

ENROLLED ORDINANCE 171-34

AMEND THE TOWN OF OTTAWA DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OTTAWA BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF THE SW ¼ OF SECTION 1, T6N, R17E, TOWN OF OTTAWA, FROM THE P-I PUBLIC AND INSTITUTIONAL DISTRICT TO THE AD-10 AGRICULTURAL DENSITY DISTRICT 10 (CZ-1837)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Ottawa Town Board on July 11, 2016, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 59.69, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Town of Ottawa 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 the SW ¼ of Section 1, T6N, R17E, Town of Ottawa, from the P-I Public and Institutional District to the AD-10 Agricultural Density District 10, 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-1837, subject to the following condition:

- A Certified Survey Map (CSM) be prepared in conjunction with this zoning change that designates an appropriate ‘*trail easement*’ up to 100’ in width along the east lot line of the subject parcel for the benefit of the Ice Age National Scenic Trail and the Ice Age Trail Alliance. If a CSM is not subsequently submitted to the Town of Ottawa for review within six months of the effective date of the zoning change, the zoning change will automatically revert back to the Public and Institutional zoning category.

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

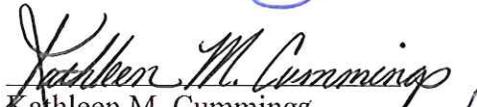
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

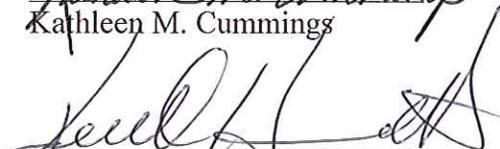
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

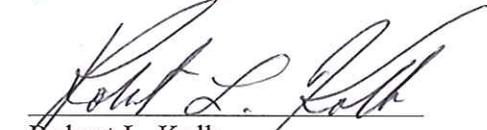
AMEND THE TOWN OF OTTAWA DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OTTAWA BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF THE SW ¼ OF SECTION 1, T6N, R17E, TOWN OF OTTAWA, FROM THE P-I PUBLIC AND INSTITUTIONAL DISTRICT TO THE AD-10 AGRICULTURAL DENSITY DISTRICT 10 (CZ-1837)

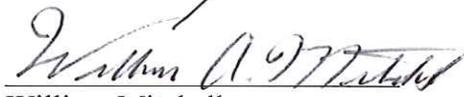
Presented by:  
Land Use, Parks, and Environment Committee

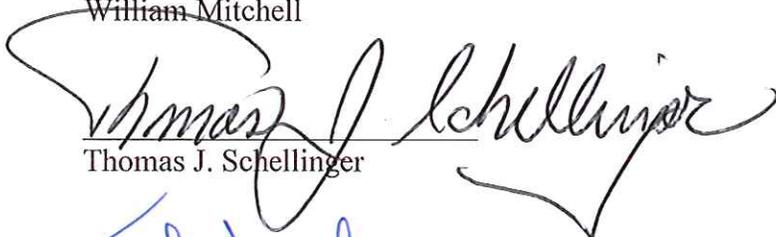
  
David D. Zimmermann, Chair

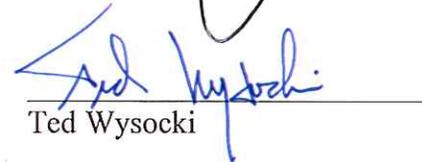
  
Kathleen M. Cummings

  
Keith Hammitt

  
Robert L. Kolb

  
William Mitchell

  
Thomas J. Schellinger

  
Ted Wysocki

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

Date: 9/27/16,   
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

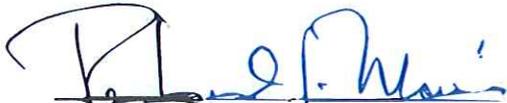
Date: 10/4/2016,   
Paul Farrow, County Executive

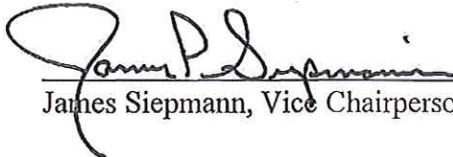
COMMISSION ACTION

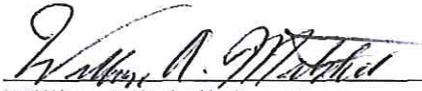
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends approval of (CZ-1837 Soli Deo Gloria LLC/Petra and Mike Dekan) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

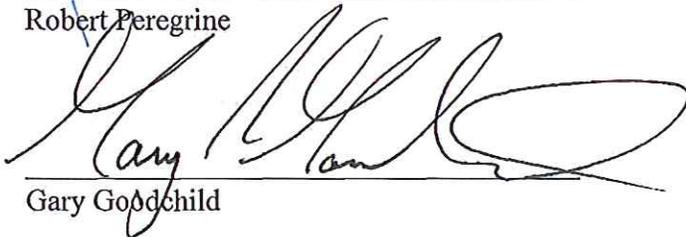
August 18, 2016

  
Richard Morris, Chairperson

  
James Siepman, Vice Chairperson

  
William Mitchell, Secretary

  
Robert Peregrine

  
Gary Goodchild

  
William Maslowski

  
Keith Hammitt

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

**DATE:** August 18, 2016

**FILE NO.:** CZ-1837

**OWNER/PETITIONER:** Soli Deo Gloria LLC  
PO Box 279  
Wales, WI 53183

**AGENTS:** Petra and Mike Dekan  
187 Crooked Stick Pass  
North Prairie, WI 53153

**TAX KEY NO.:** OTWT 1587.998

**LOCATION:**

Part of the NW ¼ of the SW ¼ of Section 1, T6N, R17E, Town of Ottawa. More specifically, the 40-acre property is located on the east side of Waterville Road, south of the Glacial Drumlin State Trail and north of Parry Road.

**LOT SIZE(S):**

Approximately 40 acres, including the ROW of 40' (half ROW) which will have to be excluded when the Certified Survey Map (CSM) is prepared.

**EXISTING USE(S):** Agricultural, Isolated Natural Resource Area (INRA).

**REQUESTED USE(S):**

To rezone the property from P-I Public and Institutional to AD-10 Agricultural Density District 10 and then divide the property via a three lot Certified Survey Map (CSM) containing an approximately two (2) acre, an 18-acre, and a 20-acre parcel, all having access to Waterville Road. The owners would like to sell the two-acre parcel to the property owner adjacent to the south; retain the 20-acre parcel; and sell the 18-acre parcel for residential use.

**EXISTING ZONING DISTRICT CLASSIFICATION(S):**

The property is zoned P-I Public and Institutional with an Environmental Corridor Overlay (INRA). Any development on a partially zoned EC property must be located outside of the EC zoned area.

**PROPOSED ZONING DISTRICT CLASSIFICATION(S):**

The property is proposed to be rezoned to AD-10 Agricultural Density District 10 (10-acre density, one (1) acre minimum lot size, minimum average width of 150 feet) and the proposed development would conform with these zoning requirements, if approved. The EC Overlay zoning will not be changed.

**SOIL TYPES:**

The SCS soil types indicate there is one soil type with steep slopes up to 12% in the rear one-half of the property and one soil type between 12 and 20% on the property. The soil type in excess of 12% coincides with the location of the INRA to the rear of the property. There is also a small area of this same soil type adjacent to Waterville Road so any access point should avoid this area. The steep area along the road is located just to the north of a depressional area which is centrally located on the property along the road. Determining access points with good site distance along Waterville Road for the proposed lots

may be challenging due to the varying topography, but this issue will be addressed by the Town of Ottawa during the CSM process.

**CONFORMANCE WITH THE WAUKESHA COUNTY COMPREHENSIVE DEVELOPMENT PLAN (CDP) AND THE TOWN OF OTTAWA COMPREHENSIVE DEVELOPMENT PLAN:**

The parcel's CDP designations were recently amended by both the Town and the County from Governmental and Institutional to Rural 5 Acre Density and Other Agricultural Lands (County) and Agricultural 10 Acre Density (Town). The more restrictive of the designations applies. The Isolated Natural Resource Area designation did not change on either plan. The proposed zoning change complies with both plans as long as the adopted (local) Park and Open Space Plan objectives are implemented (see detail in Staff Analysis *below*). This issue was discussed at the public hearing for the Town's CDP amendment, and it was also discussed at the County public hearing for the amendment to the County CDP.

**PUBLIC HEARING DATE:** July 11, 2016.

**PUBLIC REACTION:**

Several neighbors had questions in regard to the processes the petitioners have to go through in order to develop the property and what uses are allowed. The Town Planner explained the various processes and read the allowed uses from the Zoning Code. Another neighbor had concerns about the additional driveways that may access Waterville Road. The Town Planner assured the resident that the Town Building Inspector and/or Engineer would review them during the CSM review process for site distance, etc. One other neighbor indicated the request was in conformance with the Comprehensive Development Plan and therefore he did not have any issues with it. The Town Plan Commissioners commented that the temporary "on street" trail should be re-located to its permanent "off street" location on the east side of the subject property.

**TOWN PLAN COMMISSION ACTION:**

On July 11, 2016, the Town Plan Commission unanimously recommended approval of the rezoning request, in accordance with the Town Planner's recommendation (incorporated into the Staff Recommendation *below*) to the Waukesha County Park and Planning Commission.

**STAFF ANALYSIS:**

The subject property was formerly owned by Lad Lake, a school for boys located predominantly on the west side of Waterville Road and to the northwest of the subject property, and was only used for agricultural purposes. However, the parcel was included in two Site Plan/Plan of Operation (SPPO) requests for Lad Lake in the past. With the sale of the property to a private individual, the SPPO for Lad Lake is no longer valid on this property and this is determined to be a minor change to Lad Lake's operation since the agricultural use, location of the subject parcel, and acreage of the property is immaterial to the overall operation of Lad Lake.

The subject property is located on Waterville Road, a Wisconsin designated Rustic Road, which also currently provides a temporary "on street" access route for the Ice Age National Scenic Trail (IANST), also known simply as the Ice Age Trail (IAT). This can be a dangerous situation for the pedestrians, and the Town would like to take this opportunity to implement their Park and Open Space Plan, adopted in 2001, and have the temporary route relocated to the permanent "off street" location as designated on plan for the IAT. The property contains an INRA along the south and east lot lines, steep slopes up to 20% mainly to the rear of the parcel, and there is an active quarry located adjacent to the east. Access

and site distances to the proposed lots will be carefully considered by the Town Building Inspector and/or Town Engineer during the CSM process due to the varying topography along the property's road frontage.

It should be noted the Ice Age Trail Alliance (IATA) owns a 1.5-acre parcel of land adjacent to the southeast corner of the subject parcel that is part of the Ice Age National Scenic Trail (IANST). The Town of Ottawa's adopted Park and Open Space Plan recommendations, objectives, principles, and standards, specifically in regard to the Regional Trail Facilities, includes and references Waukesha County's Park and Open Space Plan recommendations that the WDNR, in cooperation with the IATA, continue the maintenance and completion of the IANST. These recommendations include the relocation of the temporary "on street" segments of the trail in the Town of Ottawa to permanent "off street" locations when the opportunities present themselves, as in this case. The WDNR (Board) has approved a 'trail corridor' for the "off street" routes within which the subject 'trail easement' can be located (refer to Exhibits A and B *attached*).

#### **Conformance with the Park and Open Space Plans (POSP)**

There has been a trail planned through this part of the Town of Ottawa by the Ice Age Trail Alliance for well over 30 years that incorporates "off street" locations as part of the Ice Age National Scenic Trail. This portion of the trail plan is discussed in detail in the Town of Ottawa's Park and Open Space Plan adopted in 2001, and is shown as part of the 'trail corridor' on the *attached Exhibit A*. The County will be updating their Park and Open Space Plan in 2017 and will reflect this shift from an "on street" to an "off street" location.

Specifics of the adopted Town of Ottawa Park and Open Space Plan include:

1. Continued maintenance and completion of the IAT in the Town of Ottawa with the DNR/IATA/National Park Service (NPS) taking the lead.
2. The Town Park Board identified needs in the Town for bicycle and pedestrian trail routes and paths, and development of walking and hiking trails to connect to the regional trails.
3. There are two segments of the IAT are currently located "on street" in the Town and are considered temporary connecting segments pending the development of the trail in "off street" locations:
  - a. One area is north of the KMSF along C.T.H. "C" and C.T.H. "D".
  - b. The second area is along Waterville Road between the Waterville Road Field Station and the Preserve at Hunter's Lake Subdivision (i.e., this includes the subject parcel).

The 'trail corridor' approved by the WDNR Board with its preferred boundaries has been planned to replace the "on street" trail with an "off street" route (refer to Exhibits A and B *attached*). It is wide enough to allow flexibility when siting the "off street" trail, and the 'trail corridor' is general in nature and subject to the specifics of facility planning and negotiations with landowners to either purchase the land or lease the land as a 'trail easement'.

The Town wants to work with the property owners and the property owners in turn are being asked to work with the State, County, Town, and the Ice Age Trail Alliance officials to comply with the Town of Ottawa's adopted Park and Open Space Plan in order to provide for a 'trail easement' on the proposed Certified Survey Map for the purposes of providing access for the IANST to proceed north from its existing end point immediately southeast of the subject property so the trail is one step closer to connecting with the trail on the Waterville Field Station/UW Regents property and the Glacial Drumlin

State Trail further to the north and making one of the Town of Ottawa's adopted Park and Open Space Plan goals a reality. With the County updating their POSP in 2017 to reflect the "off street" location of the trail, the rezone request would also be in compliance with the County's POSP. There are various opportunities that exist for the property owner to consider in regard to the trail and they are encouraged to discuss their options and find the one that best suits their situation.

The proposed zoning change will maintain more than the overall ten-acre density to conform with the Town's ten-acre density Comprehensive Development Plan requirement and none of the lots will be less than the one-acre minimum lot size required by the proposed AD-10 zoning district. As noted above, the request is to divide the subject parcel into three lots via a CSM. The parcel is adjacent to AD-10 (south), A-T (proposed amendments designate 20-acre minimum lot size - north) and Q-1 (east) zoning districts.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of this request in accordance with the Town of Ottawa's recommendation with the following condition:

- A Certified Survey Map be prepared in conjunction with this zoning change that designates an appropriate 'trail easement' a minimum of 100' in width along the east lot line of the subject parcel for the benefit of the Ice Age National Scenic Trail and the Ice Age Trail Alliance. If a CSM is not subsequently submitted to the Town of Ottawa for review within six months of the effective date of the zoning change, the zoning change will automatically revert back to the Public and Institutional zoning category.

As conditioned, the recommendation for approval is consistent with the recently amended Town and County Comprehensive Development Plans, the implementation of the Town of Ottawa's adopted Park and Open Space Plan, as well as the proposed updates to the Waukesha County's POSP. The use will provide for limited rural residential development along Waterville Road, a state designated Rustic Road, will remain compatible with the immediate land uses and zoning categories, all while preserving the natural resource base and rural character of the Town of Ottawa and providing for limited recreational use in accordance with the adopted plans for the area.

Respectfully submitted,

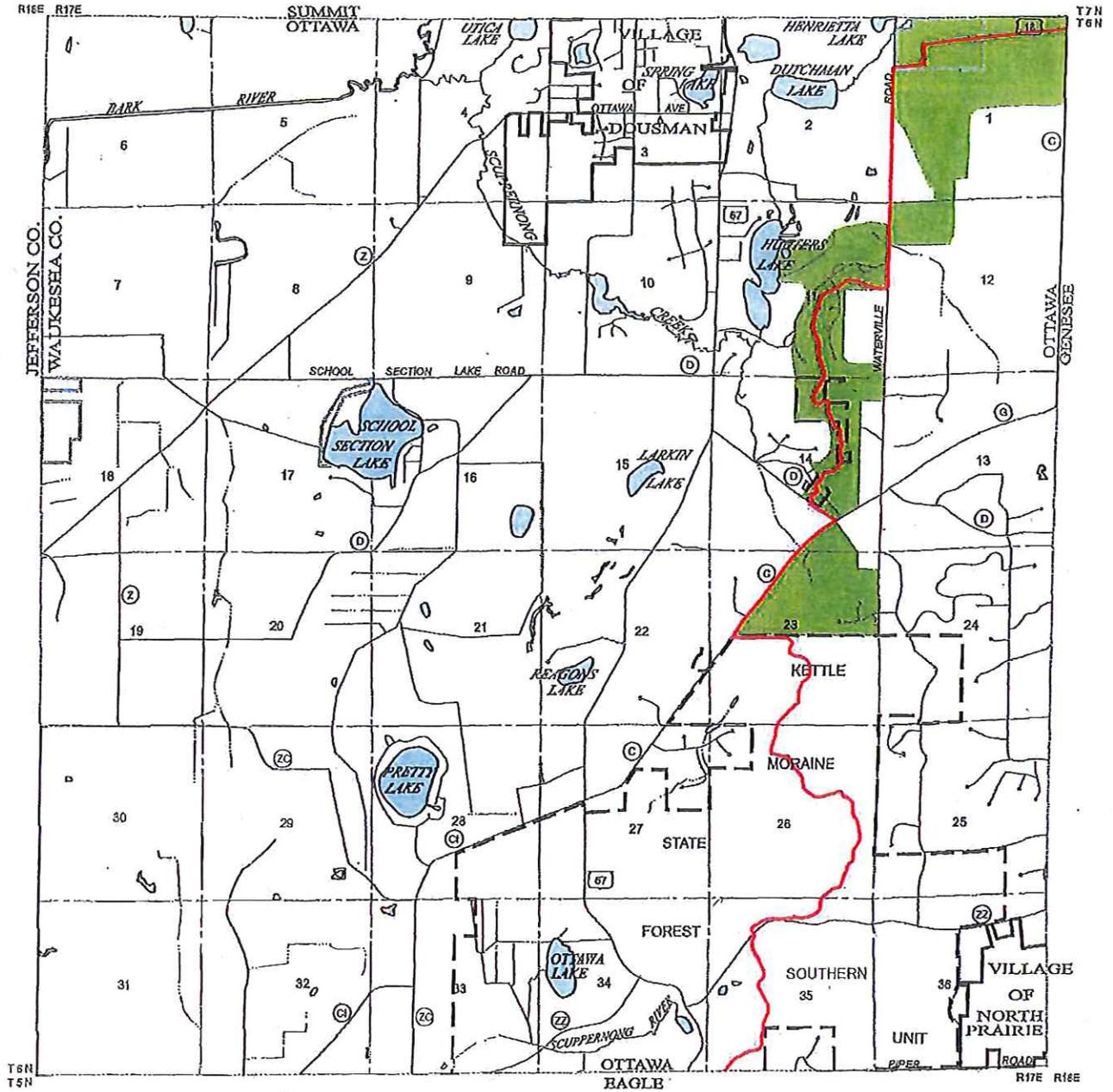
*Sandra L. Scherer*

Sandy Scherer  
Senior Planner

Attachments: Exhibit "A"  
Exhibit "B"  
Map

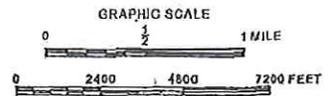
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ICE AGE TRAIL CORRIDOR AND EXISTING TRAIL IN THE TOWN OF OTTAWA: 2000



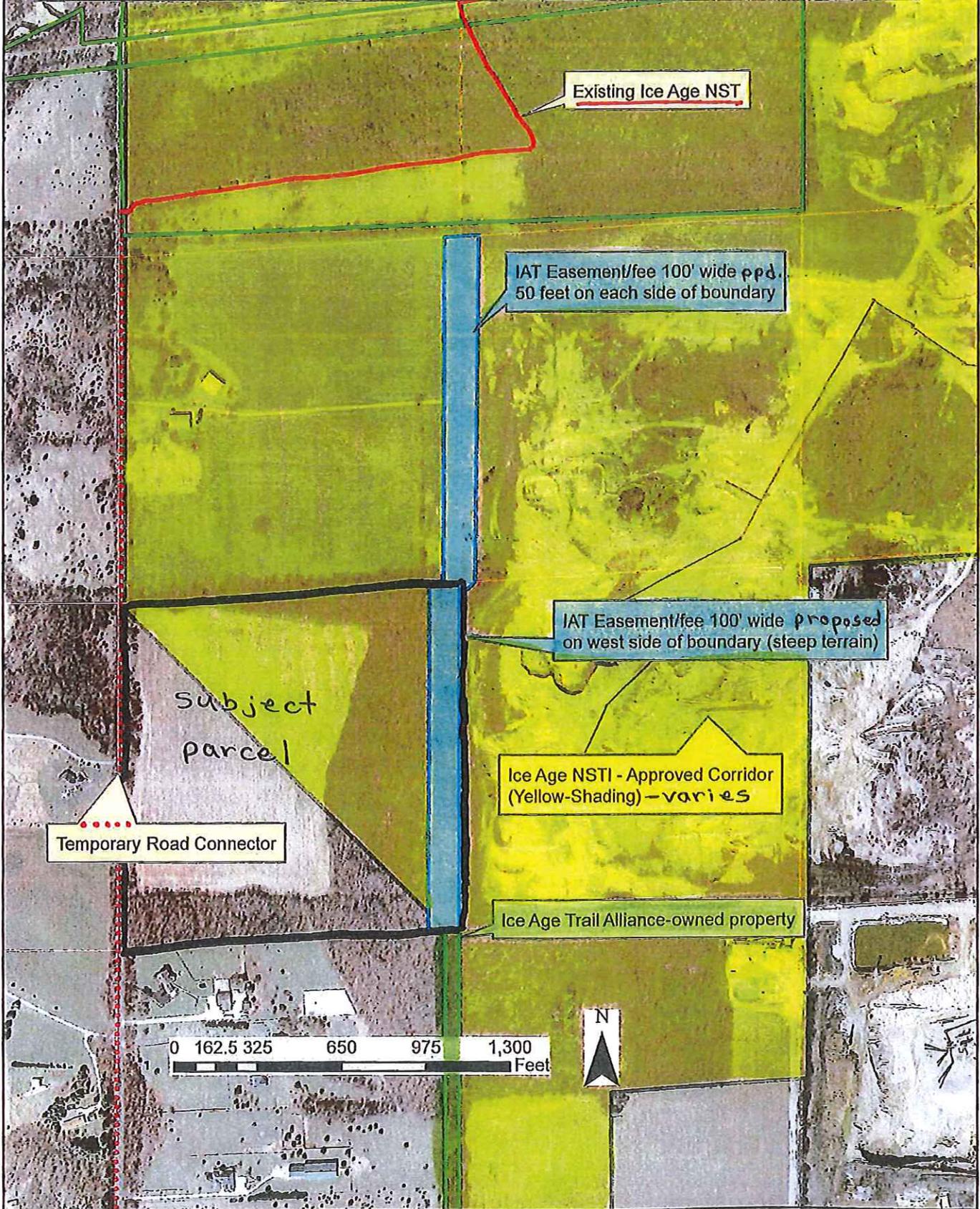
LEGEND

- EXISTING ICE AGE TRAIL
- ICE AGE TRAIL CORRIDOR
- 2000 TOWN OF OTTAWA CIVIL DIVISION BOUNDARY
- KETTLE MORAINE STATE FOREST



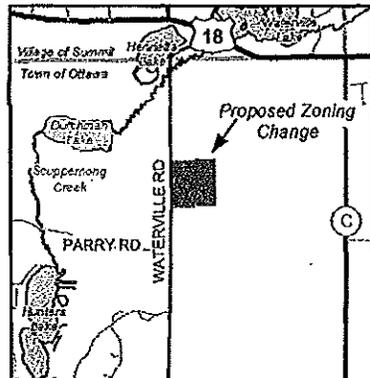
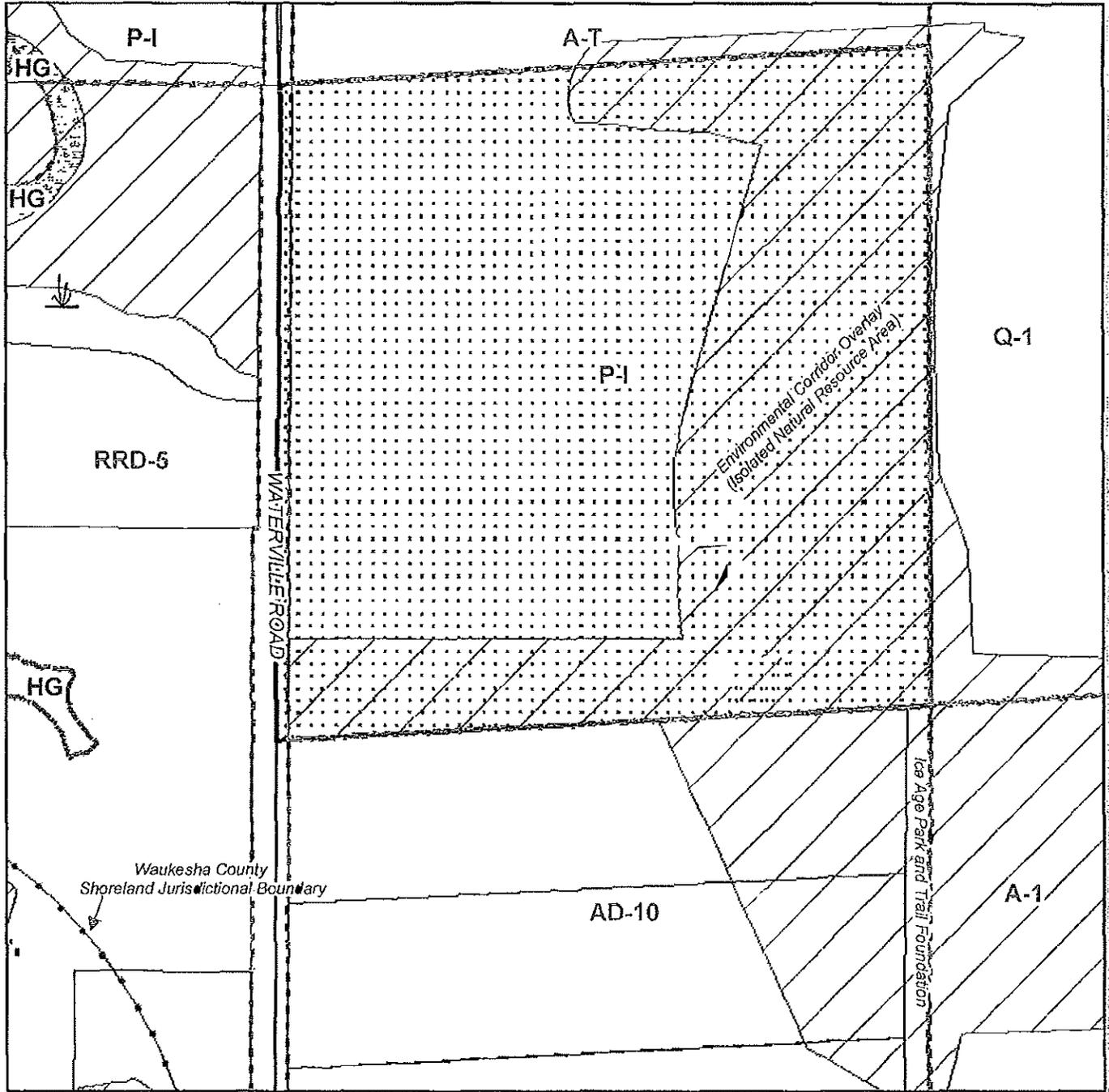
Source: SEWRPC.

# Ice Age National Scenic Trail Waterville Area, Waukesha Co



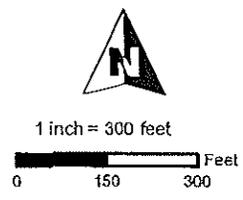
# ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 1  
TOWN OF OTTAWA



 CONDITIONAL COUNTY ZONING AMENDMENT FROM P-I PUBLIC AND INSTITUTIONAL DISTRICT WITH EC ENVIRONMENTAL CORRIDOR OVERLAY TO AD-10 AGRICULTURAL DENSITY - 10 DISTRICT WITH EC ENVIRONMENTAL CORRIDOR OVERLAY

FILE.....CZ-1837  
 PLAN COMMISSION DATE.....08/18/16  
 AREA OF CHANGE.....40.35 ACRES  
 TAX KEY NUMBER.....OTWT 1587.998



Prepared by the Waukesha County Department of Parks and Land Use

<b>D1 - Kolb</b>	<b>AYE</b>	<b>D14 - Wood</b>	<b>AYE</b>
<b>D2 - Zimmermann</b>	Notified	<b>D15 - Mitchell</b>	<b>(M) AYE</b>
<b>D3 - Morris</b>	<b>AYE</b>	<b>D16 - Crowley</b>	<b>AYE</b>
<b>D4 - Batzko</b>	<b>AYE</b>	<b>D17 - Paulson</b>	<b>AYE</b>
<b>D5 - Dondlinger</b>	<b>AYE</b>	<b>D18 - Nelson</b>	<b>AYE</b>
<b>D6 - Walz</b>	<b>AYE</b>	<b>D19 - Cummings</b>	<b>(2) AYE</b>
<b>D7 - Grant</b>	<b>AYE</b>	<b>D20 - Schellinger</b>	<b>AYE</b>
<b>D8 - Michalski</b>	<b>AYE</b>	<b>D21 - Zaborowski</b>	<b>AYE</b>
<b>D9 - Heinrich</b>	<b>AYE</b>	<b>D22 - Wysocki</b>	<b>AYE</b>
<b>D10 - Swan</b>	<b>AYE</b>	<b>D23 - Hammitt</b>	<b>AYE</b>
<b>D11 - Howard</b>	<b>AYE</b>	<b>D24 - Whittow</b>	<b>AYE</b>
<b>D12 - Wolff</b>	<b>AYE</b>	<b>D25 - Johnson</b>	<b>AYE</b>
<b>D13 - Decker</b>	<b>AYE</b>		

171-0-034

Passed (24 Y - 0 N - 1 Absent)

Majority Vote

