND PLANNING COMMISSION**

**October 20, 2011**

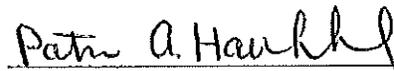
  
\_\_\_\_\_  
Gary Goodchild, Chairperson

Absent  
\_\_\_\_\_  
Bob Peregrine, Vice Chairperson

  
\_\_\_\_\_  
William Mitchell

  
\_\_\_\_\_  
Jim Siepmann

  
\_\_\_\_\_  
Walter Kolb

  
\_\_\_\_\_  
Pat Haukohl

Absent  
\_\_\_\_\_  
Fritz Ruf

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

**FILE NO.:** CZ-1663A  
**TAX KEY NO.:** OCOT 0510.999.002  
**DATE:** October 20, 2011  
**PETITIONER/OWNER:** Irene Boschuetz Trust  
N53 W34412 Road Q  
Okauchee, WI 53069

**LOCATION:**

Part of the NW ¼ of Section 20, T8N, R17E, Town of Oconomowoc. More specifically, the 4.6 acre property is located immediately south of S.T.H. 16/67 and east of Pennsylvania Street, with the area of rezoning being 2.8 acres.

**EXISTING ZONING:**

A-5 Mini-Farm District and C-1 Conservancy District

**REQUESTED ZONING:**

R-3 Residential District and C-1 Conservancy District – amend condition of previous approval to extend the timeframe to develop the property for an additional five (5) years.

**EXISTING LAND USE:**

Vacant parcel with an area of wetlands.

**REQUESTED LAND USE:**

A duplex utilizing a Planned Unit Development. A maximum of three duplex units were originally approved by the Town for a total of six (6) units.

**PUBLIC HEARING DATE:** August 29, 2011.

**PUBLIC REACTION:** None.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTIONS:**

The Town of Oconomowoc Plan Commission recommended approval of the amended rezoning request to the Town Board at their meeting of September 6, 2011. On September 19, 2011, the Town of Oconomowoc Board of Supervisors voted to approve the amended rezoning request in accordance with the recommendation of the Town Plan Commission for a period of time not to exceed five (5) years (refer to Exhibit "A").

**COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF OCONOMOWOC LAND USE PLAN:**

Both the Town of Oconomowoc Comprehensive Development Plan and the Waukesha County Comprehensive Development Plan designate the subject lands in the Low Density Residential category (20,000 square feet - 1.4 acres per dwelling unit). The proposal to rezone the property to the R-3 Residential District, which requires a minimum 20,000 square foot lot size, complies with both plans.

**STAFF ANALYSIS:**

The proposed rezoning request was originally approved in 2007-2008. At that time, the petitioner indicated she would like to be able to accommodate six (6) dwelling units within three (3) buildings on the site. The petitioner originally wanted to rezone the property so the lands might be more marketable. She stated, an intent to seek out a developer who would bring forward a formal development plan for condominiums at a later date. Since the Town affixed a condition to their original approval that the zoning revert to the A-5 Mini Farm District after three (3) years if the property is not developed, the petitioner is requesting to amend a condition of the previous approval to extend the timeframe to develop the property for five (5) additional years.

The property has some unique physical challenges. The property abuts the Pennsylvania Street overpass of the recently constructed Oconomowoc Bypass (S.T.H. 16/67). Consequently, the Pennsylvania Street right-of-way is quite broad in this section in order to accommodate the sloping related to the overpass. There is a substantial grade change from Pennsylvania Street road grade to the subject property. The east side of the property contains approximately 1.8 acres of wetlands. The property borders the state highway right-of-way to the north and the Village of Lac La Belle and the Rolling Hills Golf Club to the south and east. The pole-type maintenance buildings for the golf club are visible to the east.

When a typical 75' wetland setback is applied and a 50' road setback is measured from the Pennsylvania Street right-of-way, the remaining buildable area on this site is quite limited, varying from a depth of 35' to 50'. Therefore, it would be difficult to develop the subject property in a conventional manner without the benefit of variances. Given the difficult site constraints, the Planning and Zoning Division staff and the Town Planner consulted with the property owner when she brought forward a conceptual development plan and suggested that the property was likely most conducive to a Planned Unit Development (PUD) if it were to be developed, because a PUD allows for flexibility in design and allows for modifications to regulations such as setbacks. A PUD would require that a Conditional Use Permit be obtained from Waukesha County and the PUD public hearing process, regarding a detailed proposal, occurred in 2009 where the Town and County were able to consider the potential impacts of the development relative to the project setting. To date, the petitioner has made significant progress in preparing Site Plans and Storm Water Management Plans, but the Conditional Use Permit has not yet been issued.

**STAFF RECOMMENDATION:**

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

1. All conditions of the Town of Oconomowoc, as detailed in the resolutions dated November 19, 2007 (refer to Exhibit "A") and September 19, 2011 (refer to Exhibit "B"), shall be an integral part of this approval, except as amended herein.
2. All conditions of the Waukesha County Board of Supervisors, as detailed in enrolled ordinance 162-109 (refer to Exhibit "C"), shall be an integral part of this approval, except as amended herein. The new deadline to develop the property shall be September 19, 2016.
3. A Conditional Use amendment must be obtained from the Town of Oconomowoc and Waukesha County for a Planned Unit Development for any proposed part of the building development that has more than one (1) dwelling unit and the development shall not exceed six (6) total dwelling units.

4. The deadline to obtain the Planned Unit Development Conditional Use Permit must be extended by the Town of Oconomowoc and Waukesha County (refer to Condition No. 21 of that approval letter dated November 23, 2009).

If approved as conditioned, the rezoning request will allow the petitioner additional time to develop the property, while also limiting the development to a reasonable scale that is consistent with the density parameters of both the Town and County Comprehensive Development Plans. The fact that a Conditional Use for a Planned Unit Development has been approved provided increased flexibility with the development, and the Town of Oconomowoc and the Waukesha County Park and Planning Commission were given the opportunity to review the development proposal in great detail.

Respectfully submitted,

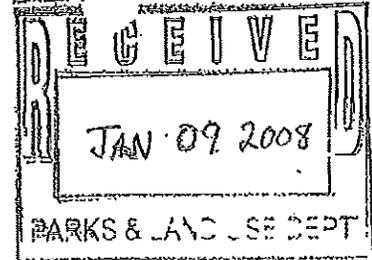


Sandy Scherer  
Senior Planner

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

**EXHIBIT "A"**

RESOLUTION NO. 07-11-03



WHEREAS, Irene Boschuetz owns 4.6 acres of land in the Northwest 1/4 of Section 20, Town of Oconomowoc, Waukesha County, Wisconsin, which lies east of Pennsylvania Street and south of the STH 16/67 bypass; and

WHEREAS, the current zoning of said land is A-5 Mini-Farm District and C-1 Conservancy District under the Waukesha County zoning ordinance; and

WHEREAS, approximately 2.8 acres of the subject property are upland and about 1.8 acres are wetland/conservancy; and

WHEREAS, the property owner has requested that the property be rezoned to R-3 Residential District and C-1 Conservancy District; and

WHEREAS, the 4.6 acres of land are currently vacant; and

WHEREAS, the Town of Oconomowoc Land Use Plan 2020 designates the subject 4.6-acre parcel in the low density residential category, and accordingly the requested rezoning is consistent with said plan; and

WHEREAS, petitioner proposes to sell the 4.6 acres for development, the development of which would be limited to no greater density than one unit per 15,000 square feet (potentially eight units); however, due to the presence of wetland/conservancy land, any development should be limited to six units; and

WHEREAS, the Town Planner and the Town Plan Commission recommend to the Town board that the requested rezoning be approved, with the rezoning being as follows: the 2.8 acres of upland from A-5 Mini-Farm District to R-3 Residential District and the balance of the parcel to C-1 Conservancy District, subject to the following conditions:

1. That the development be by way of a planned unit development (PUD) which shall be limited to a density of six units.
2. Access to the property from Pennsylvania Street shall be reviewed and approved by the Town Highway Superintendent.
3. All wetland/conservancy areas shall remain zoned C-1 Conservancy District.
4. In addition to the above conditions, it is the recommendation of the Town Planner, Town Plan Commission and Town Board that the ordinance approving the rezoning be a conditional ordinance, with the rezoning not to become effective unless the property is developed within three years of the Waukesha County Board of Supervisors action to rezone.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town Board of the Town of Oconomowoc approves the request of Irene Boschuetz to rezone the 4.6 acres of land in the Northwest 1/4 of Section 20, subject to the following conditions:

1. That the development be by way of a planned unit development (PUD) which shall be limited to a density of six units.
2. Access to the property from Pennsylvania Street shall be reviewed and approved by the Town Highway Superintendent.
3. All wetland/conservancy areas shall remain zoned C-1 Conservancy District.
4. In addition to the above conditions, it is the recommendation of the Town Planner, Town Plan Commission and Town Board that the ordinance approving the rezoning be a conditional ordinance, with the rezoning not to become effective unless the property is developed within three years of the Waukesha County Board of Supervisors action to rezone.

DATED: November 19, 2007

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

ATTEST:  
Terry A. Leadman  
Terry A. Leadman, Clerk

**EXHIBIT "B"**

RESOLUTION NO. 2011-16

RECEIVED

SEP 21 2011

DEPT OF PARKS & LAND USE

WHEREAS, Irene Boschuetz owns 4.6 acres of land in the Northwest 1/4 of Section 20, Town of Oconomowoc, Waukesha County, Wisconsin, which lies east of Pennsylvania Street and south of the STH 16/67 bypass; and

WHEREAS, that land was the subject of a resolution adopted by the Town of Oconomowoc recommending approval of a rezoning request, which resolution was dated November 19, 2007; and

WHEREAS, the rezoning was granted conditionally, with the rezoning not to become effective unless the property was developed within three years of the Waukesha County Board of Supervisors action to rezone; and

WHEREAS, due to the economy, development of the 4.6 acres has not been initiated, and accordingly the property owner has requested that there be an extension of the time within which to develop; and

WHEREAS, the Town Plan Commission recommends that the request for an extension of time to develop be extended an additional five years.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town Board of the Town of Oconomowoc approves the request of Irene Boschuetz to extend the three-year time limit established by Resolution No. 07-11-03 for an additional five years.

BE IT FURTHER RESOLVED that all other terms of Resolution No. 07-11-03 remain in full force and effect.

DATED: September 19, 2011

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

ATTEST:  
Jo Ann Lesser  
Jo Ann Lesser, Clerk

**EXHIBIT "C"**

ENROLLED ORDINANCE 162-109

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 NW ¼ OF SECTION 20, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-5 MINI-FARM AND C-1 CONSERVANCY DISTRICTS TO THE R-3 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (CZ-1663)

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 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 NW ¼ of Section 20, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin, from the A-5 Mini-Farm and C-1 Conservancy Districts to the R-3 Residential 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-1663), subject to the following conditions:

1. Conditional Use approval must be obtained from the Town of Oconomowoc and Waukesha County for a Planned Unit Development for any proposed development to include more than one (1) dwelling unit and not more than (6) six units.
2. Access to the property from Pennsylvania Street shall be reviewed and approved by the Town Highway Superintendent.
3. All wetland/conservancy areas shall remain zoned C-1 Conservancy District.
4. In addition to the above conditions, it is the recommendation of the Town Planner, Town Plan Commission and Town Board that the ordinance approving the rezoning be a conditional ordinance, with the rezoning not to become effective unless the property is developed within three years of the Waukesha County Board of Supervisors action to rezone.

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

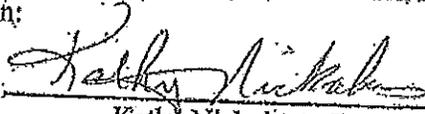
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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  
NW ¼ OF SECTION 20, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA  
COUNTY, WISCONSIN, FROM THE A-5 MINI-FARM AND C-1 CONSERVANCY  
DISTRICTS TO THE R-3 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS  
(CZ-1663)

The foregoing legislation was reconsidered and adopted by the County Board of  
Supervisors of Waukesha County Wisconsin on March 25, 2008. Was presented to the  
County Executive on:

Date: 3/31/2008



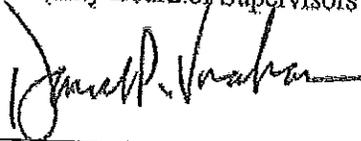
Kathy Nickolaus, County Clerk

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

Approved:

Vetoed:

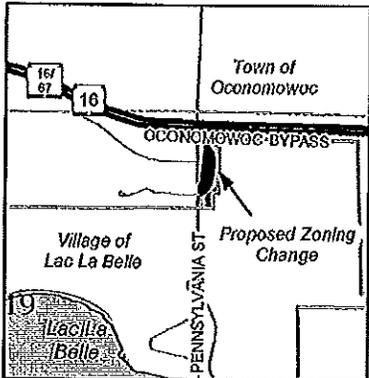
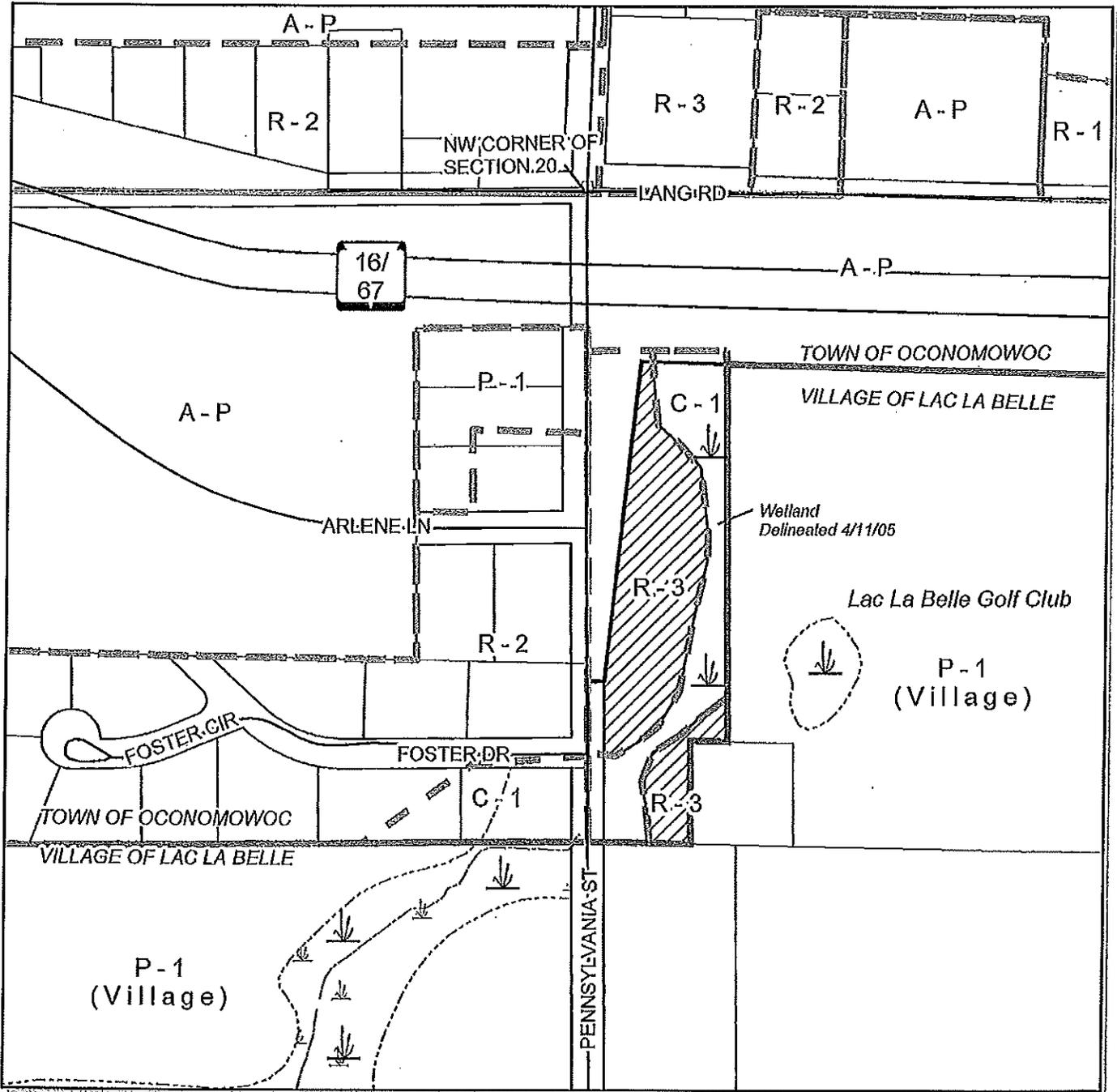
Date: 3-31-08



Daniel P. Vrakas, County Executive

# ZONING MAP AMENDMENT

PART OF THE NW 1/4 OF SECTION 20  
TOWN OF OCONOMOWOC



AMEND CONDITIONS OF REZONE CZ-1663 TO ALLOW  
A 5 YEAR EXTENSION OF THE CONDITIONAL APPROVAL

FILE.....CZ-1663A

DATE.....10/20/11

AREA OF CHANGE.....2.8 ACRES

TAX KEY NUMBER.....OCOT 0510.999.002



1 inch = 300 feet

