

ENROLLED ORDINANCE 166-20

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE 1/4 OF SECTION 36, T5N, R18E, VILLAGE OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE A-P AGRICULTURAL LAND PRESERVATION AND A-1 AGRICULTURAL DISTRICTS TO THE B-P MIXED USE BUSINESS PARK DISTRICT (SVZ-1717)

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

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the Village of Mukwonago, Waukesha County, Wisconsin, is hereby amended to conditionally rezone certain lands located in part of the NE ¼ of Section 36, T5N, R18E, Village of Mukwonago, from the A-P Agricultural Land Preservation and A-1 Agricultural Districts to the B-P Mixed Use Business Park District, 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 SVZ-1717 subject to the following condition:

1. A minimum 75’ setback shall be maintained from the 100-year floodplain that was previously identified on the adjacent Village-owned lands to the east.

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

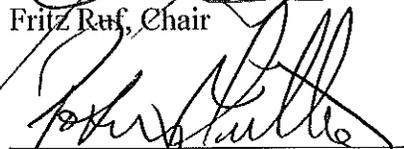
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

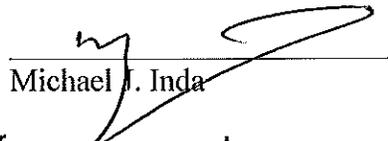
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
NE 1/4 OF SECTION 36, T5N, R18E, VILLAGE OF MUKWONAGO, WAUKESHA
COUNTY, WISCONSIN, FROM THE A-P AGRICULTURAL LAND
PRESERVATION AND A-1 AGRICULTURAL DISTRICTS TO THE
B-P MIXED USE BUSINESS PARK DISTRICT (SVZ-1717)

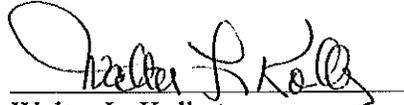
Presented by:
Land Use, Parks, and Environment Committee

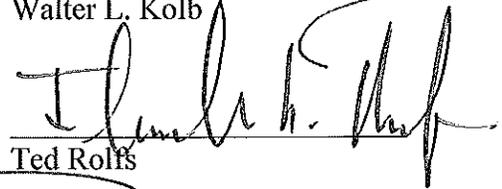

Fritz Raf, Chair

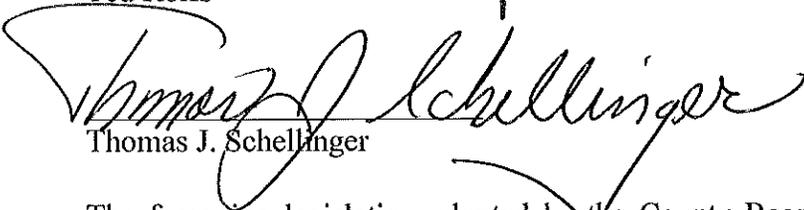

Robert Hutton


Michael J. Inda

(Absent)
James Jeskewitz

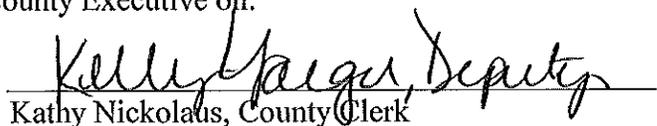

Walter L. Kolb


Ted Rolfs


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: 6/29/11

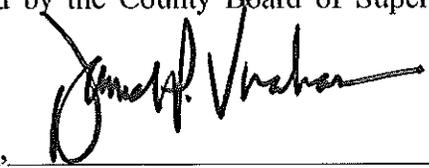

Kathy Nickolaus, County Clerk

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

Approved:

Vetoed:

Date: 6-29-11


Daniel P. Vrakas, County Executive

COMMISSION ACTION

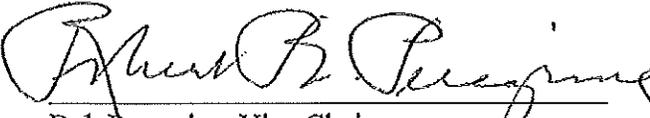
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of (SVZ-1717 The Greenwald Family Limited Partnership - YMCA) in accordance with the attached Staff Report and Recommendation.”

PARK AND PLANNING COMMISSION

June 2, 2011



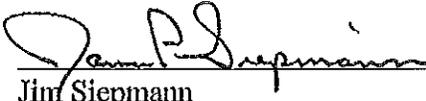
William Mitchell, Chairperson



Bob Peregrine, Vice Chairperson

Absent

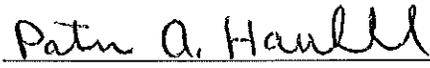
Gary Goodchild



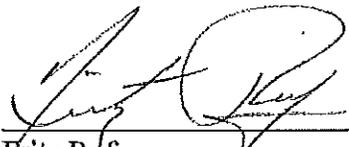
Jim Siepmann



Walter Kolb



Pat Haukohl



Fritz Rylf

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

DATE: June 2, 2011

FILE NO: SVZ-1717

PETITIONER/OWNER: The Greenwald Family Limited Partnership
632 Oakland Avenue
Mukwonago, WI 53149

TAX KEY NO.: MUKV 2103.995.003

LOCATION:

The property is located in part of the NE ¼ of Section 36, T5N, R18E, Village of Mukwonago, more specifically, southeast of Wolf Run and approximately 1,400 ft. southwest of the easterly terminus of Wolf Run containing 16.4 acres, of which, approximately 4.7 acres is within Waukesha County's shoreland jurisdiction. The project is located in a business park development located south of I-43 and east of S.T.H. 83.

PRESENT ZONING:

A-P Agricultural Land Preservation and A-1 Agricultural Districts (County Shoreland) and B-4 Commercial Business Design District (Village).

PRESENT LAND USE:

Vacant land that was previously divided for development purposes and is presently farmed.

PROPOSED ZONING:

B-P Mixed Use Business Park District (County Shoreland) and B-4 PUD (Village).

PROPOSED LAND USE:

A proposed YMCA and to allow for subdivision of lands.

PUBLIC HEARING DATE:

May 17, 2011.

PUBLIC REACTION:

There were no comments from the public.

VILLAGE OF MUKWONAGO PLAN COMMISSION ACTION:

The Village of Mukwonago Plan Commission, at their meeting of May 16, 2011, recommended approval of the related YMCA Site Plan and other associated supporting plans and documents.

VILLAGE OF MUKWONAGO BOARD ACTION:

The Village of Mukwonago Board, at their meeting of May 17, 2011, recommended approval of the YMCA site plan and related documents, thus indicating support for the rezoning. It is anticipated that the Village will act on a related Planned Unit Development request for the project at its June 7, 2011 meeting, but that action does not impact the proposed Shoreland zoning change request.

CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE VILLAGE OF MUKWONAGO COMPREHENSIVE LAND USE PLAN:

The lands are designated in the Mixed Use category on the Comprehensive Development Plan for Waukesha County and in the Business Park category on the Village of Mukwonago Comprehensive Plan. The proposed division of lands to accommodate a YMCA and other potential future business park uses is consistent with both plans, which call for a range of compatible uses in the subject land use categories.

OTHER CONSIDERATIONS:

The Waukesha County YMCA is proposing to locate a new YMCA facility on a portion of a 16 acre parcel of land that was created by CSM in 2003. A new CSM is proposed to create three parcels, and the YMCA would locate on the middle parcel (Lot 2), which would be 8 acres in area (See Exhibit "A"). The subject lands are located within an existing business park type development known as "The Gateway" which is located immediately southeast of the S.T.H. 83/I-43 interchange within the Village of Mukwonago. The business park is part of a Tax Incremental District. The subject business park lands were annexed to the Village of Mukwonago between 1999 and 2001. A Home Depot home improvement store, Walmart and a medical clinic have already been developed within the business park. A navigable tributary that passes flow both to the Mukwonago River and the Fox River traverses the business park development and flows through lands within the business park that are now owned by the Village of Mukwonago. Portions of the stream had been piped prior to development of the business park, and the stream has been restored to an open and more natural state and wetlands along the stream have been created in conjunction with the development project. The Village lands (approximately 32 acres) border both sides of the stream for almost the entire length of its run through the business park area. The Village owned lands are set aside for open space, storm water management facilities and to ensure the protection of the stream.

Pursuant to State Statutes, Waukesha County's Shoreland and Floodland Protection Ordinance remains in effect for the lands within 300' of the tributary because the shoreland area of the existing parcel was annexed after 1982. The shoreland jurisdictional area remains zoned in the A-1 Agricultural District and the A-P Agricultural Land Preservation District (see Map). The A-P district requires a minimum 35 acre parcel area, and the proposed division would result in three parcels of 8 acres, 5.4 acres and 3 acres. Therefore, the owner of the property is seeking a zoning change to the B-P Mixed Use Business Park District category, which allows for a minimum parcel size of 20,000 square feet and allows for a wide range of compatible uses, including indoor recreational facilities.

Waukesha County does not have review authority over CSMs within incorporated municipalities, and consequently, did not participate in the review of the initial subdivision of business park lands which was done via multiple CSMs. It appears as though the subject lands should have rightfully been rezoned in 2003, when the initial land divisions occurred for the business park project. Planning Staff has discussed with the Village Planner the possibility of rectifying the zoning of the balance of the shoreland area within the development as part of the County's map modernization project that is currently ongoing. The Village has indicated that they would support such a comprehensive change as part of the map modernization effort. In the meantime, the YMCA is proposing to obtain approvals in the hopes of starting construction within the near future, and their aggressive timing schedule dictated that they did not wish to wait for the map modernization project to conclude first.

Of the three proposed parcels, only proposed Lot 2 has a specific identified end user at the present time, with that being the YMCA. Phase 1 of the YMCA project would include construction of a 57,664 square foot building and 269 total parking stalls (See Exhibit "B"). A future Phase 2 expansion would include a 35,750 square foot expansion and 332 parking stalls for a total of 93,414 square feet and 601 parking stalls. This would result in a floor area ratio of 27% for Lot 2, whereas the B-P district allows for 50% floor area ratio for projects served by municipal sewer and water. Approximately 41% of the YMCA site will remain

in green space, whereas the B-P District only requires a minimum of 25% green space. Phase 1 would include multi-function recreation space, meeting space and pool facilities. Phase 2 would allow for pool and gym expansions.

All natural resource setback provisions of the Shoreland ordinance are being complied with. Because of the Village ownership of lands to the west of the stream, the majority of the required 75' stream, wetland and floodplain setback areas occur on Village lands rather than the subject parcel. A floodplain analysis was performed as part of the development of the business park in the early 2000s, and that boundary is also located on Village lands to the east. There are no wetlands located on the subject property. A drainage ditch was created during development of the business park and was sited to the west of known wetlands, thus offering an adequate buffer between the subject site and the wetlands to the east of the drainage ditch. A bio-retention basin is proposed in the northeast corner of the YMCA parcel to treat run-off, and the larger business park is also served by a Village regional basin. Shallow bedrock prevents the use of an infiltration facility, however, bio-retention is being proposed to both mitigate thermal impacts from run-off and to avoid safety hazards that would come with a pond, as the facility provides numerous services for children.

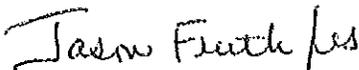
STAFF RECOMMENDATION:

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

1. A minimum 75' setback shall be maintained from the 100-year floodplain that was previously identified on the adjacent Village-owned lands to the east.

The Planning and Zoning Division Staff believes that as conditioned, the project conforms to both the County Development Plan and the Shoreland and Floodland Protection Ordinance. The existing business park area is well positioned at a major state trunk highway and interstate highway interchange, and subdivision of parcels within the development is appropriate in order to accommodate individual uses. The YMCA will be a valuable community asset and will further the recreational, fitness and social needs of a growing community and region. A business park setting is appropriate for such a facility, given its high traffic nature and significant parking needs. Further, such facilities can provide fitness and programming activities for employees and visitors to establishments within the business park. The rezoning will also prepare two other proposed parcels to accommodate other future business park businesses or users. Natural resources on adjacent lands have been protected through prior Village action and will be further protected as conditioned above.

Respectfully submitted,

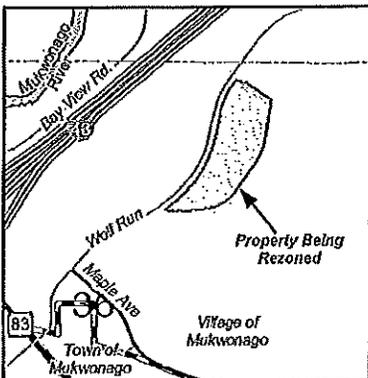
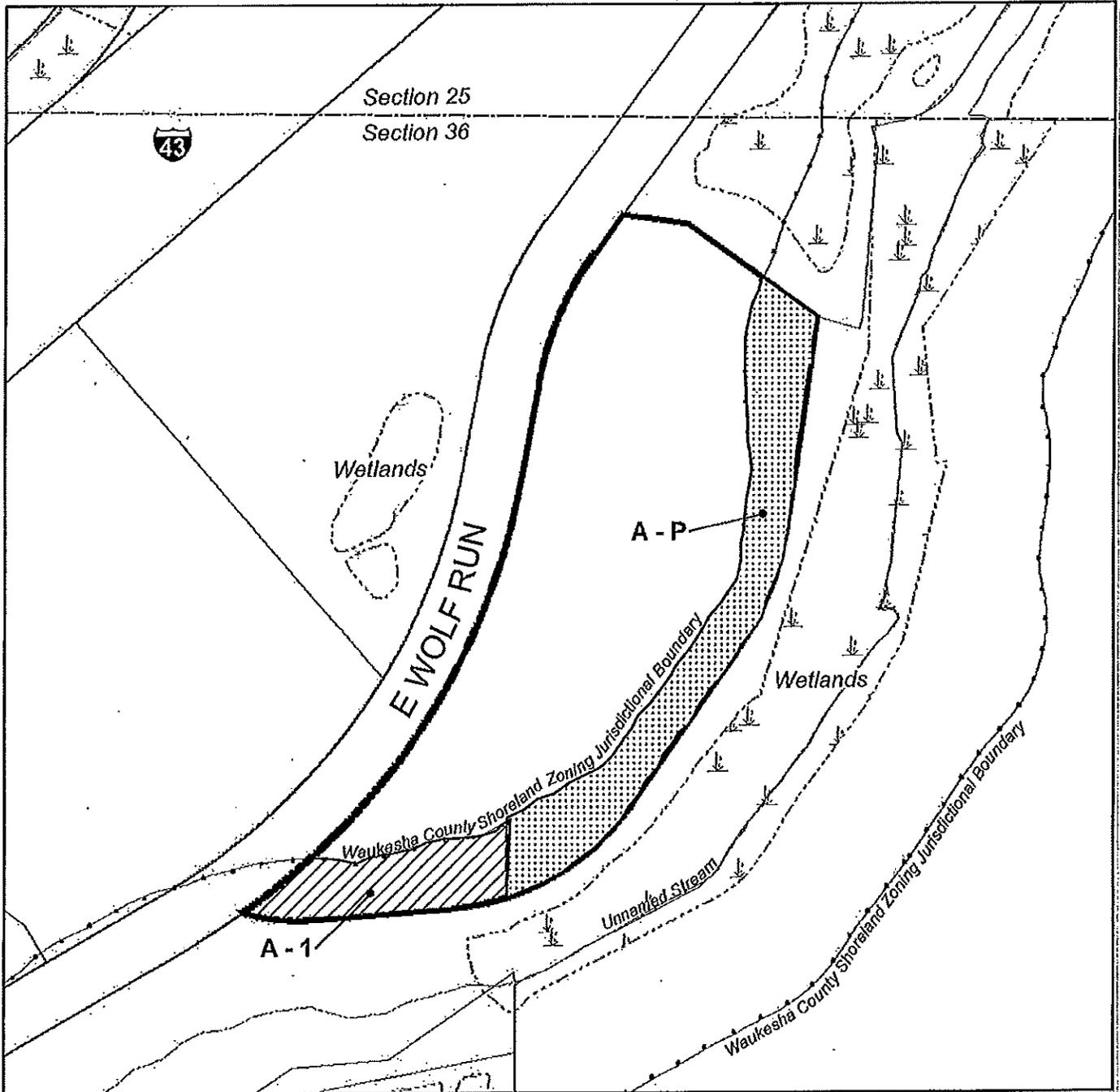


Jason Fruth
Planning and Zoning Manager

Attachment: Exhibits "A", "B" and Map

ZONING MAP AMENDMENT

PART OF THE NE 1/4 OF SECTION 36
VILLAGE OF MUKWONAGO (T5N, R18E)



SHORELAND ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO B-P MIXED USE BUSINESS PARK DISTRICT (approx. 1.4 Ac)



SHORELAND ZONING CHANGE FROM A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO B-P MIXED USE BUSINESS PARK DISTRICT (approx. 3.3 Ac)

FILE.....SVZ-1717

DATE.....06/02/11

AREA OF CHANGE.....APPROX. 4.7 ACRES

TAX KEY NUMBER.....MUKV 2013.995.003

Prepared by the Waukesha County Department of Parks and Land Use

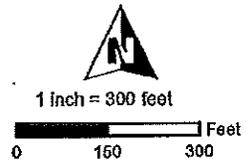


EXHIBIT "A"

RECEIVED

MAR 24 2011

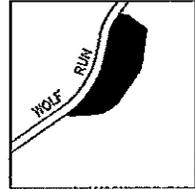
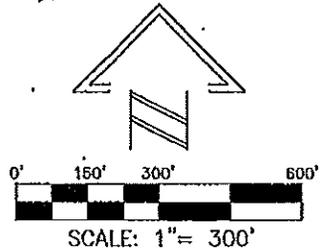
DEPT OF PARKS & LAND USE

CERTIFIED SURVEY MAP NO. _____

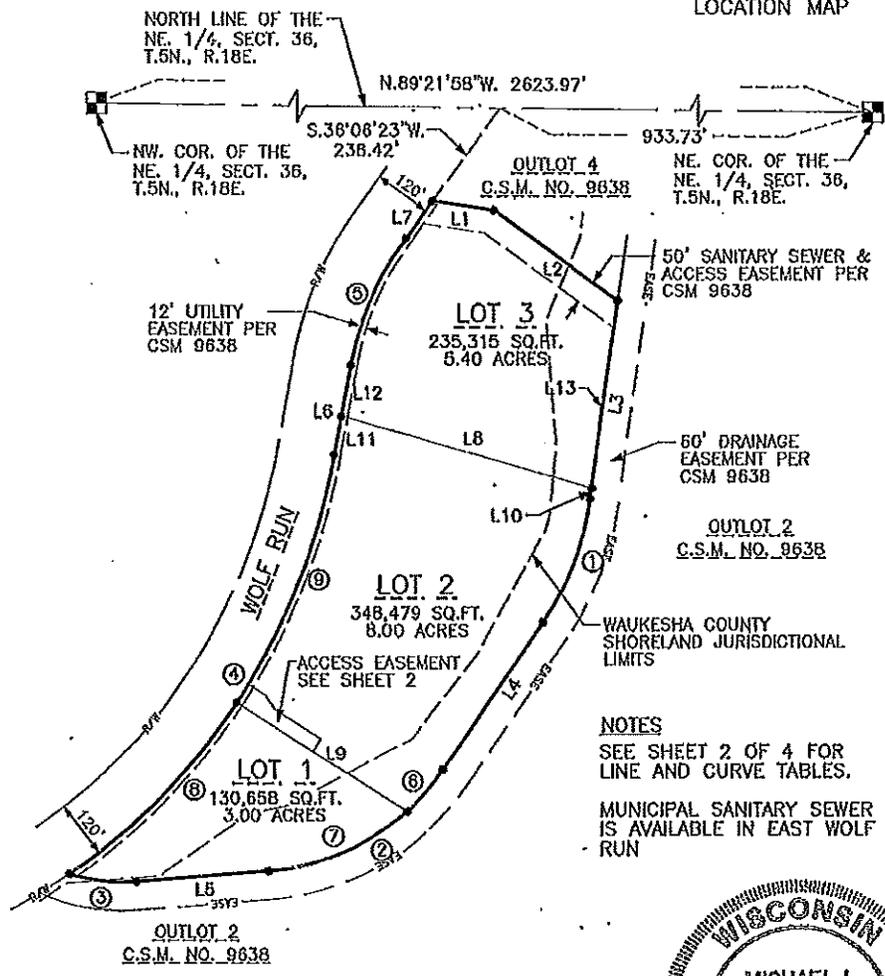
Being a division of Lot 3 of Certified Survey Map No. 9638, being a part of the Northwest 1/4, Northeast 1/4, Southeast 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 36, Township 5 North, Range 18 East, in the Village of Mukwonago, Waukesha County, Wisconsin.

GRAEF

One Honey Creek Corporate Center
125 South 84th Street,
Suite 401
Milwaukee, WI 53214-1470
414 / 269 1600
414 / 269 0037 fax
www.graef-usa.com



NE. 1/4, SECT. 36, T.5N., R.18E.
LOCATION MAP



NOTES
SEE SHEET 2 OF 4 FOR
LINE AND CURVE TABLES.
MUNICIPAL SANITARY SEWER
IS AVAILABLE IN EAST WOLF
RUN

REFERENCE BEARING

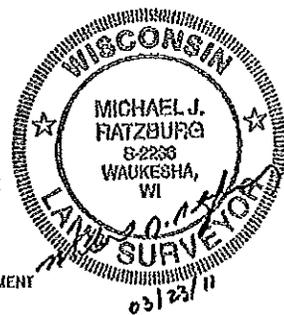
All bearings are referenced to the north line of the NE. 1/4 of Sect. 36, T.5N. R.18E. which bears N.89°21'58"W. and is referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone.

OWNER

Greenwald Family Limited Partnership
632 Oakland Avenue
Mukwonago, Wisconsin 53149

LEGEND

- FOUND 1" IRON PIPE
- 1" DIA. x 24" LG. IRON PIPE SET, MINIMUM WEIGHT 1.13 LBS/FT.
- FOUND CONC. MONUMENT W/BRASS CAP



THIS INSTRUMENT WAS DRAFTED BY: MICHAEL J. RATZBURG JOB. NO. 20090125 SHEET 1 OF 4

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/28/11

(ORD) NUMBER-1660020

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.....
 15 P. MEYERS.....AYE
 17 J. TORTOMASI.....AYE
 19 S. WIMMER.....AYE
 21 W. ZABOROWSKI.....AYE
 23 D. DRAEGER.....AYE
 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 M. INDA.....
 16 D. PAULSON.....AYE
 18 K. CUMMINGS.....NAY
 20 P. JASKE.....
 22 P. GUNDRUM.....
 24 W. KOLB.....AYE

TOTAL AYES-20

TOTAL NAYS-01

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-21