

ENROLLED ORDINANCE 174-065

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF VERNON ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 4, T5N, R19E, TOWN OF VERNON, WAUKESHA COUNTY, WISCONSIN, FROM THE RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 TO THE R-1 RESIDENTIAL DISTRICT (RZ47)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Vernon Town Board on July 18, 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 Vernon Zoning Code, adopted on December 23, 2016, is hereby amended to rezone certain lands located in part of the NW ¼ of Section 4, T5N, R19E, Town of Vernon, from the RRD-5 Rural Residential Density District 5 to the R-1 Residential 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 RZ47, is hereby approved.

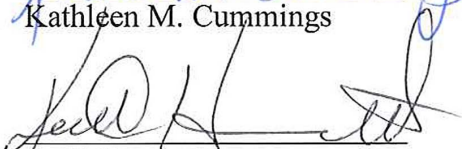
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Vernon.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF VERNON ZONING CODE BY
REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 4,
T5N, R19E, TOWN OF VERNON, WAUKESHA COUNTY, WISCONSIN, FROM
THE RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 TO THE R-1
RESIDENTIAL DISTRICT (RZ47)

Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair


Kathleen M. Cummings


Keith Hammitt


William A. Mitchell


Thomas J. Schellinger

Absent
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: 12/2/19, 
Margaret Waitman, County Clerk

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

Approved: X

Vetoed: _____

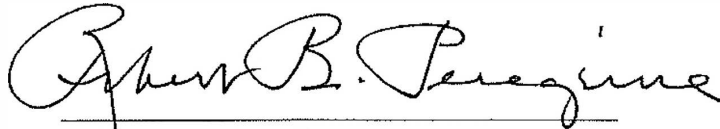
Date: 12-2-2019, 
Paul Farrow, County Executive

COMMISSION ACTION

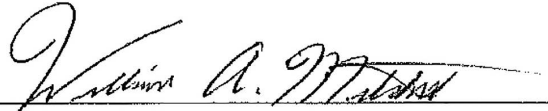
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Town of Vernon Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of RZ47 (ARME Group_Beam) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

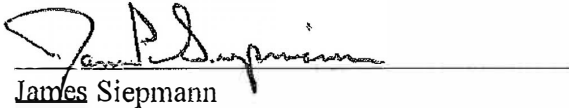
October 17, 2019



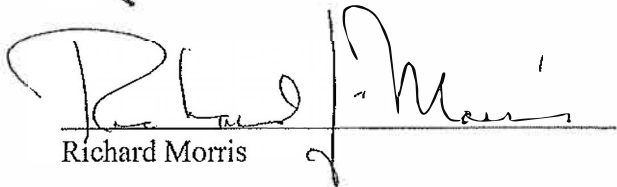
Robert Peregrine, Chairperson



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: October 17, 2019

FILE NO.: RZ47

TAX KEY NOs.: VNT 2030.996, VNT 2030.998 and VNT 2030.999.001

PETITIONER: ARME Group
c/o Nick Flemma
213 Broadway, #201
Milwaukee, WI 53202

OWNER: Ronald and Sara Beam
W293 S5421 Fox Run Court
Waukesha, WI 53189-5618

LOCATION:

Part of the NW ¼ of Section 4, T5N, R19E, Town of Vernon. More specifically the property is located west of Oakdale Road (CTH XX) and immediately south of the Town of Waukesha border. The property contains approximately 76.9 acres. (Address not assigned).

PRESENT ZONING CLASSIFICATION:

RRD-5 Rural Residential Density District 5 with C-1, EC and HG Overlays (Town)
RRD-5 Rural Residential Density District 5, HG High Groundwater District with EC and C-1 Overlays (County)

PRESENT LAND USE:

Farm and open space.

PROPOSED ZONING:

R-1 Residential District with C-1, EC and HG Overlays to remain (Town). County zoning to remain unchanged.

PROPOSED LAND USE:

Single family residential.

PUBLIC HEARING DATE:

July 10, 2019, (Adjourned from May 8, 2019 and June 12, 2019).

PUBLIC REACTION:

There were no comments from the public acknowledged in the public hearing minutes.

TOWN PLAN COMMISSION ACTION:

On July 10, 2019, the Town of Vernon Plan Commission unanimously approved the rezoning with conditions.

TOWN BOARD ACTION:

On July 18, 2019, the Town Board unanimously approved the rezoning request in accordance with the recommendation of the Town Plan Commission.

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

The southeast part of the property is designated by the Town and County plans in the Suburban Density I Residential category (1.5 to 2.9 acres per dwelling unit). Much of the north part of the property is located in either the Other Open Lands to be Preserved category or the Primary Environmental Corridor category. A small portion of the westerly most parcel is planned in the Low Density Residential category. When considering all of the varied designations, the property achieves a maximum of 46 dwelling units. The submitted companion subdivision plat depicts 30 lots, which would be consistent with plan recommendations.

The County Park and Open Space Plan identifies the natural resource lands on the site in the Open Space Lands to be Protected by Public Land Regulation category. Almost all such areas are proposed to be preserved as part of a subdivision outlot.

OTHER CONSIDERATIONS:

The subject property abuts the Canadian National railroad just east of the Vernon Marsh and fronts CTH XX, along its eastern border. The petitioner is proposing to rezone the parts of the lands that are subject to the Town of Vernon Zoning Code so that a residential subdivision can be developed (See Exhibit A). A similar proposal was defeated by the County Board in 2006. Meeting minutes from that time reflected comments regarding a concern about the then-proposed number of lots and the high water table. Since that time, the County Storm Water Ordinance has been amended to ensure that developments are appropriately designed and reviewed when wet soil conditions may be present. The storm water ordinance requires on site soil testing for lots with mapped potential high groundwater conditions. High groundwater conditions are mapped in the northern part of the site. Soil tests are examined by the County Land Resources Division to ensure that basement floors are a minimum of one foot above estimated seasonal high groundwater.

The property contains considerable terrain. The high point of the property near the south property line is approximately 875' above mean sea level. Grades slope consistently to the south with overall grade changing approximately 100'. The existing RRD-5 designation would limit the property to five acre density, whereas, the proposed overall density is one dwelling unit per 2.6 acres. The R-1 category allows for minimum one-acre lot sizes. Surrounding subdivisions are similarly zoned R-1.

Access to the property would be via a new connection to CTH XX opposite of Meyers Dr. and via an extension of Pheasant Dr., which currently terminates in a cul de sac at the west property line where it abuts the Mill Brook Village subdivision.

The existing natural resource overlay districts (EC Environmental Corridor Overlay, C-1 Conservancy, and HG High Groundwater) will remain unchanged. The vast majority of environmental corridor lands will be preserved in an outlot to be owned in common by future subdivision lot owners. A small area of environmental corridor would be located on the back of proposed lots 8-10.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that the request be **approved.** The proposed rezoning is consistent with plan recommendations and the resultant project would generally match the development pattern of the surrounding area while preserving large areas of environmental corridor and wetlands.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Town Ordinance 2019-4
Exhibit A
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ47 Ronald And Sandy Beam Vnt.Docx

ORDINANCE 2019-05 DEPT OF PARKS & LAND US
AN ORDINANCE TO REZONE CERTAIN PROPERTIES THAT ARE UNDER TOWN OF
VERNON ZONING JURISDICTION LOCATED BETWEEN THE CANADIAN NATIONAL
RAILROAD AND OAKDALE AVENUE FROM RRD-5-RURAL RESIDENTIAL TO R-1
RESIDENTIAL WITHIN THE TOWN OF VERNON, PURSUANT TO THE ZONING
ORDINANCE FOR THE TOWN OF VERNON.

WHEREAS, following commencement of the Zoning Amendment Procedure per Section 300-46 of the Town of Vernon Town Code, the Town Clerk/Treasurer duly referred the matter to the Town Plan Commission per Section 300-46 A. (3) of the Town of Vernon Zoning Code; and

WHEREAS, the Town Plan Commission conducted the necessary investigation and scheduled a public hearing as required by Section 300-46 A.(3)(b) of the Town of Vernon Zoning Code; and

WHEREAS, the Town of Vernon Town Board and the Town of Vernon Plan Commission conducted a joint public hearing on May 8, 2019 as required by Section 300-46 A.(4) of the Town of Vernon Zoning Code, after providing the required public notice of the public hearing consistent with Section 62.23 of the Wisconsin Statutes and Section 300-46 B.(1) of the Town of Vernon Zoning Code; and

WHEREAS, the Town of Vernon Plan Commission has recommended to the Town of Vernon Town Board that said rezoning be made; and

WHEREAS, The Town Board finds that the proposed zoning is consistent with the Town's comprehensive plan; and

WHEREAS, the Town Board finds that this change to the Town Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Town of Vernon Town Board, after careful review and upon consideration of the recommendation of the Town of Vernon 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 of the zoning ordinance for the Town of Vernon will not be contrary to the public health, safety or general welfare of the Town of Vernon 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; and

WHEREAS, by this Zoning Amendment the Town Board intends to rezone the properties that are under Town of Vernon zoning jurisdiction located between the Canadian National Railroad and Oakdale Avenue from RRD-5-Rural Residential to R-1 Residential, more specifically Vernon Tax Key numbers: VNT 2030 996, VNT 2030 998, VNT 2030 999 001, as further described in Exhibit A and depicted in Exhibit B attached hereto and incorporated herein (the "Subject Property"); and

WHEREAS, the Subject Property is currently zoned to include, within certain portions of the Subject Property, EC Environmental Corridor, C-1 Conservancy, HG High Ground Water, and Floodplain, Wetland and Environmental Corridor Overlay Districts, and all currently designated overlay districts shall remain in effect, and are unaffected by this ordinance which changes only the underlying zoning district designation.

NOW, THEREFORE, the Town of Vernon Town Board, Waukesha County, Wisconsin, ordains as follows:

SECTION 1. ZONING CHANGE

The Subject Property that is described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein, is hereby rezoned from RRD-5-Rural Residential to R-1 Residential. The Overlay Districts on the Subject Property are unaffected by this zoning change, and remain in effect.

SECTION 2. 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 conflict with the provisions of this ordinance are hereby repealed to those terms that conflict.

SECTION 3. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law upon approval of Waukesha County.

Approved this 10th day of July 2019

BY THE TOWN OF BOARD OF SUPERVISORS

Carl Fortner

Carl Fortner, Town Chairman

ATTEST:

Karen L. Schuh

Karen L. Schuh, Town Clerk/Treasurer

Published and posted this 7th day of October 2019

Exhibit A
Legal Description of Subject Property
Town of Vernon Rezoning from RRD-5 Rural Residential to R-1 Residential

The Subject Property includes and is limited to the following three parcels of land in the Town of Vernon:

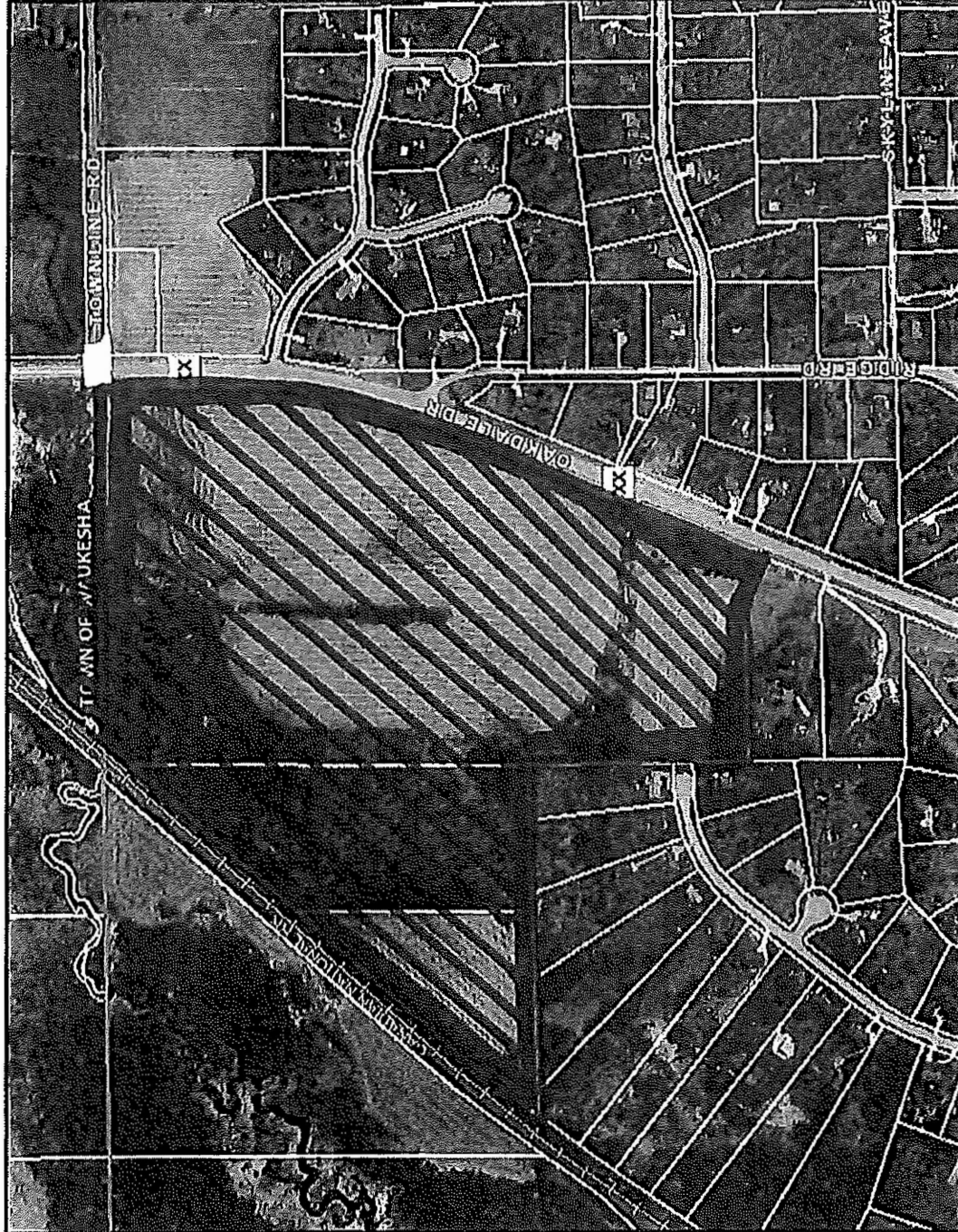
1. Tax Key: VNT 2030998
Legal Description: E 15 AC NW1/4 NW1/4 SEC 4 T5N R19E :: EX VOL 66/29 :: EX VOL 876/294 :: DOC# 4239351

2. Tax Key: VNT 2030996
Legal Description: W 22 AC OF NW1/4 NW1/4 SEC 4 T5N R19E S OF SELY LI RR R/W :: DOC# 4239351

3. Tax Key: VNT2030999001
Legal Description: E1/2 NW1/4 SEC 4 T5N R19E :: EX PLEHN'S ASSESSORS PLAT :: EX CERT SURV 9775 :: DOC# 4239351

Waukesha County GIS Map

OCT 08 2019



Legend

DEPT OF PARKS & RECREATION
 PARCELS (Click for details)

- Plats (Click for details)
- Retired Parcels (Click for details)
- Retired Plats (Click for details)
- Municipal Boundary_2K
- FacilitySites_2K_Labels
- Lots_2K
- Lot
- Outlet

Simultaneous Conveyance

- Assessor Plat
- CSM
- Condominium
- Subdivision
- Cartoline_2K
- EA-Easement_Line
- PL-DA
- PL-Extended_Tie_Line
- PL-Memorial_Line
- PL-Note
- PL-Tie
- PL-Tie_Line

- Road Centerlines_2K
- Railroad_2K
- TaxParcel_2K
- Waterbodies_2K_Labels
- Waterlines_2K_Labels



Notes:

Printed: 9/25/2019

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admits and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

0 529.55 Feet

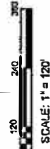
EXHIBIT 'A'

PHEASANT RIDGE

PRELIMINARY PLAT
 PART OF THE NW 1/4, SW 1/4, NE 1/4 and NW 1/4
 OF THE NW 1/4 OF SECTION 4, TOWN 5 NORTH,
 RANGE 19 EAST, TOWN OF VERNON,
 WAUKESHA COUNTY, WISCONSIN

LEGEND

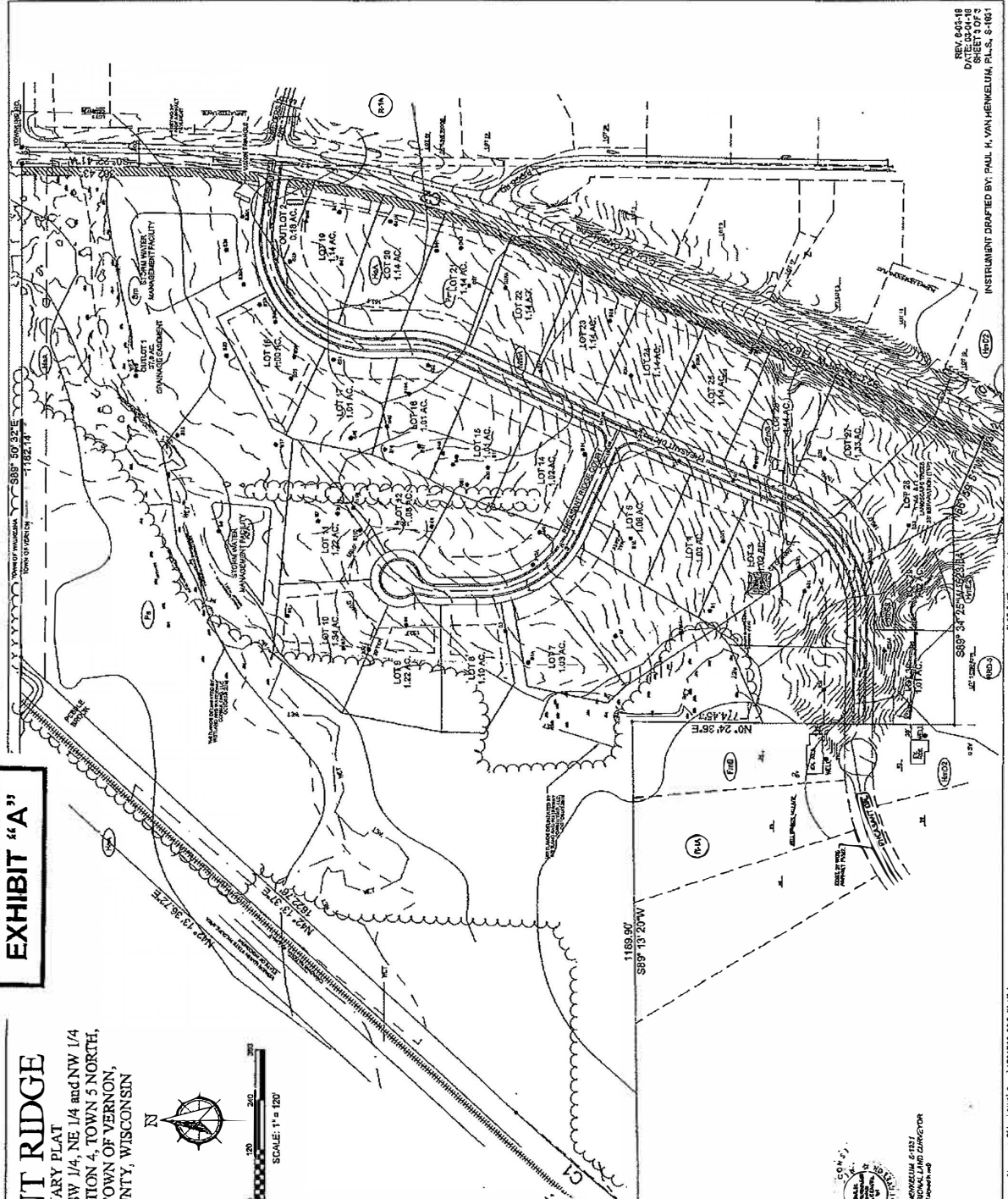
	Fossil County Section Corner Control Monument
	Eased LSP OD Iron Pipe
	Curve (See Curve Table)
	Reconnect (Intermittent)
	Existing 36" Type
	8" x 8" S at Boring
	Existing Iron Pipe
	Existing VMS
	Easement Outline
	1/4" x 1/4" x 1/4" Iron Pipe
	1 1/2" x 1 1/2" x 1 1/2" Iron Pipe
	WETLAND BOUNDARY
	100 YR FLOODPLAIN AS SURVEYED
	ZONING
	DISTRICT ACRES PROHIBITED



MAP OF EXISTING TOWN BOUNDARY,
 100 YR FLOODPLAIN AND SETBACK
 DELINEATION AND BORINGS



PAUL H. VAN HENKELUM, P.E.
 WISCONSIN PROFESSIONAL LAND SURVEYOR
 paul@vanhenkelum.com



REV: 6-21-18
 DATE: 6-21-18
 SHEET: 1 OF 1

INSTRUMENT DRAFTED BY: PAUL H. VAN HENKELUM, P.L.S., S-1831

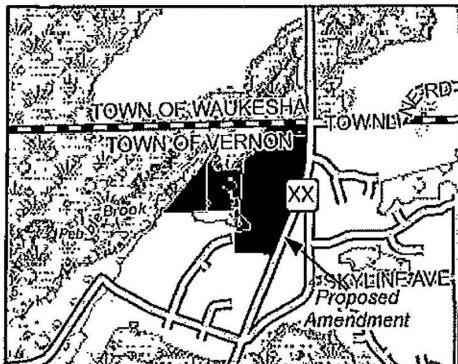
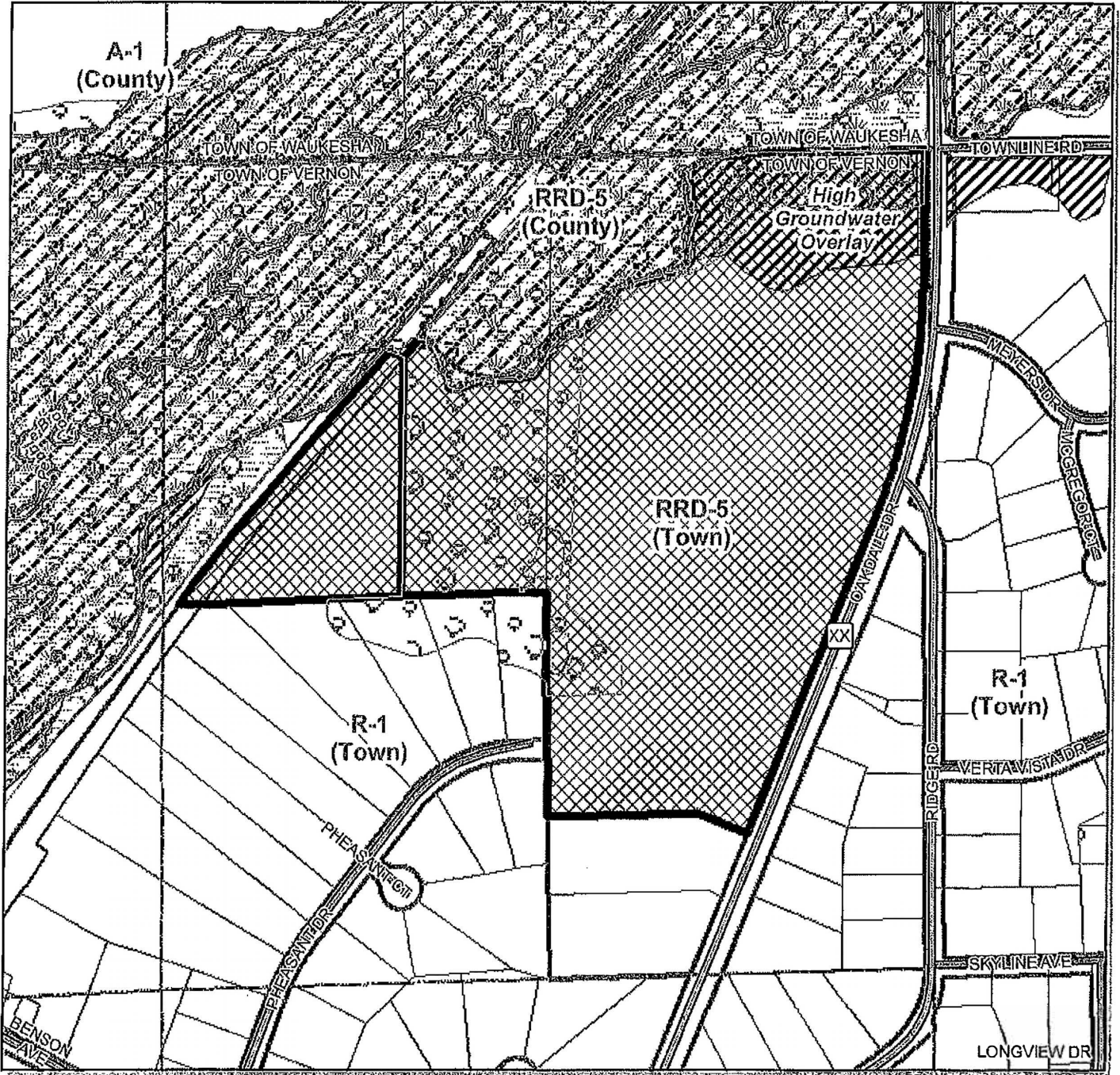
R.O.T. DATE: 7/15/2019 4:22 PM

File Number: 174-O-068

FIGURE 1: Property | 100 Yr Floodplain | Wetland | Borehole | 18071362.PRG | PLOT1.dwg

ZONING AMENDMENT

EAST 1/2 AND NW 1/4 OF NW 1/4, SECTION 4,
TOWN OF VERNON



	TOWN ZONING AMENDMENT CHANGE FROM RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 TO R-1 RESIDENTIAL DISTRICT (68.8 AC)
	ENVIRONMENTAL CORRIDOR (EC) OVERLAY TO REMAIN
	CONSERVANCY (C-1) OVERLAY TO REMAIN
	FLOODPLAIN OVERLAY TO REMAIN
FILE.....	R247
DATE OF PLAN COMMISSION.....	10/17/19
AREA OF CHANGE.....	68.8 ACRES
TAX KEY NUMBER.....	VNT 2030.996, 2030.998, 2030.999.001
	1 inch = 500 feet
	0 250 500 Feet

Prepared by the Waukesha County Department of Parks and Land Use



Approved by the Board of Supervisors on 11/26/2019. The Board of Supervisors is hereby approving Ordinance 174-O-068, which amends the Charter of the County of Waukesha, Wisconsin, Chapter S.C. 19.01, to add a new section, S.C. 19.01(1)(b), to read as follows: "The Board of Supervisors shall have the authority to appoint and remove the County Administrator, subject to the approval of the Board of Supervisors." The Board of Supervisors is hereby approving Ordinance 174-O-068, which amends the Charter of the County of Waukesha, Wisconsin, Chapter S.C. 19.01, to add a new section, S.C. 19.01(1)(b), to read as follows: "The Board of Supervisors shall have the authority to appoint and remove the County Administrator, subject to the approval of the Board of Supervisors."

VOTE RESULTS: Passed By Majority Vote

AYE: 24 NAY: 0 ABSENT: 1

	Motion	Yes	ABSENT
D1 - Foti		Yes	
D2 - Zimmermann		Yes	
D3 - Morris		Yes	
D4 - Batzko		Yes	
D5 - Dondlinger		Yes	
D6 - Walz		Yes	
D7 - Grant		Yes	
D8 - Michalski		Yes	
D9 - Heinrich		Yes	
D10 - Swan		Yes	
D11 - Howard		Yes	
D12 - Wolff		Yes	
D13 - Decker		Yes	
D14 - Wood			Yes
D15 - Mitchell			Yes
D16 - Crowley			Yes
D17 - Paulson			Yes
D18 - Nelson			Yes
D19 - Cummings			Yes
D20 - Schellinger			Yes
D21 - Gaughan			Yes
D22 - Wysocki			Yes
D23 - Hammitt			Yes
D24 - Whittow			Yes
D25 - Johnson			Yes

Second