

ENROLLED ORDINANCE 174-074

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 31, T6N, R19E, TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURE DISTRICT TO THE RE RESIDENCE ESTATE DISTRICT (RZ50)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Waukesha Town Board on September 12, 2019; 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 60.62, Wis. Stats.

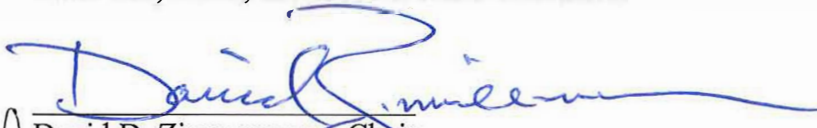
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Waukesha Zoning Ordinance, adopted by the Town of Waukesha on February 2, 2019, is hereby amended to conditionally rezone from the A-1 Agriculture District to the RE Residence Estate District, certain lands located in part of the SE ¼ of Section 31, T6N, R19E, Town of Waukesha, 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 RZ50, is hereby approved subject to the conditions of the Town of Waukesha Ordinance 2019-11.

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

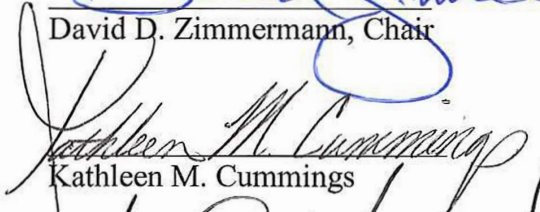
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 31, T6N, R19E, TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURE DISTRICT TO THE RE RESIDENCE ESTATE DISTRICT (RZ50)

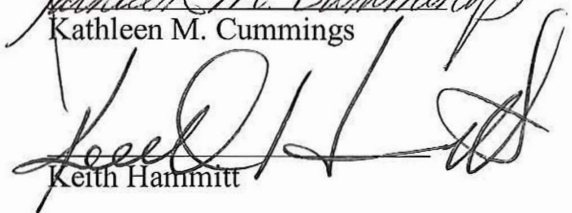
Presented by:
Land Use, Parks, and Environment Committee



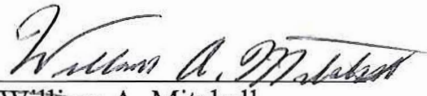
David D. Zimmermann, Chair



Kathleen M. Cummings



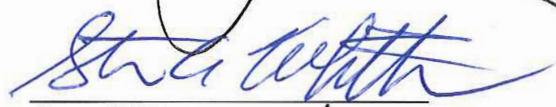
Keith Hammitt



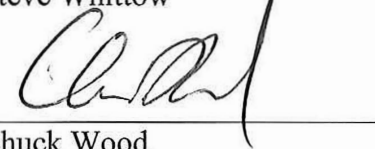
William A. Mitchell



Thomas J. Schellinger




Steve Whittow



Chuck Wood

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

Date: 12/20/19, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

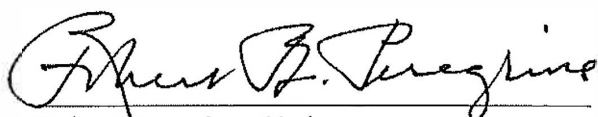
Date: 12-20-19, 
Paul Farrow, County Executive

COMMISSION ACTION

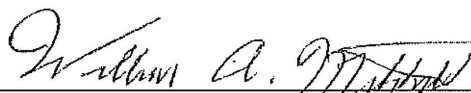
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Ordinance hereby recommends **approval** of (RZ50 Campbell) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

November 21, 2019



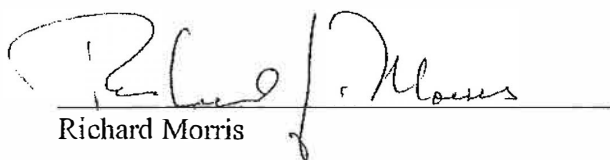
Robert Peregrine, Chairperson



William Mitchell, Vice Chairperson



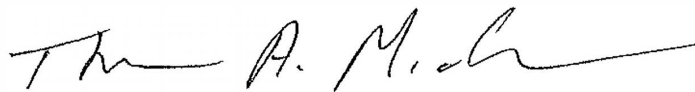
James Siepmann



Richard Morris



William Maslowski



Thomas Michalski

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

DATE: November 21, 2019

FILE NO.: RZ50

TAX KEY NO.: WAKT 1420.997.001

PETITIONER/OWNER: Campbell 2006 Joint Revocable Trust
c/o Sandy Campbell
W273 S6201 River Road
Waukesha, WI 53189

LOCATION:
Part of the SE ¼ of Section 31, T6N, R19E, Town of Waukesha. More specifically, the property is located at the River Road address cited above. The property contains approximately 61 acres total, with approximately 4.2 acres to be rezoned by the Town of Waukesha.

PRESENT ZONING CLASSIFICATION:

- A-1 Agriculture District (Town).

- A-1 Agricultural & HG High Groundwater Districts, with C-1 Conservancy & EC Environmental Corridor Overlay Districts. (County – remains unchanged).

PRESENT LAND USE:

Agricultural.

PROPOSED ZONING:

RE Residence Estate District (Town).

PROPOSED LAND USE:

Residential.

PUBLIC HEARING DATE:

September 12, 2019.

PUBLIC REACTION:

A Town resident stated that he was in favor of keeping farmland. He felt that if farmland is to be sold, it should be sold to another farmer.

TOWN PLAN COMMISSION:

On September 12, 2019, the Town Plan Commission, unanimously recommended approval of the rezoning request with two conditions that are referred to in the “Staff Recommendation” section of this report.

TOWN BOARD ACTION

On September 12, 2019, the Town Board unanimously approved the rezoning request as recommended by the Town Plan Commission.

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

The Town and County Land Use Plans designate the area of the property to be rezoned in the Agricultural and Rural Density/Other Agricultural Land categories, respectively. Both plans provide for a density of one dwelling unit per 5 to 34.9 acres of land area. The proposal complies with the density provided in the Town and County Land Use Plans. Portions of the property are also categorized as Environmental Corridor and Other Lands to be Protected. However, these areas are not included in the area to be rezoned.

A portion of the property located adjacent to the Fox River and within the wetland, floodplain, and Primary Environmental Corridor is identified on the Waukesha County Park and Open Space Plan as proposed County ownership. The designated area is part of the Fox River Greenway. There is also a recreational trail proposed on the east side of the river as part of the Greenway. At this time, the County is not in a position to acquire the acreage and there are no plans to construct a trail in the near future. However, the area will remain on the Park and Open Space for potential future interest.

OTHER CONSIDERATIONS:

The property contains a total of approximately 61 acres, including land on the east and west sides of the Fox River. The property is located on the west side of CTH I, approximately 1.2 miles south of the City of Waukesha. The Vernon Marsh is located directly east of the property. The petitioner is proposing to sell the acreage located on the east side of the river, which is approximately 10 acres, for single family residential purposes. See Exhibit A for a map of the proposed lot. The petitioner would retain the acreage on the west side of the river, which includes the farmstead.

The acreage on the east side of the river has split jurisdiction. The area within 300 ft. of the river or within the floodplain is located within the County's shoreland zoning jurisdiction. This area is zoned A-1 Agricultural, which requires a minimum lot size of three acres, and HG High Groundwater. There are also C-1 Conservancy and EC Environmental Corridor Overlays. The proposed land division complies with the County's zoning provisions. The remaining 4.2 acres along CTH I is located within the Town's zoning jurisdiction. The Town-zoned lands are designated in the A-1 Agricultural District, which requires a minimum lot size of 20 acres, whereas a 10-acre lot is proposed. The petitioner is proposing to rezone the Town-zoned lands to the RE Residential Estate District, which requires a minimum lot size of three (3) acres. The proposed lot contains suitable soils for a septic system and there is sufficient buildable area that complies with Town and County zoning provisions.

STAFF RECOMMENDATION

It is the opinion of the Planning and Zoning Division staff that the request be **approved** subject to the conditions of the Town of Waukesha Ordinance 2019-11.

The approval of the request will allow for a land division to occur on a property that is already divided by the Fox River. The petitioner will be able to sell the land on the east side of the river for single-family residential use. The proposed rural residential use is consistent with development along CTH I in the Town of Waukesha. The CSM will contain restrictions that preserve the acreage that is proposed to ultimately be part of the Fox River Greenway. More detailed trail planning will be needed to determine where a future trail easement would be most desirable.

Respectfully submitted,

Amy Barrows

Amy Barrows
Senior Planner

Attachments: Exhibit A: Proposed Certified Survey Map
Town Ordinance No. 2019-11
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ50 Campbell Wkt.Docx

EXHIBIT "A"

ARC™
(262) 542-8200

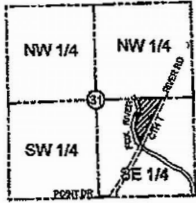
RECEIVED

NOV 08 2019

FORM ARC-101

CERTIFIED SURVEY MAP NO. _____ Sheet 1 of 7

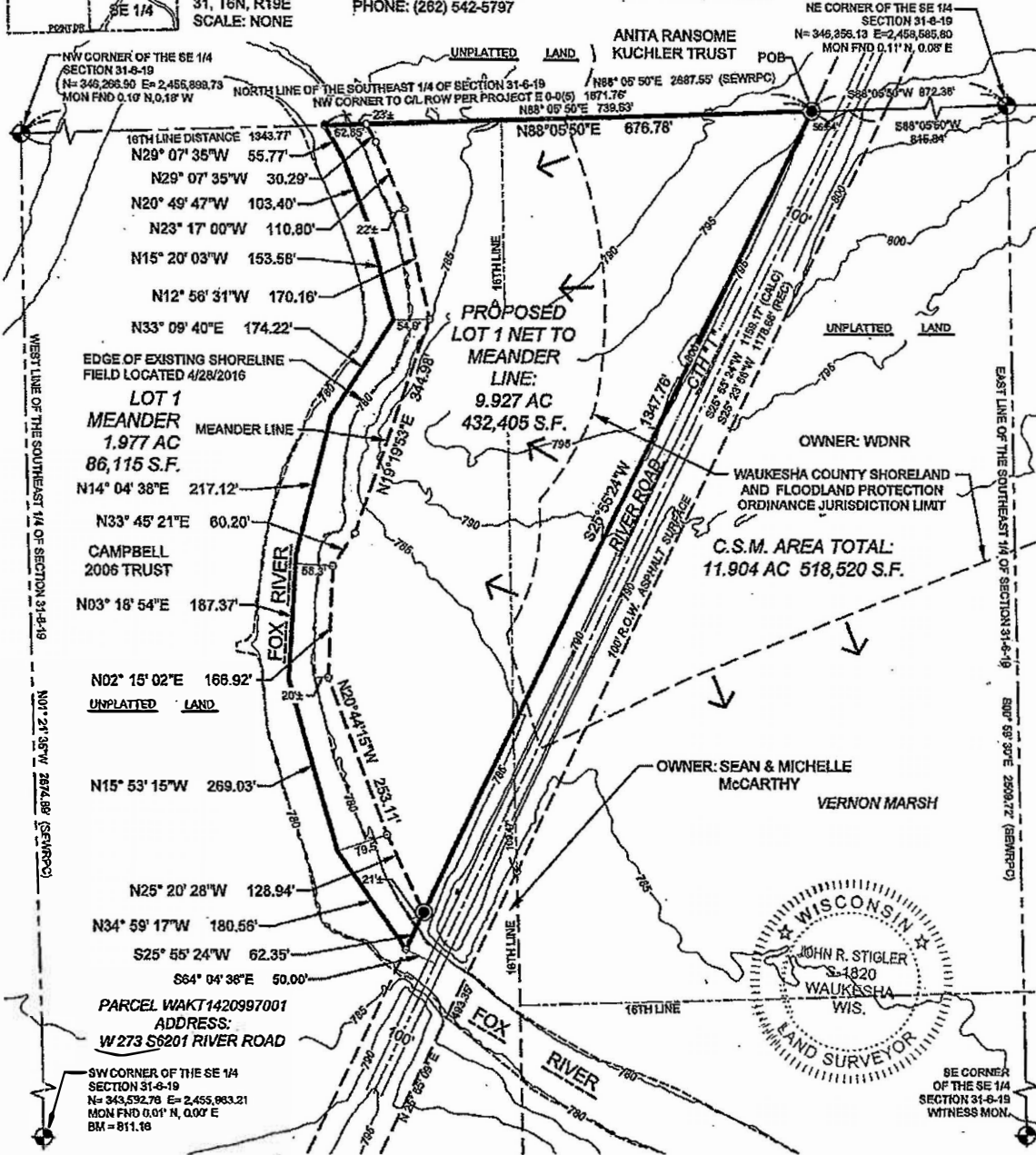
All that part of the Northeast Quarter (NE 1/4) and Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 31, Town 6 North, Range 19 East
TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN



VICINITY MAP
NW 1/4 OF SEC.
31, T6N, R19E
SCALE: NONE

SURVEYOR:
JOHN R. STIGLER, PLS
JAHNKE & JAHNKE ASSOC., LLC
711 WEST MORELAND BLVD.
WAUKESHA, WI. 53188-2479
PHONE: (262) 542-5797

OWNER/SUBDIVIDER:
SANDY D. CAMPBELL
PATRICA M. CAMPBELL
W273 S6201 RIVER RD
WAUKESHA, WI 53189



John R. Stigler
JOHN R. STIGLER - Wis. Reg. No. S-1820
DATED this 26th DAY of July, 2019
REVISED this 20th DAY of September, 2019
REVISED this 8th DAY of October, 2019
INSTRUMENT DRAFTED BY JOHN R. STIGLER
P.S. WAUKESHA 5421
FILE NAME: S:\PROJECTS\19-8884\DWG\19-8884_CSM.DWG

ORDINANCE NO. 2019-11
TOWN OF WAUKESHA

AN ORDINANCE TO CONDITIONALLY REZONE AND AMEND THE TOWN
OF WAUKESHA ZONING DISTRICT MAP
OF THE TOWN OF WAUKESHA ZONING ORDINANCE
BY PLACING CERTAIN LANDS IN THE TOWN OF WAUKESHA FROM THE
A-1 AGRICULTURE TO THE
RE RESIDENCE ESTATE DISTRICT

RECEIVED
10/18/2019
DEPT OF
PARKS & LAND
USE

WHEREAS, a petition has been filed by Sandy Campbell, petitioning pursuant to Section 42-48(b) for rezoning property W273S6201 River Road, Tax Key 1420997001 depicted in attached Exhibits A, attached hereto and incorporated herein by reference (the "Subject Property"); and

WHEREAS, upon receipt of the petition the Town Clerk scheduled a public hearing to be held jointly by the Town Plan Commission and the Town Board September 12, 2019, pursuant to Section 42-48(d); and

WHEREAS, the Town Clerk for the Town of Waukesha has properly transmitted notice to the Town Plan Commission, Town Board, and to the Waukesha County Park and Planning Commission, pursuant to Section 42-48(d)(2) of the Town of Waukesha Zoning Code; and

WHEREAS, the Plan Commission considered the testimony taken at the public hearing, along with other pertinent technical information and made a recommendation to the town pursuant to Section 42-48(d)(3) of the Town of Waukesha Zoning Code; and

WHEREAS, the Town Board for the Town of Waukesha at the September 12, 2019 meeting after carefully reviewing the recommendation of the Plan Commission for the Town of Waukesha and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety, morals, comfort, prosperity and general welfare of the Town of Waukesha of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the rezoning will serve the public health, safety morals, comfort, prosperity and general welfare of the Town of Waukesha, and that such amendments are intended to provide for adequate light, air, convenience of access, and safety from fire and other dangers; to promote the safety and efficiency of the public streets and highways; to aid in conserving and stabilizing the economic values of the community; to promote the orderly development of land; to preserve and promote the general attractiveness and character of the community environment; to guide the proper distribution and location of population and of the various land uses; and otherwise provide for the healthy and prosperous growth of the community, and that such rezoning will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance and will not unduly limit or restrict the use of

property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW THEREFORE, the Town Board for the Town of Waukesha, Waukesha County does hereby ordain as follows:

SECTION 1: The Subject Property identified as W273S6201 River Rd, Tax ID AKT1420997001 depicted by map on Exhibit A and by legal description (east of the Fox River) Located in part of the NE ¼ and NW ¼ of Section 31, T6N R19E, both exhibits attached hereto and incorporated herein by reference, are hereby conditionally amended to change the zoning of such property from A-1 Agriculture to the RE Residence Estate District, if the conditions stated in Section 2 of this ordinance are met.

SECTION 2: The above rezoning and zoning map amendment is conditioned upon the following conditions, which must be complied with or this ordinance is null and void:

1. The Rezone approval shall not be in full force and effect until approved by the Waukesha County Board of Supervisors, and the Petitioner obtains approval of the Certified Survey Map by the Town of Waukesha Board, Waukesha County Department of Parks and Land Use, and City of Waukesha, and records the same with the Waukesha County Register of Deeds.
2. The Petitioner and/or Property Owner shall, on demand, reimburse the Town of Waukesha for all costs and expenses of any type incurred by the Town in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Town for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Town of Waukesha by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Town of Waukesha must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town of Waukesha, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town of Waukesha, including possible cause for termination of the conditional approval.

SECTION 3. The subject property owner is hereby put on notice that the Town of Waukesha may rezone the lands or portions thereof subject to this conditional rezoning ordinance to A-1 Agriculture District if the conditions of this ordinance are not fully complied with.

SECTION 4. SEVERABILITY.

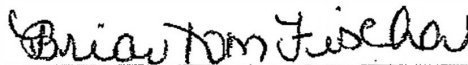
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section of portion thereof directly specified in the 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 as to those terms that conflict.

SECTION 7. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication and subject to the conditions stated in Section 2, and this ordinance is null and void and original district zoning shall be in effect with no further notice if said conditions are not complied with on the terms and conditions stated herein.

Passed and approved this 12th day of September, 2019.

TOWN OF WAUKESHA, WI



By: Brian Fischer, Town Chairman 10/17/19

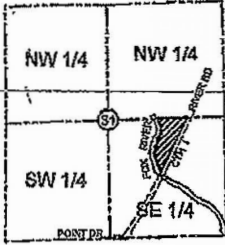
ATTEST:



Kathy Nickolaus, Town Clerk-Treasurer

CERTIFIED SURVEY MAP NO. _____ Sheet 1 of 6

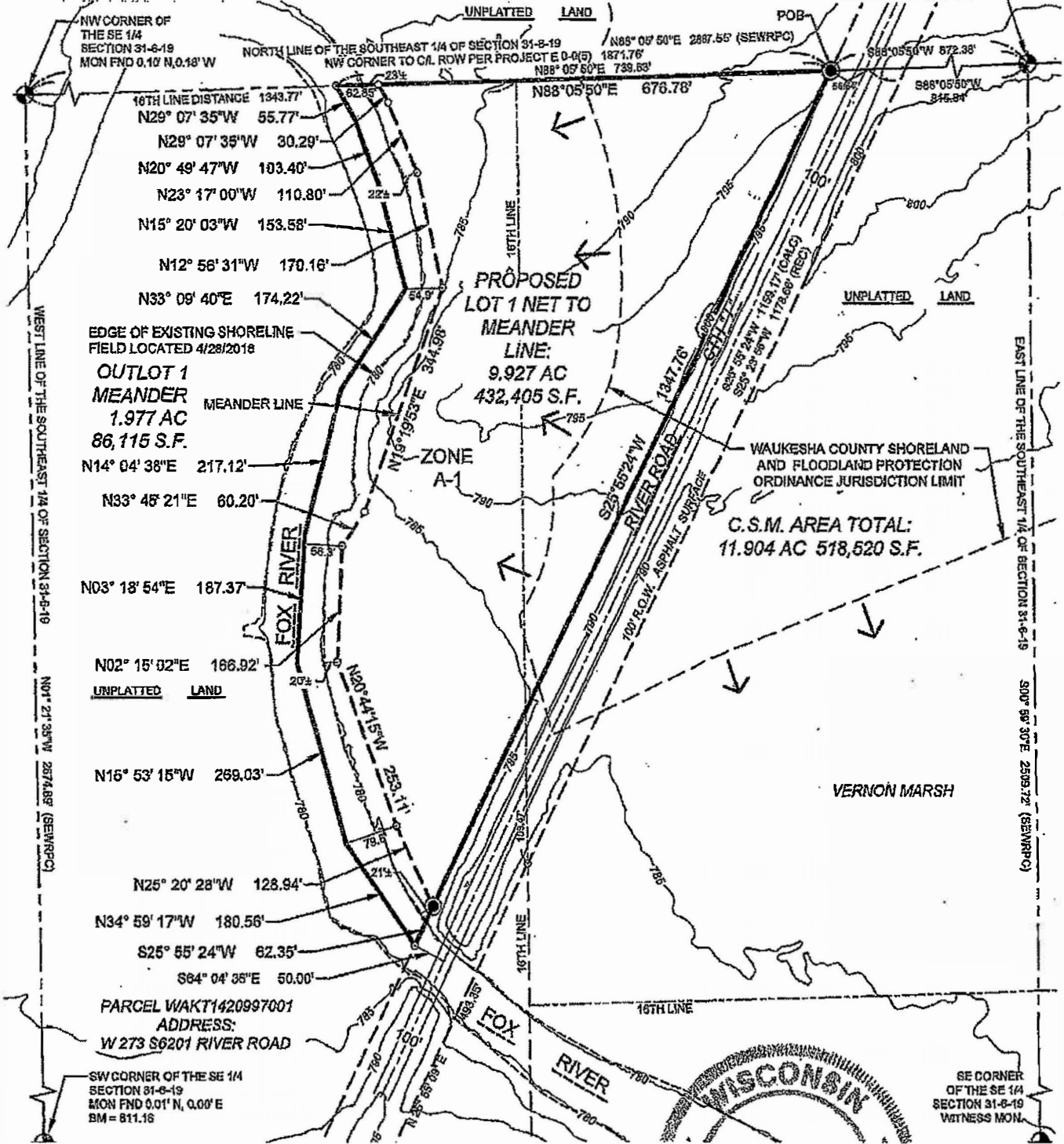
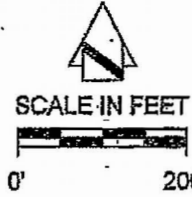
All that part of the Northeast Quarter (NE 1/4) and Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 31, Town 6 North, Range 19 East.
TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN



VICINITY MAP
NW 1/4 OF SEC.
31, T6N, R19E
SCALE: NONE

SURVEYOR:
JOHN R. STIGLER, PLS
JAHNKE & JAHNKE ASSOC., LLC
711 WEST MORELAND BLVD.
WAUKESHA, WI. 53188-2479
PHONE: (262) 542-5797

OWNER/SUBDIVIDER:
SANDY D. CAMPBELL
PATRICA M. CAMPBELL
W273 S6201 RIVER RD
WAUKESHA, WI 53189



**OUTLOT 1
MEANDER**
1.977 AC
86,115 S.F.

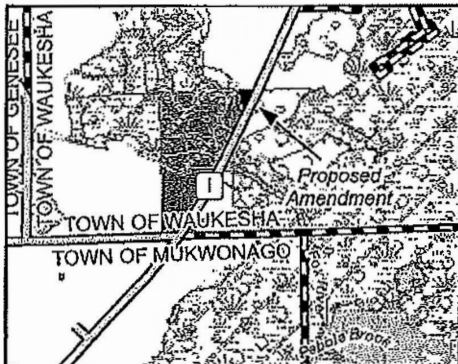
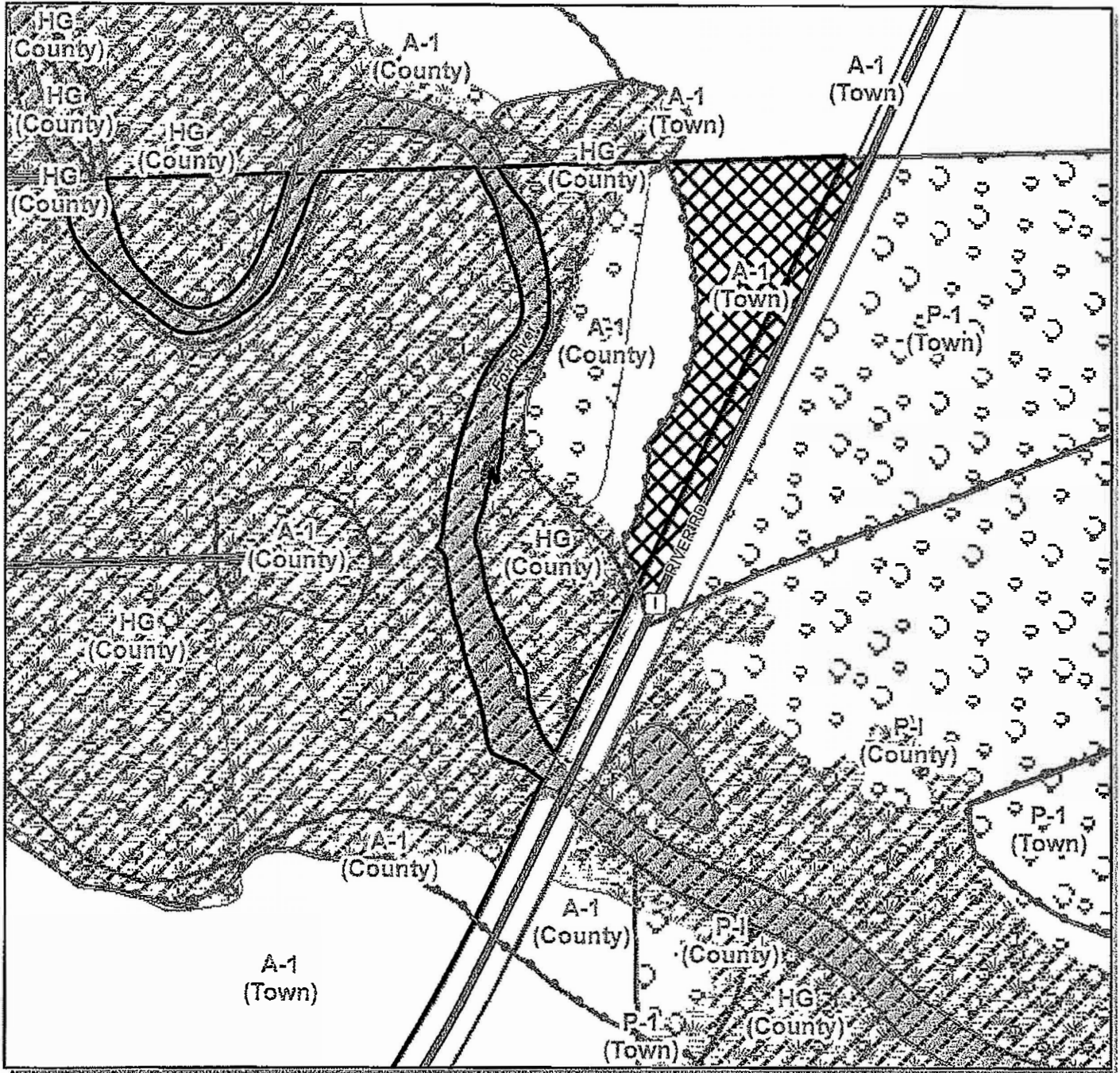
**PROPOSED
LOT 1 NET TO
MEANDER
LINE:**
9.927 AC
432,405 S.F.






C.S.M. AREA TOTAL:
11.904 AC 518,520 S.F.

PARCEL WAKT1420997001
ADDRESS:
W 273 S6201 RIVER ROAD

ZONING AMENDMENT

PART OF SOUTHEAST 1/4, SECTION 31,
TOWN OF WAUKESHA



	CONDITIONAL TOWN ZONING AMENDMENT CHANGE FROM A-1 AGRICULTURAL DISTRICT TO RE RESIDENTIAL ESTATE DISTRICT (4.2 AC)
	ENVIRONMENTAL CORRIDOR (EC) OVERLAY TO REMAIN
	CONSERVANCY (C-1) OVERLAY TO REMAIN
	FLOODPLAIN OVERLAY TO REMAIN
FILE	
DATE OF PLAN COMMISSION.....11/21/19	
AREA OF CHANGE.....4.2 ACRES	
TAX KEY NUMBER.....WAKT 1420.997.001	
	
Prepared by the Waukesha County Department of Parks and Land Use	
