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2  
3 AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY  
4 SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA  
5 COUNTY ZONING CODE, FOR THE TOWN OF VERNON, BY CONDITIONALLY  
6 REZONING CERTAIN LANDS LOCATED IN PART OF THE S ½ OF THE SE ¼ OF  
7 SECTION 7, THE W ½ OF THE NW ¼ OF SECTION 17, THE NE ¼ OF THE NE ¼ OF  
8 SECTION 18 AND THE N ½ OF THE NW ¼ OF SECTION 18, T5N, R19E, TOWN OF  
9 VERNON, FROM THE A-5 MINI FARM AND RRD-5 RURAL RESIDENTIAL DENSITY 5  
10 DISTRICTS TO THE R-1 RESIDENTIAL DISTRICT  
11 (SZT-1497)  
12  
13

14 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by  
15 the Waukesha County Park and Planning Commission after Public Hearing and the giving of  
16 requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks  
17 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha  
18 County, Wisconsin, as required by Sections 59.69 and 59.692 of the Wisconsin State Statutes.  
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
21 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on  
22 June 23, 1970, for the Town of Vernon, Waukesha County and the Waukesha County Zoning  
23 Code, is hereby amended to conditionally rezone from the A-5 Mini Farm and RRD-5 Rural  
24 Residential Density 5 Districts to the R-1 Residential District, certain lands located in part of the  
25 S ½ of the SE ¼ of Section 7, the W ½ of the NW ¼ of Section 17, the NE ¼ of the NE ¼ of  
26 Section 18 and the N ½ of the NW ¼ of Section 18, Town of Vernon, and more specifically  
27 described in the "Staff Report and Recommendation" and map on file in the office of the  
28 Waukesha County Department of Parks and Land Use and made a part of this Ordinance by  
29 reference (SZ-1497), subject to the following condition:  
30

31 The development of the entire property shall be limited to a total of 15 lots and  
32 shall be in substantial compliance with the layout presented at the Town of  
33 Vernon Plan Commission meeting on August 25, 2003 (Exhibit "A").  
34

35 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
36 this Ordinance with the Town Clerk of Vernon.  
37

38 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
39 approval and publication.  
40

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

1 AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY  
2 SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA  
3 COUNTY ZONING CODE, FOR THE TOWN OF VERNON, BY CONDITIONALLY  
4 REZONING CERTAIN LANDS LOCATED IN PART OF THE S ½ OF THE SE ¼ OF  
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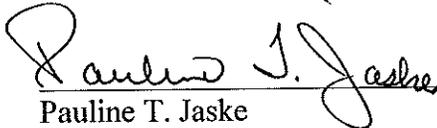
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38

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Amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, for the Town of Vernon, by Conditionally Rezoning Certain Lands Located in Part of the S ½ of the SE ¼ of Section 7, the W ½ of the NW ¼ Section 17, the NE ¼ of the NE ¼ of Section 18 and the N ½ of the NW ¼ of Section 18, T5N, R19E, Town of Vernon, from the A-5 Mini Farm and RRD-5 Rural Residential Density 5 Districts to the R-1 Residential District (SZT-1497)

Presented by:  
Land Use, Parks, and Environment Committee

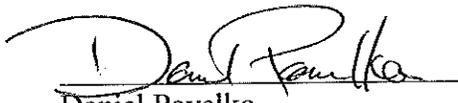
  
Walter L. Kolb, Chair

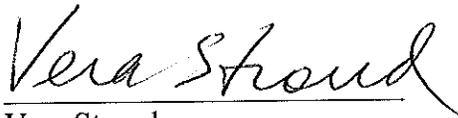
  
Pauline T. Jaske

  
James Jeskewitz

  
Scott J. Klein

  
William A. Mitchell

  
Daniel Pavelko

  
Vera Stroud

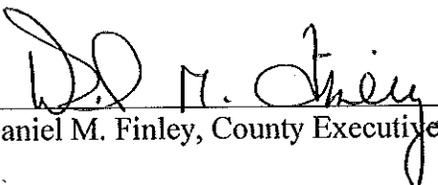
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 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

COMMISSION ACTION

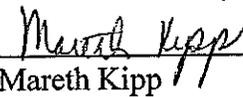
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of SZT-1497 (Landcraft Surveying and Engineering, Inc.) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

October 23, 2003

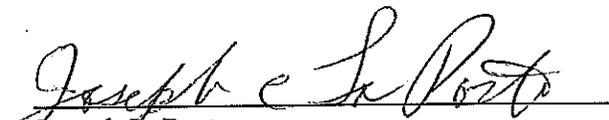
  
Betty Willett, Chairperson

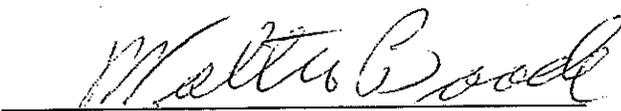
  
Vy Janusonis

  
Mareth Kipp

Absent  
Ellen Gemrich

  
Walter Kolb

  
Joseph LaPorte

  
Walter Baade

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

**FILE NO:** SZT-1497

**TAX KEY NUMBER:** VNT 2044.992, VNT 2044.993, VNT 2082.996, VNT 2085.999,  
VNT 2086.999

**DATE:** October 23, 2003

**NAME OF PETITIONER:** Legacy Development, LLC  
c/o Michael Doble, Landcraft Surveying and Engineering, Inc.  
2077 South 116<sup>th</sup> Street  
West Allis, WI 53227

**NAME OF OWNER:** Alec Ellsworth  
S78 W27100 Hillview Drive  
Mukwonago, WI 53149

**LOCATION OF PROPERTY:**

Being a part of the S ½ of the SE ¼ of Section 7, the W ½ of the NW ¼ of Section 17, the NE ¼ of the NE ¼ of Section 18, and the N ½ of the NW ¼ of Section 18, T5N, R19E, Town of Vernon. More specifically, the area in question is located east, west, and northeast of Hillview Road and contains a total of 108 acres, of which approximately 64 acres is being considered for the rezoning.

**PRESENT ZONING:**

A-5 Mini-Farm District, RRD-5 Rural Residential Density – 5, and C-1 Conservancy.

**PRESENT LAND USE:**

Single-family residence, detached garage and pole building.

**REQUESTED ZONING CLASSIFICATION AND USE:**

Rezoning the A-5 Mini-Farm District and RRD-5 Rural Residential Density – 5 District to the R-1 Residential District to allow the development of twenty-one (21) single family residential lots.

**PUBLIC HEARING DATE:**

August 25, 2003, and September 22, 2003.

**PUBLIC REACTION:**

Several neighbors attending the meeting expressed their concerns over the proposed rezoning. They indicated that the 5-acre minimum lot size should be maintained, that traffic on Hillview Road is currently a problem, that noise from trains that pass the property are very loud, that soil tests should be submitted because of poor soils within the area, that marsh lands to the west of the railroad tracks within the Vernon Marsh should not be considered when calculating density, and that the number of homes proposed will affect the quality of life within the area.

158-0-100

**TOWN PLAN COMMISSION ACTION:**

The Town of Vernon Plan Commission, at their meeting on September 22, 2003, recommended to the Town Board, approval of the rezoning request from the A-5 Mini-Farm District and RRD-5 Rural Residential Density – 5 District to the R-1 Residential District, excluding the 32 acres to the west of the railroad tracks for density purposes, limiting the development of the property to a total of 15 lots.

**TOWN BOARD ACTION:**

The Town of Vernon Board, at their meeting on October 2, 2003, voted to approve the rezoning request, subject to the conditions set forth by the Plan Commission.

**COMPLIANCE WITH THE TOWN OF VERNON MASTER LAND USE PLAN AND THE WAUKESHA COUNTY DEVELOPMENT PLAN:**

The Waukesha County Development Plan designates the property in the Rural Density Residential and Other Agricultural and Open Lands, Primary Environmental Corridor, and Recreational categories. The Town of Vernon Master Land Use Plan designates the property in the Rural Residential, Environmentally Sensitive Area, and Recreational categories. The Town of Vernon Park and Recreation Committee has previously looked at the area labeled as Recreational and has determined that the site would not be conducive for a Town Park. The Waukesha County and Town of Vernon Land Use Plans allow the Rural Residential and Environmental Corridors to be developed at a 5-acre density. Since the petitioner has included the entire property, including Conservancy Zoned lands, the rezoning to allow 21 lots on 108 acres would be consistent with the Town and County Land Use Plans.

**OTHER CONSIDERATIONS:**

The property in question consists of several properties along the south, east and west sides of Hillside Drive and lands west of the Canadian National Railroad tracks, which are almost entirely surrounded by lands within the Vernon Marsh State Wildlife Area owned by the State of Wisconsin. The parcel along the south and east side of Hillside Drive is 20 acres, vacant, and consists woodlands, grasslands and some steep topography on the eastern half and farmed lands on the west half. The parcel directly west of Hillside Drive is 38.9 acres, vacant, contains a stream and wetlands through the center of the property and highlands in the southwest and northeast corners of the property. The parcel directly northwest of the 90-degree bend in Hillside Drive is 16.6 acres, contains the owner's single-family residence, detached garage and pole building and has steep topography varying throughout the site. The remaining properties, which consist of approximately 32 acres, are west of the railroad tracks making the lands inaccessible from the previously mentioned properties, and consist of wetlands and floodplain with very little, if any, upland area. Lands to be rezoned east of the railroad tracks have A-5 Mini-Farm District zoned lands to the north and northeast, RRD-5 Rural Residential Density – 5 District zoned lands to the south, and R-1a Residential District zoned lands to the east, allowing lots at a 1-acre minimum.

The petitioner is proposing to conditionally rezone the upland areas of the property to R-1 Residential to allow a conservation development of twenty-one (21) single family residential lots with permanent open space areas (Exhibit "A"). Plans submitted show lots ranging in size from 1-acre to 3-acres in size, with one (1) large 13-acre parcel west of Hillside Drive along the south property line for the owner to retain. The proposal shows six (6) 3-acre lots being created on the eastern 20 acre piece accessed by shared driveways to Hillview Drive, while the remaining fourteen (14) lots would be approximately 1-acre in size and constructed around a westerly road extension of Hillside Drive from the 90 degree bend in the road. The petitioner is anticipating that a three way stop will be installed at the intersection, which will help slow down traffic within this area. The petitioners have laid out the road pattern to attempt to work with the topography of the land and have indicated that slope will not be an issue. Areas adjacent to the

road within the 3-acre lots and the remaining undeveloped lands east of the railroad tracks will be Deed Restricted to the homeowners association and kept in permanent open space (labeled as Meadow on Exhibit "A"). The petitioner indicated lands west of the railroad tracks could be dedicated to the State of Wisconsin or retained by the developer, whichever the Town and County would require.

Town Plan Commission members raised questions with regards to train noise, whether there were adequate soils on Lots 7, 8 and 21 for an on-site waste disposal systems, if any drainage would drain to lands east of the northern parcel, and wanted to see what a looped road pattern would look like on the property. At the September 22, 2003, meeting, the petitioner indicated that soil tests had been conducted by Herr Environmental showing that the three (3) lots questioned had soils which could support an on-site waste disposal system, that drainage would not be diverted to the east, and that while they had developed a looped street pattern, it was not very conducive to the site, would require significant grading and would push home sites closer to the railroad tracks. The petitioner considered the possibility of constructing berming to block homes from the tracks, but indicated that because of the topography, this would not result in any substantial noise reduction.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be approved, subject to the following condition:

- The development of the entire property shall be limited to a total of 15 lots and shall be in substantial compliance with the layout presented at the Town of Vernon Plan Commission meeting on August 25, 2003 (Exhibit "A").

As conditioned, the petitioner will be allowed to develop the property at a density, which both the Town of Vernon Plan Commission and Town Board feel is reasonable for this area. The limitation on the number of lots will shorten the roadway extending into the property, allow for larger lots, and will decrease the number of residential lots impacted by noise from the nearby passing trains. While not addressed as a condition, the Planning and Zoning Staff would recommend that at the time of development, lands west of the railroad right-of-way be transferred to an adjacent property owner since lands east of the railroad right-of-way have no ability or legal right to cross the right-of-way to access the property. The division of this property will not adversely affect the overall density of this area or significantly increase traffic on Hillside Drive, which meets the intent of the Town of Vernon Master Land Use Plan and the Waukesha County Development Plan.

Respectfully submitted,

*Brian Depies / Kab*

Brian Depies  
Senior Land Use Specialist

BD

Attachment: Exhibit "A" and Map

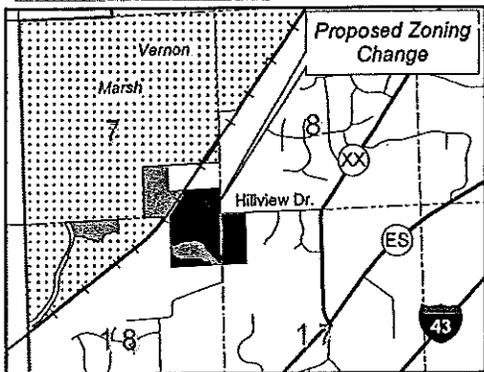
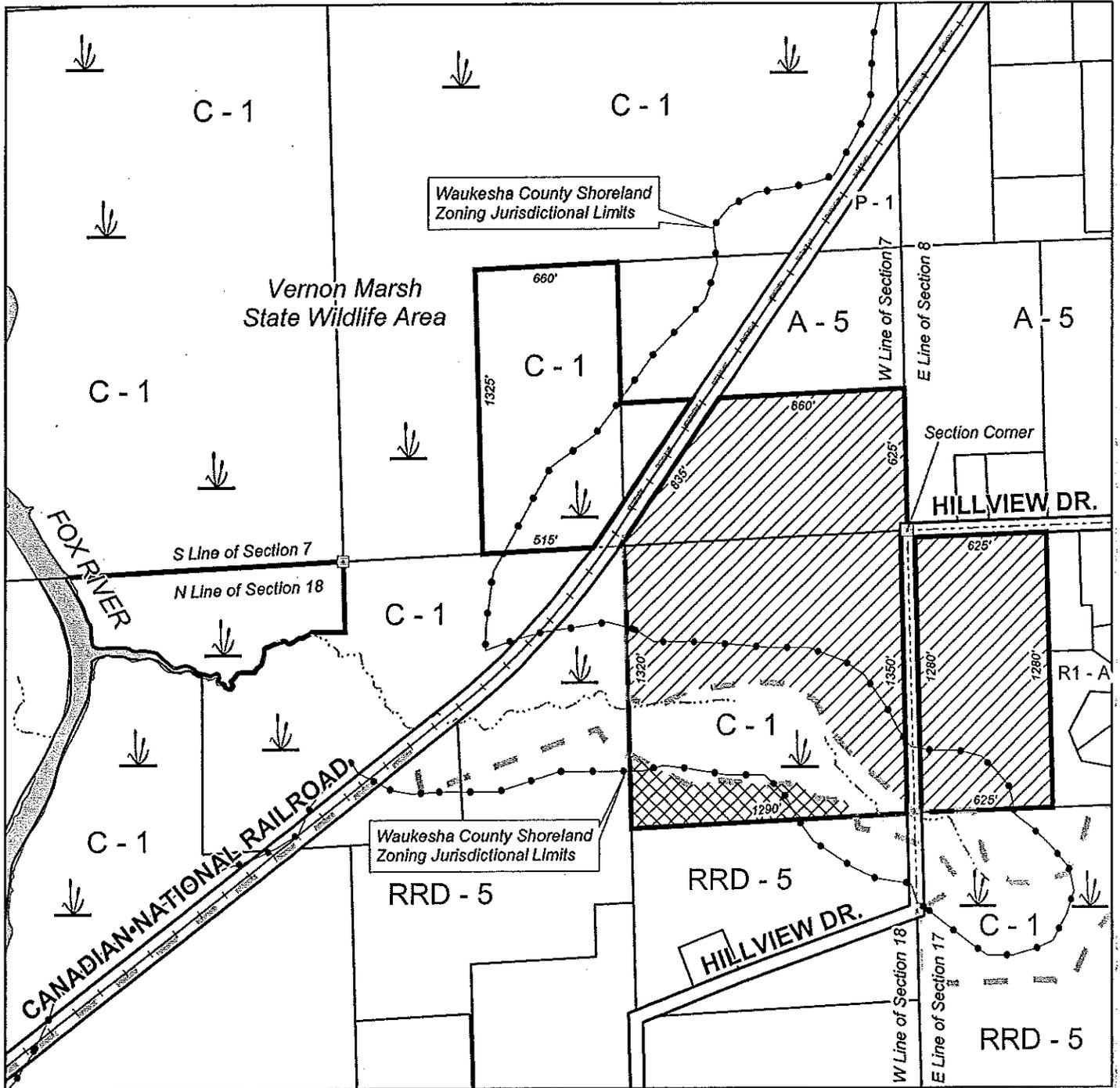
158-0-100

5



# ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SECTION 7, NW 1/4 OF SECTION 17,  
& THE NE & NW 1/4 OF SECTION 18 T5N R19E (VERNON)



	CONDITIONAL ZONING CHANGE FROM A-5 TO R-1 (58.9 AC)
	CONDITIONAL ZONING CHANGE FROM RRD-5 TO R-1 (4.4 AC)
FILE.....	SCZ-1497
DATE.....	10-23-03
AREA OF CHANGE.....	63.3 ACRES
TAX KEY NUMBER.....	VNT 2044.992
	VNT 2044.993, VNT 2082.996, VNT 2085.999
	VNT 2086.999



1 inch equals 700 feet



0 200 400 800 1,200 Feet

Prepared by the Waukesha County  
Department of Parks and Land Use

158-0-100

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/25/03

(ORD) NUMBER-1580100

- 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