

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING
ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART
OF THE SW ¼ OF SECTION 10, T5N, R18E, TOWN OF MUKWONAGO,
WAUKESHA COUNTY, WISCONSIN, FROM THE SE SUBURBAN ESTATE DISTRICT
TO THE R-1 RESIDENTIAL DISTRICT
(ZT-1504)

WHEREAS the subject matter of this Ordinance having been approved by the Mukwonago
Town Board on October 8, 2003, after Public Hearing, and the giving of requisite notice of said
hearing, and duly referred to and considered by the Waukesha County Park and Planning
Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and
Environment Committee and the Waukesha County Board of Supervisors, as required by Section
60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
ORDAIN that the District Zoning Map for the Town of Mukwonago Zoning Ordinance, adopted
by the Town of Mukwonago on May 9, 1983, is hereby amended to conditionally rezone from
the SE Suburban Estate District to the R-1 Residential District, certain lands located in part of
the SW ¼ of Section 10, T5N, R18E, Town of Mukwonago, Waukesha County, 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 (ZT-1504), subject to the following conditions:

1. The entire subject lands, which is noted on the zoning map amendment Tax Key No. MUKT 1191.993.003, shall be allowed to have no more than 2 dwelling units.
2. Petitioners shall acknowledge in writing that the proposed division of the subject lands may require an amendment to the Waukesha County Development Plan, to place the lands in the Suburban Density I Category. No assurance is hereby provided that the Waukesha County Development Plan will be amended in this regard. The Town will consider any such amendments if requested by the Waukesha County Board.
3. The petitioners shall submit and receive all necessary approvals for a Certified Survey Map, and shall satisfy all conditions of the same.
4. The Petitioners shall accept the terms and conditions of the conditional rezoning ordinance in writing.
5. The Petitioners shall pay all fees, costs and assessments due and owing to the Town of Mukwonago, including any permit fees for applicable permits, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Town of Mukwonago in the drafting, review and enforcement of this zoning ordinance, including without limitation by reason of enumeration, design, engineering, inspection and legal work,
6. The Petitioners shall satisfy all of the aforementioned conditions within two (2) years of the Town Board approving this conditional rezoning ordinance.

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

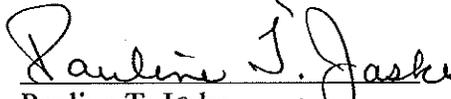
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

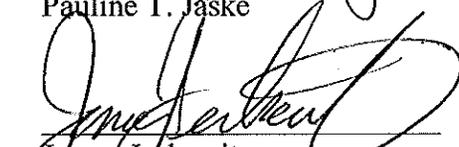
52 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
53 provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING ORDINANCE BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 10,
T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE SE SUBURBAN
ESTATE DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (ZT-1504)

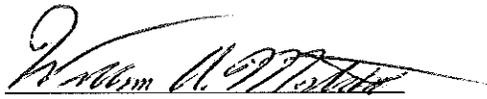
Presented by:
Land Use, Parks, and Environment Committee

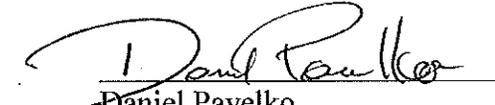

Walter L. Kolb, Chair

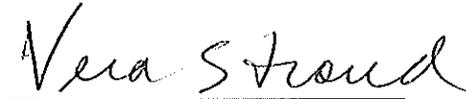

Pauline T. Jaske


James Jeskewitz


Scott J. Klein


William A. Mitchell

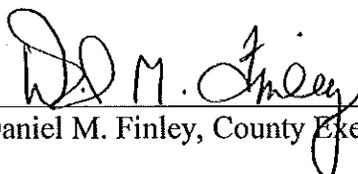

Daniel Pavelko


Vera Stroud

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

Date: 3/26/04, 
Kathy Nickolaus, County Clerk

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

Approved:
Vetoed:
Date: 3-29-04, 
Daniel M. Finley, County Executive

COMMISSION ACTION

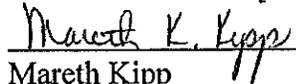
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Mukwonago Zoning Code hereby recommends approval of (ZT-1504) Darwin and LeAnn Lueck in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

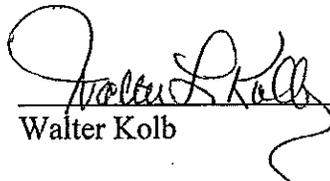
October 23, 2003

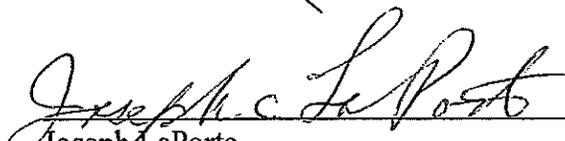

Betty Willert, Chairperson

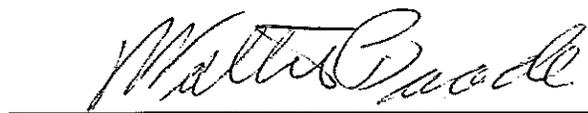

Vy Janusonis


Mareth Kipp

Absent
Ellen Genrich


Walter Kolb


Joseph LaPorte


Walter Baade

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

FILE NO.: ZT-1504

DATE: October 23, 2003

PETITIONER: Darwin and LeAnn Lueck
S78 W30816 Sugden Road
Mukwonago, Wisconsin 53149

TAX KEY NO.: MUKT 1911.993.003

LOCATION:
Part of the SW ¼ of Section 10, T5N, R18E, Town of Mukwonago. The property is located on the north side of Sugden Road, between S.T.H. 83 and C.T.H. "P", containing 5.076 acres.

PRESENT ZONING:
SE Suburban Estate District, allowing three-acre minimum lot sizes.

PRESENT LAND USE:
Single-family residence and detached accessory building.

PROPOSED ZONING:
Conditional R-1 Residential District, allowing one-acre minimum lot sizes.

PROPOSED LAND USE:
Divide the 5.076-acre parcel into two parcels.

PUBLIC HEARING DATE:
October 1, 2003.

PUBLIC REACTION:
No opposition was voiced to the proposal.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:
The Town of Mukwonago Plan Commission, on October 1, 2003, voted to recommend to the Town Board approval of the rezoning request in accordance with the attached Exhibit "A". The Town of Mukwonago Board, on October 8, 2003, approved the rezoning in accordance with the Town Plan Commission's recommendation.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF MUKWONAGO MASTER PLAN:

The Waukesha County Development Plan designates the area in the Rural Residential and Other Agricultural Lands category, which allows development at a five-acre density. The Town of Mukwonago Land Use Plan designates the area in the one-acre category. It should be noted that on the Waukesha County Development Plan the areas to the west, east and south are all in the Low Density Residential category which allows development at 20,000 sq. ft. to 1.4 acres per unit. They are all developed in one-

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acre lot sizes. It is felt that because all of the contiguous properties are less than five-acres in size, it is appropriate to use the Development Plan as a guide and allow this area to be a transition area from the one to five-acre lots further to the north.

OTHER CONSIDERATIONS:

The property in question is over five-acres in size and the applicant is proposing to divide it into a three-acre parcel, which will contain the single-family residence and a two-acre parcel to the west on which a horse shed is located which will be removed. The parcels immediately to the east and to the south of Sugden Road are one-acres in size, the parcel to the west is 1.9 acres and the parcel to the north is less than five-acres. The soils in this area are generally good for sewage disposal systems. As conditioned by the Town, and allowing no more than the two parcels on the 5.076-acre parcel, the density proposed is one unit for 2.5 acres and could be considered a transition area between the adjacent one-acre lots and the five-acre lots to the north.

STAFF RECOMMENDATION:

It is the opinion of the Planning Staff this request be approved in accordance with the conditions as outlined in the attached Exhibit "A". The proposal is reasonably consistent with other development in the area and it should be considered a transition area, between the existing one-acre lots and the five-acre lots further to the north.

Respectfully submitted,



Kathy Moore
Senior Planner

KM:kb

Attachments: Exhibit "A" and Map

AN ORDINANCE TO AMEND THE TOWN OF MUKWONAGO ZONING DISTRICT MAP
OF THE TOWN OF MUKWONAGO ZONING ORDINANCE BY CONDITIONALLY
REZONING LANDS IN THE TOWN OF MUKWONAGO,
FROM THE S-E SUBURBAN ESTATES DISTRICT TO THE R-1 RESIDENTIAL DISTRICT

WHEREAS, the petition has been filed by Darwin and LeAnn Lueck, the owners of certain lands in the Town of Mukwonago (hereinafter "Petitioners") to rezone and develop certain property as described in Exhibit A attached hereto and incorporated herein, hereinafter "subject lands"; and

WHEREAS, said rezoning petition, was submitted to rezone the subject lands from S-E Suburban Estates District to the R-1 Residential District and

WHEREAS, the rezoning petition has been submitted to the Town Plan Commission of the Town of Mukwonago for report and recommendation; and

WHEREAS, the petitioners have supplied all required data pursuant to the Town of Mukwonago Zoning Ordinance and a Public Hearing was conducted by the Town board and the Plan Commission of the Town of Mukwonago on October 1, 2003; and

WHEREAS, the Town Plan Commission of the Town of Mukwonago has recommended to the Town Board of the Town of Mukwonago that said rezoning change may be made under certain conditions; and

WHEREAS, the Town Board of the Town of Mukwonago, after careful review and upon consideration of the recommendation of the Town Plan Commission of the Town of Mukwonago, having determined that all procedure requirements and notice requirements have been satisfied, having given the matter due consideration and having based its determination on the effect of granting of said rezoning on the health, safety, and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as the impact on the surrounding properties as to the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent the Zoning Ordinance for the Town of Mukwonago, will not be contrary to the public health, safety or general welfare of the Town of Mukwonago, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors and will not for any other reason cause a substantial adverse affect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and is in strict compliance with the same. The Town Board has determined that the proposed rezoning is consistent with the recommendation of the Town of Mukwonago Master Plan and is compatible with the one-acre lots to the West, East and South.

NOW, THEREFORE, the Town Board of the Town of Mukwongo, Waukesha County Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: ZONING MAP CHANGE.

The zoning map of the Town of Mukwonago is hereby conditionally amended to change the zoning on the subject lands as delineated in Exhibit A, from S-E Suburban Estate District to R-1 Residential District.

SECTION 2: CONDITIONS OF REZONING

The above rezoning is conditioned upon the following conditions:

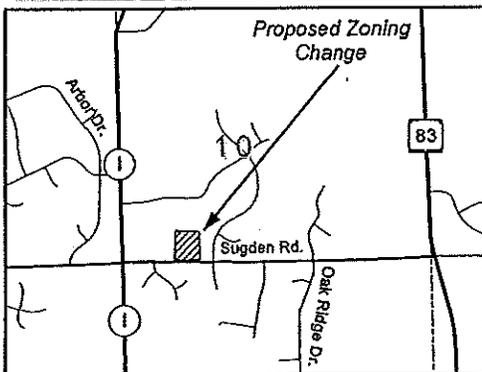
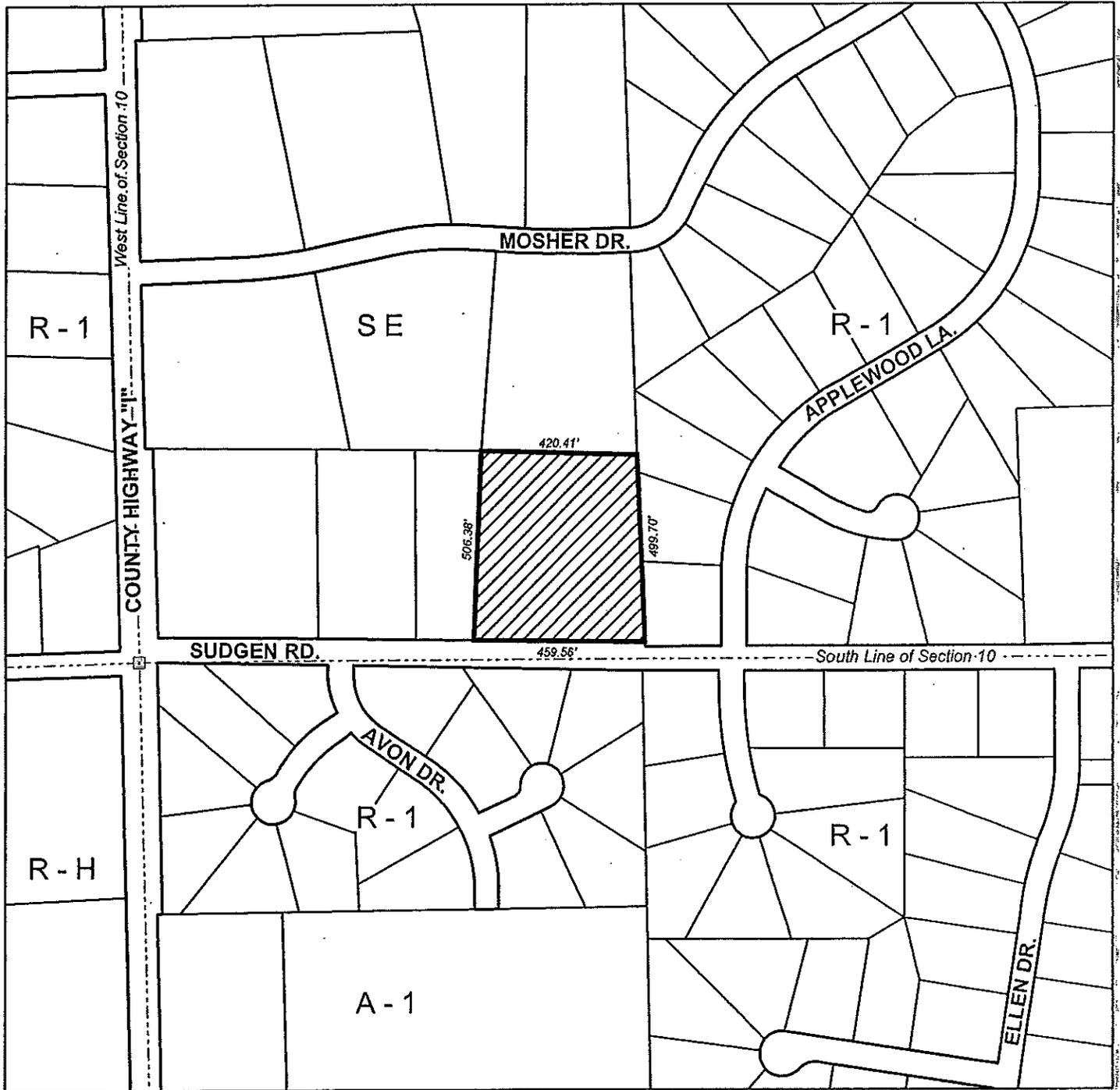
- A. The entire subject lands, which is delineated in Exhibit A, shall be allowed to have no more than 2 dwelling units.
- B. Petitioners shall acknowledge in writing that the proposed division of the subject lands may require an amendment to the Waukesha County Development Plan, to place the lands in the Suburban Density I Category. No assurance is hereby provided that the Waukesha County Development Plan will be amended in this regard. The Town will consider any such amendments if requested by the Waukesha County Board.
- C. The petitioners shall submit and receive all necessary approvals for a Certified Survey Map, and shall satisfy all conditions of the same.
- D. The Petitioners shall accept the terms and conditions of the conditional rezoning ordinance in writing.
- E. The Petitioners shall pay all fees, costs and assessments due and owing to the Town of Mukwonago, including any permit fees for applicable permits, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Town of Mukwonago in the drafting, review and enforcement of this zoning ordinance, including without limitation by reason of enumeration, design, engineering, inspection and legal work,
- F. The Petitioners shall satisfy all of the aforementioned conditions within two (2) years of the Town Board approving this conditional rezoning ordinance.

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ZONING MAP AMENDMENT

PART OF THE SOUTHWEST 1/4 OF SECTION 10 TOWN OF MUKWONAGO



CONDITIONAL TOWN ZONING CHANGE FROM SE SUBURBAN ESTATE (3 AC.) TO R-1 RESIDENTIAL (1 AC.)

FILE.....ZT-1504

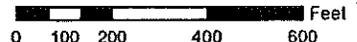
DATE.....10-23-03

AREA OF CHANGE.....5.1 ACRES

TAX KEY NUMBER.....MUKT 1911.993.003



1 inch equals 400 feet



Prepared by the Waukesha County Department of Parks and Land Use

158-0-098

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-03/23/04

(ORD) NUMBER-1580098

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....
- 13 J. MORRIS.....
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....
- 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.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....
- 16 R. MANKE.....AYE
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....
- 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-29

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-29