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2
3 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
4 ORDINANCE DISTRICT ZONING MAP IN THE VILLAGE OF MUKWONAGO BY
5 CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN THE SE ¼ AND SW ¼
6 OF SECTION 19 AND THE NW ¼ OF SECTION 30, T5N, R19E, VILLAGE OF
7 MUKWONAGO, FROM THE RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 AND
8 THE A-E EXCLUSIVE AGRICULTURAL CONSERVANCY DISTRICTS TO THE R-3
9 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS
10 (SVZ-1489)
11

12 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by
13 the Waukesha County Park and Planning Commission after Public Hearing and the giving of
14 requisite notice of said hearing and a recommendation thereon reported to the Land Use, Parks
15 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha
16 County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.
17

18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
19 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on
20 June 23, 1970, for the Town of Mukwonago, Waukesha County, is hereby amended to
21 conditionally rezone from the RRD-5 Rural Residential Density District 5 and the A-E Exclusive
22 Agricultural Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts, certain
23 lands located in the NW ¼ of Section 30, T5N, R19E, Village of Mukwonago, and more
24 specifically described in the "Staff Report and Recommendation" and map on file in the office of
25 the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by
26 reference (SVZ-1489) and subject to the following conditions:
27

- 28 1. All buildings which lie along the open space area being dedicated and along the
29 south and west side of proposed Road "C" on the revised Plat dated July 25, 2003,
30 shall have a minimum floodplain setback of 35' and a minimum first floor
31 elevation of 3' above the 100-year floodplain.
32
- 33 2. Any permits from Chapter 30 of the Wisconsin Statutes, pursuant DNR
34 regulations shall be obtained prior to construction activities commencing on the
35 site.
36
- 37 3. The right to construct or maintain a recreational trail on the dedicated lands along
38 the river shall be granted to the Homeowners Association, the Village of
39 Mukwonago or the County, consistent with the Waukesha County Greenway Trail
40 Corridor standards. A mowed trail, outside of the wetlands, may be maintained
41 by the Association.
42
- 43 4. The sewer service amendment mentioned above shall be adopted by the Village of
44 Mukwonago and Waukesha County.
45

46 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
47 this Ordinance with the Village of Mukwonago.
48

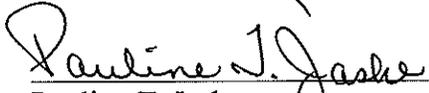
49 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
50 approval and publication.
51

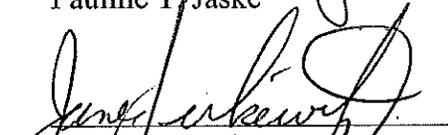
52 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of
53 provisions of this Ordinance are hereby repealed.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE
DISTRICT ZONING MAP IN THE VILLAGE OF MUKWONAGO BY CONDITIONALLY REZONING
CERTAIN LANDS LOCATED IN THE SE ¼ AND SW ¼ OF SECTION 19 AND THE NW ¼ OF SECTION 30,
T5N, R19E, VILLAGE OF MUKWONAGO, FROM THE RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT
5 AND THE A-E EXCLUSIVE AGRICULTURAL CONSERVANCY DISTRICTS TO THE R-3 RESIDENTIAL
AND C-1 CONSERVANCY DISTRICTS
(SVZ-1489)

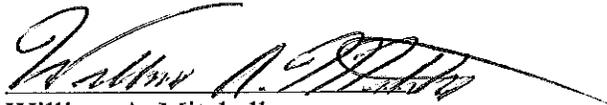
Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair


Pauline T. Jaske


James Jeskewitz

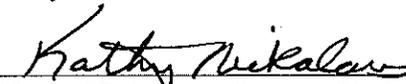

Scott J. Klein


William A. Mitchell

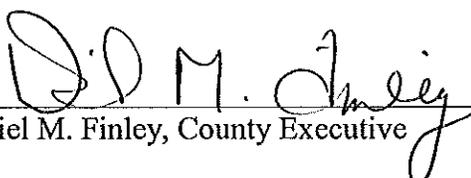

Daniel Pavelko


Vera Stroud

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

Date: 10-17-03, 
Kathy Nickolaus, County Clerk

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

Approved:
Vetoed:
Date: 10-22-03, 
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 Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends **approval** of (SVZ-1489 Harmony Homes, Inc.) in accordance with the attached "Staff Report and Recommendation."

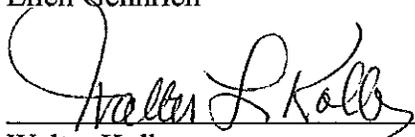
PARK AND PLANNING COMMISSION

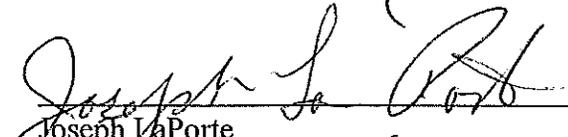
September 11, 2003

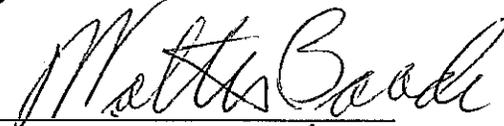
Abstained from voting - was in conflict of interest.
Betty Willert, Chairperson

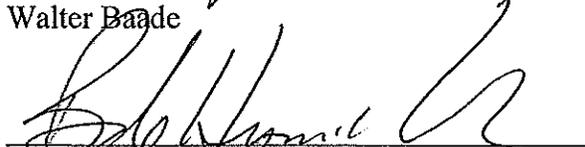
Absent
Vy Janusonis

Absent
Mareth Kipp

Absent
Ellen Gennrich

Walter Kolb


Joseph LaPorte


Walter Baade


Bob Hamilton

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

FILE NO: SVZ-1489

TAX KEY NUMBER: MUKV 2091.991

DATE: September 11, 2003

NAME OF PETITIONER: Harmony Homes
c/o Mark Holiday
2727 North Grandview Boulevard, Suite 100
Waukesha, Wisconsin 53187

LOCATION OF PROPERTY:

The property is located in the SE ¼ and SW ¼ of Section 19 and the NW ¼ of Section 30, T5N, R19E, Village of Mukwonago. More specifically, the parcel is located on the east side of the Fox River, the west side of Edgewood Avenue and south of C.T.H. "ES", containing approximately 93 acres.

PRESENT COUNTY ZONING:

RRD-5 Rural Residential Density 5 acres (requiring a minimum lot size of 1 acre but at a 5 acre density per dwelling unit) and A-E Exclusive Agricultural Conservancy District (requiring a minimum lot size of 35 acres)

PROPOSED COUNTY 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) and C-1 Conservancy.

PRESENT LAND USE:

Farming.

PROPOSED LAND USE:

Residential subdivision containing 89 lots.

PUBLIC HEARING DATE:

July 15, 2003.

PUBLIC REACTION:

None.

VILLAGE PLANNING COMMISSION ACTION:

The Village of Mukwonago Plan Commission voted in favor of the proposed amendment at their meeting of July 14, 2003.

VILLAGE BOARD ACTION:

The Village of Mukwonago Board voted 6 to 1 in favor of the proposed amendment at their meeting of July 15, 2003.

158-0-075

8

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

The Village of Mukwonago Land Use Plan was recently amended on January 21, 2003, to provide a Transitional Residential category on the subject parcel, which permits 4.6 dwelling units per acre. The County Development Plan is automatically updated as a result of the Village's action pursuant to Wisconsin Statutes, to a similar category, which in this case is the Medium Density Residential category. Therefore, the proposed amendment is consistent with the County Development Plan and the Village of Mukwonago Land Use Plan.

OTHER CONSIDERATIONS:

The property in question is presently owned by Bruce Krogstad and is proposed to be acquired by the petitioner, Harmony Homes. The land is currently being cultivated and Harmony Homes intends to develop a single-family residential development on the property along the south side of Edgewood Avenue, and in the future a multi-family project on the north side of Edgewood Avenue. There is only a minor amount of land area, which is the subject of this rezoning request, and it lies along the east side of the Fox River. The lands being modified are presently zoned RRD-5, which permits five-acre densities. The petitioner is proposing to change that to the R-3 Residential category to accommodate the proposed development. There are other areas on the site which are zoned Exclusive Agricultural, which would normally be placed in a C-1 category, but in this case were farmed and, therefore, were placed in said category. Those areas will be changed to the C-1 Conservancy category, once farming has been discontinued. Lot sizes in the development along/in the area of the proposed amendment, are approximately 20,000 sq.ft. in area, which will be consistent with the R-3 Residential category, which is served with sewer and water. The lands lying along the Fox River in this project are identified in the County's Park and Open Space Plan to be acquired by Waukesha County. Those lands will be dedicated to Waukesha County pursuant to the discussions with the developer, who has indicated his desire to dedicate those lands. The property also requires a sewer service amendment, approved by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), which is in progress and anticipated to be approved at the September meeting of the Regional Planning Commission. There will be no lands in the floodplain or wetlands along this stretch of the Fox River which will be modified in any way.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff this request be **approved** with the following conditions:

1. All buildings which lie along the open space area being dedicated and along the south and west side of proposed Road "C" on the revised Plat dated July 25, 2003, shall have a minimum floodplain setback of 35' and a minimum elevation of 3' above the 100-year floodplain.
2. Any permits from Chapter 30 of the Wisconsin Statutes, pursuant DNR regulations shall be obtained prior to construction activities commencing on the site.
3. The right to construct or maintain a recreational trail on the dedicated lands along the river shall be granted to the Homeowners Association, the Village of Mukwonago or the County, pursuant to Waukesha County Greenway standards. A mowed trail, outside of the wetlands, may be maintained by the Association.
4. The sewer service amendment mentioned above shall be adopted by the Village of Mukwonago and Waukesha County.

158-0-075

This project with its floodplain and wetlands along its west and south border being dedicated to Waukesha County, meets the intent and purposes of the Waukesha County Development Plan and the County's Park and Open Space Plan. The property will also be serviced with municipal sewer and water, and with all of those provisions being made, the Planning and Zoning Division Staff is in complete support of this proposed amendment. Further, the development will be consistent with the above-cited plans and is in the public's best interest.

Respectfully submitted,

Richard L. Mace / Kab

Richard L. Mace
Planning and Zoning Manager

RLM:smv

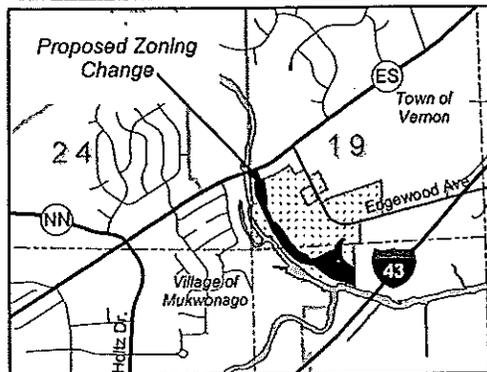
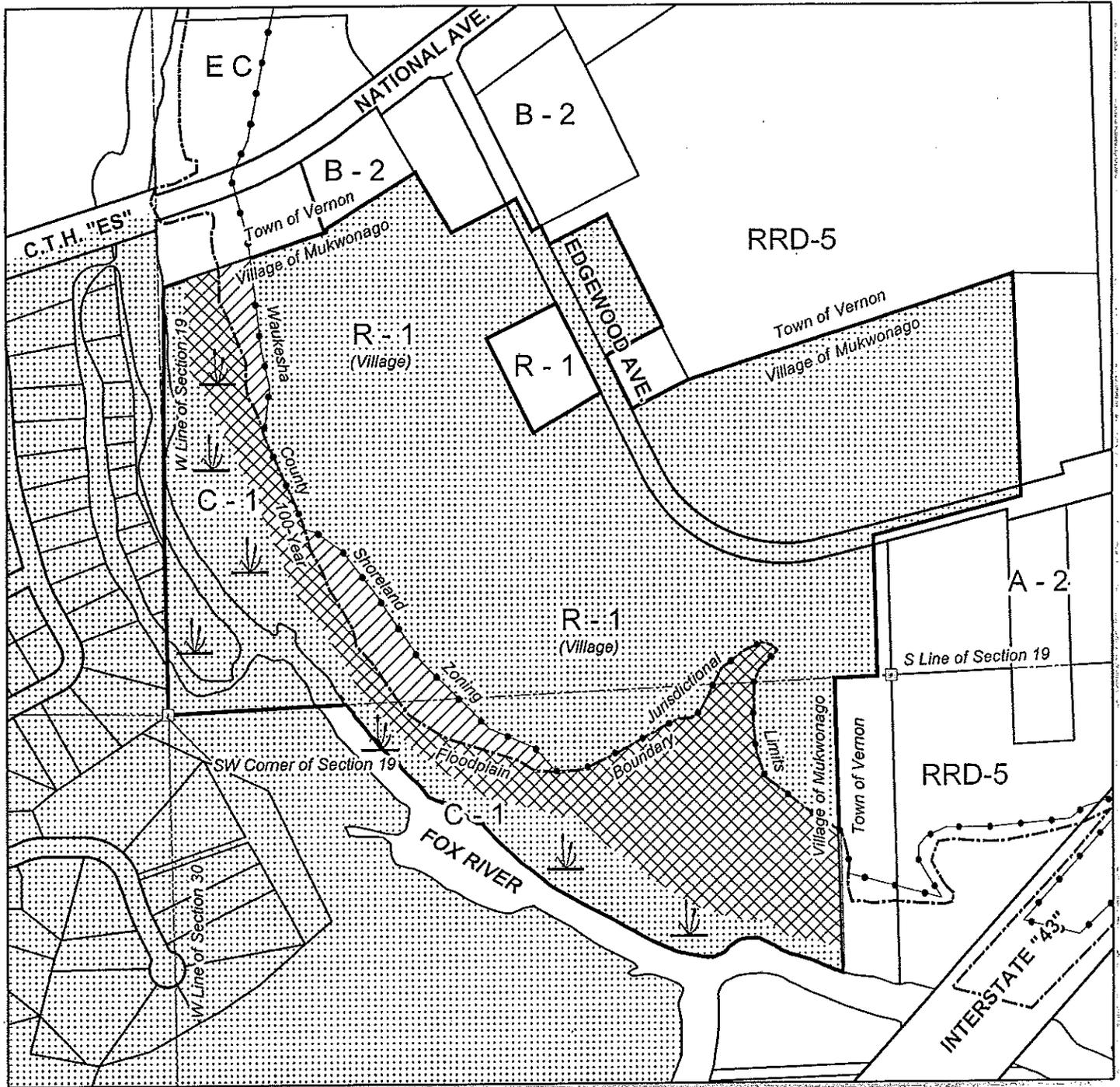
Attachment: Map

N:\PLU FILES\Planning & Zoning\Rezoning (RZ)\Staff Reports\1489_mkv (Harmony Homes - 9-11-03 P&P Meeting).doc

158-0-075

ZONING MAP AMENDMENT

PART OF THE S 1/2 OF SECTION 19 & NW 1/4 OF SECTION 30
VILLAGE OF MUKWONAGO (T5N R19E)



 CONDITIONAL ZONING CHANGE FROM RRD-5 TO R-3 (3.87 AC)

 CONDITIONAL ZONING CHANGE FROM A-E TO C-1 (16.6 AC)

FILE.....SVZ-1489

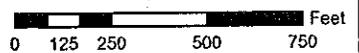
DATE.....9-11-03

AREA OF CHANGE.....20.5 ACRES

TAX KEY NUMBER.....MUKV 2091.991



1 inch equals 500 feet



Prepared by the Waukesha County Department of Parks and Land Use

158-0-075

WAUKESHA COUNTY BOARD OF SUPERVISORS *EO 158-70*

V

DATE-10/14/03

(ORD) NUMBER-1580075

1 K. HERRO.....AYE
3 D. STAMSTA.....AYE
5 J. MARCHESE.....AYE
7 J. JESKEWITZ.....
9 P. HAUKOHL.....AYE
11 K. HARENDA.....AYE
13 J. MORRIS.....AYE
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.....AYE
12 J. GRIFFIN.....AYE
14 J. LA PORTE.....AYE
16 R. MANKE.....AYE
18 B. MORRIS.....AYE
20 M. KIPP.....AYE
22 G. BRUCE.....AYE
24 A. SILVA.....AYE
26 S. KLEIN.....AYE
28 P. JASKE.....AYE
30 K. NILSON.....NAY
32 P. GUNDRUM.....AYE
34 R. SINGERT.....AYE

TOTAL AYES-32

TOTAL NAYS-01

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-33