

ENROLLED ORDINANCE 167-12

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE OF THE TOWN OF GENESEE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 27, T6N, R18E, TOWN OF GENESEE, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME DISTRICT TO THE P-I PUBLIC AND INSTITUTIONAL DISTRICT (SZ-1734)

WHEREAS after proper notice was given a public hearing was held and the subject matter of this Ordinance was approved by the Genesee Town Board on May 14, 2012, and

WHEREAS the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Genesee, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to conditionally rezone from the A-2 Rural Home District to the P-I Public and Institutional District, certain lands located in part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee, 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 SZ-1734, is hereby approved, subject to the following condition:

- The petitioner must field locate the 100-year floodplain boundary and survey the wetland boundary staked by SEWRPC. These lines will represent the final C-1 Conservancy District boundaries. Survey information must be presented to the Waukesha County Planning and Zoning Division Staff no later than May 17, 2013.

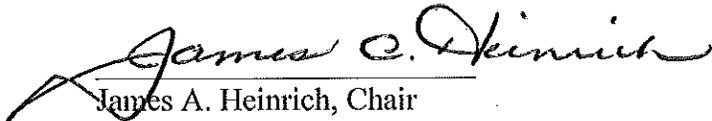
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town of Genesee Clerk.

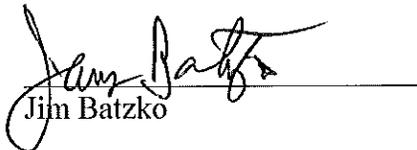
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

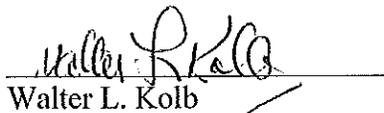
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

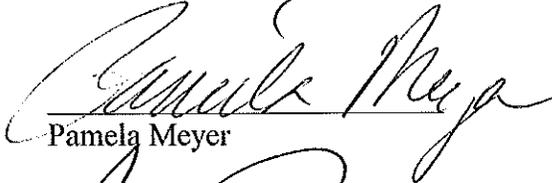
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE OF THE TOWN OF GENESEE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 27, T6N, R18E, TOWN OF GENESEE, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME DISTRICT TO THE P-I PUBLIC AND INSTITUTIONAL DISTRICT (SZ-1734)

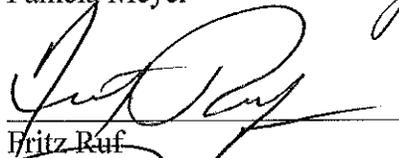
Presented by:
Land Use, Parks, and Environment Committee

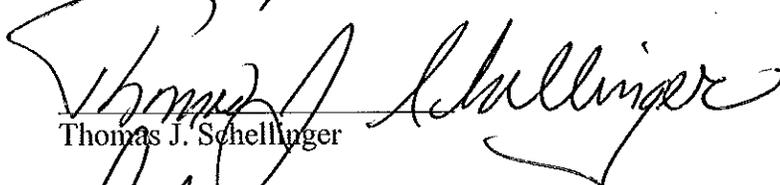

James A. Heinrich, Chair

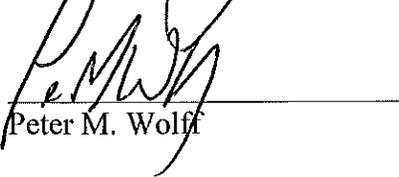

Jim Batzko


Walter L. Kolb

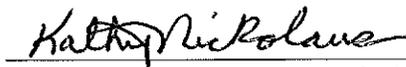

Pamela Meyer


Fritz Ruf

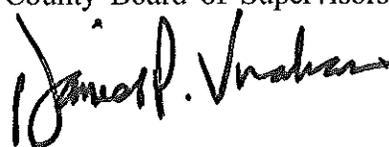

Thomas J. Schellinger


Peter M. Wolff

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

Date: 7-1-2012, 
Kathy Nickolaus, County Clerk

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

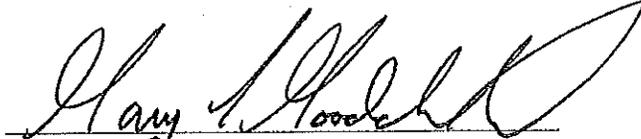
Approved: _____
Vetoed: _____
Date: 7-2-12, 
Daniel P. Vrakas, County Executive

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 SZ-1734 (Carroll University) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

May 17, 2012



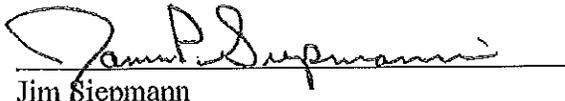
Gary Goodchild, Chairperson



Bob Peregrine, Vice Chairperson

(Absent)

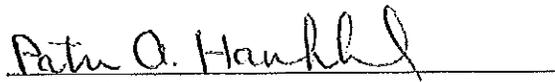
William Mitchell



Jim Siepmann



Walter Kolb



Pat Haukohl



Fritz Ruf

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

DATE: May 17, 2012

FILE NO.: SZ-1734

TAX KEY NO.: GNT 1546.989

PETITIONER: Carroll University
100 N. East Avenue
Waukesha, WI 53186

OWNER: William Parrott
315 Whitfield Drive
Geneva, IL 60134

LOCATION:
The parcel is located in part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee. More specifically, the property is located at W307 S4706 S.T.H. "83" and contains approximately 2.8 acres.

PRESENT ZONING CLASSIFICATION:
A-2 Rural Home, C-1 Conservancy and R-1 Residential Districts.

PRESENT LAND USE:
Residential

PROPOSED ZONING:
P-I Public and Institutional District. The R-1 Residential and C-1 Conservancy Districts will remain unchanged.

PROPOSED LAND USE:
Research and education center associated with the Greene Field Station, which is located on adjacent Carroll University lands immediately north of the subject property.

PUBLIC HEARING DATE:
April 23, 2012.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION ACTION:
On April 23, 2012, the Town Plan Commission unanimously recommended approval of the rezoning request with no conditions.

TOWN BOARD ACTION:

On May 14, 2012, the Town Board approved the rezoning request as presented with no conditions.

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

Both the Town and County amended their Plans in 2012 from the Rural Density and Other Agricultural Land category to the Governmental and Institutional category to accommodate the proposed use. There are also lands designated as Primary Environmental Corridor on the Town and County Plans, which will remain unchanged.

OTHER CONSIDERATIONS:

The subject property is located in the northeast corner of S.T.H. 83 and S.T.H. 59 and contains approximately 2.8 acres. The property contains a residence and three (3) outbuildings. Genesee Creek traverses the property and there are associated wetlands, floodplain, and Primary Environmental Corridor adjacent to the creek. The property is served by a private septic system and well.

Carroll University currently owns adjacent lands to the north, which have been used for educational and research purposes since the 1970's. These adjacent lands to the north are better known as the Greene Field Station and are primarily designated as wetland and floodplain, with no buildable acreage. Carroll University is requesting to rezone a portion of the subject property from the A-2 Rural Home District to P-I Public and Institutional District to accommodate the university's pending acquisition. The acquisition of the subject parcel will provide the university with physical building space that is currently lacking for instructional and functional purposes. The rezone would allow the university to pursue the conversion of the large outbuilding into classroom, storage and equipment cleaning space. The facility would accommodate students or groups of approximately 25 persons. It is anticipated that the facility would be used both by Carroll students and faculty and local school and organization groups. The university has no formal plan for the residence at this time, but one concept would be for the residence to be used by visiting faculty.

There is a small area in the southwest corner of the property currently zoned R-1. The area is designated as Primary Environmental Corridor on the Town and County's Land Use Plans and shown as E-C Environmental Corridor District on the County's draft zoning maps. Therefore, Carroll University is not proposing to rezone this portion of the property. Rather, they will comply with the requirements of the established zoning district for said area. In the future, and depending upon final natural resource determinations, it is expected that portions of the site will be zoned to the EC District as part of a comprehensive zoning change. The areas zoned C-1 Conservancy District will remain undisturbed.

The Planning and Zoning Division Staff has submitted a request to the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to have the wetlands and Primary Environmental Corridor delineated on the subject property. It is possible that the residence and outbuildings may be legal nonconforming structures relative to wetland or floodplain setback. The structures will also be deemed legal nonconforming from offset, since the P-I District requires a 50 ft. offset for all structures, whereas all of the structures are located within 50 ft. of the north lot line. Because the university owns the adjacent parcel to the north, a CSM could eliminate the non-conforming offset issue. Because of the legal nonconforming status of the structures, future additions to the structures

may require variances from the Waukesha County Board of Adjustment. Recent law changes would allow for unlimited renovations to the existing structures without the need for a variance, provided no changes to building footprints are proposed.

The university would like to maintain the existing driveway that crosses Genesee Creek and traverses the environmental corridor, wetland and floodplain. The petitioner also expressed a desire to maintain a two or three car parking area in close proximity to the existing driveway and S.T.H. 83. Until SEWRPC conducts field inventories and the 100-year floodplain is located by the petitioner, the full limits of natural resources as they relate to the driveway and contemplated parking area are not known. The layout and details of the facility will require review and approval by the Town and County through a Site Plan and Plan of Operation permit process. At such time, parking, driveway access, lighting, signage, structural modifications, impacts to the resources, etc. will be considered.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that the request to rezone the property be **approved** subject to the following condition:

- The petitioner must field locate the 100-year floodplain boundary and survey the wetland boundary staked by SEWRPC. These lines will represent the final C-1 Conservancy District boundaries. Survey information must be presented to the Waukesha County Planning and Zoning Division Staff no later than May 17, 2013.

The subject property and adjacent property to the north contain valuable natural resources. The rezone, as conditioned, will provide enhanced natural resource educational opportunities for university students, faculty, and local school groups and organizations.

Respectfully submitted,

Amy Barrows

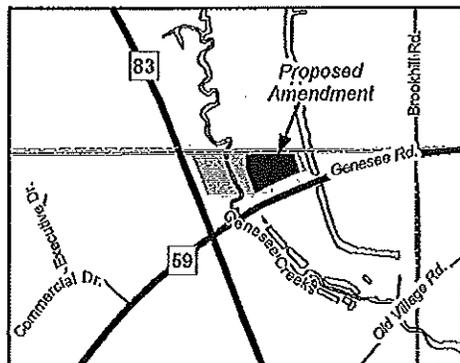
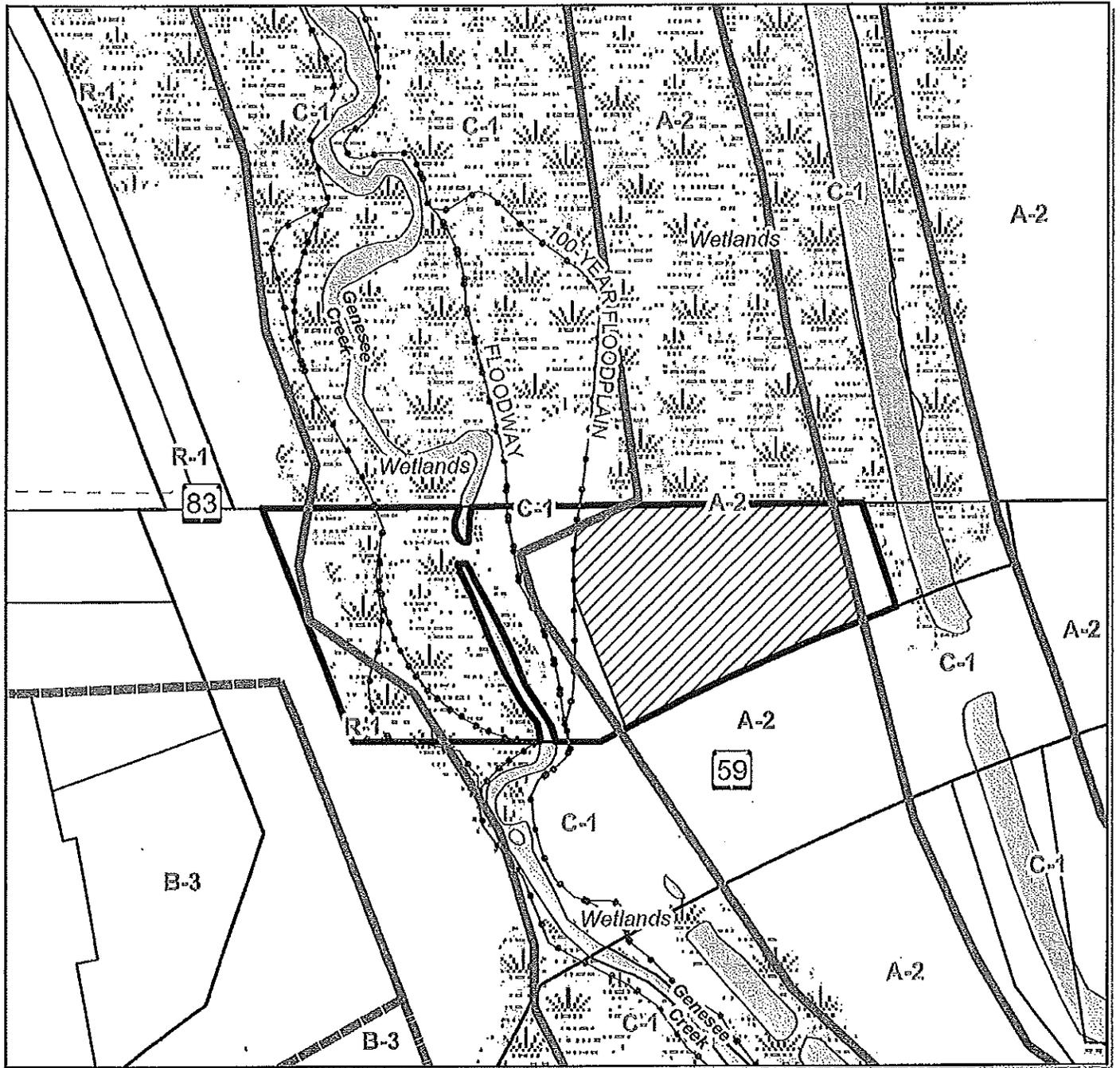
Amy Barrows
Senior Land Use Specialist

Enclosure: Map and Town Resolution

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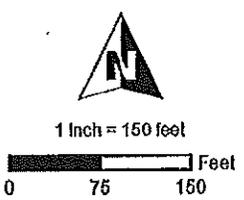
ZONING AMENDMENT

PART OF THE NW 1/4 OF SECTION 27
TOWN OF GENESEE



 SHORELAND ZONING CHANGE FROM A-2 RURAL HOME DISTRICT TO P-I PUBLIC AND INSTITUTIONAL DISTRICT

PETITIONER.....CAROLL UNIVERSITY
 FILE.....SZ-1734
 DATE OF PLAN COMM. CONSIDERATION.....05-17-12
 AREA OF CHANGE.....1.25 ACRES
 TAX KEY NUMBER.....GNT 1546.989 0



Prepared by the Waukesha County Department of Parks and Land Use

RESOLUTION 12-2R

RECEIVED

TOWN BOARD OF THE TOWN OF GENESEE

MAY 17 2012

A Municipal Corporation

DEPT OF PARKS & LAND USE

WHEREAS, a Zoning Amendment request was filed by Ron Lostetter, representative for Carroll University to amend the Waukesha County Shoreland and Floodland Protection Ordinance from the A-2 Rural Home District to the P-I Public and Institutional District, on the following described property:

Part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee and is located at W307 S4706 S.T.H. 83. Also known as Tax Key No. GNT 1546.989

and,

WHEREAS, A Joint Public Hearing was held by the Town of Genesee Plan Commission and the Waukesha County Department of Parks and Land Use on April 23, 2012 at the Genesee Town Hall located at S43 W31391 Highway 83 Genesee Depot, Wisconsin to consider said request:

and

WHEREAS, the Town of Genesee Plan Commission held a public meeting to discuss said request. After discussion in regards to said request, by motion, properly made and seconded, the Genesee Town Plan Commission voted to recommend to the Town Board an approval of the request.

WHEREAS, the Genesee Town Board held a public meeting on May 14, 2012 to discuss said request. Based upon the same:

IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF GENESEE, it being the town affected by said proposed zoning amendment, that, the request for the petitioner be approved as presented:

AND FURTHER BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF GENESEE,
that the Town of Genesee does hereby give notice to the County that it approves the zoning
amendment request of Ron Lostetter, Representative for Carroll University.

Dated this 14th day of May, 2012

Sharon L. Leair
Sharon L. Leair, Chairman

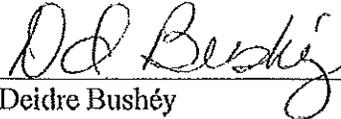
Deidre Bushey
~~Barbara A. Whitmore, Town Clerk~~
Deidre Bushey Deputy Clerk

CERTIFICATION

This is to certify that the
attached is a true and accurate copy

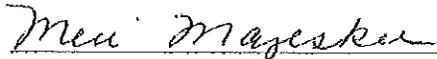
of Resolution 12-2R
Request to amend Waukesha County
Shoreland and Floodland Protection Ordinance
from A-2 Rural Home District to P-I Public
and Institutional District on the following
described property-
Part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee
and is located at W307 S4706 S.T.H. 83, also known as
Tax Key No. GNT 1546.989

Town of Genesee,
Waukesha County, Wisconsin, approved on the
14th day of May, 2012



Deidre Bushéy
Deputy Clerk
Town of Genesee

Subscribed and sworn to before me
this 16 day of MAY, 2012



Notary Public, State of Wisconsin

My commission expires on: 3-16-16

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/26/12

(ORD) NUMBER-1670012

1 C. SLATTERY.....AYE
 3 R. MORRIS.....AYE
 5 J. BRANDTJEN.....AYE
 7 J. GRANT.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....AYE
 13 P. DECKER.....AYE
 15 W. KOLB.....AYE
 17 D. PAULSON.....
 19 C. CUMMINGS.....AYE
 21 W. ZABOROWSKI.....AYE
 23 K. HAMMITT.....AYE
 25 G. YERKE.....AYE

2 D. FALSTAD.....AYE
 4 J. BATZKO.....AYE
 6 J. JESKEWITZ.....AYE
 8 P. HAUKOHL.....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 P. MEYER.....AYE
 16 M. CROWLEY.....AYE
 18 L. NELSON.....AYE
 20 T. SCHELLINGER...AYE
 22 P. JASKE.....
 24 D. DRAEGER.....AYE

TOTAL AYES-23

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-23