

ENROLLED ORDINANCE 164-66

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 9, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE P-1 PUBLIC, R-1 RESIDENTIAL AND EC ENVIRONMENTAL CORRIDOR DISTRICTS TO THE R-1 RESIDENTIAL, C-1 CONSERVATION, EC ENVIRONMENTAL CORRIDOR AND P-1 PUBLIC DISTRICTS (ZT-1695)

WHEREAS the subject matter of this Ordinance having been approved by the Mukwonago Town Board on October 21, 2009, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Map for the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on February 27, 2007, is hereby amended to rezone from the P-1 Public, R-1 Residential and EC Environmental Corridor Districts to the R-1 Residential, C-1 Conservation, EC Environmental Corridor and P-1 Public Districts, certain lands located in part of the NW ¼ of Section 9, 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-(1695), 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.

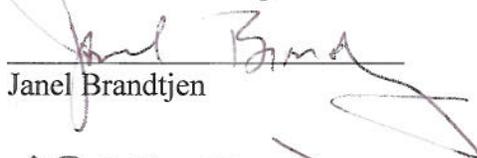
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval, and publication.

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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

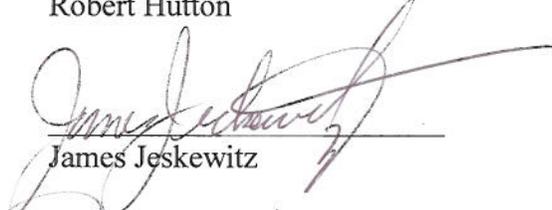
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 9, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE P-1 PUBLIC, R-1 RESIDENTIAL AND EC ENVIRONMENTAL CORRIDOR DISTRICTS TO THE R-1 RESIDENTIAL, C-1 CONSERVATION, EC ENVIRONMENTAL CORRIDOR AND P-1 PUBLIC DISTRICTS (ZT-1695)

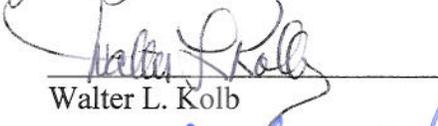
Presented by:
Land Use, Parks, and Environment Committee

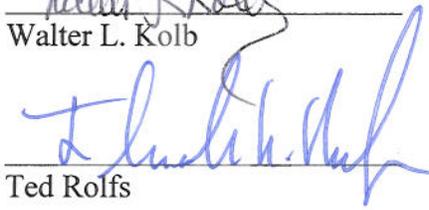

Fritz Ruf, Chair


Janel Brandtjen

< ABSENT >
Robert Hutton


James Jeskewitz


Walter L. Kolb

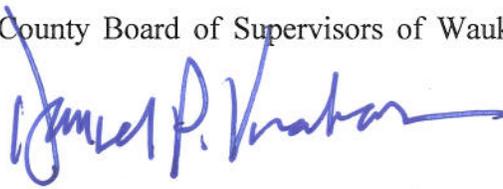

Ted Rolfs

< ABSENT >
Gilbert W. Yerke

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

Date: January 29, 2010, 
Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____
Date: 2-1-10, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-01/26/10

(ORD) NUMBER-1640070

1 D. FALSTAD.....AYE
 3 R. HUTTON.....AYE
 5 J. JESKEWITZ.....AYE
 7 P. HAUKOHL.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....AYE
 13 P. DECKER.....AYE
 15 P. MEYERS.....AYE
 17 J. TORTOMASI.....AYE
 19 S. WIMMER.....AYE
 21 W. ZABOROWSKI.....AYE
 23 J. PLEDL.....
 25 G. YERKE.....AYE

2 T. ROLFS.....AYE
 4 J. DWYER.....AYE
 6 J. BRANDTJEN.....AYE
 8 T. SCHELLINGER....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 B. MORRIS.....AYE
 16 D. PAULSON.....AYE
 18 K. CUMMINGS.....AYE
 20 P. JASKE.....AYE
 22 P. GUNDRUM.....AYE
 24 W. KOLB.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

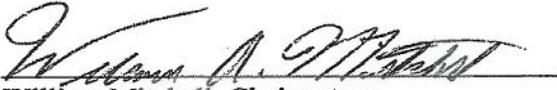
TOTAL VOTES-24

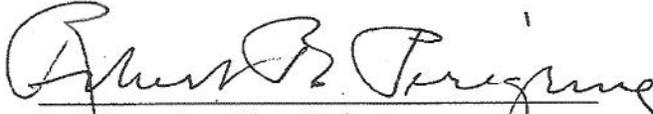
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Mukwonago Zoning Code hereby recommends approval of **(ZT-1695 Town of Mukwonago)** in accordance with the attached "Staff Report and Recommendation".

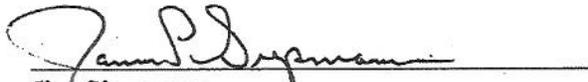
PARK AND PLANNING COMMISSION

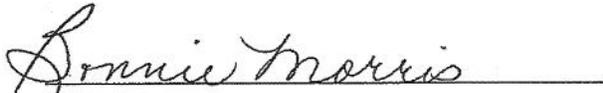
December 10, 2009

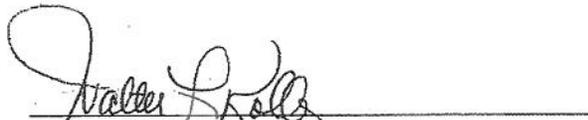

William Mitchell, Chairperson

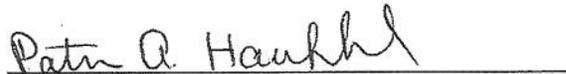

Bob Peregrine, Vice Chairperson


Gary Goodchild


Jim Siepmann


Bonnie Morris


Walter Kolb


Pat Haukohl

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

DATE: December 10, 2009

FILE NO: ZT-1695

PETITIONER: Town Board of Mukwonago
W320 S8315 Beulah Rd.
Mukwonago, WI 53149

PROPERTY OWNERS: Donald Romeo, Allen & Karen Queenen Trust, David & J D
Tuler, Reed Mayer, Richard & G A Schrank, Mark Schiller and
the Town of Mukwonago

TAX KEY NO.'s MUKT 1906.996 and .997, MUKT 1907.011 through .014,
.024 and .025

LOCATION:
Part of the NW ¼ of Section 9, T5N, R18E, Town of Mukwonago.

EXISTING ZONING CLASSIFICATION:
P-1 Public, R-1 Residential and EC Environmental Corridor Districts

REQUESTED ZONING CLASSIFICATION:
R-1 Residential, C-1 Conservation, EC Environmental Corridor and P-1 Public Districts (Refer to attached
map for more detail)

EXISTING USES:
One residence lies within the effected area. The rest of the properties which are in the rezone area are vacant,
although a number of the lots have residences located outside of the effected rezone area.

**CONFORMANCE WITH THE TOWN OF MUKWONAGO DEVELOPMENT PLAN AND THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY**
The proposed amendments fully comply with the purpose and intent of both the Town and County Plans.

PUBLIC HEARING DATE:
October 7, 2009

PUBLIC REACTION:
Two people spoke that were non-committal and only had a few questions.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:
On October 7, 2009, the Town of Mukwonago Plan Commission recommended in favor of the proposed
amendment.

164-0-070

On October 21, 2009, the Town of Mukwonago Board of Supervisors approved the rezoning Ordinance, as recommended by the Plan Commission.

OTHER CONSIDERATIONS:

For reasons not sufficiently clear, there are portions of the subject area that were incorrectly mapped or identified on the Town of Mukwonago zoning map. Upon review by the Town Plan Commission, it was decided to process an amendment and conduct a public hearing to correct the mapping errors. One neighbor felt that the Town Board could have corrected the errors administratively without the need for a public hearing and County Board approval. Also, it should be noted, that the area affected by the County Shoreland and Floodland Protection Ordinance is not being amended as it accurately identifies the proper zoning districts in this area of the Town. The changes and districts proposed are appropriate with respect to how the land is being used, the ownership of the land and the condition of the land as much of it is Primary Environmental Corridor and wetlands. Portions of the private lots affected by the existing P-1 Public District zoning are inappropriately mapped on privately owned lands and should have zoning categories consistent with their use and ownership.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved. We feel that the proposed amendments properly reflect the zoning classifications for the subject properties. The amended areas will identify the use of the lands as they are used and owned and will also adequately protect environmental corridors and conservancy areas as they exist in this area of the Town.

Respectfully submitted,



Richard L. Mace
Planning and Zoning Manager

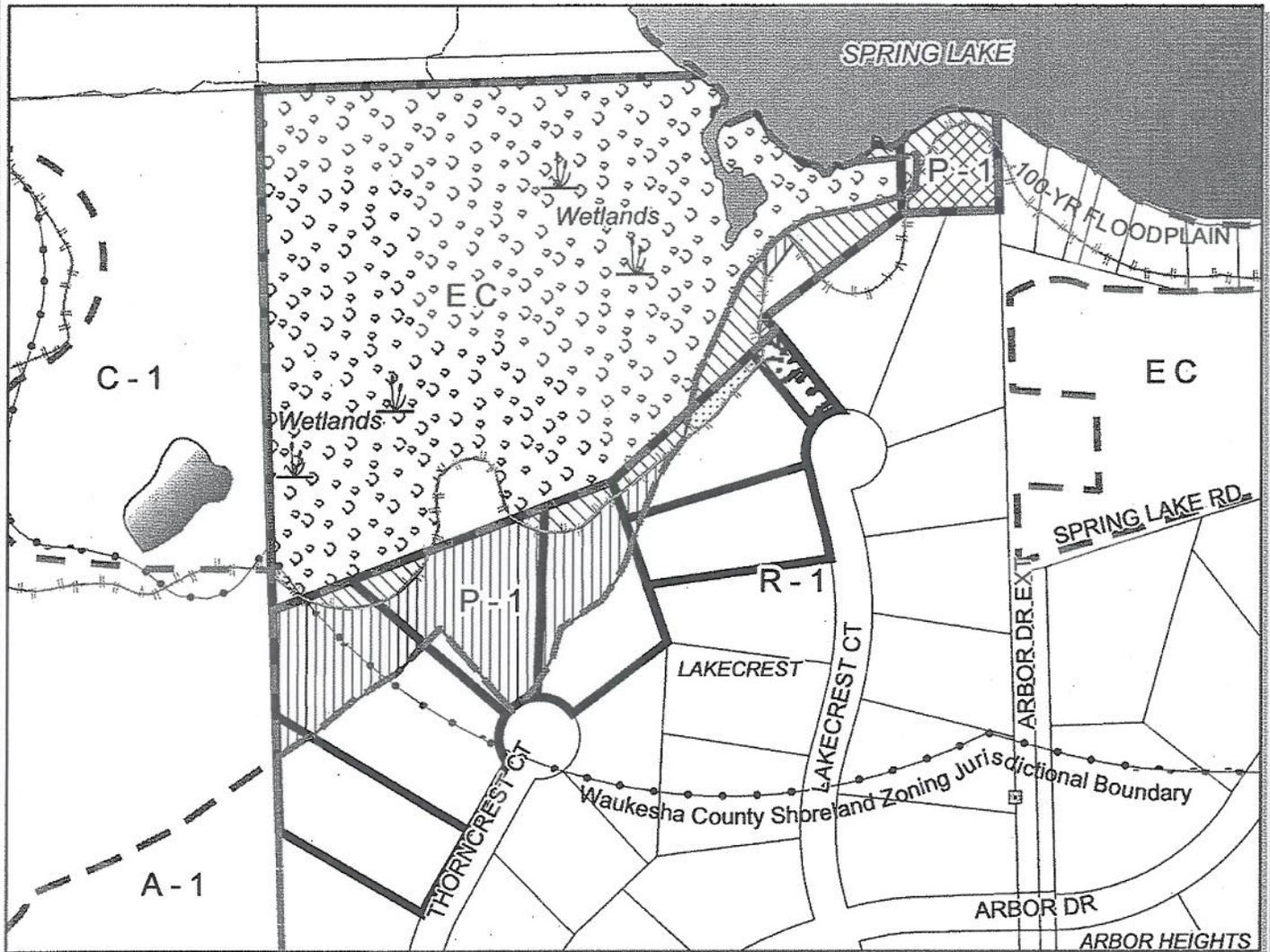
RLM:es

Attachments: Town Ordinance
Map

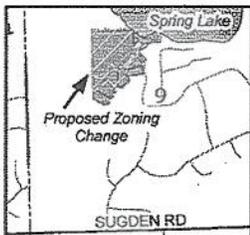
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ZONING MAP AMENDMENT

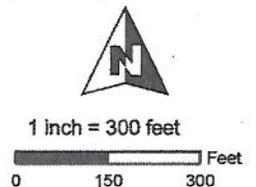
PART OF THE NW 1/4 OF SECTION 9
TOWN OF MUKWONAGO



-  TOWN ZONING CHANGE FROM P-1 PUBLIC DISTRICT TO R-1 RESIDENTIAL (0.36 AC)
-  TOWN ZONING CHANGE FROM P-1 PUBLIC DISTRICT TO C-1 CONSERVATION DISTRICT (0.24 AC)
-  TOWN ZONING CHANGE FROM P-1 PUBLIC DISTRICT TO EC ENVIRONMENTAL CORRIDOR DISTRICT (3.09 AC)
-  TOWN ZONING CHANGE FROM R-1 RESIDENTIAL DISTRICT TO P-1 PUBLIC DISTRICT (0.22 AC)
-  TOWN ZONING CHANGE FROM R-1 RESIDENTIAL TO C-1 CONSERVATION DISTRICT (0.15 AC)
-  TOWN ZONING CHANGE FROM EC ENVIRONMENTAL CORRIDOR DISTRICT TO C-1 CONSERVATION DISTRICT (15.6 AC)



FILE.....ZT-1695
 DATE.....12-10-09
 AREA OF CHANGE.....19.7 ACRES
 TAX KEY NUMBER.....MUKT 1906.996 & .997,
 MUKT 1907.011 - .014, .024 & .025



Prepared by the Waukesha County Department of Parks and Land Use

164-0-070

ORDINANCE NO. 2009-B

AN ORDINANCE TO REZONE CERTAIN SPECIFIED PROPERTIES IN THE NW1/4 & SW1/4 OF SECTION 9, 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, it has come to the attention of the Town of Mukwonago Plan Commission and Town of Mukwonago Town Board that various properties generally off of Thorncrest Court and Lakecrest Court and more particularly listed in the table below ("subject properties") are incorrectly classified (most likely a clerical error), in whole or in part, on the Town's official zoning map; and

Tax Key Number	Current Property Owner
MUKT1907011	Donald Romeo
MUKT1907012	Allen & Karen Queenen Trust
MUKT1907013	Allen & Karen Queenen Trust
MUKT1907014	David & J D Tuler
MUKT1907024	Reed F Mayer
MUKT1907025	Richard & G A Schrank
"GAP" off of Lakecrest Court	Believed to be owned by the Town of Mukwonago and a part of MUKT1906996
MUKT1906996	Town of Mukwonago
MUKT1906997	Mark A Schiller

WHEREAS, research conducted in conjunction and with the assistance of Waukesha County has revealed that the aforementioned incorrect classifications have occurred over time and at various points as a result of transcription and depiction errors involving the subject properties and the digital conversion of historic zoning maps in conjunction with the Waukesha County GIS system; and

WHEREAS, the Plan Commission for the Town of Mukwonago has recommended the adoption of an ordinance to formally rezone the subject properties and amend the Town of Mukwonago's zoning map as set forth in Exhibit B to correct the aforementioned transcription, depiction, and conversion errors; and

WHEREAS, the Town of Mukwonago Town Board on September 16, 2009, made a motion directing the Town of Mukwonago Plan Commission to submit a rezoning application to change the zoning classification of the subject properties to be consistent with the comprehensive plan for the Town of Mukwonago; and

WHEREAS, the Plan Commission as petitioner has supplied all required data pursuant to the Town of Mukwonago's zoning ordinance; 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, written notice of the public hearing was mailed to each of the owners of the subject properties to notify them of the public hearing; and

WHEREAS, the Town of Mukwonago Town Board and the Town of Mukwonago Plan Commission conducted a joint public hearing on October 7, 2009; and

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

SECTION 1: ZONING MAP CHANGE

The subject properties are hereby conditionally rezoned as depicted in Exhibit B and the zoning map of the zoning map of the Town of Mukwonago is hereby conditionally amended to incorporate the zoning of the subject properties as depicted in Exhibit B, which is attached hereto and incorporated by reference as part of this ordinance.

SECTION 2: CONDITIONS OF REZONING

The rezoning of the subject properties and the amendment of the zoning map of the Town of Mukwonago are conditioned on the approval of the Waukesha County Board.

SECTION 3: CERTIFICATION

Upon certification by the Town Clerk that the aforementioned condition has been satisfied, the Town Planner shall change the zoning classification of the subject properties 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 condition 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 condition is not satisfied within one year of the date of this approval.

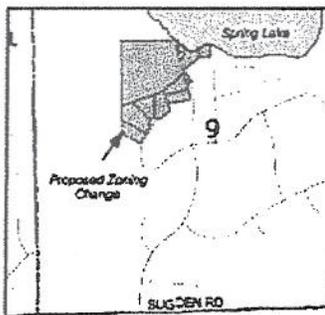
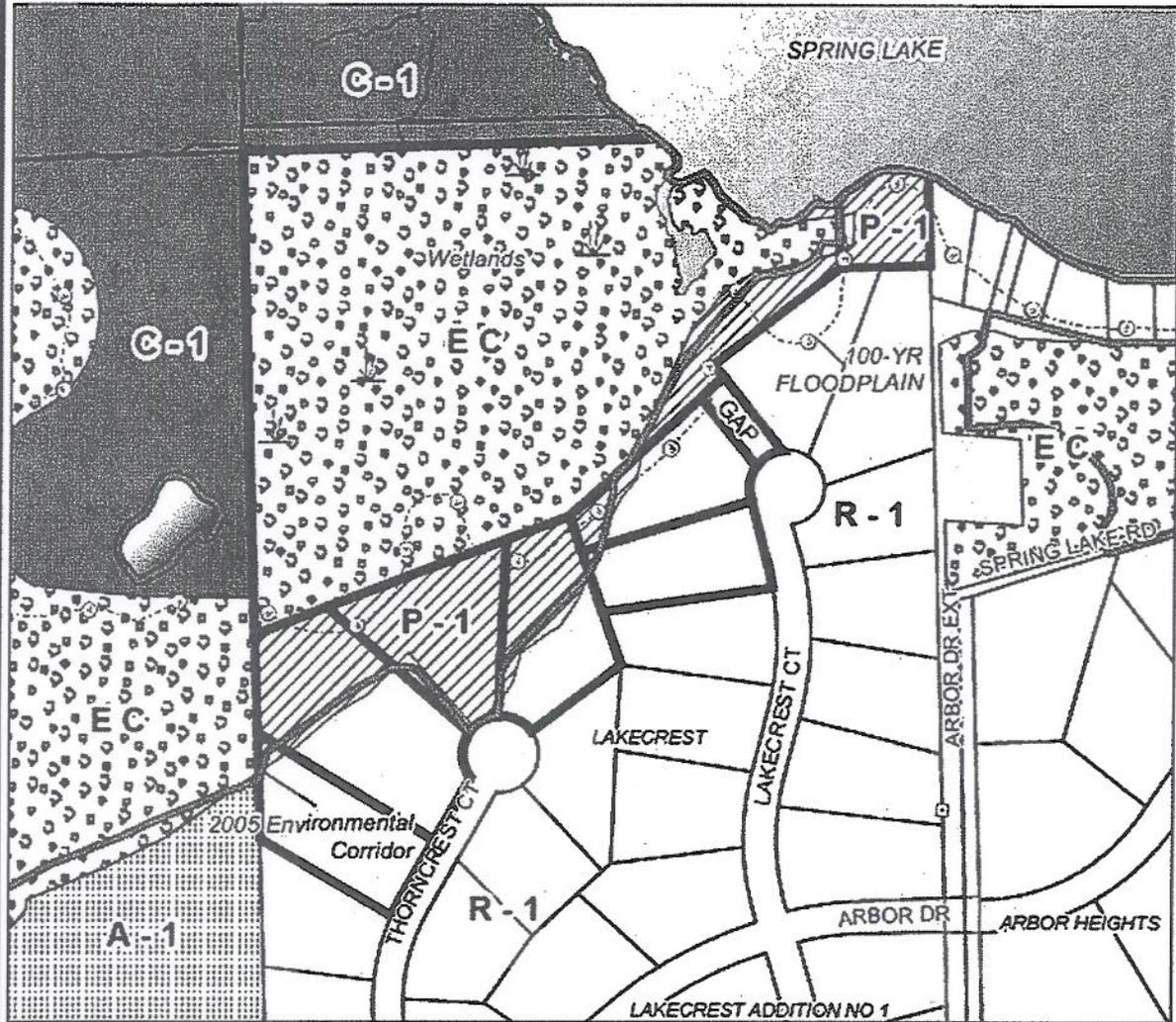
Approved this 21st day of October, 2009

164-0-070

7.

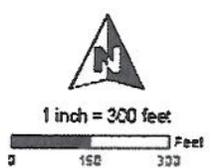
ORDINANCE 2009-B EXHIBIT A - EXISTING ZONING

PART OF THE NW 1/4 OF SECTION 9
TOWN OF MUKWONAGO



Properties Being Rezoned	A-1	P-1
FEMA Floodplain	C-1	R-1
2005 Environmental Corridor	EC	

AREA OF CHANGE.....20 ACRES
 TAX KEY NUMBERS.....MUKT 1906.096 & .097,
 MUKT 1907.011 - .014, .024 & .025



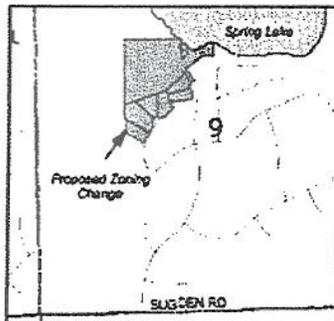
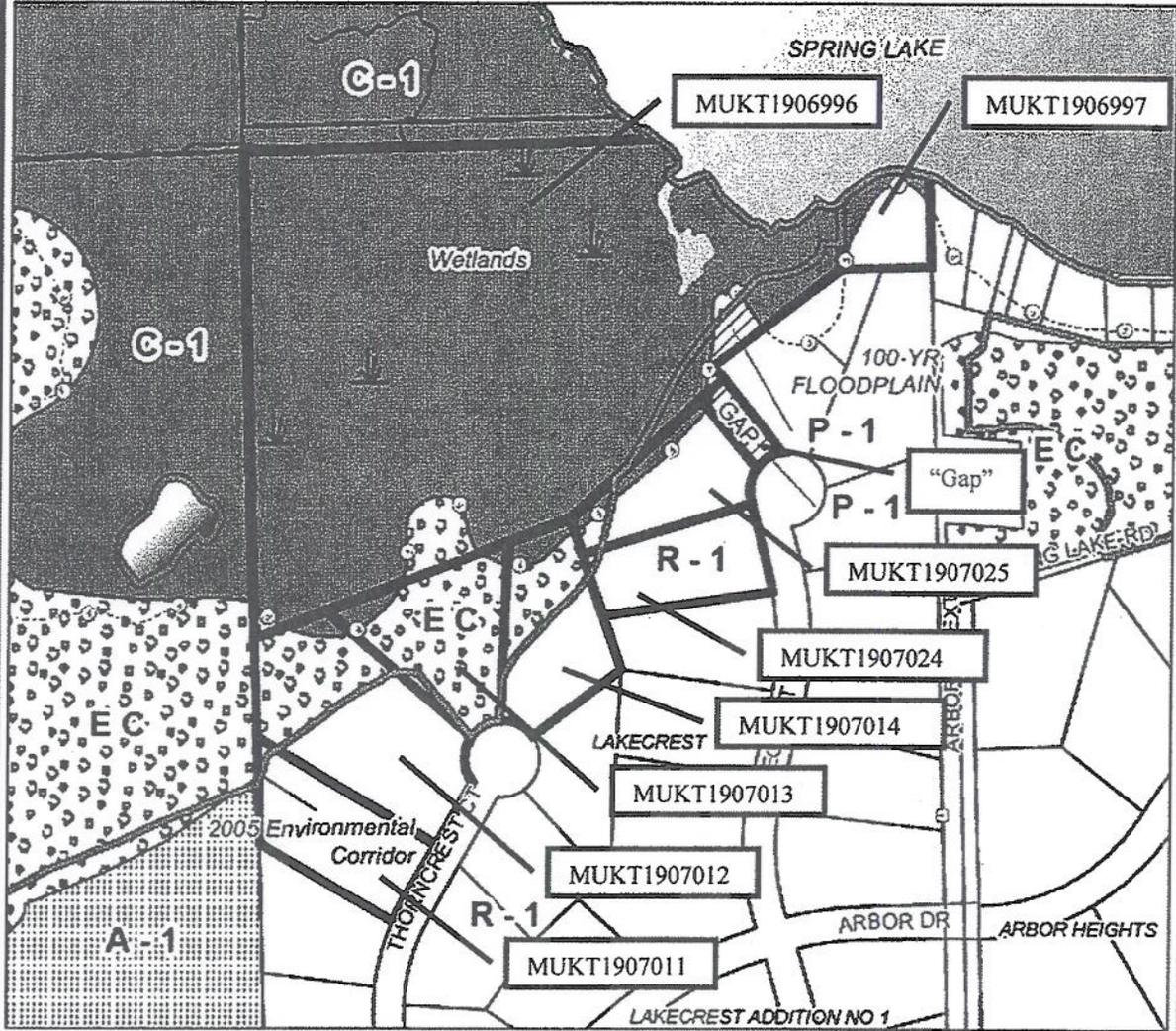
Prepared by the Waukesha County Department of Parks and Land Use

164-0-070

9.

ORDINANCE 2009-B EXHIBIT B - PROPOSED ZONING

PART OF THE NW 1/4 OF SECTION 9
TOWN OF MUKWONAGO



	Properties Being Rezoned		A-1		P-1
	FEMA Floodplain		C-1		R-1
	2005 Environmental Corridor		EC		

AREA OF CHANGE..... 20 ACRES

TAX KEY NUMBERS.....MUKT 1906.996 & .997,
MUKT 1907.011 - .014, .024 & .025



1 inch = 300 feet
0 150 300 Feet

Prepared by the Waukesha County Department of Parks and Land Use