

Enrolled 157-28
~~PROPOSED~~ ORDINANCE 157-29

1
2
3 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING
4 ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED
5 IN PART OF THE NE ¼ OF SECTION 24, T6N, R19E, TOWN OF WAUKESHA,
6 FROM THE R-E RESIDENTIAL ESTATE DISTRICT TO THE
7 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT
8 (ZT-1441)
9

10 WHEREAS the subject matter of this Ordinance having been approved by the Waukesha Town
11 Board on February 28, 2002, after public hearing, and the giving of requisite notice of said
12 hearing, and duly referred to and considered by the Waukesha County Park and Planning
13 Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and
14 Environment Committee and the Waukesha County Board of Supervisors, as required by
15 Section 60.61 of the Wisconsin State Statutes.
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
18 ORDAIN that the District Zoning Map for the Town of Waukesha Zoning ordinance, adopted
19 by the Town of Waukesha on June 24, 1979, is hereby amended to conditionally rezone from
20 the R-E Residential Estate District to the R-1 Single-Family Residential District, certain lands
21 located in part of the NE ¼ of Section 24, T6N, R19E, Town of Waukesha, and more
22 specifically described in the "Staff Report and Recommendation" and map on file in the office
23 of the Waukesha County Department of Parks and Land Use, and made a part of this ordinance
24 by reference (ZT-1441) subject to the following conditions:
25

- 26 1. A review and/or preliminary approval by the Waukesha County Department of
27 Transportation will be required for access, and a further determination made to
28 ascertain how and where access to C.T.H. "U" will be obtained.
29
30 2. The wooded area shall be protected, and a conservation design (cluster) type of
31 subdivision is encouraged in an effort to protect the aforementioned wooded
32 area. Fifty-five (55) single-family lots will be the maximum allowed on the
33 property described in Section 1 above. The minimum lot size will be 30,000
34 square feet.
35
36 3. For lots less than one (1) acre in size, the minimum open space required will be
37 sixty-nine percent (69%) of the total lot area.
38
39 4. For lots less than one (1) acre in size, the maximum floor area ratio permitted is
40 twenty percent (20%).
41

42 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
43 this ordinance with the Town Clerk of Waukesha.
44

45 BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect upon
46 passage, approval and publication.
47

48 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
49 provisions of this ordinance are hereby repealed.

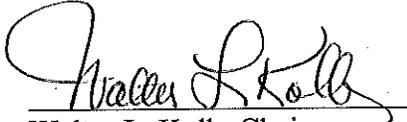
Referred on: 06/25/02

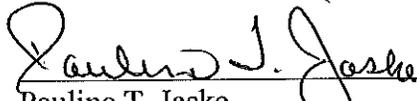
File Number: 157-O-028

Referred to: LU

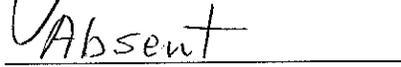
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING ORDINANCE BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED
IN PART OF THE NE ¼ OF SECTION 24, T6N, R19E, TOWN OF WAUKESHA,
FROM THE R-E RESIDENTIAL ESTATE DISTRICT TO THE
R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT
(ZT-1441)

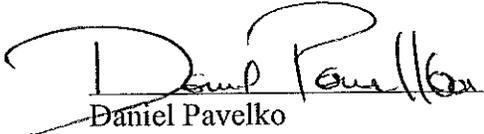
Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair

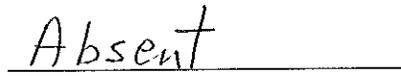

Pauline T. Jaske


James Jeskewitz

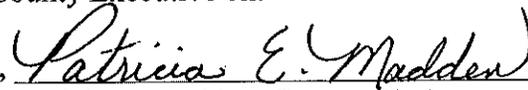

Absent
Scott J. Klein


Daniel Pavelko


Vera Stroud


Absent
Matt Thomas

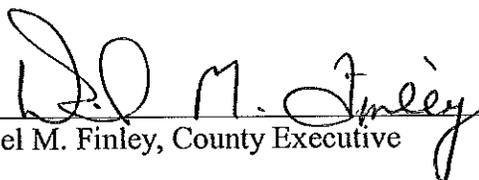
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: July 26, 2002, 
Patricia E. Madden, County Clerk

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

Approved:

Vetoed:

Date: 7-26-02, 
Daniel M. Finley, County Executive

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

DATE: June 6, 2002

FILE NO.: ZT-1441

PETITIONER/OWNER: Jack Illing
Illing and Illing Partnership
W223 S3993 Guthrie Road
Waukesha, WI 53188

TAX KEY NO.: WAKT 1389.988

LOCATION:

The property is located in the NE ¼ of Section 24, T6N, R19E, Town of Waukesha, on the east side of Guthrie Road and south of Crestview Drive, containing 62.67 acres.

PRESENT ZONING:

TOWN

R-E Residential Estate District, requiring minimum three-acre lot sizes.

PROPOSED ZONING:

TOWN

R-1 Single Family Residential District, requiring a minimum lot size of one acre.

PRESENT LAND USE:

Farmstead, agricultural and woodland.

PROPOSED LAND USE:

Single-family residential building sites.

PUBLIC HEARING DATE:

February 28, 2002.

PUBLIC REACTION:

Neighbors were concerned that their properties were zoned three (3) acres with the density on Guthrie Road and the increased traffic volume. Also, one person indicated he felt there is a totally different life style of people owning properties between one-acre and three-acre zoning.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On February 28, 2002, the Town of Waukesha Plan Commission recommended approval of the request to the Town Board of Supervisors to amend the zoning map for the proposed zoning change from RE Residential Estate District to the R-1 Single-Family Residential District. Two of the Commissioners indicated concern for protecting the wooded area. On February 28, 2002, the Town of Waukesha Board of Supervisors unanimously recommended to Waukesha County the amendment of the Town of Waukesha zoning map without any conditions. Subsequently, in response to concerns by the Waukesha County Park and Planning Commission, the Town of Waukesha Plan Commission and Board voted to amend the Ordinance and add conditions as recommended by the Waukesha County Park and Planning Commission plus additional conditions as follows:

157-0-028

1. A review and/or preliminary approval by the Waukesha County Department of Transportation will be required for access, and a further determination made to ascertain how and where access to C.T.H. “U” will be obtained.
2. The wooded area shall be protected, and a conservation design (cluster) type of subdivision is encouraged in an effort to protect the aforementioned wooded area. Fifty-five (55) single-family lots will be the maximum allowed on the property described in Section 1 above. The minimum lot size will be 30,000 square feet.
3. For lots less than one (1) acre in size, the minimum open space required will be sixty-nine percent (69%) of the total lot area.
4. For lots less than one (1) acre in size, the maximum floor area ratio permitted is twenty percent (20%).

CONFORMANCE WITH THE ADOPTED COUNTY LAND DEVELOPMENT PLAN AND THE TOWN OF WAUKESHA LAND USE PLAN:

The Waukesha County Land Development Plan (WCLDP) designates this parcel as Low Density Urban Residential with 20,000 sq.ft. to 1.4 acres of area per dwelling unit. The proposal conforms to the WCLDP. The Town Land Use Plan, which was adopted in 1994, designates the subject property in the Residential category.

STAFF ANALYSIS:

The property currently has a single-family residence and associated farm buildings and approximately 42 tillable acres, with 18 acres of heavily wooded upland. There are three prominent soil types on the property, Hocheim, Theresa and St. Charles; all are a similar-type soils that are well drained and are generally suitable for onsite waste disposal.

The lands to the north of the subject property are developed with one-acre residential lots and to the south and west, and immediately adjacent, are large residential estate-type lots, although further to the south and west, there are existing developed parcels ranging in size from one acre to three acres. To the east, the land is occupied by the Waukesha County’s Minooka Park. A high-voltage transmission line runs immediately adjacent to, and on the east side of the subject site. The property contains two very large hills, which appear to be glacial drumlins, one of which is very steep and contains a heavily wooded area that is identified on the Southeastern Wisconsin Regional Planning Commission Sewer Service Area Plan Maps, as an isolated natural area, although not identified on the County Development Plan for unknown reasons. This wooded area occupies the southeast corner of the site and is a significant woods that should be protected. Further, access to this site off of Guthrie Road will be extremely limited and no effort has been made at this point to determine where or if access will be permitted. The vertical alignment of C.T.H. “U” is very steep and undulating in this vicinity and the location of a safe street entrance onto C.T.H. “U” is critical. The Towns newly added conditions deal with this issue along with the encouragement to develop a cluster subdivision with minimum lot sizes, open spaces and minimum floor area ratios for any lots less than one acre in area. In order to allow said increases, the applicant will have to apply for and have approved a Planned Unit Development, which allows such redivisions or increases.

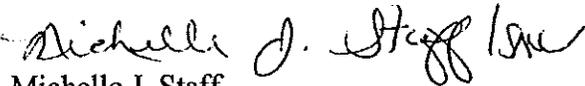
157-0-028

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STAFF RECOMMENDATION:

The Planning Staff recommends this matter be **approved** as conditioned by the Town. The conditions identify the need to pay attention to the environmental sensitivity of this property and also deal with the need to properly locate the access to the site. Further the proposal conforms with the Waukesha County Board adopted Land Use Plan.

Respectfully submitted,



Michelle J. Staff
Senior Land Use Specialist

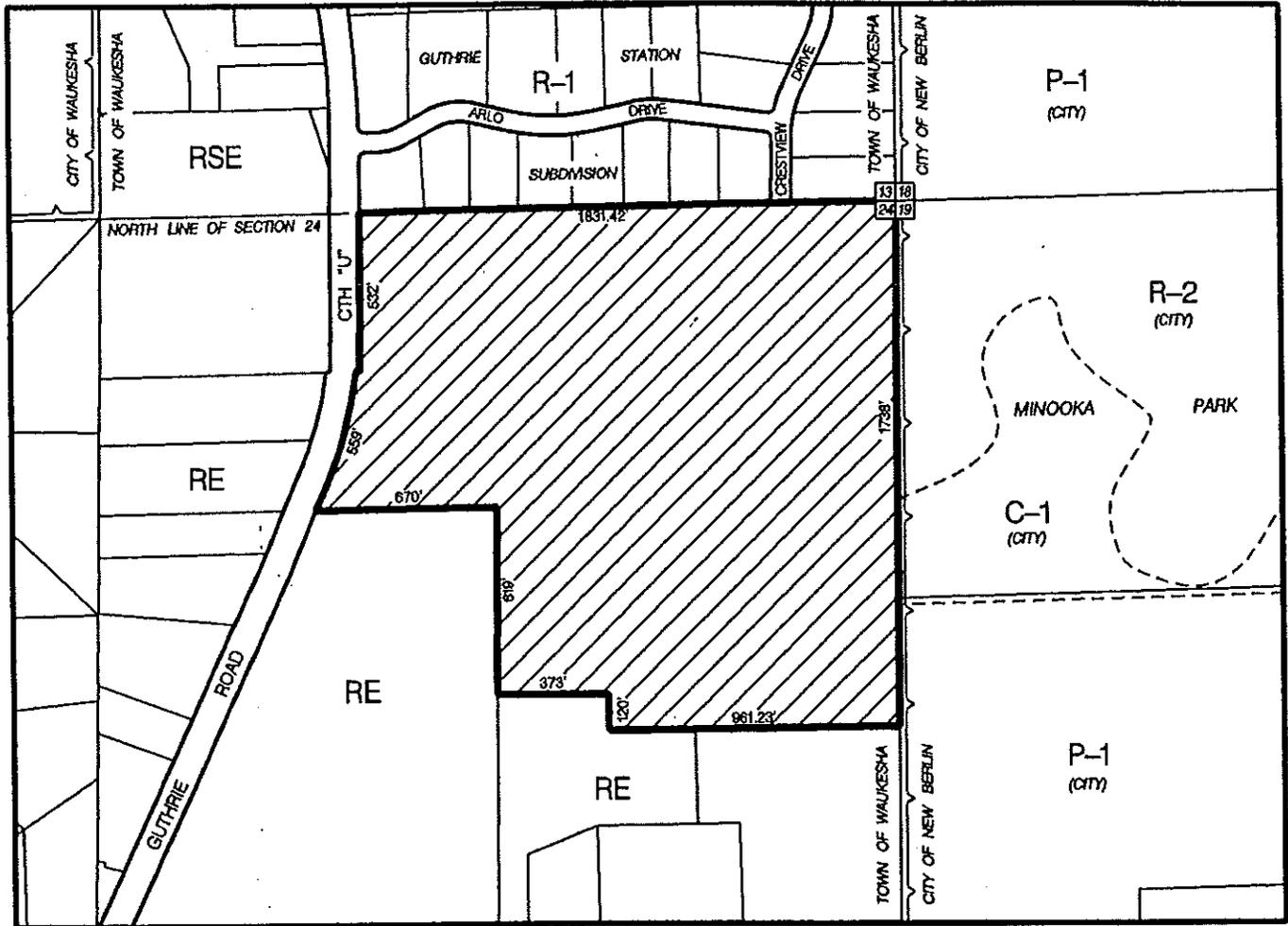
MJS/RLM:smv/kab

Attachments: Map

N:\PIU NEW FILE SYSTEM (IN-PROGRESS)\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1441_ZT_WKT(JACK ILLING 6-6-02 P & P MTG).DOC

ZONING CHANGE

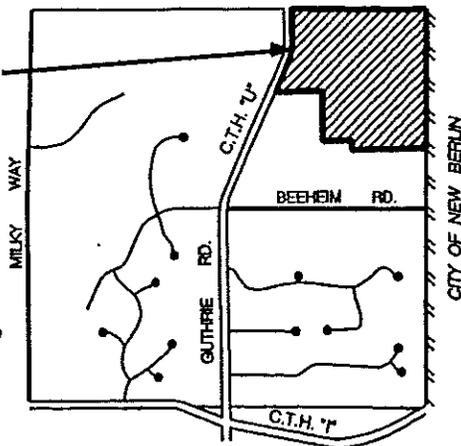
PART OF THE NE 1/4 OF SECTION 24 TOWN OF WAUKESHA



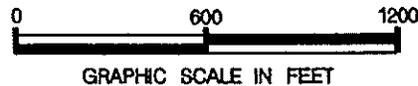
TOWN ZONING CHANGE FROM R-E RESIDENTIAL ESTATE TO R-1 RESIDENTIAL

AREA OF PROPOSED REZONE

LOCATION MAP
SECTION 24
T 6N R 19E



FILE.....ZT-1441
 DRAWN.....3-21-02
 SCALE.....1" = 600'
 AREA OF CHANGE.....62.67 ACRES



PREPARED BY THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

157-0-028

**ORDINANCE REZONING PROPERTY FROM THE R-E ZONING
CLASSIFICATION TO THE R-1 ZONING CLASSIFICATION
TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN**

THE TOWN BOARD OF THE TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN,
DOES ORDAIN AS FOLLOWS:

SECTION 1: The following-described property is rezoned from the R-E (Residential Estate) zoning classification to the R-1 (Residential) zoning classification:

The North Three-quarters (3/4) of the North One-half (1/2) of the Northeast One-quarter (1/4) of Section Twenty-four (24), in Township Six (6) North, Range Nineteen (19) East, in the Town of Waukesha, County of Waukesha, State of Wisconsin, except that part of the Northeast One-quarter (1/4) described as follows:

Commencing at the 1/4 Section corner of the North line of said Section 24; thence South on the 1/4 section line, 532.1 feet; thence East parallel to the North line of said Section 24, 820.1 feet to the center line of the public highway; thence on the center line of aforesaid highway North 532.1 feet to the North line of said Section 24; thence West on the North line of said Section 24, 814.5 feet to the point of beginning and further excepting therefrom that part conveyed to Robert H. Illing by deed recorded as Document No. 1102907, containing 62.67 acres.

Property lies East of Guthrie Road and South of Crestview Drive.
WAKT 1389-998.

SECTION 2: A review and/or preliminary approval by the Waukesha County Department of Transportation will be required for access, and a further determination made to ascertain how and where access to C.T.H. "U" will be obtained.

SECTION 3: The wooded area shall be protected, and a conservation design (cluster) type of subdivision is encouraged in an effort to protect the aforementioned wooded area.

Fifty-five (55) single-family lots will be the maximum allowed on the property described in Section 1 above. The minimum lot size will be 30,000 square feet.

SECTION 4: For lots less than one (1) acre in size, the minimum open space required will be sixty-nine percent (69%) of the total lot area

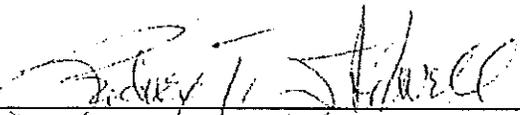
SECTION 5: For lots less than one (1) acre in size, the maximum floor area ratio permitted is twenty percent (20%).

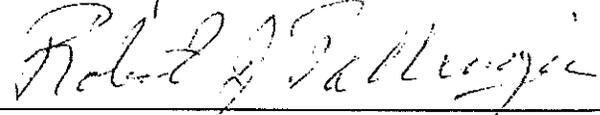
SECTION 6: All ordinances, or parts of this ordinance, conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 7: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Waukesha, Waukesha
County, Wisconsin this 25th day of April, 2002.

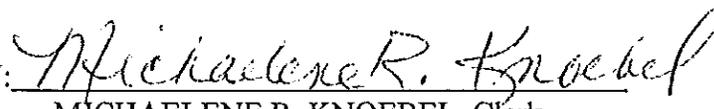
TOWN BOARD, TOWN OF WAUKESHA,
WAUKESHA COUNTY, WISCONSIN

BY: 
RODNEY T. STILWELL Chairman

BY: 
ROBERT J. TALLINGER, Supervisor

BY: 
STEPHEN SMART, Supervisor

ATTEST:

BY: 
MICHAELENE R. KNOEBEL, Clerk

FAUSERSUwh\Clients\Waukesha, Town\ORDINANC\ORD-Rezone R-E to R-1-Jack Illing.wpd

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/23/02

(ORD) (RES) NUMBER-1570028

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 M. SONNENTAG.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....
- 16 R. MANKE.....
- 18 D. FANFELLE.....AYE
- 20 M. KIPP.....NAY
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-31

TOTAL NAYS-01

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-32