

ENROLLED ORDINANCE 158-99

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE, BY CONDITIONALLY REZONING CERTAIN LANDS ANNEXED BY THE CITY OF WAUKESHA, LOCATED IN PART OF THE SW ¼ OF SECTION 29 AND THE NW ¼ OF SECTION 32, T7N, R19E, FROM THE A-2 RURAL HOME AND C-1 CONSERVANCY DISTRICTS TO THE R-3 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS
(SCZ-1368A)

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 Section 59.692 and 59.69 of the Wisconsin State Statutes.

THE WAUKESHA COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the lands annexed by the City of Waukesha under the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, are hereby amended to conditionally rezone from the A-2 Rural Home and C-1 Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts, certain lands located in part of the SW ¼ of Section 29 and the SW ¼ of Section 32, T7N, R19E, City of Waukesha, 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-1368A), subject to the following conditions:

1. The rezoning shall not become effective until certification is provided to the Staff and the Department of Natural Resources, by a registered professional engineer, that all lands intended to be filled and modified or removed from the 100-year flood plain of the Pebble Creek and the east/west tributary, and provided with compensatory storage areas which may be necessary to offset what may be lost as a result of the construction of roads or stormwater management facilities, are in fact modified or authorized.
2. Approval of a Chapter 30 Permit (Wis. Statutes) in conformance with all conditions of said permit will also be required, along with a letter of map amendment from the Federal Emergency Management Agency. The proposed open space woodlands and lands along the Pebble Creek and the tributary creek shall be set aside in common open green space, to be owned and maintained in their natural state by the homeowners in the development, unless the City of Waukesha is willing to assume the responsibility of ownership and maintenance of these corridors. No vegetative removal, with the exception of what is necessary to construct any roads, easements and stormwater management facilities and the removal of any dead vegetation or non-indigenous vegetation will be permitted within the EC Environmental Corridor District or C-1 Conservancy District.
3. Because additional design data and review is necessary, the development as related to the shoreland area, be required to comply with stormwater management and erosion control performance standards contained in Wisconsin State Administrative Rule No. NR 151 and that plans within said shoreland areas be approved by the Land Resources Division of the Waukesha County Department of Parks and Land Use in accordance with Chapter 14 of the Waukesha County Code.
4. Because it has not been determined whether or not the proposed Best Management

Practices meet standard engineering design principles or DNR technical standards related to stormwater management practices, and for lack of detailed design data and planning review necessary to make such a determination, Best Management Practices proposed for the project within the Shoreland areas will require compliance with the DNR technical standards and standard engineering design principles as determined by the Land Resources Division of the Waukesha County Department of Parks and Land Use.

5. There is active stream bank erosion which has been identified in the field by Staff and those areas shall be stabilized in accordance with Chapter 16 of the Natural Resource Conservation Services (NRCS) engineering field handbook applicable, NRCS conservation practice standards, DNR permit requirements using bioengineering methods and all such plans shall be approved by the Land Resources Division of the Waukesha County Department of Parks and Land Use as a part of the stormwater management permit process.
6. All stormwater facilities located within the shoreland areas shall either be dedicated to the City of Waukesha for continued maintenance or placed on suitable outlots with equal and undividable ownership by all of the owners within the subdivision, the condominium and apartment areas. In addition, a minimum of 15' wide maintenance easements to all stormwater facilities from public roads shall be provided for maintenance inspections and future maintenance equipment for said stormwater facilities and for maintenance of the stream banks along the entire reach of this project area and said access easements shall be shown on the outlots rather than easements on private lots. These access easements shall also provide access for future inspections by Staff or agents of the City of Waukesha or Waukesha County Department of Parks and Land Use, Land Resources Division. Further, a Maintenance Plan shall be recorded in the Waukesha County Register of Deeds Office at the time of the recording of the subdivision plat or condominium plat and prior to the construction of the apartments, and shall be developed in accordance with Waukesha County guidelines including provisions for special assessments, should the responsible party not complete the required maintenance activities as may be determined by the City of Waukesha or Waukesha County.
7. Because no seeding and re-vegetation schedules were submitted, nor were any detailed plans for construction of the development submitted, no construction shall commence until said plans are completed and submitted for review and approval by the Planning and Zoning staff and the Land Resources Division staff of the Waukesha County Department of Parks and Land Use. A seeding and re-vegetation plan and schedule shall be made a part of those plans for staff review.

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

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 this Ordinance are hereby repealed.

158-99

Amendment to 158-O-094

Supervisor Haukohl moved to amend the First Ordained Paragraph, subparagraph 3. as follows:

Delete "it is recommended that"

Supervisor Jaske seconded the motion.

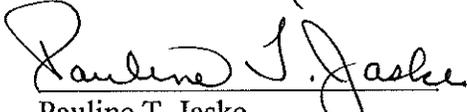
Vote on amendment: 31 ayes – 1 nay

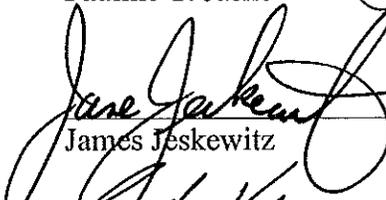
Vote on ordinance as amended: 31 ayes – 1 nay

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE, BY CONDITIONALLY REZONING CERTAIN LANDS ANNEXED BY THE CITY OF WAUKESHA, LOCATED IN PART OF THE SW ¼ OF SECTION 29 AND THE NW ¼ OF SECTION 32, T7N, R19E, FROM THE A-2 RURAL HOME AND C-1 CONSERVANCY DISTRICTS TO THE R-3 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (SCZ-1368A)

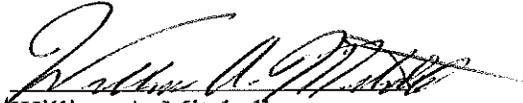
Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair

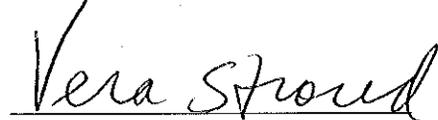

Pauline T. Jaske


James Jeskewitz


Scott J. Klein


William A. Mitchell

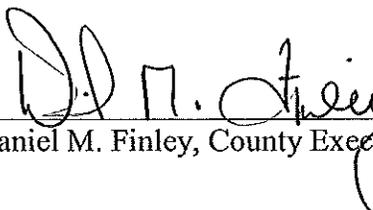

Daniel Pavelko


Vera Stroud

The foregoing legislation ^{✓ as amended} adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: November 26, 2003, 
Kathy Nickolaus, County Clerk

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

Approved: ✓
Vetoed: _____
Date: 11-26-03, 
Daniel M. Finley, County Executive

1 AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND
2 AND FLOODLAND PROTECTION ORDINANCE, BY CONDITIONALLY REZONING
3 CERTAIN LANDS ANNEXED BY THE CITY OF WAUKESHA, LOCATED IN PART OF
4 THE SW ¼ OF SECTION 29 AND THE NW ¼ OF SECTION 32, T7N, R19E, FROM THE
5 A-2 RURAL HOME AND C-1 CONSERVANCY DISTRICTS TO THE R-3 RESIDENTIAL
6 AND C-1 CONSERVANCY DISTRICTS
7 (SCZ-1368A)
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 the 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 and 59.69 of the Wisconsin State Statutes.
15

16 THE WAUKESHA COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF
17 WAUKESHA DOES ORDAIN that the lands annexed by the City of Waukesha under the
18 jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance adopted on
19 June 23, 1970, are hereby amended to conditionally rezone from the A-2 Rural Home and C-1
20 Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts, certain lands
21 located in part of the SW ¼ of Section 29 and the SW ¼ of Section 32, T7N, R19E, City of
22 Waukesha, and more specifically described in the "Staff Report and Recommendation" and map
23 on file in the office of the Waukesha County Department of Parks and Land Use and made a part
24 of this Ordinance by reference (SCZ-1368A), subject to the following conditions:
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- 26 1. The rezoning shall not become effective until certification is provided to the Staff and the
27 Department of Natural Resources, by a registered professional engineer, that all lands
28 intended to be filled and modified or removed from the 100-year flood plain of the
29 Pebble Creek and the east/west tributary, and provided with compensatory storage areas
30 which may be necessary to offset what may be lost as a result of the construction of roads
31 or stormwater management facilities, are in fact modified or authorized.
32
- 33 2. Approval of a Chapter 30 Permit (Wis. Statutes) in conformance with all conditions of
34 said permit will also be required, along with a letter of map amendment from the Federal
35 Emergency Management Agency. The proposed open space woodlands and lands along
36 the Pebble Creek and the tributary creek shall be set aside in common open green space,
37 to be owned and maintained in their natural state by the homeowners in the development,
38 unless the City of Waukesha is willing to assume the responsibility of ownership and
39 maintenance of these corridors. No vegetative removal, with the exception of what is
40 necessary to construct any roads, easements and stormwater management facilities and
41 the removal of any dead vegetation or non-indigenous vegetation will be permitted within
42 the EC Environmental Corridor District or C-1 Conservancy District.
43
- 44 3. Because additional design data and review is necessary, it is recommended that the
45 development, as related to the shoreland area, be required to comply with stormwater
46 management and erosion control performance standards contained in Wisconsin State
47 Administrative Rule No. NR 151 and that plans within said shoreland areas be approved
48 by the Land Resources Division of the Waukesha County Department of Parks and Land
49 Use in accordance with Chapter 14 of the Waukesha County Code.
50

- 51 4. Because it has not been determined whether or not the proposed Best Management
52 Practices meet standard engineering design principles or DNR technical standards related
53 to stormwater management practices, and for lack of detailed design data and planning
54 review necessary to make such a determination, Best Management Practices proposed for
55 the project within the Shoreland areas will require compliance with the DNR technical
56 standards and standard engineering design principles as determined by the Land
57 Resources Division of the Waukesha County Department of Parks and Land Use.
58
- 59 5. There is active stream bank erosion which has been identified in the field by Staff and
60 those areas shall be stabilized in accordance with Chapter 16 of the Natural Resource
61 Conservation Services (NRCS) engineering field handbook applicable, NRCS
62 conservation practice standards, DNR permit requirements using bioengineering methods
63 and all such plans shall be approved by the Land Resources Division of the Waukesha
64 County Department of Parks and Land Use as a part of the stormwater management
65 permit process.
66
- 67 6. All stormwater facilities located within the shoreland areas shall either be dedicated to
68 the City of Waukesha for continued maintenance or placed on suitable outlots with equal
69 and undividable ownership by all of the owners within the subdivision, the condominium
70 and apartment areas. In addition, a minimum of 15' wide maintenance easements to all
71 stormwater facilities from public roads shall be provided for maintenance inspections and
72 future maintenance equipment for said stormwater facilities and for maintenance of the
73 stream banks along the entire reach of this project area and said access easements shall be
74 shown on the outlots rather than easements on private lots. These access easements shall
75 also provide access for future inspections by Staff or agents of the City of Waukesha or
76 Waukesha County Department of Parks and Land Use, Land Resources Division.
77 Further, a Maintenance Plan shall be recorded in the Waukesha County Register of Deeds
78 Office at the time of the recording of the subdivision plat or condominium plat and prior
79 to the construction of the apartments, and shall be developed in accordance with
80 Waukesha County guidelines including provisions for special assessments, should the
81 responsible party not complete the required maintenance activities as may be determined
82 by the City of Waukesha or Waukesha County.
83
- 84 7. Because no seeding and re-vegetation schedules were submitted, nor were any detailed
85 plans for construction of the development submitted, no construction shall commence
86 until said plans are completed and submitted for review and approval by the Planning and
87 Zoning staff and the Land Resources Division staff of the Waukesha County Department
88 of Parks and Land Use. A seeding and re-vegetation plan and schedule shall be made a
89 part of those plans for staff review.
90

91 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
92 this Ordinance with the City of Waukesha Clerk.

93
94 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
95 approval and publication.

96
97 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of
98 provisions of this Ordinance are hereby repealed.

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

FILE NO: SCZ-1368A

TAX KEY NUMBER: WAKC 979.998.001
WAKC 979.990
WAKC 990.998.001

DATE: September 25, 2003

NAME OF PETITIONER: Bryce Styza
2727 North Grandview Boulevard
Waukesha, Wisconsin 53188

and

City of Waukesha

LOCATION OF PROPERTY:

The property in question is located in part of the SW ¼ of Section 29, and the NW ¼ of Section 32, T7N, R19E, City of Waukesha. More specifically, the property is located on the SE quadrant of the intersection of Northview Road and Meadowbrook Road (C.T.H. "TT") and south of the east/west tributary creek which crosses C.T.H. "TT".

PRESENT ZONING:

A-2 Rural Home District, providing for three acre minimum parcel sizes and C-1 Conservancy.

PROPOSED ZONING:

R-3 Residential District and C-1 Conservancy (Shoreland).

PRESENT LAND USE:

Vacant former agricultural fields, woodlands and wetlands.

PROPOSED LAND USE:

Residential, condominium subdivision and apartment development with two stream crossings of the Conservancy lands to accommodate access streets.

PUBLIC HEARING DATE:

March 7, 2000.

PUBLIC REACTION:

There were two persons in attendance who had concerns with respect to the proposed rezoning and development of said lands, along with numerous questions from the City Alderman.

CITY PLANNING COMMISSION ACTION:

The City of Waukesha Planning Commission had previously approved the development concepts proposed for this property and recommended its rezoning to accommodate same.

158-0-094

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

Both the City and the County Land Use Plans recommend Medium Density Residential and Secondary Environmental Corridor for uses on this site. The Medium Density category calls for a maximum overall density of approximately seven units per acre. The proposed development contains approximately four units per acre, which is less dense than the maximum of what the plans call for. The development, if approved as recommended will conform with both Land Use Plans.

OTHER CONSIDERATIONS:

The proposed development, subject to this action will accommodate a mixture of approximately 300 apartment units in 10 buildings and approximately 160 single-family lots. It should be noted that part of this project site was the subject of a partial rezoning in the Year 2000 (SCZ-1368), whereby the land was rezoned to accommodate a portion of the development north of the tributary creek which passes under C.T.H. "TT" in the northern quadrant of the site. At that time, there were a number of conditions imposed on the development and affected only the northern quadrant as mentioned above. Because of numerous issues regarding stormwater management on the remainder of the site and the need to develop new efforts to manage stormwater management on the site and to identify the Environmental Corridor, rezoning of the southerly quadrant of the property was delayed.

The property is immediately north of the newly developed Sentry Food Store, McDonald's Restaurant and assorted small businesses on the northeast corner of U.S. Hwy. 18 and C.T.H. "TT". A narrow stream corridor passes through the property occupied by a coldwater stream, which is locally known as Pebble Creek which has open and some very steep and wooded slopes bounding on that corridor as it affects the subject property. A very narrow wetland lies along the stream corridor. In addition, there are also issues of limestone bedrock outcroppings throughout numerous areas on this property and bedrock does lie fairly close to the surface throughout the upland areas of the site which further complicates issues of development and stormwater management. The objective of the stormwater management planning effort has been to retain the cold water creek status of the Pebble Creek, which traverses the site and to minimize to the greatest extent possible any sedimentation or erosion of the property which may adversely affect the creek. The woods and steep slopes are considered Secondary Environmental Corridors and have been identified in the field by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and further verified with an ecological inventory by the naturalist from the Retzer Nature Center.

The original Development Plan, which accompanied the rezoning request, intruded into portions of the subject corridor and was an area of concern to the Staff. The project in question was previously approved over a series of meetings with the City of Waukesha Plan Commission without any involvement with the County Planning Staff, which has complicated the planning efforts somewhat, in light of the fact that there was no involvement by County Planning or Land Resources Division Staff regarding how this property would be developed which should have been done since it was subject to shoreland zoning prior to its annexation to the City. The City Plan Commission developed a consensus for the site's development. Subsequently, the County became involved upon a determination of shoreland jurisdiction and a new required public hearing for the annexed shorelands and floodplains along this river was held. It should also be noted that the City of Waukesha, with funding by Waukesha County has recently prepared and completed a Stormwater Management Plan for this and other reaches of the stream corridor which was prepared by Hey and Associates although not adopted as of this date. The Development Plan, at this point had been modified numerous times to accommodate the stormwater management planning effort by the Land Resources Division and the DNR. It is unknown at this writing whether all of the certifications have been issued by the DNR for the stream crossings referenced above and for the previous amendment which is necessary to accommodate access to the various parts of the site. However, it is understood that process is ongoing and is an integral part of this recommendation.

158-0-094

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The properties to the north and east are presently developed in the City of Waukesha with a mixture of single-family detached as well as apartment complexes. Immediately to the south is the recently developed commercial center mentioned above. To the west lies the new extension of C.T.H. "TT" which connects with the Interstate Highway System. Immediately west of that highway is an older subdivision to the northwest of the subject property, developed in the former Town of Pewaukee a number of years ago. The rest of the land remains open, some of which is still cropped. The lands to the south of S.T.H 18 and on the southwest corner of S.T.H. 18 and C.T.H. "TT" are presently undergoing development with a mixture of housing types and substantial areas along the stream have been protected in their natural condition and in some cases restored to natural conditions from the previous agricultural uses which were utilized on that site. The aforementioned stream running through the property is designated a coldwater stream, which creates greater concern for development of land surrounding it so as to preserve and protect that status and the flora and fauna associated with such stream. In the zoning amendment for the north part of this property, numerous conditions and were incorporated to deal with stormwater management in order to attempt to deal with the issues of retaining and protecting the coldwater status of the stream. One common practice appears to be maintenance or development of vegetative buffers and minimum setbacks along the stream corridor and extraordinary stormwater facility, in order to help protect its coldwater condition and for capturing sedimentation, which may escape the development area. Other measures utilized were bio-swales along with some infiltration measures.

The Land Resources Division has been meeting with the developer and his engineer on numerous occasions over the past three years as evidenced in the Memorandum from Land Resources Manager, Perry Lindquist to Dale Shaver dated September 3, 2003, along with the chronology attached thereto. In an effort to move this matter ahead and allow the zoning to proceed, the Staff has provided requirements and ideas on what kinds of facilities should be imposed on this development in order to assure that it will proceed ahead while also recognizing the significant environmental condition which lies on this property along the creek and in an effort to try to preserve and protect the stream corridor from further environmental degradation. It should also be noted that while the request was originally to rezone the shoreland area to R-3 Residential, based upon the environmental qualities of the site, especially along the western side of Pebble Creek and south of the tributary creek which runs westerly, the Planning and Zoning Division Staff feels that rezoning that Secondary Environmental Corridor to R-3 Residential would be inappropriate and should be considered to be placed in the EC Environmental Corridor District to preserve and protect it from future degradation along with various conditions which will be recommended and attached to the rezoning of the parcel. It should also be noted that, as mentioned above the Retzer Nature Center personnel were on site to establish the quality of a small portion of the environmental corridor which had been staked by the SEWRPC and their report found that the corridor near the north crossing for the apartment project to the east of the creek was severely degraded and while it may be considered Secondary Environmental Corridor, it would not be environmentally damaging to allow certain stormwater management practices to intrude into those areas.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request to rezone these lands located along Pebble Creek and its tributary in the City of Pewaukee, be **approved** as modified and conditioned below. The area of Primary Environmental Corridor upland from the identified floodplain shown on the attached map should be placed in the EC Environmental Corridor District and all of the other upland areas above the floodplain and outside of the Secondary Environmental Corridor should be placed in the R-3 Residential District. The floodplain as noted on the map will be maintained in the C-1 Conservancy category. The following conditions are recommended to be attached to the rezoning Ordinance as follows:

158-0-094

6

1. The rezoning shall not become effective until certification is provided to the Staff and the Department of Natural Resources, by a registered professional engineer, that all lands intended to be filled and modified or removed from the 100-year flood plain of the Pebble Creek and the east/west tributary, and provided with compensatory storage areas which may be necessary to offset what may be lost as a result of the construction of roads or stormwater management facilities, are in fact modified or authorized.
2. Approval of a Chapter 30 Permit (Wis. Statutes) in conformance with all conditions of said permit will also be required, along with a letter of map amendment from the Federal Emergency Management Agency. The proposed open space woodlands and lands along the Pebble Creek and the tributary creek shall be set aside in common open green space, to be owned and maintained in their natural state by the homeowners in the development, unless the City of Waukesha is willing to assume the responsibility of ownership and maintenance of these corridors. No vegetative removal, with the exception of what is necessary to construct any roads, easements and stormwater management facilities and the removal of any dead vegetation or non-indigenous vegetation will be permitted within the EC Environmental Corridor District or C-1 Conservancy District.
3. Because additional design data and review is necessary, it is recommended that the development, as related to the shoreland area, be required to comply with stormwater management and erosion control performance standards contained in Wisconsin State Administrative Rule No. NR 151 and that plans within said shoreland areas be approved by the Land Resources Division of the Waukesha County Department of Parks and Land Use in accordance with Chapter 14 of the Waukesha County Code.
4. Because it has not been determined whether or not the proposed Best Management Practices meet standard engineering design principles or DNR technical standards related to stormwater management practices, and for lack of detailed design data and planning review necessary to make such a determination, Best Management Practices proposed for the project within the Shoreland areas will require compliance with the DNR technical standards and standard engineering design principles as determined by the Land Resources Division of the Waukesha County Department of Parks and Land Use.
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158-0-094

Maintenance Plan shall be recorded in the Waukesha County Register of Deeds Office at the time of the recording of the subdivision plat or condominium plat and prior to the construction of the apartments, and shall be developed in accordance with Waukesha County guidelines including provisions for special assessments, should the responsible party not complete the required maintenance activities as may be determined by the City of Waukesha or Waukesha County.

7. Because no seeding and re-vegetation schedules were submitted, nor were any detailed plans for construction of the development submitted, no construction shall commence until said plans are completed and submitted for review and approval by the Planning and Zoning staff and the Land Resources Division staff of the Waukesha County Department of Parks and Land Use. A seeding and re-vegetation plan and schedule shall be made a part of those plans for staff review.

As recommended herein it is felt the rezoning of this property is sensitive of the need to protect the coldwater status of the subject stream and will afford adequate protection from additional degradation of the stream corridor, as well as to control erosion and sedimentation and other adverse impacts on the river corridor. Further we feel it is necessary to allow the two stream crossings for the apartment project as they have no suitable alternative access. We feel the location as proposed for those roads is appropriate in light of the fact that there is minimal intrusion into the wetlands and has little or no effect on the Secondary Environmental Corridor of the site. Further the site development plan does comply with the Waukesha County Development Plan and the City's Plan and as conditioned herein will adequately protect and enhance the environmental quality of the river corridor and the Secondary Environmental Corridor as it exists on this property.

Respectfully submitted,

Richard L. Mace / kab

Richard L Mace
Planning and Zoning Manager

RLM:kab

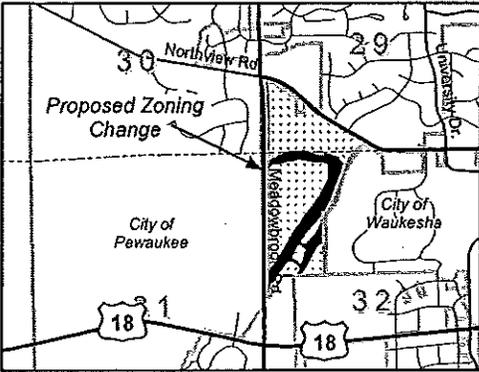
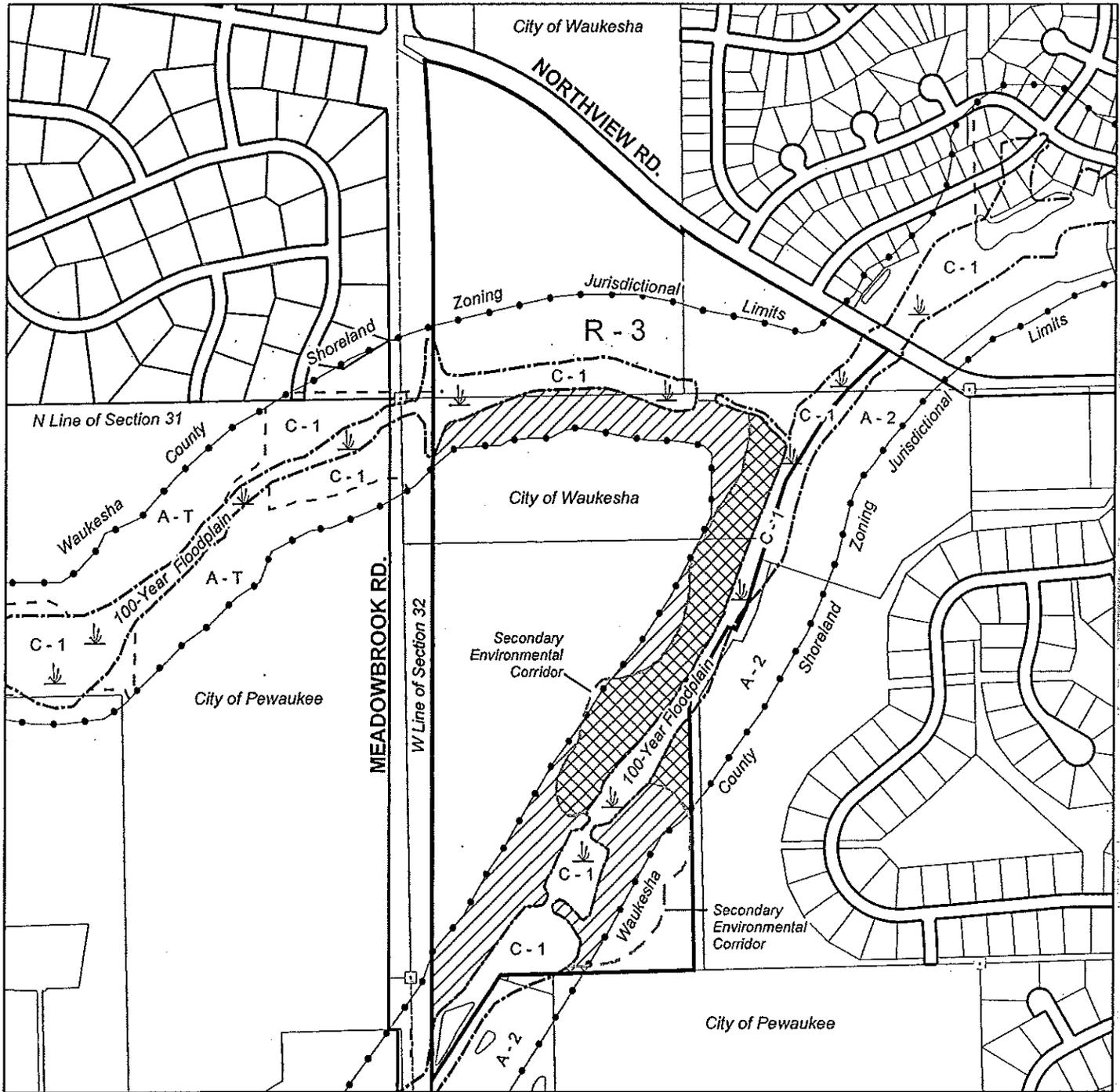
Attachment: Map

N:\PLU FILES\Planning & Zoning\Rezoning (RZ)\Staff Reports\1368A (Bryce Styza-Rolling Ridge)_wkc.doc

158-0-094

ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 29 & NW & SW 1/4 OF SECTION 32
CITY OF WAUKESHA (T7N R19E)



- CONDITIONAL ZONING CHANGE FROM A-2 TO R-3 (18.1 ACRES)
- CONDITIONAL ZONING CHANGE FROM A-2 TO EC (10.4 ACRES)

FILE.....SCZ-1368A
 DATE.....9-25-03
 AREA OF CHANGE.....28.5 ACRES
 TAX KEY NUMBER.....WAKC 0990.998.001
 WAKC 0990.998.002

1 inch equals 700 feet

0 175 350 700 1,050 Feet

Prepared by the Waukesha County
Department of Parks and Land Use

158-0-094

PROPOSED ORDINANCE 158-104

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE, BY CONDITIONALLY REZONING CERTAIN LANDS ANNEXED BY THE CITY OF WAUKESHA, LOCATED IN PART OF THE SW ¼ OF SECTION 29 AND THE NW ¼ OF SECTION 32, T7N, R19E, FROM THE A-2 RURAL HOME AND C-1 CONSERVANCY DISTRICTS TO THE R-3 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (SCZ-1368A)

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 Section 59.692 and 59.69 of the Wisconsin State Statutes.

THE WAUKESHA COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the lands annexed by the City of Waukesha under the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, are hereby amended to conditionally rezone from the A-2 Rural Home and C-1 Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts, certain lands located in part of the SW ¼ of Section 29 and the SW ¼ of Section 32, T7N, R19E, City of Waukesha, 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-1368A), subject to the following conditions:

1. The rezoning shall not become effective until certification is provided to the Staff and the Department of Natural Resources, by a registered professional engineer, that all lands intended to be filled and modified or removed from the 100-year flood plain of the Pebble Creek and the east/west tributary, and provided with compensatory storage areas which may be necessary to offset what may be lost as a result of the construction of roads or stormwater management facilities, are in fact modified or authorized.
2. Approval of a Chapter 30 Permit (Wis. Statutes) in conformance with all conditions of said permit will also be required, along with a letter of map amendment from the Federal Emergency Management Agency. The proposed open space woodlands and lands along the Pebble Creek and the tributary creek shall be set aside in common open green space, to be owned and maintained in their natural state by the homeowners in the development, unless the City of Waukesha is willing to assume the responsibility of ownership and maintenance of these corridors. No vegetative removal, with the exception of what is necessary to construct any roads, easements and stormwater management facilities and the removal of any dead vegetation or non-indigenous vegetation will be permitted within the EC Environmental Corridor District or C-1 Conservancy District.
3. Because additional design data and review is necessary, it is recommended that the development, as related to the shoreland area, be required to comply with stormwater management and erosion control performance standards contained in Wisconsin State Administrative Rule No. NR 151 and that plans within said shoreland areas be approved by the Land Resources Division of the Waukesha County Department of Parks and Land

51 Use in accordance with Chapter 14 of the Waukesha County Code.

- 52
- 53 4. Because it has not been determined whether or not the proposed Best Management
54 Practices meet standard engineering design principles or DNR technical standards related
55 to stormwater management practices, and for lack of detailed design data and planning
56 review necessary to make such a determination, Best Management Practices proposed for
57 the project within the Shoreland areas will require compliance with the DNR technical
58 standards and standard engineering design principles as determined by the Land
59 Resources Division of the Waukesha County Department of Parks and Land Use.
60
- 61 5. There is active stream bank erosion which has been identified in the field by Staff and
62 those areas shall be stabilized in accordance with Chapter 16 of the Natural Resource
63 Conservation Services (NRCS) engineering field handbook applicable, NRCS
64 conservation practice standards, DNR permit requirements using bioengineering methods
65 and all such plans shall be approved by the Land Resources Division of the Waukesha
66 County Department of Parks and Land Use as a part of the stormwater management
67 permit process.
68
- 69 6. All stormwater facilities located within the shoreland areas shall either be dedicated to
70 the City of Waukesha for continued maintenance or placed on suitable outlots with equal
71 and undividable ownership by all of the owners within the subdivision, the condominium
72 and apartment areas. In addition, a minimum of 15' wide maintenance easements to all
73 stormwater facilities from public roads shall be provided for maintenance inspections and
74 future maintenance equipment for said stormwater facilities and for maintenance of the
75 stream banks along the entire reach of this project area and said access easements shall be
76 shown on the outlots rather than easements on private lots. These access easements shall
77 also provide access for future inspections by Staff or agents of the City of Waukesha or
78 Waukesha County Department of Parks and Land Use, Land Resources Division.
79 Further, a Maintenance Plan shall be recorded in the Waukesha County Register of Deeds
80 Office at the time of the recording of the subdivision plat or condominium plat and prior
81 to the construction of the apartments, and shall be developed in accordance with
82 Waukesha County guidelines including provisions for special assessments, should the
83 responsible party not complete the required maintenance activities as may be determined
84 by the City of Waukesha or Waukesha County.
85
- 86 7. Because no seeding and re-vegetation schedules were submitted, nor were any detailed
87 plans for construction of the development submitted, no construction shall commence
88 until said plans are completed and submitted for review and approval by the Planning and
89 Zoning staff and the Land Resources Division staff of the Waukesha County Department
90 of Parks and Land Use. A seeding and re-vegetation plan and schedule shall be made a
91 part of those plans for staff review.
92

93 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
94 this Ordinance with the City of Waukesha Clerk.

95
96 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
97 approval and publication.

98
99 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of
100 provisions of this Ordinance are hereby repealed.

Referred on: 10/28/03

File Number: 158-O-094

Referred to: LU

1 AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND
2 AND FLOODLAND PROTECTION ORDINANCE, BY CONDITIONALLY REZONING
3 CERTAIN LANDS ANNEXED BY THE CITY OF WAUKESHA, LOCATED IN PART OF
4 THE SW ¼ OF SECTION 29 AND THE NW ¼ OF SECTION 32, T7N, R19E, FROM THE
5 A-2 RURAL HOME AND C-1 CONSERVANCY DISTRICTS TO THE R-3 RESIDENTIAL
6 AND C-1 CONSERVANCY DISTRICTS
7 (SCZ-1368A)
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 the 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 and 59.69 of the Wisconsin State Statutes.
15

16 THE WAUKESHA COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF
17 WAUKESHA DOES ORDAIN that the lands annexed by the City of Waukesha under the
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19 June 23, 1970, are hereby amended to conditionally rezone from the A-2 Rural Home and C-1
20 Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts, certain lands
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22 Waukesha, and more specifically described in the "Staff Report and Recommendation" and map
23 on file in the office of the Waukesha County Department of Parks and Land Use and made a part
24 of this Ordinance by reference (SCZ-1368A), subject to the following conditions:
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- 26 1. The rezoning shall not become effective until certification is provided to the Staff and the
27 Department of Natural Resources, by a registered professional engineer, that all lands
28 intended to be filled and modified or removed from the 100-year flood plain of the
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30 which may be necessary to offset what may be lost as a result of the construction of roads
31 or stormwater management facilities, are in fact modified or authorized.
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36 the Pebble Creek and the tributary creek shall be set aside in common open green space,
37 to be owned and maintained in their natural state by the homeowners in the development,
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39 maintenance of these corridors. No vegetative removal, with the exception of what is
40 necessary to construct any roads, easements and stormwater management facilities and
41 the removal of any dead vegetation or non-indigenous vegetation will be permitted within
42 the EC Environmental Corridor District or C-1 Conservancy District.
43
- 44 3. Because additional design data and review is necessary, it is recommended that the
45 development, as related to the shoreland area, be required to comply with stormwater
46 management and erosion control performance standards contained in Wisconsin State
47 Administrative Rule No. NR 151 and that plans within said shoreland areas be approved
48 by the Land Resources Division of the Waukesha County Department of Parks and Land
49 Use in accordance with Chapter 14 of the Waukesha County Code.
50

over →

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/25/03

(ORD) NUMBER-1580094

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....
- 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-31

TOTAL NAYS-01

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-32