

ENROLLED ORDINANCE 170-104

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 18, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL, E-C ENVIRONMENTAL CORRIDOR AND C-1 CONSERVANCY DISTRICTS (TOWN) TO THE A-1 AGRICULTURAL, E-C ENVIRONMENTAL CORRIDOR AND C-1 CONSERVANCY DISTRICTS (COUNTY) (SZ-1827)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Mukwonago Town Board on March 2, 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 Mukwonago, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to conditionally rezone from the A-1 Agricultural, E-C Environmental Corridor and C-1 Conservancy Districts (Town) to the A-1 Agricultural, E-C Environmental Corridor and C-1 Conservancy Districts (County), certain lands located in part of the SW ¼ Section 18, T5N, R18E, Town of Mukwonago, 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-1827, is hereby approved.

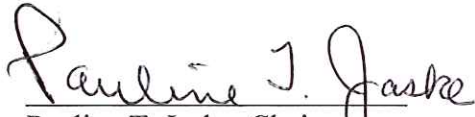
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town of Mukwonago Clerk.

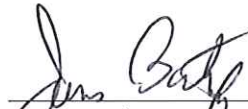
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.


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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

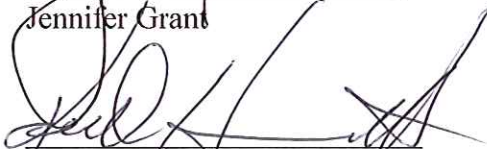
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO BY REZONING  
CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 18, T5N, R18E, TOWN OF  
MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL,  
E-C ENVIRONMENTAL CORRIDOR AND C-1 CONSERVANCY DISTRICTS (TOWN)  
TO THE A-1 AGRICULTURAL, E-C ENVIRONMENTAL CORRIDOR AND C-1  
CONSERVANCY DISTRICTS (COUNTY) (SZ-1827)

Presented by:  
Land Use, Parks, and Environment Committee

  
Pauline T. Jaske, Chair

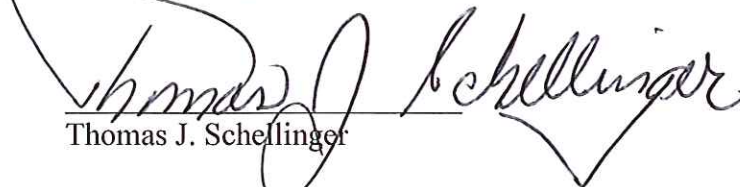
  
Jim Batzko

  
Jennifer Grant

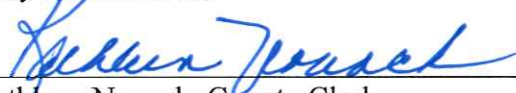
  
Keith Hammitt

  
Eric Highum

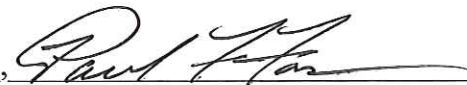
  
William Mitchell

  
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: 4/12/16,   
Kathleen Novack, County Clerk

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

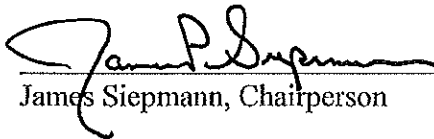
Approved: X  
Vetoed: \_\_\_\_\_  
Date: 4/14/16,   
Paul Farrow, County Executive

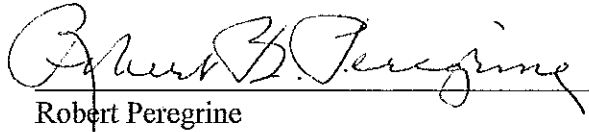
COMMISSION ACTION

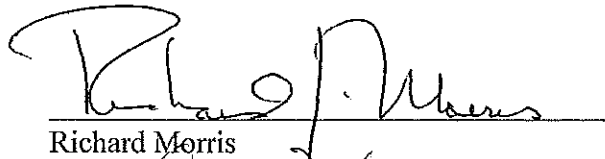
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of SZ-1827 (Waukesha Co. Park and Planning Commission – Nature’s Classroom Institute Property, Inc.) in accordance with the attached “Staff Report and Recommendation”.

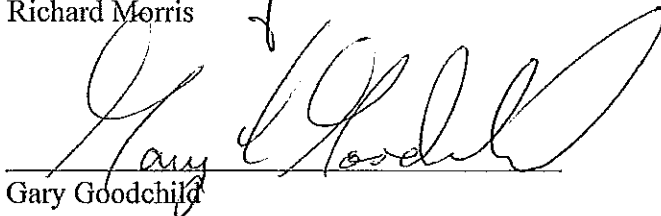
PARK AND PLANNING COMMISSION

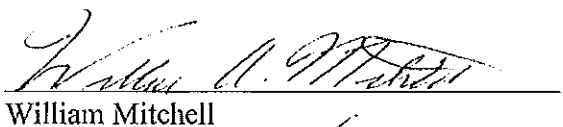
March 17, 2016

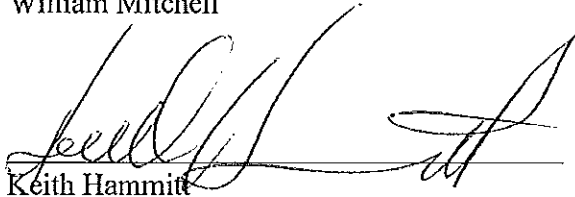
  
James Siepmann, Chairperson

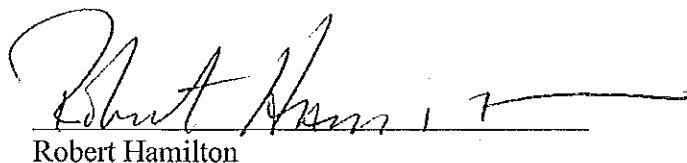
  
Robert Peregrine

  
Richard Morris

  
Gary Goodchild

  
William Mitchell

  
Keith Hammitt

  
Robert Hamilton

(Absent)  
William Maslowski

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

**FILE NO.:** SZ-1827

**DATE:** March 17, 2016

**PETITIONER:** Waukesha Co. Park and Planning Commission  
515 W. Moreland Blvd. AC RM 230  
Waukesha, WI 53188

**OWNER:** Nature's Classroom Institute Property, Inc.  
P.O. Box 660  
Mukwonago, WI 53149

**TAX KEY NUMBER:** MUKT 1943.997

**LOCATION:**  
Lot 1 of CSM No. 9497, located in the NE ¼ and NW ¼ of the SW ¼ of Section 18, T5N, R18E, Town of Mukwonago, containing approximately 57.43 acres.

**PRESENT ZONING:**  
The property was formerly zoned A-1 Agricultural, E-C Environmental, and C-1 Conservancy Districts by the Town of Mukwonago. Due to a recent navigability determination, County zoning needs to be established for a majority of the property. A small portion of the property designated as A-1 Agricultural District remains under the zoning jurisdiction of the Town of Mukwonago.

**PRESENT LAND USE:**  
Vacant

**PROPOSED ZONING:**  
Lands newly subject to the Waukesha County Shoreland and Floodland Protection Ordinance are proposed to be zoned A-1 Agricultural, E-C Environmental Corridor and C-1 Conservancy Districts.

**PROPOSED LAND USE:**  
Environmental Education and Montessori School

**PUBLIC HEARING DATE:**  
March 2, 2016

**PUBLIC REACTION:**  
None

**TOWN PLANNING AND ZONING COMMISSION AND TOWN BOARD ACTION:**  
The Town Board, at their meeting of March 2, 2016, recommended approval of the request for rezoning, subject to the recommendation of the Town Planning and Zoning Commission. (See Exhibit "A" - Resolution 2016-R-56).

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

The proposed zoning is in conformance with the Comprehensive Development Plan for Waukesha County, which designates the property as Rural Density and other Agricultural Lands and Primary Environmental Corridor. The proposed zoning also conforms to the Town of Mukwonago Land Use Plan, which designates the property as Agricultural Residential, Upland Conservancy, and Lowland Conservancy.

An educational center, operating under a Conditional Use Permit, is an appropriate use in a residential and/or agricultural category according to both plans. The facility will incorporate agricultural and outdoor educational opportunities, as well as future residential facilities for students and teachers.

**STAFF ANALYSIS:**

The subject property is located on the west side of C.T.H. "E", directly east of the Town of Eagle border. The property consists of a field along C.T.H. "E", which was recently planted as a native prairie, and a ridge on the west side overlooking Jericho Creek. The field and ridge are separated by a wooded slope (PEC) and tributary to Jericho Creek. It should be noted that the property owner is also combining lands in the Town of Eagle with the subject property. However, the lands in the Town of Eagle were recently zoned to reflect the County's new jurisdictional area as part of a comprehensive map revision and are not included in this request.

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 petitioner approached Waukesha County inquiring about the proposed educational facility in early 2014, it was discovered that there is a waterway that runs through the property and a pond located north of the subject property. Staff informed the petitioner that a navigability determination would be required from the WDNR to determine the Waukesha County Shoreland and Floodland Protection Ordinance jurisdictional boundary. The petitioner proceeded with obtaining approvals from the Town of Mukwonago, prior to the navigability determination being completed. Meanwhile, the WDNR determined that both the tributary and pond were deemed navigable. Therefore the County's shoreland boundary now extends 1,000 ft. from the pond on the adjacent property to the north and 300 ft. from the tributary to Jericho Creek.

The rezone establishes zoning districts for the newly determined shoreland jurisdictional area. Waukesha County is proposing that the zoning designations match the zoning scheme that the Town had previously employed (A-1 Agricultural, E-C Environmental Corridor and C-1 Conservancy Districts). The petitioner is proposing to operate an Environmental Education and Montessori School and also incorporate farming and outdoor educational activities. The A-1 Agricultural District accommodates the proposed uses with the benefit of a Conditional Use Permit. The E-C Environmental Corridor and C-1 Conservancy Districts designations will protect said areas from land disturbance and vegetation removal other than those activities necessary to accommodate the driveway construction. The petitioner has obtained the necessary permits from the ACOE and WDNR for wetland fill and culvert construction.

**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 Mukwonago Land Use Plan and will accommodate future school uses provided that the Conditional Use approval is also obtained. Therefore, the approval of this request is appropriate.

Respectfully submitted,

*Amy Barrows*

Amy Barrows  
Senior Planner

Attachments: Exhibit "A" Town Resolution  
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\1827 WCPPC Natures Classroom Mkt.Doc

RESOLUTION 2016-R-56

A JOINT RESOLUTION OF THE PLAN COMMISSION AND TOWN BOARD OF THE TOWN OF MUKWONAGO RECOMMENDING APPROVAL OF THE SHORELAND ZONING FOR PARCEL MUKT1943997 LOCATED IN SECTION 18, T5N, R17E AS PROPOSED BY THE WAUKESHA COUNTY PARK AND PLANNING COMMISSION

WHEREAS, The Waukesha County Park and Planning Commission has proposed zoning designations for a portion of Parcel MUKT1943997, which is now subject to the Waukesha County Shoreland and Floodland Protection Ordinance; and

WHEREAS, the map prepared by Waukesha County, attached hereto as Exhibit A, depicts the proposed zoning designations; and

WHEREAS, the Town Plan Commission and Town Board conducted a joint public hearing with a Staff Representative of the Waukesha County Department of Parks and Land Use on March 2, 2016.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Plan Commission and Town Board of the Town of Mukwonago hereby recommends approval of the proposed zoning.

BE IT FURTHER RESOLVED that the Town Clerk forward a copy of this resolution to the Waukesha County Department of Parks and Land Use (Planning and Zoning Division).

Approved by the Plan Commission and Town Board on March 2, 2016

PLAN COMMISSION

EXHIBIT "A"

[Signature]  
Tom Stefanowski, Plan Commission Chair

TOWN BOARD

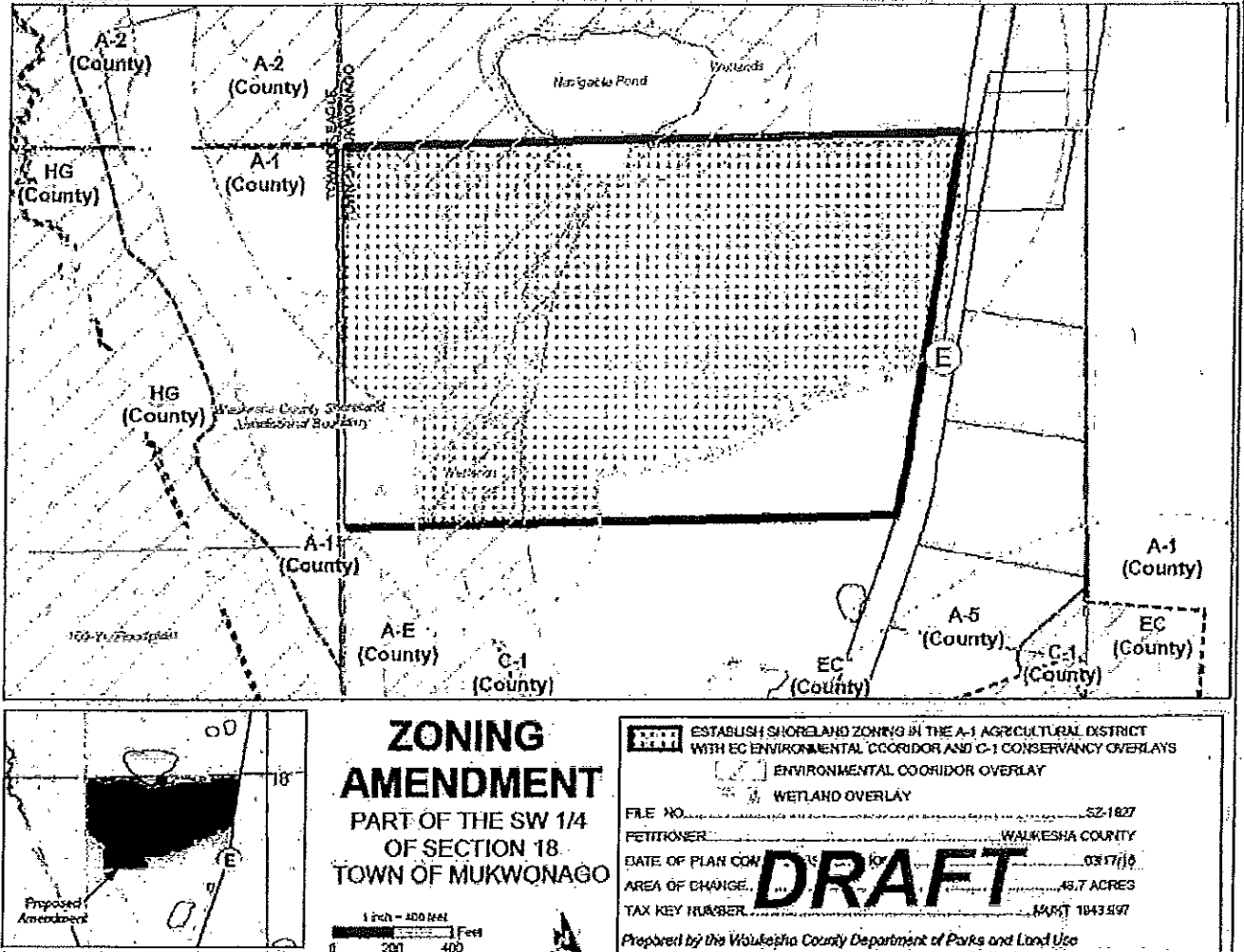
[Signature]  
Tom Stefanowski, Town Chair

ATTEST:

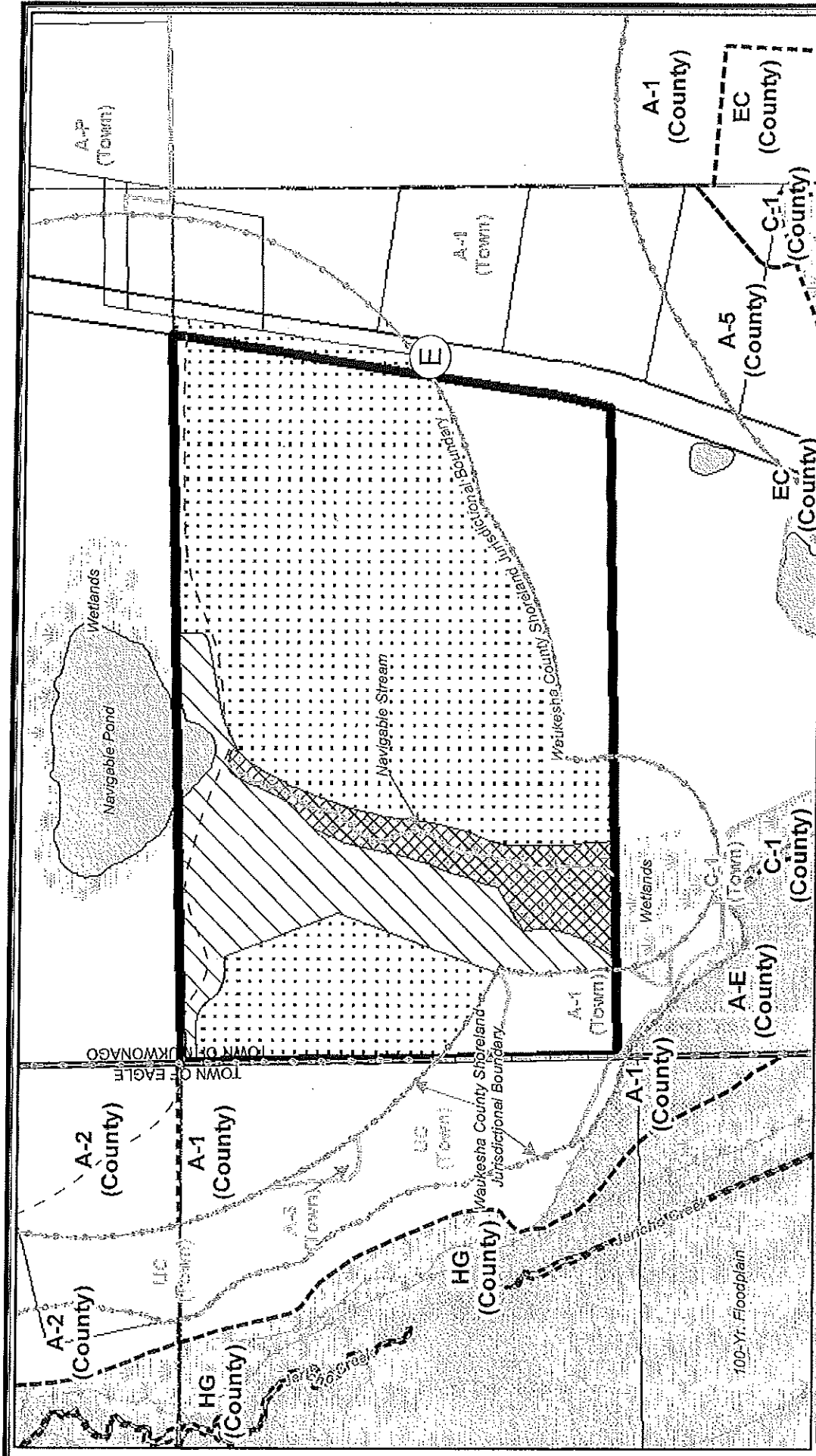
[Signature]  
Kathy Karalewitz, Town Administrator

**EXHIBIT "A"**

Exhibit A.

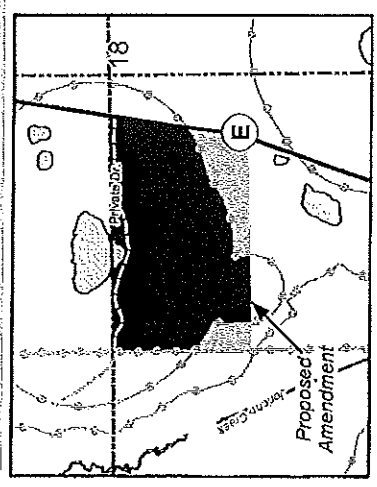
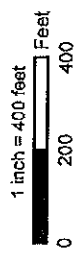






# ZONING AMENDMENT

PART OF THE SW 1/4 OF SECTION 18 TOWN OF MUKWONAGO



[Symbol] ESTABLISH SHORELAND ZONING - A-1 AGRICULTURAL DISTRICT (35.9 AC)  
 [Symbol] ESTABLISH SHORELAND ZONING - EC ENVIRONMENTAL CORRIDOR DISTRICT (12.8 AC)  
 [Symbol] ESTABLISH SHORELAND ZONING - C-1 CONSERVANCY DISTRICT (4.1 AC)

FILE NO.....SZ-1827  
 PETITIONER.....WAUKESHA COUNTY  
 DATE OF PLAN COMM. CONSIDERATION.....03/17/16  
 AREA OF CHANGE.....52.8 ACRES  
 TAX KEY NUMBER.....MUKT1943.997

Prepared by the Waukesha County Department of Parks and Land Use

V

DATE-04/12/16

(ORD) NUMBER-1700106

- |                          |                          |
|--------------------------|--------------------------|
| 1 R. KOLB.....AYE        | 2 D. Zimmermann.....AYE  |
| 3 R. MORRIS.....AYE      | 4 J. BATZKO.....AYE      |
| 5 J. BRANDTJEN.....AYE   | 6 J. WALZ.....AYE        |
| 7 J. GRANT.....AYE       | 8 E. HIGHUM.....AYE      |
| 9 J. HEINRICH.....AYE    | 10 D. SWAN.....AYE       |
| 11 C. HOWARD.....AYE     | 12 P. WOLFF.....AYE      |
| 13 P. DECKER.....AYE     | 14 C. PETTIS.....AYE     |
| 15 B. MITCHELL.....AYE   | 16 M. CROWLEY.....AYE    |
| 17 D. PAULSON.....AYE    | 18 L. NELSON.....AYE     |
| 19 K. CUMMINGS.....AYE   | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE      |
| 23 K. HAMMITT.....       | 24 S. WHITTOW.....       |
| 25 G. YERKE.....AYE      |                          |

TOTAL AYES-23

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-23