

ENROLLED ORDINANCE 171-12

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA BY ESTABLISHING ZONING DESIGNATIONS FOR CERTAIN LANDS NEWLY SUBJECT TO THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE LOCATED IN PART OF THE NE ¼ OF SECTION 1, T6N, R19E, TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN, TO THE R-3 RESIDENTIAL, EC ENVIRONMENTAL CORRIDOR AND C-1 CONSERVANCY DISTRICTS (SZ-1830)

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 April 28, 2016, 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 Waukesha, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to establish zoning designations for certain lands newly subject to the Waukesha County Shoreland and Floodland Protection Ordinance located in part of the NE ¼ of Section 1, T6N, R19E, Town of Waukesha, Waukesha County, Wisconsin, to the R-3 Residential, EC Environmental Corridor and C-1 Conservancy Districts, 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-1830, is hereby approved.

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

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

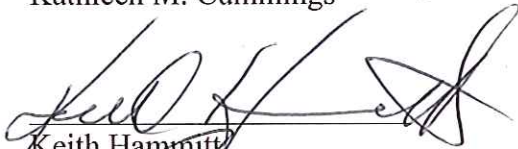
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

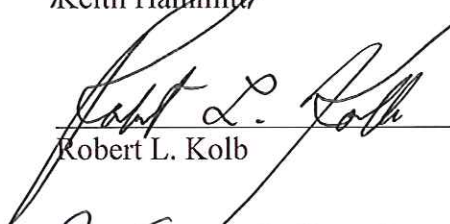
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA BY
ESTABLISHING ZONING DESIGNATIONS FOR CERTAIN LANDS NEWLY SUBJECT TO
THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE LOCATED IN PART OF THE NE ¼ OF SECTION 1, T6N, R19E, TOWN OF
WAUKESHA, WAUKESHA COUNTY, WISCONSIN, TO THE R-3 RESIDENTIAL, EC
ENVIRONMENTAL CORRIDOR AND C-1 CONSERVANCY DISTRICTS (SZ-1830)

Presented by:
Land Use, Parks, and Environment Committee

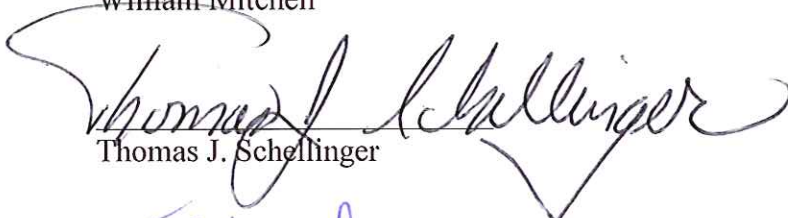

David D. Zimmermann, Chair

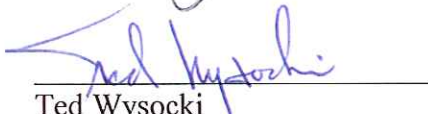

Kathleen M. Cummings


Keith Hammit

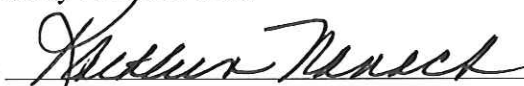

Robert L. Kolb


William Mitchell


Thomas J. Schellinger

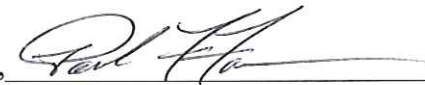

Ted Wysocki

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

Date: 6/28/16, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 7/6/16



Paul Farrow, County Executive

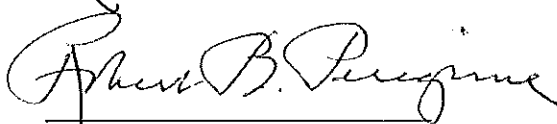
COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of SZ-1830 (Waukesha County Park and Planning Commisison_59 Acquisition) in accordance with the attached "Staff Report and Recommendation".

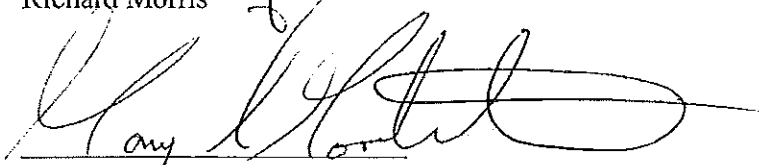
PARK AND PLANNING COMMISSION

May 19, 2016

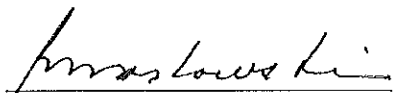

James Siepmann, Chairperson


Robert Peregrine


Richard Morris


Gary Goodchild

(Absent)
William Mitchell


William Maslowski

Absent
Keith Hammitt

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

FILE NO.: SZ-1830

DATE: May 19, 2016

PETITIONER: Waukesha County Park and Planning Commission
515 W. Moreland Blvd., Room AC 230
Waukesha, WI 53188

OWNER: 59 Acquisition LLC
c/o John Marek
P.O. Box 270463
Milwaukee, WI 53227

TAX KEY NUMBER: WAKT: 1297.990.004

LOCATION:
Part of the NE ¼ of Section 1, T6N, R19E, Town of Waukesha. More specifically, the parcel is located west of Springdale Road and north of S.T.H. 59 containing approximately 26.67 acres.

PRESENT ZONING:
The property was formerly zoned R-3 Residential by the Town of Waukesha. Due to a recent navigability determination, County zoning needs to be established for a portion of the property. The remainder of the property will remain zoned R-3 Residential by the Town.

PRESENT LAND USE:
Vacant.

PROPOSED ZONING:
Establish zoning designations for lands newly subject to the Waukesha County Shoreland and Floodland Protection Ordinance to the R-3 Residential, E-C Environmental Corridor and C-1 Conservancy Districts.

PROPOSED LAND USE:
Multi-family residential.

PUBLIC HEARING DATE:
April 28, 2016.

PUBLIC REACTION:
A neighbor across the street on S.T.H. 59 asked if there was appropriate access to the property for the proposed use and requested the Town's zoning designation prior to the Town rezoning in December 2015. It should be noted that the Town did not amend the zoning on the property in 2015. However, the Town amended their zoning ordinance to allow multi-family uses in the R-3 Residential District provided a Conditional Use Permit is granted. Another citizen stated that she was pleased to know that the County was involved in the review of the uses proposed on the property, considering the relationship that the petitioner (Town Chairman) has with the Town of Waukesha Plan Commission.

TOWN PLANNING AND ZONING COMMISSION AND TOWN BOARD ACTION:
The Town Board, at their meeting of April 28, 2016, recommended approval of the request for rezoning subject to the recommendation of the Town Planning and Zoning Commission.

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

The proposed zoning is in conformance with the Comprehensive Development Plan for Waukesha County, which designates the property as Medium Density Residential (6,000 sq. ft. – 19,999 sq. ft. per unit) and Isolated Natural Resource Area (1 unit per 5 acre). The proposed zoning also conforms to the Town of Waukesha Land Use Plan, which designates the property as Low Density Residential (20,000 sq. ft. - 1 acre per unit). The multi-family residential use is proposed at a density of 1 unit per 24,020 sq. ft. of upland acreage, excluding those lands designated as Isolated Natural Resource Area on the County's Land Use Plan.

STAFF ANALYSIS:

The subject property is located west of Springdale Road and north of S.T.H. 59. The property is largely wooded with the tree cover being recent growth over the past 20 to 25 years. The property contains a wetland and Isolated Natural Resource Area in the northwest corner. There is also a navigable stream that runs through the property. There is steep terrain and soils indicative of seasonal high groundwater conditions throughout the property. The property borders the Town of Brookfield, City of New Berlin and the City of Waukesha. The property is in a mixed residential and commercial area.

The subject property was not previously included as part of the jurisdictional area of the Waukesha County Shoreland and Floodland Protection Ordinance. However, when the property owner approached Waukesha County for storm water permitting for a multi-family residential use, it was discovered that there is a waterway that runs through the property. Land Resources Staff informed the petitioner that a navigability determination would be required from the Wisconsin Department of Natural Resources (WDNR) to determine the Waukesha County Shoreland and Floodland Protection Ordinance jurisdictional boundary. The WDNR determined that the unnamed waterway is navigable. Therefore, the County's shoreland boundary now extends 300 ft. from the waterway.

The rezone establishes zoning districts for the newly determined shoreland jurisdictional area. Waukesha County is proposing that the residential zoning designation match the zoning scheme that the Town had previously employed, R-3 Residential District, which will also match the zoning for the remainder of the property under the Town's jurisdiction. The R-3 Residential District also best aligns with the County's Land Use Plan designation. The upland area designated as Isolated Natural Resource Area on the County's Land Use Plan will be zoned E-C, Environmental Corridor District and the wetland will be zoned C-1 Conservancy District. The property owner has filed a Conditional Use application seeking approval of a 42 unit multi-family residential development that will also be considered at the May 19, 2016 Park and Planning Commission meeting. Any action on the Conditional Use request would be subject to final approval of the subject rezoning.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the request. The proposed rezoning is in conformance with the Comprehensive Development Plan for Waukesha County and the Town of Waukesha Land Use Plan and surrounding zoning. The rezoning will enable the property owner to pursue development of the site.

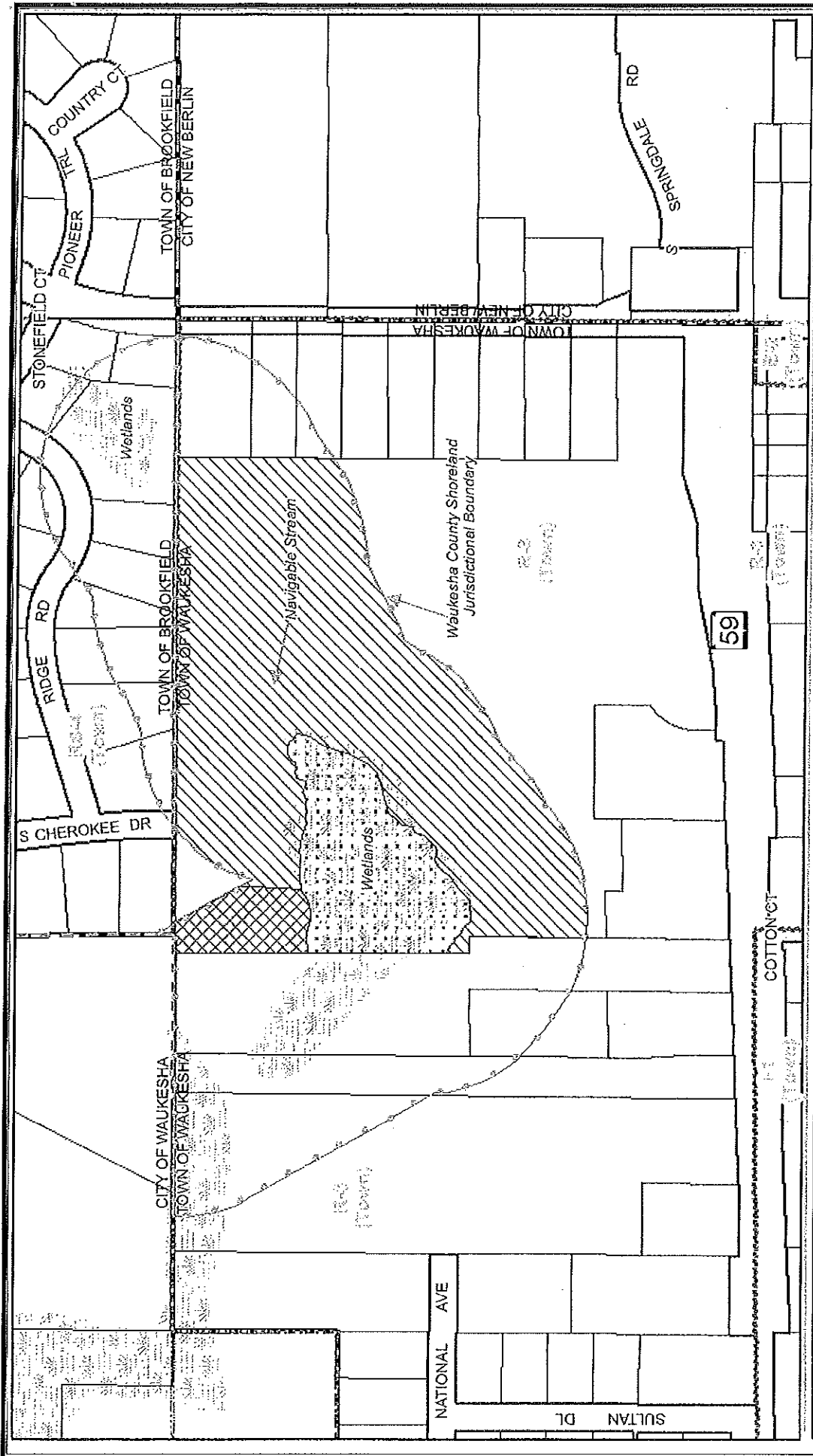
Respectfully submitted,

Amy Barrows

Amy Barrows
Senior Planner

Attachments: Map

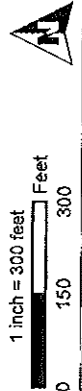
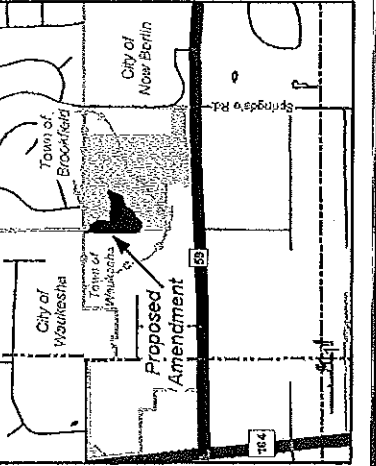
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ZONING AMENDMENT

PART OF THE NE 1/4 OF SECTION 1 TOWN OF WAUKESHA

[Symbol]	ESTABLISH SHORELAND ZONING - C-1 CONSERVANCY DISTRICT (2.69 AC)
[Symbol]	ESTABLISH SHORELAND ZONING - EC ENVIRONMENTAL CORRIDOR DISTRICT (0.82 AC)
[Symbol]	ESTABLISH SHORELAND ZONING - R-3 RESIDENTIAL DISTRICT (11.86 AC)
FILE NO.SZ-1830
PETITIONERWAUKESHA COUNTY
DATE OF PLAN COMM. CONSIDERATION05/19/16
AREA OF CHANGE15.4 ACRES
TAX KEY NUMBERWAKT 1297.990.004



Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/28/16

(ORD) NUMBER-1710011

1 R. KOLB.....AYE
 3 R. MORRIS.....AYE
 5 T. Dondlinger.....AYE
 7 J. GRANT.....AYE
 9 J. HEINRICH.....AYE
 11 C. HOWARD.....AYE
 13 P. DECKER.....AYE
 15 B. MITCHELL.....AYE
 17 D. PAULSON.....AYE
 19 K. CUMMINGS.....AYE
 21 W. ZABOROWSKI.....AYE
 23 K. HAMMITT.....AYE
 25 c D. Johnson.....AYE

2 D. Zimmermann.....AYE
 4 J. BATZKO.....
 6 J. WALZ.....AYE
 8 T. Michalski.....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 C. Wood.....AYE
 16 M. CROWLEY.....AYE
 18 L. NELSON.....AYE
 20 T. SCHELLINGER.....AYE
 22 T. Wysocki.....AYE
 24 S. WHITTOW.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24