

1
2
3 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
4 ORDINANCE DISTRICT ZONING MAP OF THE CITY OF WAUKESHA BY
5 CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
6 NE ¼ OF THE SE ¼ OF SECTION 31, T7N, R19E, CITY OF WAUKESHA,
7 WAUKESHA COUNTY, WISCONSIN, FROM THE A-3 SUBURBAN ESTATE AND C-1
8 CONSERVANCY DISTRICTS TO THE R-3 RESIDENTIAL AND
9 C-1 CONSERVANCY DISTRICTS
10 (SVZ-1500)
11
12

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

19 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
20 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on
21 June 23, 1970, for the City of Waukesha, Waukesha County, is hereby amended to conditionally
22 rezone certain lands located in part of the NE ¼ of the SE ¼ of Section 31, T7N, R19E, City of
23 Waukesha, Waukesha County, Wisconsin, from the A-3 Suburban Estate and C-1 Conservancy
24 Districts to the R-3 Residential and C-1 Conservancy Districts, and more specifically described
25 in the "Staff Report and Recommendation" and map on file in the office of the Waukesha
26 County Department of Parks and Land Use and made a part of this Ordinance by reference
27 (SVZ-1500), and subject to the following conditions:
28

- 29 1. The request shall not become effective until certification is provided to the
30 Planning and Zoning Division Staff and the Department of Natural Resources
31 (DNR) by a registered professional engineer that all lands intended to be filled
32 and modified or removed from the 100-Year Floodplain of the Pebble Creek are
33 in fact modified as authorized and provided with compensatory storage areas, that
34 will offset any storage capacity which may be lost as the result of the construction
35 of any of the roads, improvements or stormwater management facilities on the
36 site.
37
38 2. If a Chapter 30 Permit (Wisconsin State Statutes) is required by the DNR, that
39 Permit shall be applied for and received prior to any construction commencing on
40 the site. A Letter of Map Amendment from the Federal Emergency Management
41 Agency (FEMA) as it affects this property may be required as well, if any areas
42 under FEMA jurisdiction are affected.
43
44 3. Because of additional design data and review, the development related to the
45 shoreland areas shall be required to comply with Stormwater Management and
46 Erosion Control Performance Standards based on the cold water creek status of
47 Pebble Creek as set forth in the Wisconsin State Administrative Rule NR-151,
48 and that plans within such shoreland areas be approved by the Land Resources
49 Division of the Waukesha County Parks and Land Use Department, in accordance

50 with Chapter 14 of the Waukesha County Code.

- 51
- 52 4. Because it has not been determined whether or not the proposed best management
- 53 practices meets standard engineering design principles or DNR technical
- 54 standards relating to stormwater management practices, and for lack of detailed
- 55 design data and planning review necessary to make such a determination, best
- 56 management practices proposed for the project will require compliance with the
- 57 DNR technical standards and standard engineering design principles as
- 58 determined by the Land Resources Division of the Waukesha County Department
- 59 of Parks and Land Use.
- 60
- 61 5. A 15 ft. wide maintenance easement to any and all stormwater facilities from
- 62 public roads shall be provided for maintenance inspection and future maintenance
- 63 equipment for said stormwater facilities and said access easements shall be
- 64 identified on the condominium plat of this subject property. Said access
- 65 easements shall also provide access for future inspections by Staff or agents of the
- 66 City of Waukesha and the Waukesha County Department of Parks and Land Use,
- 67 Land Resources Division. Further, Maintenance Plans shall be recorded in the
- 68 Waukesha County Register of Deeds Office at the time of recording of the
- 69 Condominium Plat and shall be developed in accordance with Waukesha County
- 70 guidelines, including provisions for special charges should the responsible party
- 71 not complete the required maintenance activities as may be determined by the
- 72 City of Waukesha and Waukesha County.
- 73
- 74 6. The Condominium Plat shall be submitted to the Waukesha County Department
- 75 of Parks and Land Use for review and approval to determine compliance with
- 76 these conditions of rezoning.
- 77
- 78 7. A Seeding and Revegetation Schedule and Plan shall be submitted for review and
- 79 approval by the Land Resources Division Staff of the Waukesha County
- 80 Department of Parks and Land Use at the time the detailed plans for stormwater
- 81 management and erosion control are submitted.
- 82

83 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of

84 this Ordinance with the City of Waukesha.

85

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

87 approval and publication.

88

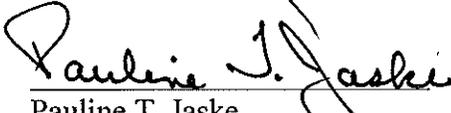
89 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of

90 provisions of this Ordinance are hereby repealed.

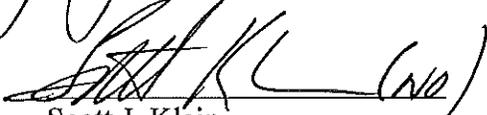
Amend the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map of the City of Waukesha by Conditionally Rezoning Certain Lands Located in Part of the NE ¼ of the SE ¼ of Section 31, T7N, R19E, City of Waukesha, Waukesha County, Wisconsin, from the A-3 Suburban Estate and C-1 Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts (SVZ-1500)

Presented by:
Land Use, Parks, and Environment Committee

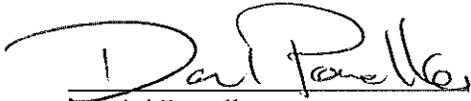

Walter L. Kolb, Chair

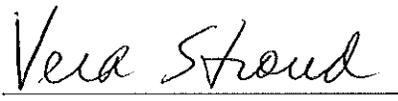

Pauline T. Jaske


James Jeskewitz


Scott J. Klein


William A. Mitchell

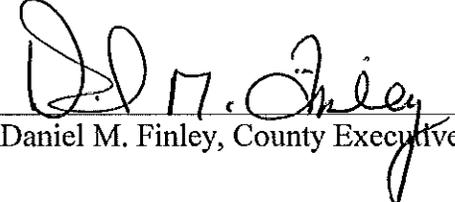

Daniel Pavelko


Vera Stroud

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

Date: 12-19-2003, 
Kathy Nickolaus, County Clerk

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

Approved:
Vetoed:
Date: 12-19-03, 
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-1500 – Canterbury Custom Homes) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

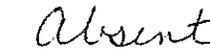
November 6, 2003



Betty Willert, Chairperson



Vy Vanusonis



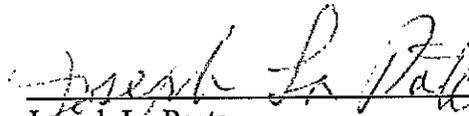
Mareth Kipp



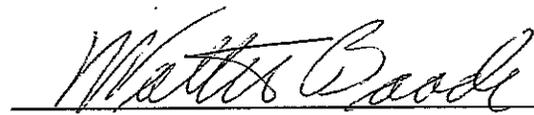
Ellen Gennrich



Walter Kolb



Joseph La Porte



Walter Baade

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

FILE NO.: SVZ-1500
TAX KE NO.: WAKC 988-988
DATE: November 6, 2003
PETITIONER: Canterbury Custom Homes, Inc.
P. O. Box 469
Waukesha, WI 53187-0469

LOCATION:

The property is located in the NE ¼ of the SE ¼ of Section 31, T7N, R19E, City of Waukesha, and more specifically on the north side of S.T.H. 18, west of C.T.H. "TT", containing approximately 3.7 acres.

PRESENT ZONING:

C-1 Conservancy District, which includes the 100-Year Floodplain of Pebble Creek and A-3 Suburban Estate District.

PRESENT LAND USE:

Vacant (formerly a farmstead with boat and camper storage).

PROPOSED ZONING:

R-3 Residential District and C-1 Conservancy District.

PROPOSED LAND USE:

To allow the filling of part of the floodplain along the subject creek and develop 6-duplexs (12 units) residential condominium project.

PUBLIC HEARING DATE:

October 8, 2003.

PUBLIC REACTION:

Two parties appeared in opposition to the concept of altering the floodplain with one person concerned about filling wetlands of which there are none.

CITY PLAN COMMISSION:

The City of Waukesha Plan Commission, at their meeting of October 8, 2003, recommended approval of the request.

COMMON COUNCIL ACTION:

Not required, although they did previously approve the project, which did not provide for the floodplain compensatory storage.

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

The County Development Plan indicates this area to be in the Medium Density Residential category permitting a maximum of seven units per acre. This project complies with that standard. The Plan did not recognize any floodplain on this property, which would normally be recommended for open space uses.

OTHER CONSIDERATIONS:

The site in question has been recently annexed by the City of Waukesha from the former Town of Pewaukee. This site has been utilized over the past few years as an outdoor storage facility for campers, boats and miscellaneous items, which was originally part of a larger farm operation containing a residence and several out buildings, including a barn, all of which have now been removed. The petitioner acquired the land to develop 14 residential units in seven duplex structures. The Site Plan had been previously approved by the City of Waukesha and it was not until recently the petitioner was informed that because it was annexed land and there were floodplains involved on the property, he needed to seek approval of the Development Plan and rezoning of the property from the provisions of the County Shoreland Ordinance, as a result of it being subject to Shoreland jurisdiction and annexed by the City. Originally the floodplain on the site was relatively insignificant based on older flood data and flood analysis procedures. However, recently the Department of Natural Resources (DNR) has required a new floodplain analysis procedure to take into account the planned land use in analyzing the runoff and calculation of the 100-Year Flood and said analysis may not use any contemplated stormwater management or detention facilities in making the calculation. The result of the new procedure changed the floodplain elevation as it has affected this land approximately 7½ ft. in depth of the floodplain, significantly affecting the site resulting in much more of the property being subject to the 100-Year Floodplain than had ever been previously determined. There has been previous floodplain analysis accomplished for this stretch of the subject stream corridor and a new convenience store/gas station, and other development on the east side of C.T.H. "T", have been permitted because they were all outside of the contemplated 100-Year Floodplain based on previous HEC II analysis for floodplain determinations. The convenience store, however, may be impacted utilizing this new calculation but was previously permitted and is allowed to exist. However, as the analysis has been accomplished for the subject site, the Development Plan originally approved by the City has been revised as indicated in the latest plans submitted to the Department on October 31st of this year.

The new plan removes one building unit from the project and provides for stormwater management and retention facilities, as well as providing for compensating floodplain storage capacity of lands which were lost for storage capacity through the proposed filling activities. The new project, as envisioned in this plan, will have no impact on the flood storage capacity. In fact, there will be a very slight increase in the flood storage capacity of the stream system based on the new plan dated November 4, 2003 (see Exhibit "A"). The Plans based on the new HEC II analysis have been submitted to the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and the DNR for review and analysis and the DNR floodplain engineers have indicated they are satisfied with the plans prepared by the petitioner's engineer (Jahnke & Jahnke), although the latest design (shown on Exhibit "A") has not been reviewed by the DNR, but because it is more restrictive than the previous design of approximately one month ago, we expect it will be satisfactory. The new Plan also indicates an emergency access to meet the dry land access provisions regarding access to properties having to go through floodplains, which is at the west end of the property and is shown as an emergency drive between buildings five and six. This access also has approval from the State Department of Transportation as an emergency driveway access not be used on a regular basis by the occupants of the development. It is contemplated that in the future, when the lands to the north and northwest are developed, the cul-de-sac shown will be extended westerly and connected to a new street, which will likely access Highway 18 across from the existing street on the south side of Highway 18, (Country Crest Lane).

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For the time being, it will access Highway 18 through the existing Torhorst Road on the east side of the property. Torhorst Road is a private drive serving a church and another residence to the north and is owned by Robert Smart. Although the road will be improved with asphalt to City standards, this street will remain a private drive as will the street in the condominium project to be known as Tara Hill Court.

As noted previously, the six structures on the property will be constructed as duplex units and will result in, at the present time, 12 dwelling units. All of them will be outside of and significantly above the 100-Year Floodplain resulting from the proposed modification as depicted on the plan. A stormwater basin will be constructed to the rear of Building No. 6, which will be subject to review by the Land Resources Division. The plans for that basin and any other stormwater management facilities on the subject site will be subject to a standard to maintain the cold water status of the nearby creek (Pebble Creek) to the east of the subject property. There are no wetlands on the property.

STAFF RECOMMENDATION:

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

1. The request shall not become effective until certification is provided to the Planning and Zoning Division Staff and the Department of Natural Resources (DNR) by a registered professional engineer that all lands intended to be filled and modified or removed from the 100-Year Floodplain of the Pebble Creek are in fact modified as authorized and provided with compensatory storage areas, that will offset any storage capacity which may be lost as the result of the construction of any of the roads, improvements or stormwater management facilities on the site.
2. If a Chapter 30 Permit (Wisconsin State Statutes) is required by the DNR, that Permit shall be applied for and received prior to any construction commencing on the site. A Letter of Map Amendment from the Federal Emergency Management Agency (FEMA) as it affects this property may be required as well, if any areas under FEMA jurisdiction are affected.
3. Because of additional design data and review, it is necessary as recommended, that the development related to the shoreland areas be required to comply with stormwater management and erosion control performance standards contained in the Wisconsin State Administrative Rule NR-151, and that plans within such shoreland areas be approved by the Land Resources Division of the Waukesha County Parks and Land Use Department, 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 meets standard engineering design principles or DNR technical standards relating 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 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. A 15 ft. wide maintenance easement to any and all stormwater facilities from public roads shall be provided for maintenance inspection and future maintenance equipment for said stormwater facilities and said access easements shall be identified on the condominium plat of this subject property. Said access easements shall also provide access for future inspections by Staff or agents of the City of Waukesha or the Waukesha County Department of Parks and Land Use, Land

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Resources Division. Further, Maintenance Plans shall be recorded in the Waukesha County Register of Deeds Office at the time of recording of the Condominium Plat and shall be developed in accordance with Waukesha County guidelines, including provisions for special charges should the responsible party not complete the required maintenance activities as may be determined by the City of Waukesha or Waukesha County.

6. The Condominium Plat shall be submitted to the Waukesha County Department of Parks and Land Use for review and approval to determine compliance with these conditions of rezoning.
7. A Seeding and Revegetation Schedule and Plan shall be submitted for review and approval by the Land Resources Division Staff of the Waukesha County Department of Parks and Land Use at the time the detailed plans for stormwater management and erosion control are submitted.

As recommended herein, we feel that the proposed project will not have any adverse affects on the flood storage capacity of Pebble Creek and if built in conformance with the recommendations contained herein and designed for the preservation of the cold water status of the creek, the creek will not be adversely impacted by this project and the site will be able to be utilized consistent with the Waukesha County Development Plan and City of Waukesha Land Use Plan and will provide a reasonable use of the property by the petitioner.

Respectfully submitted,

Richard L. Mace / smv
Richard L. Mace
Planning and Zoning Manager

RLM:smv

Attachments: Exhibit "A" and Map

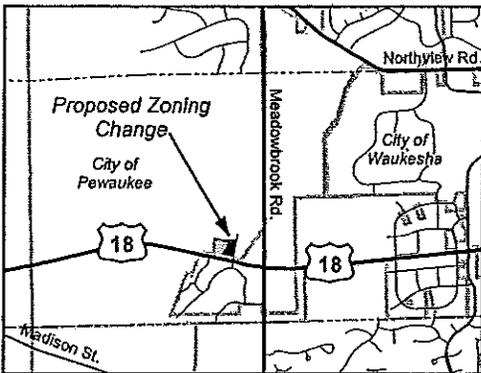
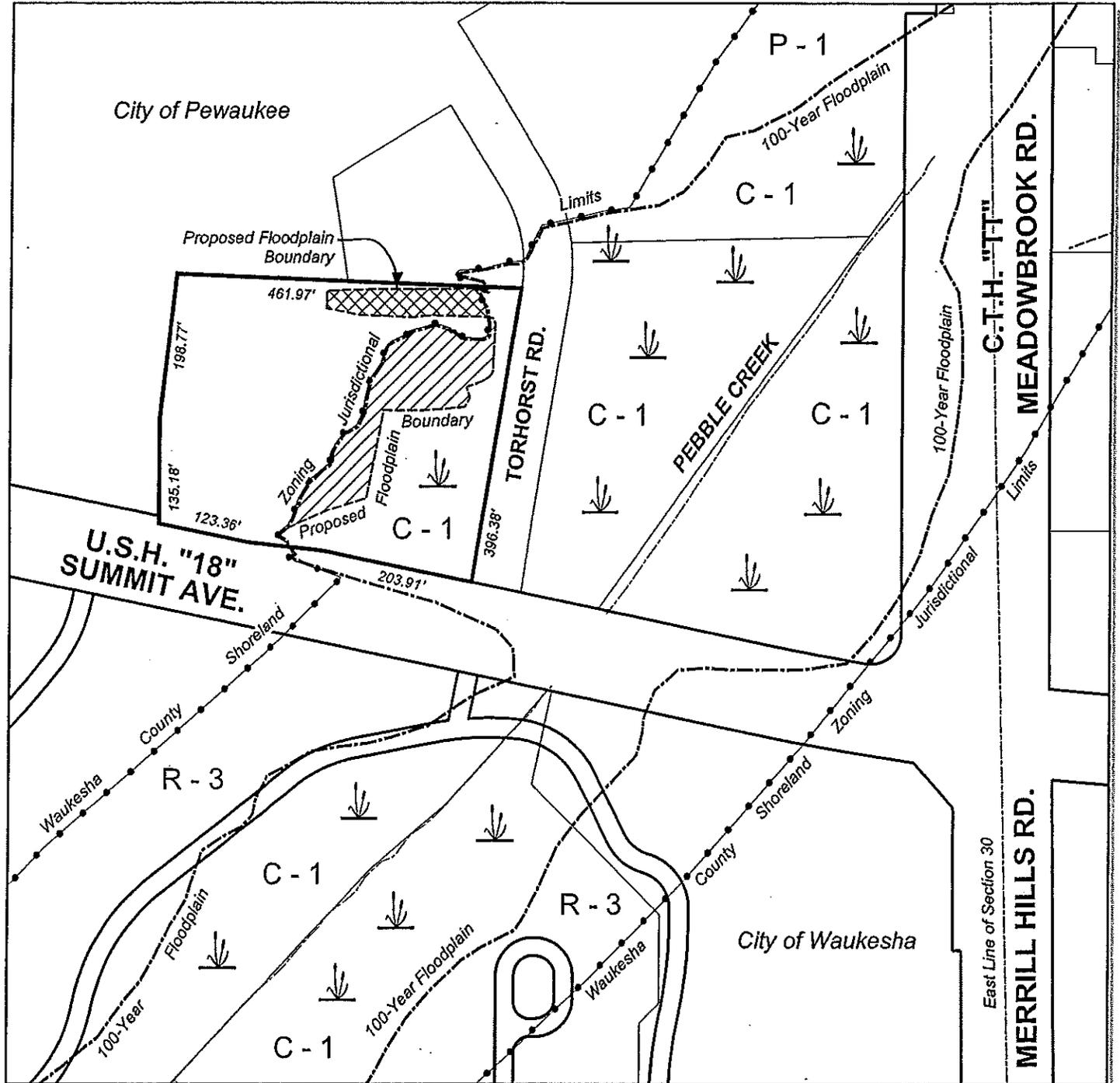
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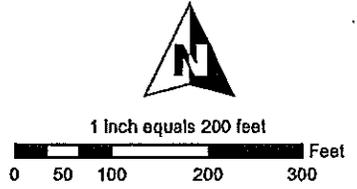
ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SECTION 31
CITY OF WAUKESHA (T7N R19E)



- CONDITIONAL ZONING CHANGE FROM C-1 TO R-3 (0.51 ACRES)
- ESTABLISH C-1 (PER PROPOSED FLOODPLAIN) (0.16 ACRES)

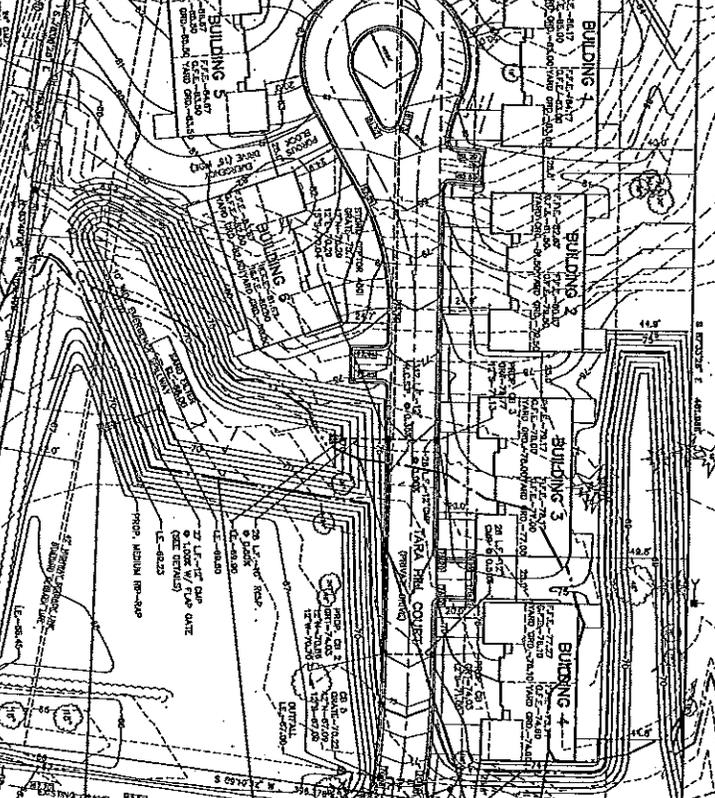
FILE.....SVZ-1500
 DATE.....11-06-03
 AREA OF CHANGE.....0.67 ACRES
 TAX KEY NUMBER.....PWT 0988.988



Prepared by the Waukesha County Department of Parks and Land Use

158-0-107

U.S.H. 18
SUMMIT AVE.



NOTED: The location and use of the proposed buildings have been reviewed by the Planning Department of the City of Waukesha, Wisconsin, and the proposed buildings are shown on the attached site plan. The proposed buildings are shown on the attached site plan. The proposed buildings are shown on the attached site plan.

NOTE: ALL ELEVATIONS TO CITY DATUM
ADD 789.58 TO
CONVERT DATUM

U.S.G.S. 7.5-MINUTE
SECTION 18
TOWNSHIP 18 N
RANGE 10 E
COUNTY OF WAUKESHA, WISCONSIN
SECTION 18
TOWNSHIP 18 N
RANGE 10 E
COUNTY OF WAUKESHA, WISCONSIN

DESIGNED BY: J. J. HARRIS & ASSOCIATES, INC.
DATE: 11/15/2003
REVISIONS:
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NO. 2: 11/15/2003
NO. 3: 11/15/2003
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NO. 100: 11/15/2003

PROPOSED MASTER GRADING PLAN
FOR THE NEW TOWN CENTER
CITY OF WAUKESHA, WISCONSIN
JANNEY & JANNEY ASSOCIATES INC.
DATE: 11/15/2003
SCALE: AS SHOWN

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-12/16/03

(ORD) NUMBER-1580107

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

TOTAL AYES-29

TOTAL NAYS-02

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-31