

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE, FOR THE TOWN OF VERNON, BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE W ½ OF SECTION 19, T5N, R19E, TOWN OF VERNON, FROM THE A-2 RURAL HOME DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (SZ-1404)

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 the 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 Town of Vernon, Waukesha County, is hereby amended to conditionally rezone from the A-2 Rural Home District to the R-1 Residential District, certain lands located in part of the W1/2 of Section 19, T5N, R19E, Town of Vernon, 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 (SCZ-1404), subject to the following conditions:

1. Prior to submittal of the Certified Survey Map, soils tests must be submitted that verify that the site can be served with a mound or conventional septic system.
2. The parcel must be created by a Certified Survey Map and approved by the Town and County.
3. A Letter of Credit and Developer's Agreement must be approved by the Town of Vernon prior to approval of the Final Certified Survey Plan for construction of the cul-de-sac extension and temporary turn-around.
4. Construction Plans shall be approved by the Town for the street extension and must include a turnaround.
5. Prior to approval of the Certified Survey Map the State Archaeologist must determine whether there are Indian mounds on the one-acre site.
6. The building and septic site on the proposed land division must be outside the Primary Environmental Corridor on the easterly 2/3rds of the parcel and so noted on the Certified Survey Map.

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

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

BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of

Referred on: 04/10/01	File Number: 156-O-002	Referred to: LU
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this ordinance are hereby repealed.

Referred on: 04/10/01

File Number: 156-O-002

Referred to: LU

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Presented by:
Land Use, Parks, and Environment Committee

Paul G. Vrakas
Paul G. Vrakas, Chair

Pauline T. Jaske
Pauline T. Jaske

James Jeskewitz
James Jeskewitz

Walter L. Kolb
Walter L. Kolb

Karen J. McNelly
Karen J. McNelly

Daniel F. Meissner
Daniel F. Meissner

Ronald V. Rydberg
Ronald V. Rydberg

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

Date: April 27, 2001, Patricia E. Madden
Patricia E. Madden, County Clerk

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

Approved:

Vetoed:

Date: 4-30-01, Daniel M. Finley
Daniel M. Finley, County Executive

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

FILE NO: SZ-1404

TAX KEY NUMBER: Part of VNT 2090.997

DATE: March 22, 2001

NAME OF PETITIONER: Heaven City Development
3177 South 112th Street
West Allis, WI 53227

LOCATION OF PROPERTY:

Part of the W ½ of Section 19 in the Town of Vernon. The parcel to be rezoned is located south and west of Hidden Lakes Subdivision and on the east side of an extension of Lakeside Drive, containing approximately one acre.

PRESENT ZONING:

EC Environmental Corridor and A-2 Rural Home District, permitting development at three-acre minimum lot sizes.

PROPOSED ZONING:

The A-2 portion is proposed to be rezoned to the R-1 Residential District, permitting development at one-acre minimum lot sizes.

PRESENT LAND USE:

Vacant.

PROPOSED LAND USE:

Single-family home construction on an approximately one-acre parcel.

PUBLIC HEARING DATE:

February 22, 2001.

PUBLIC REACTION:

Residents in the Hidden Lake Subdivision were concerned that additional development was being proposed and did not understand the concept of the Town's Master Plan, whereby properties were not rezoned. They questioned the extension of the temporary cul-de-sac of Lakeside Drive. One resident was concerned about the impact on Stormwater Drainage through her farm on the south side of C.T.H. "ES" and was concerned there may be burial grounds on the site.

TOWN PLAN COMMISSION ACTION:

The Town Plan Commission, at their meeting on February 22, 2001, recommended to the Town Board conditional approval of the rezoning request from the A-2 Rural Home District to the R-1 Residential District subject to five conditions.

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1. Soils tests be submitted prior to approval of the Certified Survey Map.
2. The Waukesha County Development Plan be amended.
3. The property owner to submit an approved Letter of Credit and Developer's Agreement prior to construction of the road.
4. Obtain Certified Survey Map approval.
5. The property owner to provide a temporary turnaround on parcel.

TOWN BOARD ACTION:

The Town of Vernon Board, at their meeting on March 1, 2001, voted to conditionally approve the rezoning request in accordance with the Town Plan Commission's recommendation.

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

The Waukesha County Development Plan designates the subject property as Low Density Residential (LDR) and a portion in the Primary Environmental Corridor. The Town of Vernon Land Use Plan, recently amended in January 2001, designates the northeast corner of the property; the area outside the Primary Environmental Corridor in the Medium Density Residential category which allows 30,000 sq.ft. to 1.4 acres per unit development. The applicant, at the Town's request, proposed an amendment to the Waukesha County Development Plan to place the subject residential parcel in the Low Density Residential category which is 20,000 sq.ft. to 1.4 acres per unit, however, the existing Waukesha County Development Plan identifies this area in the Low Density Residential category, thereby negating the need for an amendment. The proposed request to create a one-acre parcel is consistent with both plans.

STAFF ANALYSIS:

The applicant is proposing to create a one-acre parcel, which is bounded on the north and east by the Hidden Lakes Subdivision in order to construct a residence for his son. As part of the approval, the Town required that soils tests be conducted to establish that a conventional septic system or mound system can be installed, required that a Letter of Credit and Developer's Agreement be received for the construction of the proposed street extension of Lakeside Drive, required a Certified Survey Map, and a temporary turn-around to be constructed at the end of the new street extension. In response to the comments made by a resident concerning the drainage, it appears that the drainage is to the northeast from the proposed parcel and, therefore, will not have a direct impact on her property as ultimately it will flow to the Fox River. Also, in reviewing the burial grounds inventory, it appears there are burial grounds in that section which will need to be verified by the State Archeologist. From the description of the burial configuration and a review of the topographical maps, the one-acre site does not appear to contain the burial mound. The matter referenced by the Town relative to the need for County Development Plan amendment, is unnecessary, as a detailed review of the plan documents indicated the category of LDR applies to the subject site.

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STAFF RECOMMENDATION:

The Planning Staff recommends **approval** of this request subject to the following conditions:

1. Prior to submittal of the Certified Survey Map, soils tests must be submitted that verify that the site can be served with a mound or conventional septic system.
2. The parcel must be created by a Certified Survey Map and approved by the Town and County.
3. A Letter of Credit and Developer's Agreement must be approved by the Town of Vernon prior to approval of the Final Certified Survey Map for construction of the cul-de-sac extension and temporary turn-around.
4. Construction Plans to be approved by the Town for the street extension must include a turnaround.
5. Prior to approval of the Certified Survey Map, the State Archeologist must determine whether there are Indian mounds on the one-acre site.
6. The building site and septic site on the proposed land division must be outside the Primary Environmental Corridor on the easterly 2/3rds of the parcel.

It is felt, as conditioned, the use will be compatible with the adjacent single-family residences in the Hidden Lake Subdivision and will comply with both the Town and County Land Use Plans.

Respectfully submitted,



Kathy Moore
Senior Planner

KM:smv

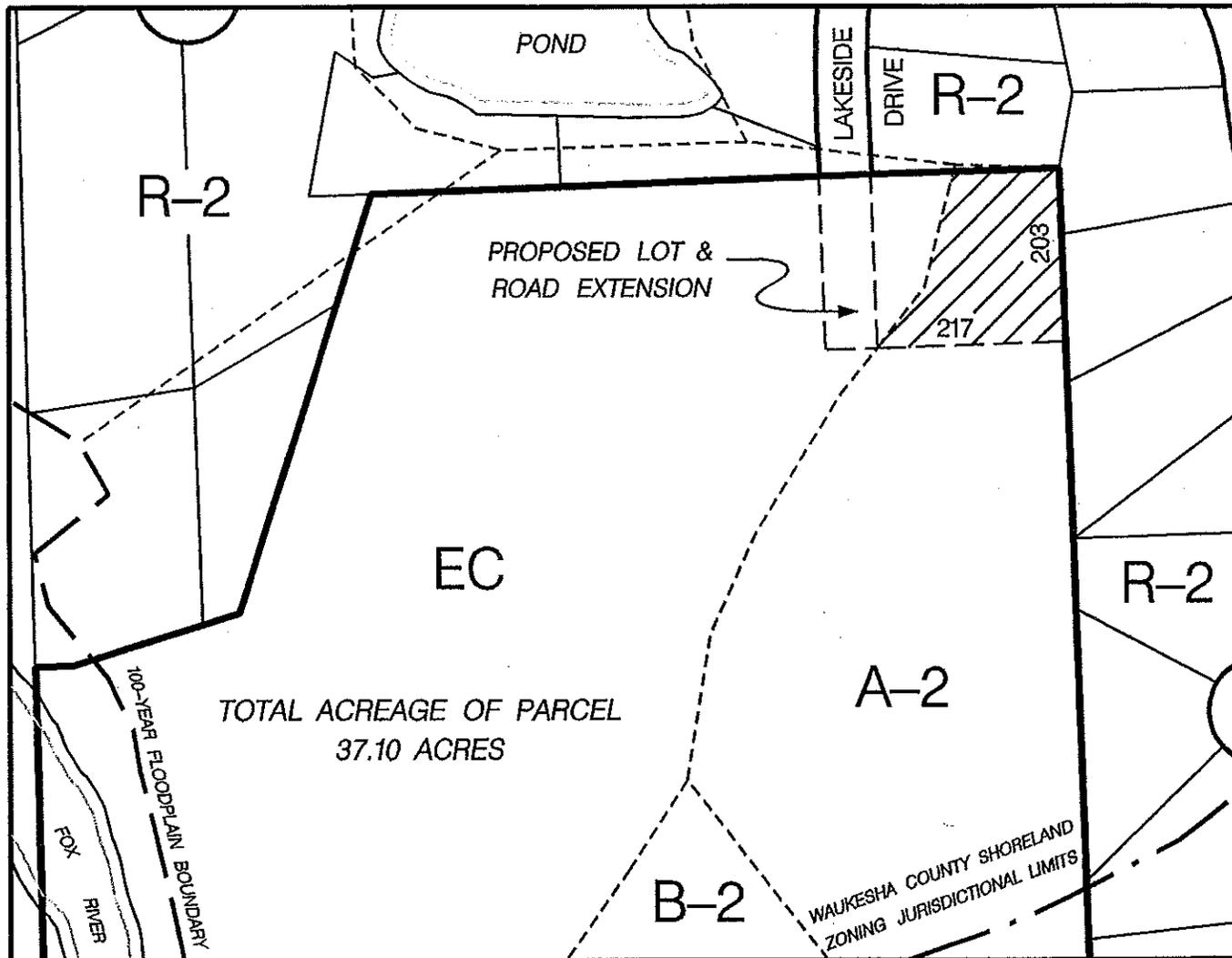
Attachments: Map

156-0-002

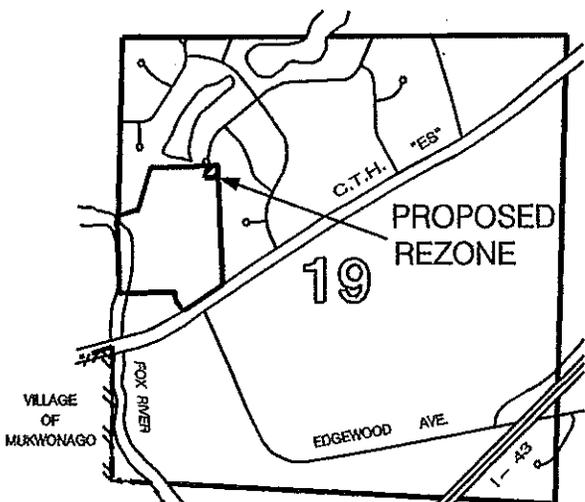
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ZONING CHANGE

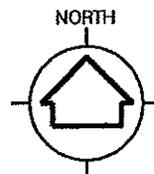
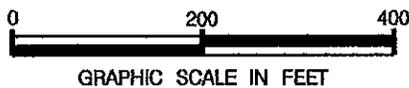
PART OF THE WEST 1/2 OF SECTION 19
TOWN OF VERNON



CONDITIONALLY REZONING FROM A-2 (RURAL HOME DISTRICT)
TO R-1 (RESIDENTIAL)



LOCATION MAP SECTION 19



FILE.....SCZ-1404

DRAWN.....3-22-01

SCALE.....1" = 200'

AREA OF CHANGE.....0.72 ACRES

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

156-0-002

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 and the Waukesha County Zoning Code, hereby recommends approval of SCZ-1404 (Heaven City Development) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

March 22, 2001

Absent

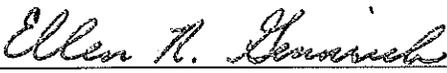
Betty Willert, Chairperson



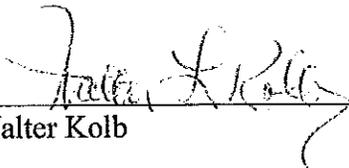
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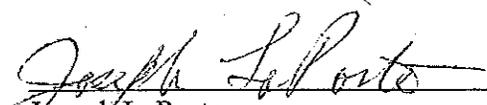
Mareth Kipp



Ellen Gennrich



Walter Kolb



Joseph LaPorte



Walter Baade

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/24/01

NUMBER-1560002(ORD)

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 S. WOLFF.....AYE
- 11 B. TESMER.....
- 13 E. LA MONTE.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 C. SEITZ.....AYE
- 21 W. KOLB.....AYE
- 23 E. KRAUS.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 J. MAAS.....AYE
- 31 V. STROUD.....AYE
- 33 P. GUNDRUM.....AYE
- 35 K. McNELLY.....

- 2 C. WILSON.....AYE
- 4 D. MEISSNER.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 P. HAUKOHL.....AYE
- 12 J. WILLIAMS.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 J. ARNDT.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 R. RYDBERG.....AYE
- 26 P. VRAKAS.....AYE
- 28 P. JASKE.....AYE
- 30 M. THOMAS.....AYE
- 32 C. WICHGERS.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-33

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-33