

Enrolled 27  
~~PROPOSED ORDINANCE 156-28~~

1  
2  
3 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
4 ORDINANCE DISTRICT ZONING MAP IN THE VILLAGE OF MUKWONAGO BY  
5 REZONING CERTAIN LANDS LOCATED IN THE NW ¼ OF SECTION 26, T5N, R18E,  
6 FROM THE R-2 RESIDENTIAL DISTRICT TO THE R-3 RESIDENTIAL DISTRICT  
7 (SVZ-1408)  
8  
9

10 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by  
11 the Waukesha County Park and Planning Commission after Public Hearing and the giving of  
12 requisite notice of said hearing and a recommendation thereon reported to the Land Use, Parks  
13 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha  
14 County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.  
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
17 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on  
18 June 23, 1970, for the Town of Mukwonago, Waukesha County, is hereby amended to rezone  
19 from the R-2 Residential District to the R-3 Residential District, certain lands recently annexed  
20 by the Village of Mukwonago and located in the NW ¼ of Section 26, T5N, R18E, and more  
21 specifically described in the "Staff Report and Recommendation" and map on file in the office of  
22 the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by  
23 reference (SVZ-1408).  
24

25 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this  
26 Ordinance with the Village of Mukwonago.  
27

28 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
29 approval and publication.  
30

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32 provisions of this Ordinance are hereby repealed.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
ORDINANCE DISTRICT ZONING MAP IN THE VILLAGE OF MUKWONAGO BY  
REZONING CERTAIN LANDS LOCATED IN THE NW ¼ OF SECTION 26, T5N, R18E,  
FROM THE R-2 RESIDENTIAL DISTRICT TO THE R-3 RESIDENTIAL DISTRICT  
(SVZ-1408)

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 NO  
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: August 17, 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: 8-20-01, D. M. Finley  
Daniel M. Finley, County Executive

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

**FILE NO:** SVZ-1408  
**TAX KEY NUMBER:** MUKV 1974.923  
**DATE:** July 12, 2001  
**NAME OF PETITIONER:** Scott Fergus  
259 West Broadway, Suite 100  
Waukesha, Wisconsin 53186

**LOCATION OF PROPERTY:**

The property is located in the NW ¼ of Section 26, T5N, R18E, Village of Mukwonago. More specifically, the parcel is located on the west side of West Side Avenue and south of Eagle Lake Avenue (C.T.H. "LO") and was formerly owned by Waukesha County as the Mukwonago Highway shop, containing approximately 4.5 acres.

**PRESENT ZONING:**

R-2 Residential District (30,000 sq. ft. minimum lot sizes).

**PROPOSED ZONING:**

R-3 Residential District (requiring 20,000 sq. ft. minimum lot sizes, 14,000 sq. ft. minimum lot sizes with sewer and/or water available).

**PRESENT LAND USE:**

Vacant.

**PROPOSED LAND USE:**

Residential subdivision containing eight lots.

**PUBLIC HEARING DATE:**

May 15, 2001 and June 18, 2001.

**PUBLIC REACTION:**

There were a number of individuals present, both neighbors and persons living further away who were opposed, based upon issues of water runoff, concerns for possible buried debris on the property based on the County's former use of the property, size of the homes and grading to be conducted on the site to restore the property which had been previously quarried.

**VILLAGE PLANNING COMMISSION ACTION:**

The Village of Mukwonago Plan Commission voted 4 to 2 in favor of the proposed amendment at their meeting of June 18, 2001.

**VILLAGE BOARD ACTION:**

The Village of Mukwonago Board, at their meeting of June 19, 2001, unanimously approved the amendment.

156-0-029

3

**COMPLIANCE WITH THE VILLAGE OF MUKWONAGO LAND USE PLAN AND THE WAUKESHA COUNTY DEVELOPMENT PLAN:**

The Village of Mukwonago Land Use Plan indicates this proposed development of single-family residential complies with their Plan. The County's Development Plan indicates the property is located in an area of Medium Density Residential uses (6,000 to 20,000 sq. ft. lot area per dwelling). The proposed amendment and development of this property conforms with the Waukesha County Development Plan.

**OTHER CONSIDERATIONS:**

The property in question was formerly operated as a satellite County Highway shop facility serving the southern part of the County and was recently sold to the petitioner to be used for residential housing. Some of the concerns voiced at the public hearing dealt with surface water runoff and how the site will be prepared for the development proposal. Extensive grading will be required, however, detailed plans for those types of activities have not been completed at this early time and will be a function of the Plat Review process that the County and Village will conduct during that phase of the project. Municipal sewer and water is available to the site. The issue of concern for debris and other noxious materials being disposed of on the site has been resolved in the past. The County did have an environmental assessment completed and there was some cleanup required, which has been conducted previous to the site being sold. The site has been approved as being clean by the Wisconsin Department of Natural Resources. It is appropriate that concern voiced over how runoff from the property will be handled, however, that type of activity and planning work normally does not get done at this stage of the process but at the platting stage and the staff is confident that between the Village of Mukwonago Engineer, the Waukesha County Land Conservation Division and the Planning Division Staff, the issue can be properly resolved.

**STAFF RECOMMENDATION:**

It is the opinion of the staff this request be **approved**. This project lies entirely within the Village of Mukwonago and will be served with municipal sewer and water. Its proposed use conforms with the Waukesha County Development Plan and the Village's Land Use Plan and the proposed lot sizes are all compatible with, and in many cases larger than existing developed lots surrounding the property. With proper grading of the site and erosion and sediment control and stormwater management techniques provided on the project, any adverse effects on the surrounding neighborhood will be minimal to non-existent.

Respectfully submitted,

*Richard L. Mace / kab*

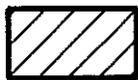
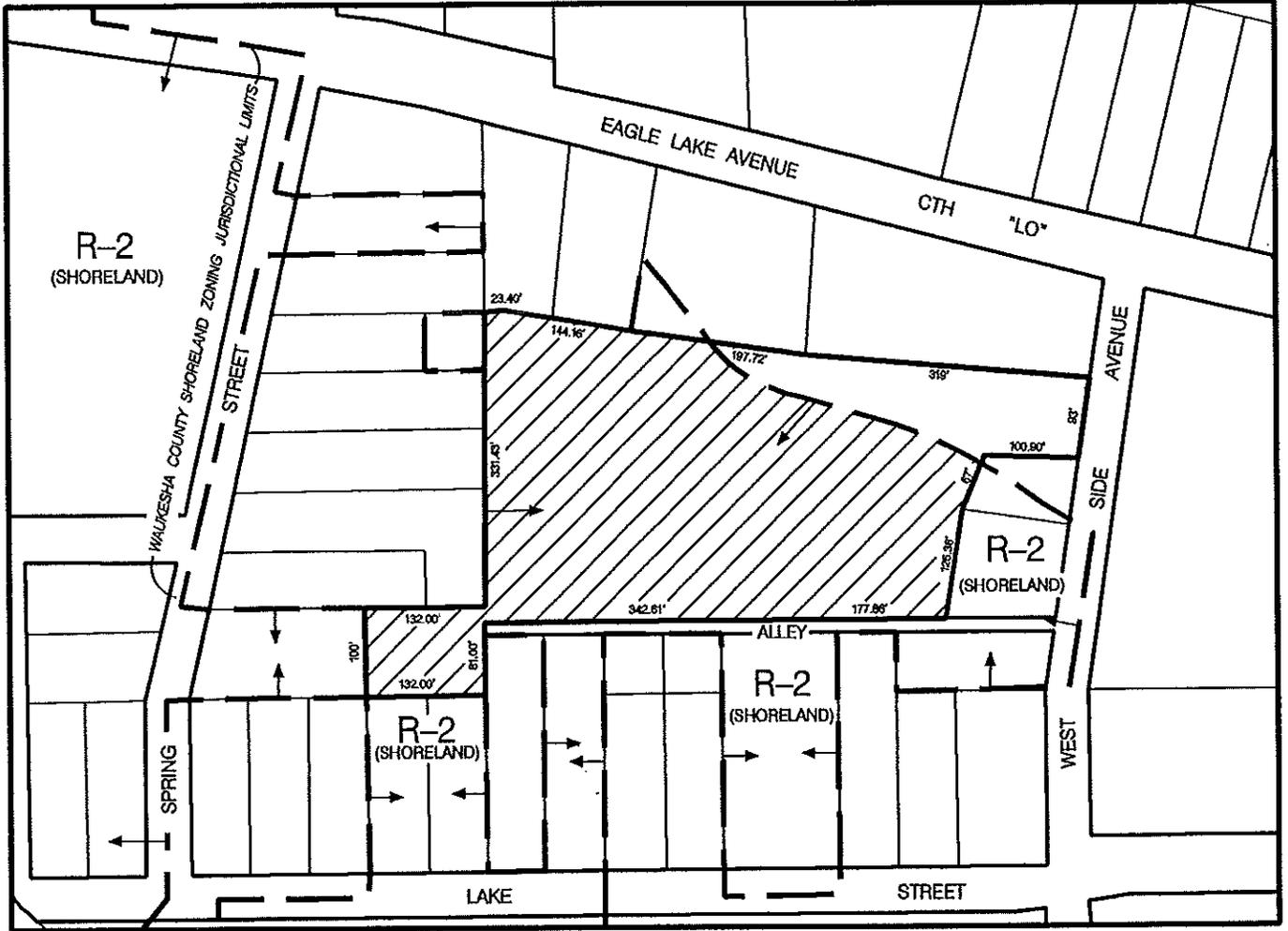
Richard L. Mace  
Planning and Zoning Manager

RLM:kab

Attachment

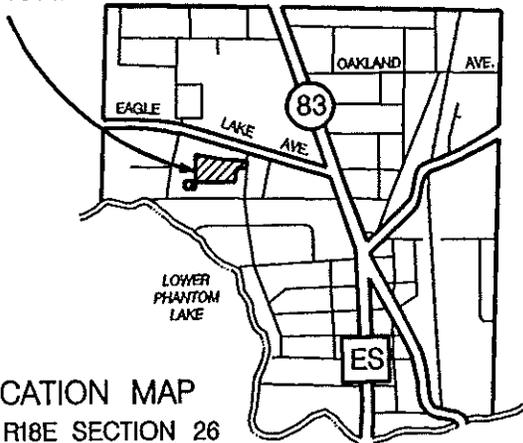
# ZONING CHANGE

PART OF THE NW 1/4 OF SECTION 26  
VILLAGE OF MUKWONAGO



SHORELAND ZONING CHANGE FROM R-2 TO R-3

PROPOSED  
REZONE



LOCATION MAP

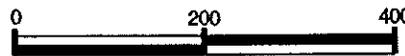
T5N R18E SECTION 26

FILE.....SVZ-1408

DRAWN.....7-12-01

SCALE.....1" = 200'

AREA OF CHANGE.....3.76 ACRES



GRAPHIC SCALE IN FEET



PREPARED BY THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

ORDINANCE NO. 679

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO

THE VILLAGE BOARD of the Village of Mukwonago, Waukesha and Walworth Counties, Wisconsin, do ordain as follows:

SECTION I. Pursuant to the provision of Section 100.310 of the Municipal Code of the Village of Mukwonago, and having received the recommendation of the Village Plan Commission, and after a public hearing duly called and held on the 15<sup>th</sup> day of May, 2001, the following piece or parcel of land is hereby rezoned from A-1 (Agricultural District) to R-2 (Single-family Village Residential District),

All that part of the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 26, town 5 North, Range 18 East, Village of Mukwonago, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the intersection of the East right-of-way line of Gibson Street and the Southerly right-of-way line of County Hwy LO; thence North 76 30' 00" West 899.00 feet; thence South 08 28' 00" West 184.35 feet to the Place of Beginning; thence North 82 18' 00" West 144.16 feet; thence South 88 24' 00" West 23.40 feet; thence South 00 02' 00" East 331.43 feet; thence South 89 58' 00" West 132.00 feet; thence South 00 02' 00" East 100.00 feet; thence North 89 58' 00" East 132 feet; thence North 00 02' 00" West 81.00 feet; thence North 89 07' 00" East 342.61 feet; thence North 88 35' 13" East 177.86 feet; thence North 07 58' 20" East 125.36 feet; thence North 22 55' 01" East 67.00 feet; thence South 87 29' 31" East 100.90 feet to a point on the West right-of-way line of West Side Avenue; thence North 09 30' 00" East along said right-of-way line 93.00 feet; thence North 86 30' 30" West 319.00 feet; thence North 81 25' 08" West 197.72 feet to the Place of Beginning, containing 194,383 sq. ft. or 4.462 acres more or less.

Tax Key # 1974-923 (CHI / Waukesha County Land)

SECTION II. Severability. If any portion of this Ordinance is invalid or unconstitutional, or the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.

*Arnold Fickau, Jr.*  
ARNOLD FICKAU, JR.

Acting Village President

*Bernard W. Kahl*  
BERNARD W. KAHL, Village Clerk

Date Adopted: June 19, 2001  
Date Published: June 27, 2001  
Date Effective: June 28, 2001

Post-it* Fax Note	7671	Date	# of pages
To	Deck	From	Bernie Kahl
Co./Dept.		Co.	Mukw
Phone #		Phone #	363-6420
Fax #	396-8071	Fax #	

156-0-029

Clerk Kahl called the Village Board meeting to order on June 19, 2001 at 7:30 p.m. Members present: FICKAU, COATS, ODIER, FENNEL, BERG, & HURM. Excused: WAGNER. Also present: Librarian McBride, Chief Winchowky, Chief Rolfe, Attorney Reilly, DPW Supv Brandemuehl, Engineer Peot.

Moved by Fennel, seconded by Odier, to nominate Trustee Fickau as acting President. Motion carried without a negative vote. Announcement of adjournment into closed session after the regular meeting pursuant to State Statute 19.85(1)(g). Moved by Berg, seconded by Hurm, to approve the minutes of the June 5<sup>th</sup> meeting as presented. Motion carried without a negative vote. Treasurer, Mileage, Police and Fire Reports for May were placed on file in the Clerk's Office.

#### **COMMENTS FROM THE PUBLIC:**

Joe Rice, 428 Blood Street – asked about raw sewage that was pumped into the Lake after the June 11<sup>th</sup> storm. With the power out the lift station needed to be flush or the sewage would back up into people's basements. Reports were filed with the DNR.

Dennis O'Bryan, 169 Baron Road – asked when the Village would finish repairing McKenzie Road. Village will have the work started as soon as the ground dries.

#### **COMMITTEE REPORTS:**

**FINANCE** – Moved by Odier, seconded by Fennel, to approve the following vouchers: Village \$87,805.74; Fire/Amb \$14,171.81; Recycling \$11,472.78; Capt Equip \$1,373.70; Library \$12,849.24; Cap Projects \$188,419.10; 2001 GO \$72,157.55; Water \$68,994.19; Sewer \$17,960.79. Motion carried without a negative vote.

**PERSONNEL** – Clerk is to publish ad for Sewer Plant personnel position. Request for credit cards will remain in committee.

**HEALTH & RECREATION** – No one showed so no action was taken on the stray dogs complaint. DPW Supv has all the information needed for the Heritage Days event. Miniwaukan Park paving project will be bid with opening of bids on July 11<sup>th</sup>. Gazebo location will be in Indian Head Park and the item will be on the next agenda for approval of the location. Letters regarding the teen center will be discussed at the next committee meeting.

**JUDICIAL** – Operating businesses out of homes was tabled. Moved by Berg, seconded by Fennel, to approve the Temp Class B Beer license for the American Legion Post 375 for July 21 & 22. Motion carried without a negative vote. Moved by Berg, seconded by Hurm, to approve the Temp Class B Beer license for the Croation Fraternal Union for July 14. Motion carried without a negative vote. Moved by Berg, seconded by Odier, to approve the 2001-2002 renewal applications for Beer/Liquor licenses except for K & B's Tap. Motion carried without a negative vote. Moved by Berg, seconded by Fennel, to approve the application for Class "B Beer & Liquor" license renewal subject to passing the Fire Inspection and if they do not pass they can request a hearing before the Judicial Committee. Motion carried without a negative vote. Moved by Berg, seconded by Fennel, to approve the 2001-2002 renewal applications for Operators Licenses. Motion carried without a negative vote. Committee feels it is not necessary to install a stop sign at the intersection of Pearl and Pleasant Street. Moved by Berg, seconded by Hurm to have the Clerk send a letter of rebuild for the property located at 210 Field Street as long as existing ownership does not change. Motion carried without a negative vote.

**BUILDING ADHOC** – Committee approved of the vinyl wallpaper in the courtroom and the expense is to come from the furniture budget.

**UTILITY** – Moved by Berg, seconded by Fennel, to accept the committee's recommendation to install reflection bands on each of the hydrants in Two Rivers Subdivision. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to approve Change Order #1 for

156-0-029

Well #5 at an increase in the contract of \$5,395.00. Motion carried without a negative vote. New meeting dates and times for the Utility & Public Works Committees will meet on the 2<sup>nd</sup> Monday at 6:30 pm and 6:45 pm.

**PUBLIC WORKS** - The Village Engineer was asked to update the Board on the current projects. Committee is still reviewing the Building Permits, Library Impact Fee, and the Culverts on Lois Street.

**ECONOMIC DEVELOPMENT** - Moved by Berg, seconded by Hurm, to approve the extension of construction time for Ben Madey to June 1, 2002. Motion carried without a negative vote.

**PLAN COMMISSION** - Moved by Odier, seconded by Hurm, to accept the Plan Commission recommendation to rezone the former Waukesha County Highway property on Westside Avenue from A-1 to R-2. Motion carried without a negative vote. Moved by Fennel, seconded by Coats, to accept the Plan Commission recommendation to have the Village Attorney and Village Planner to draft an Ordinance to grandfather Industrial Park landowners to the setbacks that were established prior to the changes made in 1996. Motion carried without a negative vote. Moved by Fennel, seconded by Hurm, to accept the Plan Commission recommendation to approve the Developer Agreement for Hawk Ridge Condo contingent upon final reviews by Village Department heads and the Village Engineer and contingent upon the Village Attorney receiving proof that Mr. Joe Grascch is the owner of property. Motion carried without a negative vote.

**VILLAGE CLERK:** Moved by Coats, seconded by Odier, to accept the Engineers recommendation to award bids for the Bay View Road Clearing and Grubbing to Berg Construction Inc., in the amount of \$52,875.00 and authorize the signing of the notice of award. Motion carried without a negative vote. Moved by Odier, seconded by Fennel, to accept the Engineers recommendation to award bids for the CTH NN and STH 83 Water Main, Front Street Sanitary Sewer, and Bay View Road hydrant relocations to Super Excavator Inc., in the amount of \$425,610.00, which includes alternate bid #1 and authorize the signing of the notice of award. Motion carried without a negative vote. Moved by Odier, seconded by Hurm, to approve Ordinance No. 679: **AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO.** (Waukesha County Land, 1974-923) Motion carried without a negative vote.

**VILLAGE ATTORNEY:** Moved by Odier, seconded by Fennel, to approve Resolution No. 2001-22: **RESOLUTION ON THE MERGER OF THE VILLAGE AND TOWN OF EAST TROY.** The Resolution's main point was read into the minutes. Motion carried without a negative vote.

Moved by Fennel, seconded by Odier, to adjourn into closed session at 8:36 p.m. pursuant to State Statute 19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved-Plank Road Crossing. Motion carried unanimously upon roll call.

Bernard W. Kahl, MMC  
Village Clerk

156-0-029

8

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-1408 Fergus) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

July 12, 2001

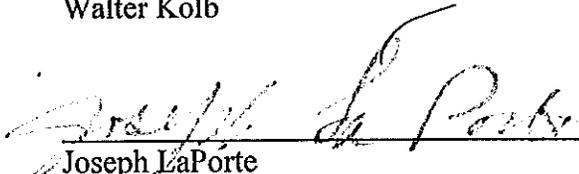
  
Betty Willert, Chairperson

  
Vy Janusonis

  
Mareth Kipp

  
Ellen Gennrich

  
Walter Kolb

  
Joseph LaPorte

  
Walter Baade

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/14/01

(ORD) NUMBER-1560029

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

- 2 C. WILSON.....AYE
- 4 D. MEISSNER.....AYE
- 6 D. BROESCH.....
- 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.....NAY
- 22 G. BRUCE.....AYE
- 24 R. RYDBERG.....AYE
- 26 P. VRAKAS.....AYE
- 28 P. JASKE.....AYE
- 30 M. THOMAS.....
- 32 C. WICHGERS.....
- 34 R. SINGERT.....NAY

TOTAL AYES-26

TOTAL NAYS-05

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-31