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2  
3 AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY  
4 SHORELAND AND FLOODLAND PROTECTION ORDINANCE, FOR THE TOWN OF  
5 VERNON, BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF  
6 THE SW ¼ OF THE NW ¼ OF SECTION 14, T5N, R19E, TOWN OF VERNON,  
7 FROM THE C-1 CONSERVANCY DISTRICT TO THE RRD-5 RURAL  
8 RESIDENTIAL DENSITY 5 DISTRICT  
9 (SZ-1494)

10  
11 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by  
12 the Waukesha County Park and Planning Commission after Public Hearing and the giving of  
13 requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks  
14 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha  
15 County, Wisconsin, as required by Sections 59.692 of the Wisconsin State Statutes.

16  
17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
18 ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on  
19 June 23, 1970, for the Town of Vernon, Waukesha County, is hereby amended to conditionally  
20 rezone from the C-1 Conservancy District to the RRD-5 Rural Residential Density 5 District,  
21 certain lands located in part of the SW ¼ of the NW ¼ of Section 14, T5N, R19E, Town of  
22 Vernon, and more specifically described in the "Staff Report and Recommendation" and map on  
23 file in the office of the Waukesha County Department of Parks and Land Use and made a part of  
24 this Ordinance by reference (SZ-1494), subject to the following conditions:

- 25  
26 1. The rezoning and filling of wetlands shall be limited to the 66'  
27 wide area within the road right-of-way extension of Sunset View  
28 Drive as shown on the plan dated July 28, 2003, from Interline  
29 Survey Services, Inc. The filling of wetlands for the extension of  
30 Highland Drive shall not be allowed.  
31  
32 2. The rezoning shall not become effective until certification is  
33 provided to the Planning and Zoning Division Staff that the  
34 Department of Natural Resources has approved the proposed  
35 wetland fill within the 66' wide area for the proposed road right-  
36 of-way extension of Sunset View Drive.  
37

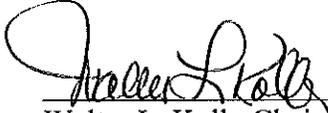
38 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
39 this Ordinance with the Town Clerk of Vernon.

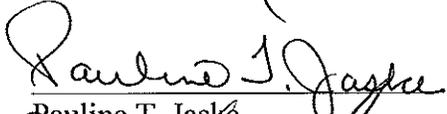
40  
41 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
42 approval and publication.

43  
44 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of  
45 provisions of this Ordinance are hereby repealed.

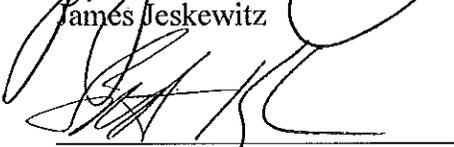
AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE, FOR THE TOWN OF VERNON, BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF THE NW ¼ OF SECTION 14, T5N, R19E, TOWN OF VERNON, FROM THE C-1 CONSERVANCY DISTRICT TO THE RRD-5 RURAL RESIDENTIAL DENSITY 5 DISTRICT (SZ-1494)

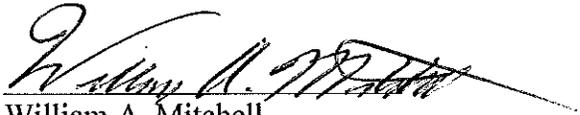
Presented by:  
Land Use, Parks, and Environment Committee

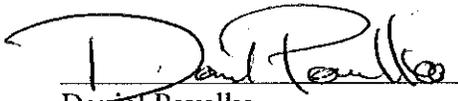
  
Walter L. Kolb, Chair

  
Pauline T. Jaské

  
James Jeskewitz

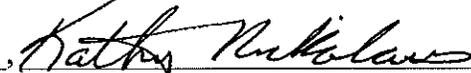
  
Scott J. Klein

  
William A. Mitchell

  
Daniel Pavelko

  
Vera Stroud

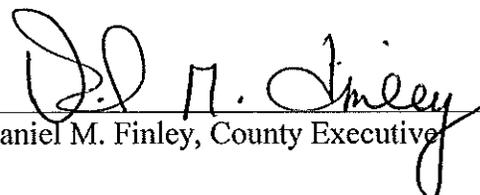
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 10-31-03,   
Kathy Nickolaus, County Clerk

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

Approved:

Vetoed:

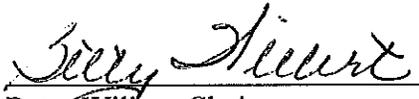
Date: 10-31-03,   
Daniel M. Finley, County Executive

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 SZ-1494 (Mark Wesner/Larry Meyers) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

September 25, 2003

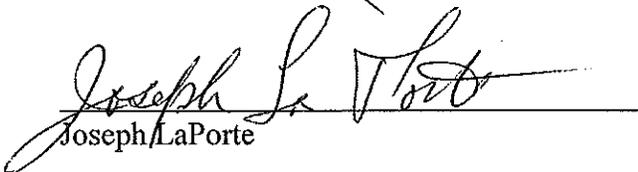
  
Betty Willert, Chairperson

  
Vyvanusonis

Absent  
Mareth Kipp

  
Ellen Gennrich

  
Walter Kolb

  
Joseph LaPorte

  
Walter Baade

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

**FILE NO:** SZ-1494

**TAX KEY NUMBER:** VNT 2070.997.005

**DATE:** September 25, 2003

**NAME OF APPLICANT:** Mark Wesner  
10868 West Wisconsin Avenue  
Wauwatosa, WI 53226

**NAME OF OWNER:** Larry Meyers  
S82 W23950 Artesian Avenue  
Big Bend, WI 53103

**LOCATION OF PROPERTY:**

Being a part of the SW ¼ of the NW ¼ of Section 14, T5N, R19E, Town of Vernon. More specifically, the area in question is located just south of Sunset View Drive and Highland Drive. The property contains 24.16 acres total, although the rezoning affects 1,320 sq. ft. of land area.

**PRESENT ZONING:**

RRD-5 Rural Residential Density-5 and C-1 Conservancy.

**PRESENT LAND USE:**

Single-family residential, agricultural and wetlands.

**REQUESTED ZONING CLASSIFICATION AND USE:**

RRD-5 (from the C-1 Conservancy District) to allow fill to be placed within the wetlands allowing for two (2) public road crossings to connect Sunset View Drive and Highland Drive.

**PUBLIC HEARING DATE:**

July 28, 2003.

**PUBLIC REACTION:**

Residents of the subdivision to the north (Vernon Highlands) raised several concerns with the proposed rezoning. Presently, residents along the west side of Sunset View Drive experience severe water and flooding problems during heavy rains due to berming along the property line. In addition to this, the road presently floods over where it connects to the property. Other residents raised concerns of the degradation to the wetland and change to their quality of life and quiet neighborhood

**TOWN PLAN COMMISSION ACTION:**

The Town of Vernon Plan Commission, at their meeting on August 25, 2003, recommended to the Town Board, approval of the rezoning request from the C-1 Conservancy District to the RRD-5 Rural Residential Density-5 District.

158-0-083

**TOWN BOARD ACTION:**

The Town of Vernon Board, at their meeting on September 4, 2003, voted to approve the rezoning request, subject to the following condition:

- The rezoning and filling of wetlands shall be limited to the 66' wide area within the road right-of-way extension of Sunset View Drive as shown on the plan dated July 28, 2003, from Interline Survey Services, Inc. The filling of wetlands for the extension of Highland Drive shall not be allowed.

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

The Waukesha County Development Plan designates the parcel in the Low Density Urban Residential category, allowing residential development at 20,000 sq. ft. to 1.4 acres of lot area per dwelling unit. The Town of Vernon Master Land Use Plan designates the parcel in the Medium Density Residential category, allowing residential development at 30,000 sq. ft. to 1.5 acres of lot area per dwelling unit. The proposed rezoning is consistent with both plans.

**OTHER CONSIDERATIONS:**

The property in question, which is improved with a single-family residence and accessory building off of Artesian Avenue, contains 24.16 acres of which the northern 20 acres is farmland with a small pond and three (3) small wetland complexes. The applicant is proposing to divide the property into a 10-acre lot for the present owner and retain the remaining 15-acres to construct a residence. In order to divide the property, a public road would need to service the piece the applicant wishes to purchase. The Vernon Highlands Subdivision, which was recorded in March 1972, had two roads extended to the north property line of the property in question; Sunset View Drive and Highland Drive. Based on plans within the original file, these roads were proposed to connect on the property in question, but this was never completed. Access from Sunset View Drive to Highland Drive is currently accomplished by crossing over a privately owned outlot within the Vernon Highlands Subdivision. The Town of Vernon has indicated in the past that any division of the property in question would require the extension and connection of a public road at the owner/applicants expense.

The applicant had the wetlands on the property field staked which indicates three (3) small wetland complexes within a present agricultural drainage ditch. The Wisconsin Department of Natural Resources has investigated the site and determined that while the agricultural ditch is not deemed as "navigable", the property does contain a pond, which is ultimately connected to a state navigable waterway by underground waterway (ie. tile) resulting in the ponds being considered public. Therefore, the wetlands that the applicant has proposed to fill will fall under the jurisdiction of the State, in addition to the Waukesha County Shoreland and Floodland Protection Ordinance. The Army Corps of Engineers has taken jurisdiction and has approved the fill, subject to water quality certification by the DNR.

At the public hearing, the applicant presented a proposal which would avoid filling of the wetlands directly south of Highland Drive, therefore limiting the amount of wetland filling to a 66' x 20' area for the extension of Sunset View Drive. The public raised several concerns over present drainage from the

158-0-083

4

Vernon Highlands Subdivision regarding drainage. The Town Plan Commission determined that based on topography of the site and the ability to break through existing berms for a newly constructed public road will help alleviate drainage problems residents within the area are currently experiencing. This will allow culverts to be added allowing drainage to flow through the area and allow drainage easements to be placed on the future Certified Survey to ensure drainage will not be blocked in the future.

The rezoning was accompanied by a Conditional Use Permit for the filling of the wetlands, which is being acted upon by the Town of Vernon Plan Commission on September 22, 2003. Proposed conditions are that the filling be limited to the extension of Sunset View Drive, that Construction Plans, Stormwater Management Plans and Erosion and Sediment Control Plans be reviewed and approved by the Town of Vernon and Waukesha County, which shall include drainage easements, subject to a Developers Agreement and Letter of Credit being approved for the road construction by the Town of Vernon.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**, subject to the condition proposed by the Town of Vernon Town Board and the following condition:

- The rezoning shall not become effective until certification is provided to the Planning and Zoning Division Staff that the Department of Natural Resources has approved the proposed wetland fill within the 66' wide area for the proposed road right-of-way extension of Sunset View Drive.

The filling of one (1) small wetland area will allow the Town to accomplish a connection of roads that has been proposed since the early 1970's. The extension will allow a legal public road connection to be dedicated to the Town of Vernon, which meets the purpose and intent of the Town of Vernon Land Division and Development Control Ordinance, the Town of Vernon Master Land Use Plan and the Waukesha County Development Plan.

Respectfully submitted,

*Brian Depies / Kub*

Brian Depies  
Senior Land Use Specialist

BD

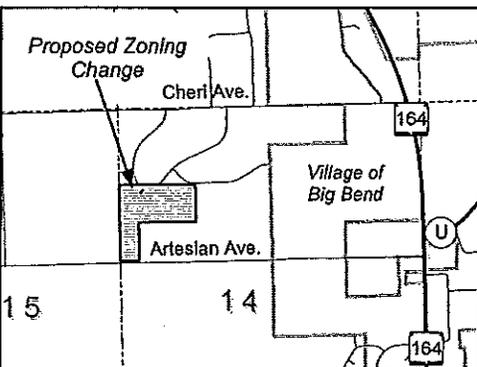
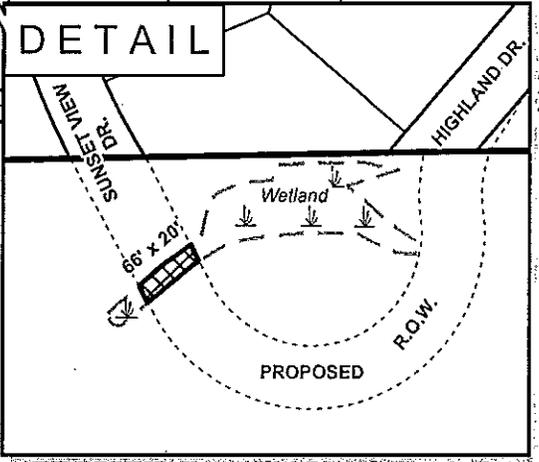
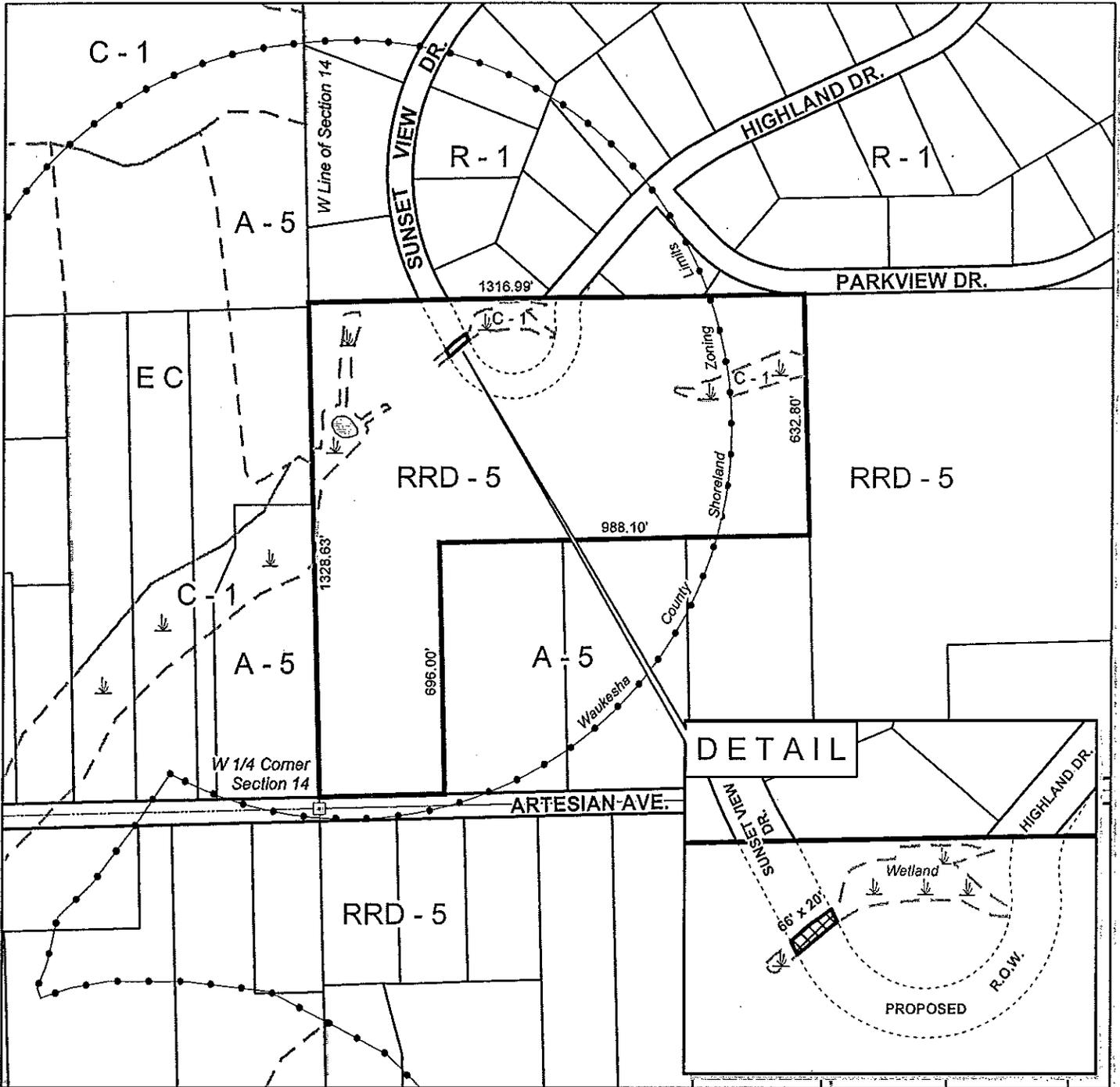
Attachment: Map

158-0-083

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# ZONING MAP AMENDMENT

## PART OF THE NORTHWEST 1/4 OF SECTION 14 TOWN OF VERNON



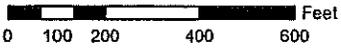
 COND. SHORELAND ZONING CHANGE FROM C-1 (CONSERVANCY DISTRICT) TO RR-5 (RURAL RES. DENSITY-5)

FILE.....SZ-1494

DATE.....9-25-03

AREA OF CHANGE.....1,320 SQ.FT.

TAX KEY NUMBER.....VNT 2070.997.005

  
 1 inch equals 400 feet  


Prepared by the Waukesha County Department of Parks and Land Use

158-0-083

WAUKESHA COUNTY BOARD OF SUPERVISORS <sup>EO</sup> 158-78

V

DATE-10/28/03

(ORD) NUMBER-1580083

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....NAY
- 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.....NAY
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....
- 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.....NAY
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-30

TOTAL NAYS-03

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-33