

ENROLLED ORDINANCE 169-58

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE N ½ OF SECTION 18, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (ZT-1794)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Mukwonago Town Board on July 2, 2014, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on October 23, 2007, is hereby amended to rezone from the A-1 Agricultural District to the R-1 Residential District, certain lands located in part of the N ½ of Section 18, 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-1794, is hereby approved.

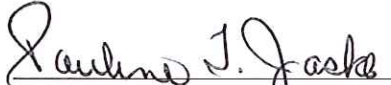
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Mukwonago.

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


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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.


AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE N ½ OF SECTION 18, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (ZT-1794)

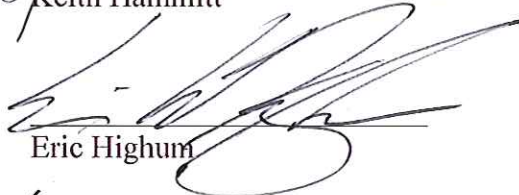
Presented by:
Land Use, Parks, and Environment Committee


Pauline T. Jaske, Chair


Jim Batzko



Jennifer Grant


Keith Hammitt



Eric Highum


Thomas J. Schellinger

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

Date: 10/28/14, 
Kathleen Novack, County Clerk

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

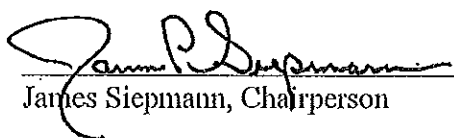
Approved: X
Vetoed: _____
Date: 10-31-14, 
Daniel P. Vrakas, County Executive

COMMISSION ACTION

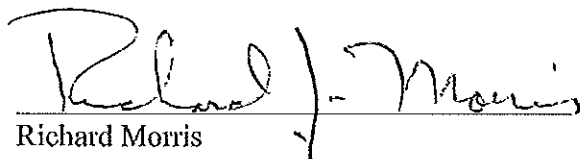
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Mukwonago Zoning Ordinance hereby recommends approval of ZT-1794 (The Estate of Leroy Sievert) in accordance with the attached "Staff Report and Recommendation".

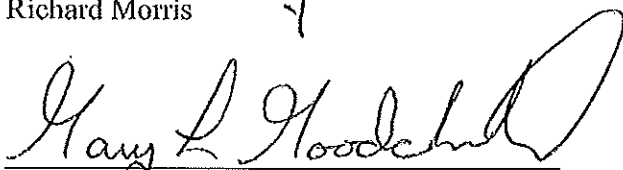
PARK AND PLANNING COMMISSION

September 18, 2014

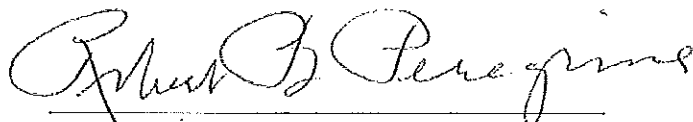

James Siepmann, Chairperson

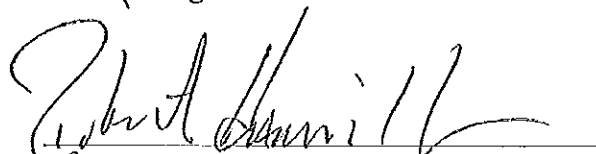
(Absent)
Walter Kolb, Vice Chairperson


Richard Morris


Gary Goodchild

(Absent)
William Mitchell


Robert Peregrine


Robert Hamilton

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

DATE: September 18, 2014

FILE NO.: ZT-1794

TAX KEY NO.: MUKT 1942.998

OWNER/PETITIONER: Estate of Leroy E. Sievert
P.O. Box 96
North Prairie, WI 53153

LOCATION:

Part of the N ½ of Section 18, T5N, R18E, Town of Mukwonago. More specifically, the portion of the 2.17 acre property to be rezoned is located at approximately W335 S8248 C.T.H. "E".

PRESENT ZONING CLASSIFICATION:

A-1 Agricultural District.

PRESENT LAND USE:

The property contains an existing residence and shed.

PROPOSED ZONING:

Rezoning northwest corner of lot to the R-1 Residential District.

PROPOSED LAND USE:

Single family residential.

PUBLIC HEARING DATE:

July 2, 2014

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On July 2, 2014, the Town Plan Commission unanimously recommended approval of the rezoning request to the Town Board. On July 2, 2014, the Town Board approved the rezoning request as recommended by the Town Plan Commission and conditioned upon final approval by the County Board.

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

The Town and County land use plans designate the lands to be rezoned in the Low Density Residential category which calls for a maximum of one dwelling unit per 20,000 square feet. The proposal to rezone the property is consistent with the plan density requirements and no additional density is proposed.

OTHER CONSIDERATIONS:

The petitioner owns two adjacent parcels on the east side of C.T.H. "E". The northerly parcel contains a house and shed that may be razed in the future. The southerly parcel is undeveloped. The petitioner is

proposing to combine the two parcels by Certified Survey Map (CSM) (See Exhibit "A"). The rezone would place the northwesterly portion of the proposed parcel into the Town's R-1 District. The R-1 Residential District requires a minimum one (1) acre parcel size and a minimum width of 150', whereas the existing A-1 Agricultural category requires a 3 acre minimum parcel size and 200' of width. Therefore, the rezoning would bring the proposed 1.9 acre parcel into a more conforming district. The majority of the parcel is currently zoned EC Environmental Corridor District and this designation for the balance of the parcel is not proposed to change.

The majority of the two above referenced parcels have been mapped by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) as an Isolated Natural Resource Area (INRA). To be designated as an INRA, an area of land with certain significant natural resource characteristics (wetlands, woods, etc.) must be at least five acres in area. In this case, the INRA is a wooded area that encompasses portions of the subject property and parts of several surrounding parcels. The parcels are generally wooded in nature. The SEWRPC mapping excluded the existing developed area of the homestead from the INRA boundaries. However, the tree canopy is not substantially different within the yard area versus some other portions of the INRA area.

Because the majority of the property is zoned EC Environmental Corridor District, pursuant to the Town of Mukwonago Zoning Code, land disturbance on the site is limited to the area outside of the INRA unless a building envelope is authorized by the Town. In this case, the petitioner is requesting approval of an 8,500 square foot building envelope within the EC, because there is some consideration being given to the existing home being removed and replaced with a new home further to the east. The Town Planner expressed that the owner wished to have the ability to re-build further from the County highway and that because a clearing was present within the subject INRA area, the Town was agreeable to utilizing the provision within the Town Code that allows for creation of a building envelope. A provided survey shows that the planned 80' x 106' building envelope avoids trees of any size that were identified during a tree inventory. The proposed rezoning would not alter the EC zoning classification. Instead, the Town is requiring designation of the approved building envelope on the CSM that would be finalized if this rezoning is approved.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends approval of the requested rezoning. The rezoning will allow for the combination of two adjacent substandard parcels of record and will bring the property into a more appropriate residential zoning district. The Town's consideration of EC zoning provisions will be considered by the Town in their review of a future CSM.

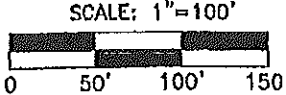
Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Enclosures: Exhibit "A", Town Ordinance, Map

EXHIBIT "A"



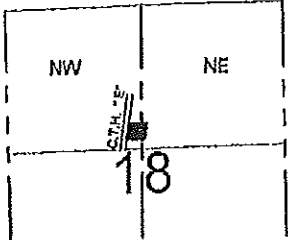
REFERENCE BEARING:
 THE SOUTH LINE OF THE
 NORTHWEST 1/4 OF
 SECTION 18-5-18
 HAS A BEARING OF N. 88°
 43' 12" E. BEING ON THE
 WISCONSIN STATE PLANE
 COORDINATE SYSTEM,
 SOUTH ZONE.

SURVEYOR:
 JOHN R. STIGLER WIS. REG. S-1820
 JAHNKE AND JAHNKE
 ASSOCIATES INC.
 711 WEST MORELAND BLVD.
 WAUKESHA, WI. 53108
 262-542-5797

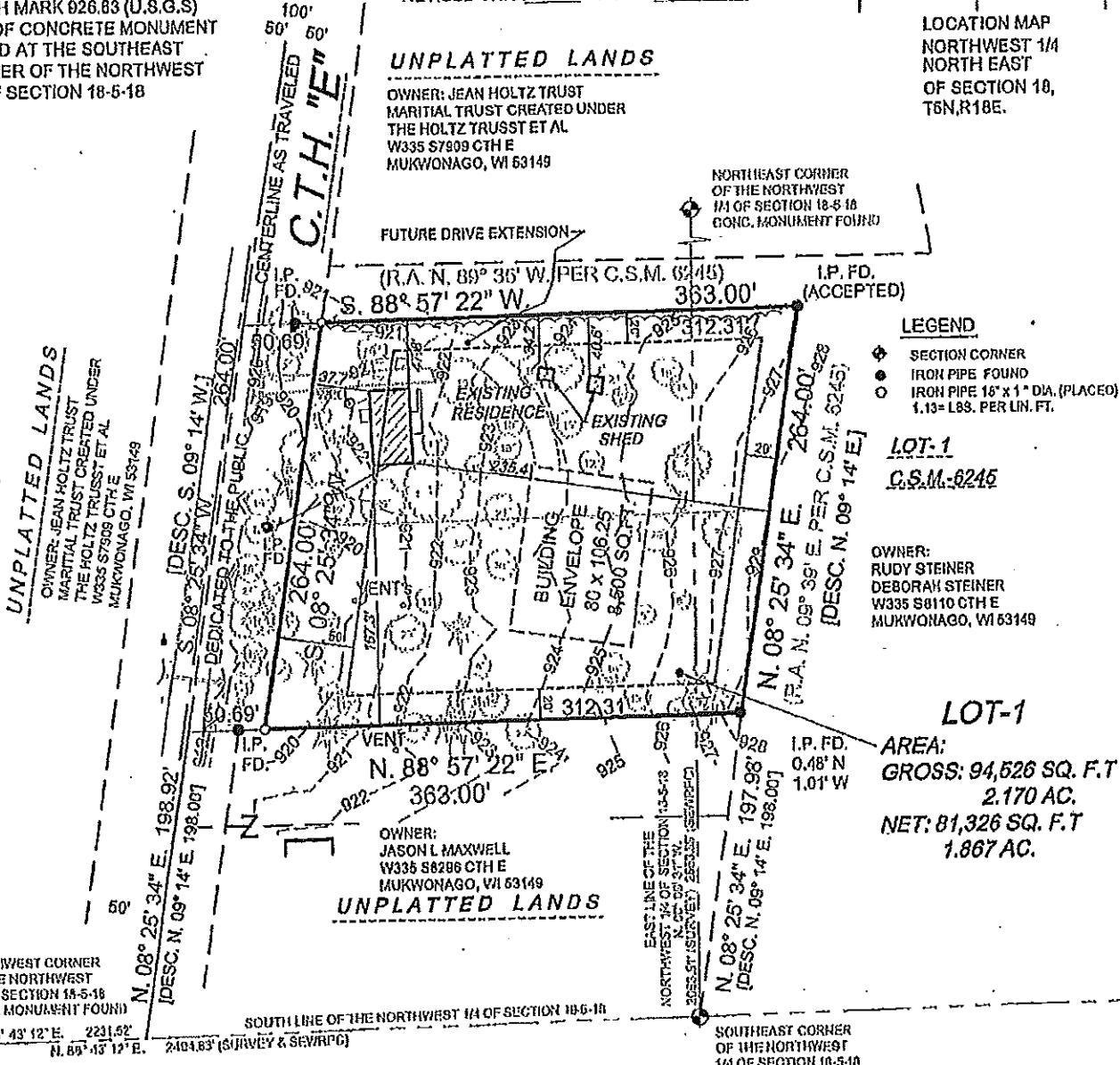
BENCH MARK 926.83 (U.S.G.S)
 TOP OF CONCRETE MONUMENT
 FOUND AT THE SOUTHEAST
 CORNER OF THE NORTHWEST
 1/4 OF SECTION 18-5-18

OWNER:
 LEROY E SIEVERT
 PO BOX 96
 NORTH PRAIRIE, WI 53153

John R. Stigler
 JOHN R. STIGLER WIS. REG. NO. S-1820
 DATED THIS 28TH DAY OF MAY 2014
 REVISED THIS 5TH DAY OF JUNE 2014



LOCATION MAP
 NORTHWEST 1/4
 NORTH EAST
 OF SECTION 10,
 T6N, R18E.



UNPLATTED LANDS

OWNER: JEAN HOLTZ TRUST
 MARITAL TRUST CREATED UNDER
 THE HOLTZ TRUSTS ET AL
 W335 S7909 CTH E
 MUKWONAGO, WI 53149

UNPLATTED LANDS
 OWNER: JEAN HOLTZ TRUST
 MARITAL TRUST CREATED UNDER
 THE HOLTZ TRUSTS ET AL
 W335 S7909 CTH E
 MUKWONAGO, WI 53149

LEGEND

- ◆ SECTION CORNER
- IRON PIPE FOUND
- IRON PIPE 18" x 1" DIA. (PLACED)
1.13= LBS. PER LIN. FT.

LOT-1
C.S.M.-6245

OWNER:
 RUDY STEINER
 DEBORAH STEINER
 W335 S8110 CTH E
 MUKWONAGO, WI 53149

LOT-1

AREA:
GROSS: 94,526 SQ. F.T
2.170 AC.
NET: 81,326 SQ. F.T
1.867 AC.

RECEIVED

AUG 06 2014

DEPT OF PARKS & LAND USE

PS MUKWONAGO-1052
 S:\PROJECTS\S8291\dwg

ORDINANCE NO. 2014-O-19

AN ORDINANCE TO REZONE A PORTION OF A CERTAIN PROPERTY IN SECTION 18, T5N, R18E, IN THE TOWN OF MUKWONAGO AND TO AMEND THE ZONING MAP OF THE TOWN OF MUKWONAGO PURSUANT TO SEC. 82-51 OF THE ZONING ORDINANCE FOR THE TOWN OF MUKWONAGO

WHEREAS, the Estate of Leroy E. Sievert (herein referred to as "property owner") owns a parcel of land off of CTH E In Section 19, T5N, R18E, designated as Tax Key MUKT1942998 (herein referred to as "subject property"), and more particularly described as follows:

PT SE1/4 NW1/4 & SW1/4 NE1/4 SEC 18 T5N R18E COM CTR SEC N9°14'E 330 FT THE BGN N0°14'E 132 FT W 363 FT S9°14'W 132 FT E 363 FT TO BGN VOL 1227/50 DEEDS & DOC# 2686627; and

WHEREAS, the property owner has submitted a petition to the Town requesting that the part of the subject property that is currently shown as A-1 be rezoned to R-1; and

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

WHEREAS, required public notice of the public hearing has been provided consistent with Section 62.23 of the Wisconsin Statutes and the Town's zoning code; and

WHEREAS, the Town of Mukwonago Town Board and the Town of Mukwonago Plan Commission conducted a joint public hearing on July 2, 2014; and

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

WHEREAS, The Town Board finds that the proposed zoning is consistent with the Town's comprehensive plan; and

WHEREAS, the Town of Mukwonago Town Board, after careful review and upon consideration of the recommendation of the Town of Mukwonago Plan Commission, having determined that all procedural 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 development is conducted pursuant to the following conditions and is in strict compliance with the same.

NOW, THEREFORE, the Town of Mukwonago Town Board, Waukesha County, Wisconsin, ordains as follows:

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AUG 06 2014

DEPT OF PARKS & LAND USE

SECTION 1: ZONING MAP CHANGE

That portion of the subject property that is currently designated as A-1 is conditionally rezoned to R-1 and the zoning map is hereby conditionally amended to incorporate such change.

SECTION 2: CONDITIONS OF REZONING

The rezoning of the subject property as specified herein and the amendment of the zoning map of the Town of Mukwonago are conditioned on the following:

1. The Waukesha County Board approves the rezoning.

SECTION 3: CERTIFICATION

Upon certification by the Town Clerk that the aforementioned conditions have been satisfied, the Town Planner shall change the zoning classification of the subject property on the Town of Mukwonago zoning map as indicated herein.

SECTION 4: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed to those terms that conflict.

SECTION 5: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the conditions stated in Section 2, and this ordinance is null and void and the current zoning shall be in effect with no further notice if such conditions are not satisfied within one year of the date of this decision.

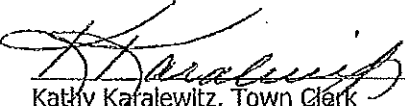
Approved this 2nd day of July, 2014

TOWN OF MUKWONAGO TOWN BOARD



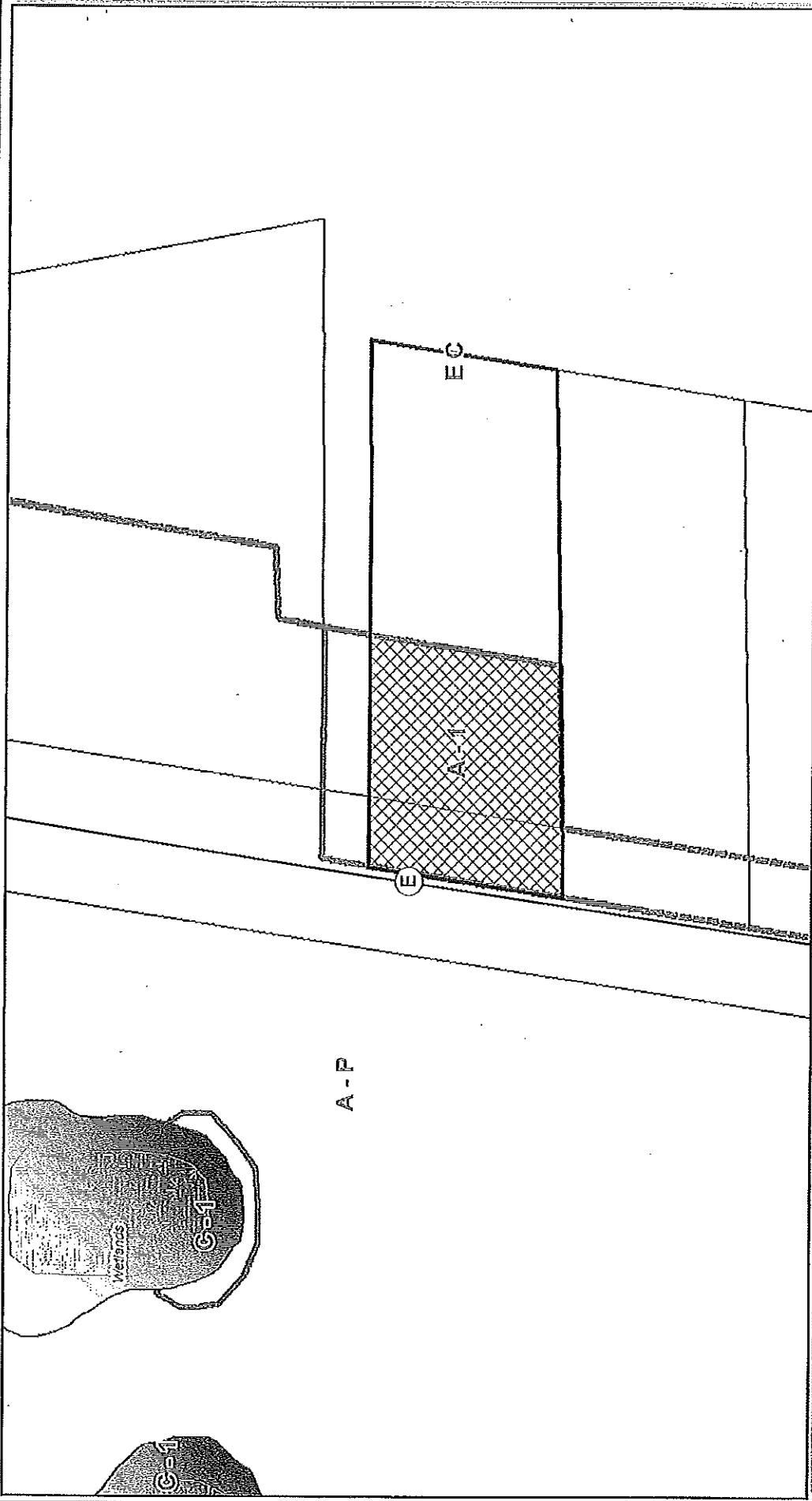
Dave Dubey, Town Chairman

ATTEST:



Kathy Karalewitz, Town Clerk

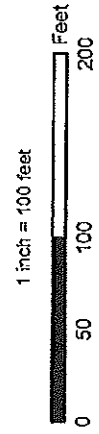
Published and posted this 18 day of July, 2014



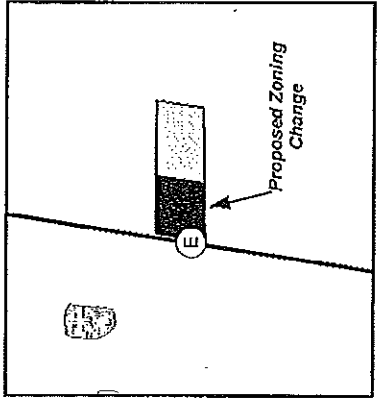
TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT
TO R-1 RESIDENTIAL DISTRICT

FILE.....ZT-1794
DATE.....9/18/14
AREA OF CHANGE.....0.49 ACRES
TAX KEY NUMBER.....MUKT 1942.998

ZONING MAP AMENDMENT
PART OF THE NW 1/4 & NE 1/4 OF SECTION 18
TOWN OF MUKWONAGO



Prepared by the Waukesha County Department of Parks and Land Use



WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/28/14

(ORD) NUMBER-1690059

1 R. KOLB.....AYE
 3 R. MORRIS.....AYE
 5 J. BRANDTJEN.....AYE
 7 J. GRANT.....AYE
 9 J. HEINRICH.....AYE
 11 C. HOWARD.....AYE
 13 P. DECKER.....AYE
 15 B. MITCHELL.....
 17 D. PAULSON.....AYE
 19 K. CUMMINGS.....AYE
 21 W. ZABOROWSKI.....AYE
 23 K. HAMMITT.....AYE
 25 G. YERKE.....AYE

2 D. Zimmermann.....AYE
 4 J. BATZKO.....AYE
 6 J. WALZ.....AYE
 8 E. HIGHUM.....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 C. PETTIS.....AYE
 16 M. CROWLEY.....AYE
 18 L. NELSON.....AYE
 20 T. SCHELLINGER...AYE
 22 P. JASKE.....AYE
 24 S. WHITTOW.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24