

ENROLLED ORDINANCE 170-105

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 22, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE P-1 PUBLIC DISTRICT (ZT-1829)

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 January 6, 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 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Mukwonago Zoning Code, adopted by the Town of February 27, 2007, is hereby amended to rezone from the A-1 Agricultural District to the P-1 Public District, certain lands located in part of the SW ¼ of Section 22, T5N, R18E, Town of Mukwonago, 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 ZT-1829, is hereby approved.

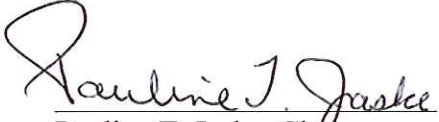
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Mukwonago.


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

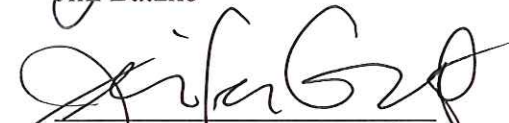
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.


AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING
CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF
SECTION 22, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY,
WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT
TO THE P-1 PUBLIC DISTRICT (ZT-1829)

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

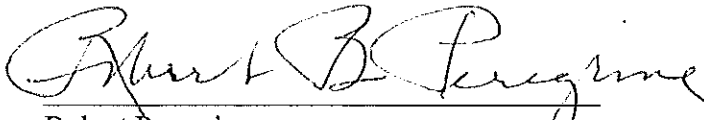
COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Mukwonago Zoning Ordinance hereby recommends **approval** of ZT-1829 (Mukwonago School District) in accordance with the attached "Staff Report and Recommendation".

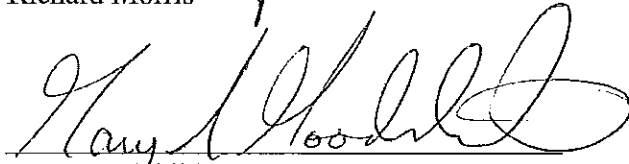
PARK AND PLANNING COMMISSION


March 17, 2016

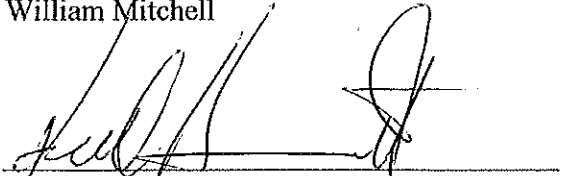

James Siepmann, Chairperson

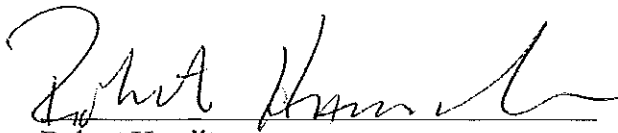

Robert Peregrine


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

DATE: March 17, 2016

FILE NO.: ZT-1829

PETITIONER: Mukwonago School District
385 County Road NN
Mukwonago, WI 53149-2038

TAX KEY NO.: MUKT 1959.993.007

LOCATION:

Part of the SW ¼ of Section 22, T5N, R18E, Town of Mukwonago. More specifically, the property is located at S93 W30575 County Road NN. The property is approximately 14.3 acres in size. Approximately 12.5 acres are proposed to be rezoned to the P-1 Public District and the wetlands on site will remain zoned C-1 Conservancy.

EXISTING ZONING:

A-1 Agricultural and C-1 Conservancy Districts (Town).

EXISTING LAND USE:

Outbuildings and vacant land.

PROPOSED ZONING:

P-1 Public District (C-1 Conservancy District lands will remain unchanged).

PROPOSED LAND USE:

Expansion of holdings for Mukwonago School District.

PUBLIC HEARING DATE:

January 6, 2016.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION ACTION:

The Town of Mukwonago Plan Commission, at their meeting of January 6, 2016, recommended approval of the request to the Town Board.

TOWN BOARD ACTION

On January 6, 2016, the Town of Mukwonago Board unanimously approved the rezoning request, subject to a few conditions (see attached Town Ordinance).

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

The Waukesha County Comprehensive Development Plan designates the lands in the Governmental and Institutional category and the Town of Mukwonago Land Use Plan designates the lands in the Park, Public and School Lands category.

STAFF ANALYSIS:

The Mukwonago School District is seeking a zoning change relative to property that the district has acquired immediately to the west of the Mukwonago High School Campus. The 14 acre property is located on the south side of C.T.H. "NN". There is an area of mapped wetland and Primary Environmental Corridor in the southeast part of the property. The school district intends to use an existing outbuilding in the northwest part of the property for salt and equipment storage but has no other immediate plans for the property.

The property is located within the Town of Mukwonago but is located within the extra-territorial jurisdiction of the Village of Mukwonago and is within the Town/Village boundary agreement area. The boundary agreement requires that the property be annexed to the Village when the property is either connected to Village sewer and water or subdivided. The Village of Mukwonago recently approved a land use plan amendment to bring the property into the Governmental and Institutional category and the County Plan designation was similarly amended.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The rezoning brings the property into a category that recognizes the acquisition of the lands by the local school district. Because the lands are immediately adjacent to the Mukwonago High School campus, the rezoning will provide added flexibility to the district going forward.

Respectfully submitted,

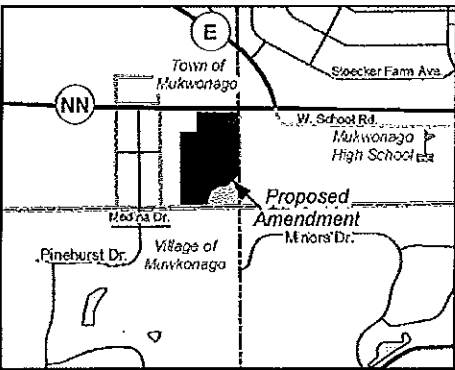
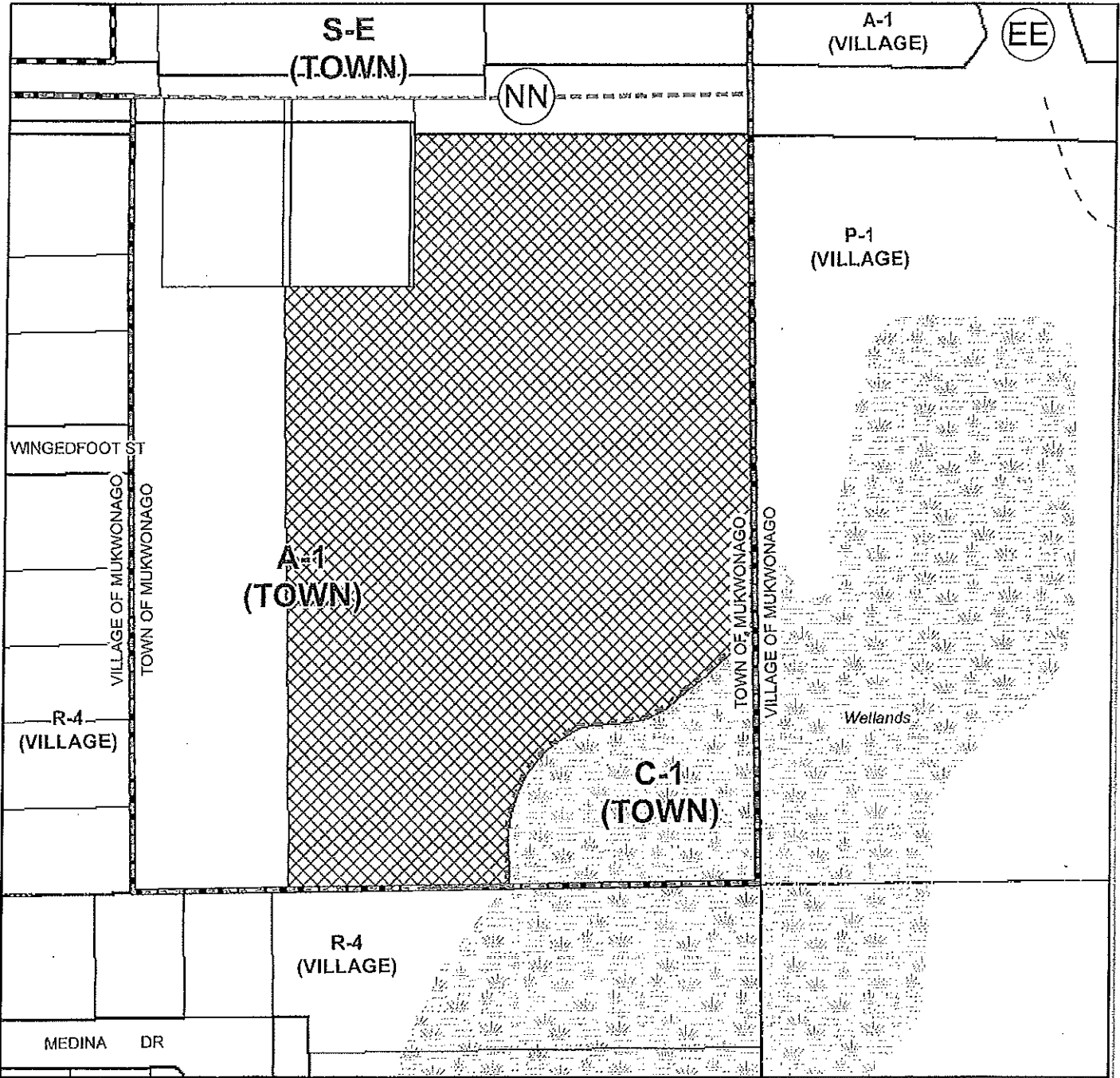
Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Map and Town Ordinance (2016-O-33)

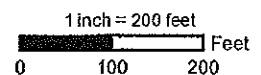
ZONING AMENDMENT

PART OF THE SW 1/4 OF SECTION 22
TOWN OF MUKWONAGO



 TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO P-1 PUBLIC DISTRICT

FILE NO. ZT-1829
 PETITIONER..... MUKWONAGO SCHOOL DISTRICT
 DATE OF PLAN COMM. CONSIDERATION..... 03/17/16
 AREA OF CHANGE..... 12.5 ACRES
 TAX KEY NUMBER..... MUKT 1959.993.007



Prepared by the Waukesha County Department of Parks and Land Use

RECEIVED

FEB 24 2016

DEPT OF PARKS & LAND USE

STATE OF WISCONSIN

TOWN OF MUKWONAGO

WAUKESHA COUNTY

ORDINANCE 2016-O-33

AN ORDINANCE TO REZONE A PORTION OF A CERTAIN PROPERTY IN SECTION 22, T5N, R18E, IN THE TOWN OF MUKWONAGO AND TO AMEND THE ZONING MAP OF THE TOWN OF MUKWONAGO PURSUANT TO SEC. 82-51 OF THE ZONING ORDINANCE FOR THE TOWN OF MUKWONAGO

WHEREAS, the Mukwonago School District (herein referred to as "property owner") owns the property located at S93 W30575 CTH NN in Section 22, T5N, R18E, designated as Tax Key MUKT1959993007 (herein referred to as "subject property"); and

WHEREAS, the property owner has submitted a petition to the Town to rezone the area of the subject property currently designated as A-1 to P-1; and

WHEREAS, the rezoning petition has been submitted to the Town of Mukwonago Plan Commission for report and recommendation; and

WHEREAS, required public notice of the public hearing has been provided consistent with Section 62.23 of the Wisconsin Statutes and the Town's zoning code; and

WHEREAS, the Town of Mukwonago Town Board and the Town of Mukwonago Plan Commission conducted a joint public hearing on January 6, 2016; and

WHEREAS, the Town of Mukwonago Plan Commission has recommended to the Town of Mukwonago Town Board that said rezoning be made under certain conditions; and

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

WHEREAS, the Town of Mukwonago Town Board, after careful review and upon consideration of the recommendation of the Town of Mukwonago 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 Mukwonago, will not be contrary to the public health, safety or general welfare of the Town of Mukwonago, 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.

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

SECTION 1. ZONING MAP CHANGE

That portion of the subject property above is conditionally rezoned from A-1 to P-1 and the zoning map is hereby conditionally amended to incorporate such change.

SECTION 2. CONDITIONS OF REZONING

The rezoning of the subject property as specified herein and the amendment of the zoning map of the Town of Mukwonago are conditioned on the following:

1. The Waukesha County Board approves the rezoning.
2. If there are any conversion penalties for this rezoning for which the Town is responsible, the property owner shall reimburse the Town for such costs.
3. The property owner is responsible for any conversion penalties resulting from this rezoning.

SECTION 3. CERTIFICATION

Upon certification by the Town Clerk that the conditions set forth in Section 2 have been satisfied within the time period established in Section 5, the Town Planner shall change the zoning classification of the subject property on the Town of Mukwonago zoning map as indicated herein.

SECTION 4. SEVERABILITY

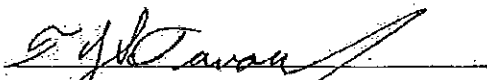
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision,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

SECTION 5. EFFECTIVE DATE

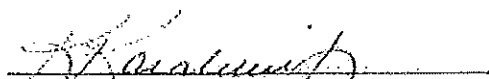
This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the conditions stated in Section 2, and this ordinance is null and void and the current zoning shall be in effect with no further notice if such conditions are not satisfied within one year of the date of this decision.

Approved this 6th day of January 2016

BY THE TOWN OF MUKWONAGO PLAN COMMISSION


Thomas Stefanowski, Town Chair

ATTEST:


Kathy Karalewitz, Town Administrator

Published ~~at~~ posted this 21 day of January 2016

V

DATE-04/12/16 (ORD) NUMBER-1700107

- | | |
|--------------------------|--------------------------|
| 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