

ENROLLED ORDINANCE 170-103

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF GENESEE AND THE TOWN OF GENESEE ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 22, T6N, R17E, TOWN OF GENESEE, WAUKESHA COUNTY, WISCONSIN, FROM THE A-5 MINI-FARM DISTRICT (TOWN) AND THE A-2 RURAL HOME AND C-1 CONSERVANCY DISTRICTS (COUNTY) TO THE P-I PUBLIC AND INSTITUTIONAL DISTRICT (TOWN) AND THE P-I PUBLIC AND INSTITUTIONAL AND EC ENVIRONMENTAL CORRIDOR DISTRICTS (COUNTY) (SZT-1821)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Genesee Town Board on February 8, 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 Sections 59.692 and 60.61, 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 Genesee, Waukesha County, Wisconsin, adopted on June 23, 1970, and the Town of Genesee Zoning Ordinance adopted on March 23, 2015, are hereby amended to conditionally rezone certain lands located in part of the SW ¼ of Section 22, T6N, R17E, Town of Genesee, from the A-5 Mini-Farm District (Town) and A-2 Rural Home and C-1 Conservancy Districts (County) to the P-I Public and Institutional District (Town) and the P-I Public and Institutional and EC Environmental Corridor Districts (County), 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 SZT-1821, subject to the following condition:

1. The related pending 2016 County Comprehensive Plan Amendment must be approved prior to this rezone being effective.

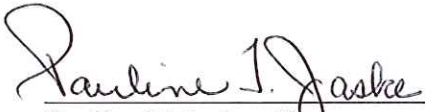
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Genesee.


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 GENESEE AND THE TOWN OF GENESEE ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 22, T6N, R17E, TOWN OF GENESEE, WAUKESHA COUNTY, WISCONSIN, FROM THE A-5 MINI-FARM DISTRICT (TOWN) AND THE A-2 RURAL HOME AND C-1 CONSERVANCY DISTRICTS (COUNTY) TO THE P-I PUBLIC AND INSTITUTIONAL DISTRICT (TOWN) AND THE P-I PUBLIC AND INSTITUTIONAL AND EC ENVIRONMENTAL CORRIDOR DISTRICTS (COUNTY) (SZT-1821)


Presented by:
Land Use, Parks, and Environment Committee


Pauline T. Jaske, Chair


Jim Batzko


Jennifer Grant

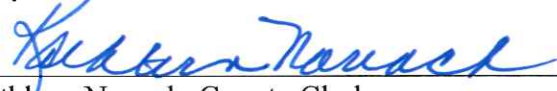

Keith Hammitt


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:

Vetoed:


Date: 4/14/16, 
Paul Farrow, County Executive

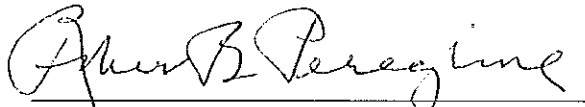
COMMISSION ACTION

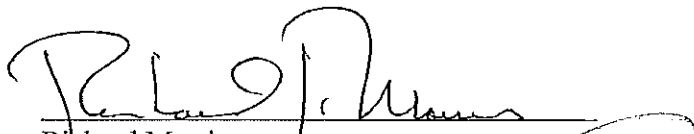
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Town of Genesee Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of **SZT-1821 (Carroll University)** in accordance with the attached "Staff Report and Recommendation".

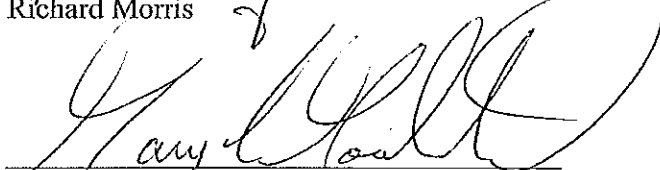
PARK AND PLANNING COMMISSION


March 17, 2016

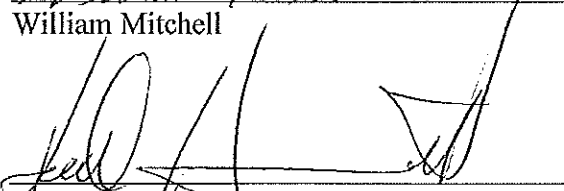

James Siepmann, Chairperson

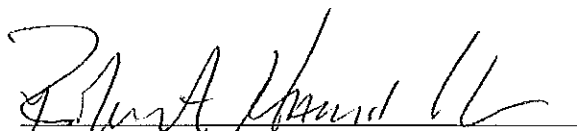

Robert Peregrine


Richard Morris


Gary Goodchild


William Mitchell


Keith Hamnitt


Robert Hamilton

(Absent)
William Maslowski

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

FILE NO.: SZT-1821

DATE: March 17, 2016

PETITIONER: Carroll University
Attn: Ronald Lostetter
100 N. East Avenue
Waukesha, WI 53186

OWNER: Roger G. DeLong
2205 Rivershore Drive
Racine, WI 53405

TAX KEY NUMBER: GNT 1527.989.003

LOCATION:

The subject property is Parcel 2 Certified Survey Map No. 8191, located in the SW ¼ of Section 22 T6N, R18E, Town of Genesee containing approximately 11.081 acres.

PRESENT ZONING:

A-2 Rural Home and C-1 Conservancy Districts, under the Waukesha County Shoreland and Floodland Protection Ordinance and A-5 Mini-Farm District under the Town of Genesee Zoning Ordinance.

PRESENT LAND USE:

The property is currently undeveloped.

PROPOSED ZONING:

The subject property is proposed to be rezoned to the P-I Public and Institutional District, under the Waukesha County Shoreland and Floodland Protection Ordinance and the Town of Genesee Zoning Ordinance. The boundary of the C-1 Conservancy District would be refined to reflect the most recent natural resource inventories. Staff is recommending that lands designated as Environmental Corridor by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) inventory be zoned to the Environmental Corridor District.

PROPOSED LAND USE:

Research and educational programs associated with the Greene Field Station on the adjacent parcel.

PUBLIC HEARING DATE:

January 14, 2016.

PUBLIC REACTION:

A neighbor on Brookhill Rd. expressed concern about the ability for neighbors to review and comment on any future plans the University might have for making improvements to the parcel.

TOWN PLANNING AND ZONING COMMISSION AND TOWN BOARD ACTION:

The Town Board, at their meeting of February 8, 2016, approved the request for rezoning.

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

A petition to amend the land use designation of this property from Rural Density and Other Agricultural Land to the Governmental and Institutional category is pending and will be acted upon in advance of action being taken on the rezone. If the plan amendment is approved, a rezone to allow for future university use of the lands would be consistent with plan recommendations. All PEC lands would remain preserved.

STAFF ANALYSIS:

Carroll University is proposing to acquire an 11 acre undeveloped parcel located at the northwest corner of Hwy. 59 and Brookhill Road, near the North Branch of Genesee Creek. The site has wetlands as well as upland woods on the western portion of the property, which also contains a mapped Primary Environmental Corridor. The property is bounded by a former channel that was a tributary to the North Branch of Genesee Creek to the west. The WDNR has not made a navigability determination on the creek yet, but intends to do so in the next few months when the season is appropriate.

The University has adjacent holdings of over 40 acres to the west and southwest. The lands to the west are better known as the Greene Field Station and are primarily an area of wetlands and floodplain. The parcel to the west-southwest is a 2.8 acre parcel and has a residence and three outbuildings which the University uses for instructional purposes, as well as for the storage of research related equipment.

The University is proposing to rezone the A-2 portion of the parcel to the P-I Public Institutional District of the Waukesha County Shoreland and Floodland Protection Ordinance and the A-5 portion of the parcel to the P-I Public and Institutional District of the Town of Genesee Zoning Ordinance. The petitioners intend to utilize the property as an expansion of the area currently being used for campus instructional programs as well as K-12 programming. The additional upland acreage will provide an educational and environmental experience that is unique as the site conditions on the subject lands are more upland in nature, while the University's existing holdings are largely lowland and wetland to the west. The University has no immediate plans to add any structural improvements to the parcel. However, if structural improvements were to be proposed, there is adequate area on the site to provide buffers to nearby residences from any potential adverse effects that could be generated by said improvements.

The proposed use of this site is consistent with the surrounding uses on Carroll University's adjacent land holdings. Additionally, the University's 2.8 parcel is currently zone P-I, so this request would expand an existing mapped district in the area.

STAFF RECOMMENDATION:

The Planning and Zoning Staff recommend that the request be approved subject to the following condition:

1. The related pending 2016 County Comprehensive Plan Amendment must be approved prior to this rezone being effective.

The rezoning will place the property into a zoning district that will allow the Petitioner to utilize the land for educational and research purposes, which will compliment the University's adjacent holdings and allow for future restoration of parts of these lands.

Respectfully submitted,

Ben Greenberg

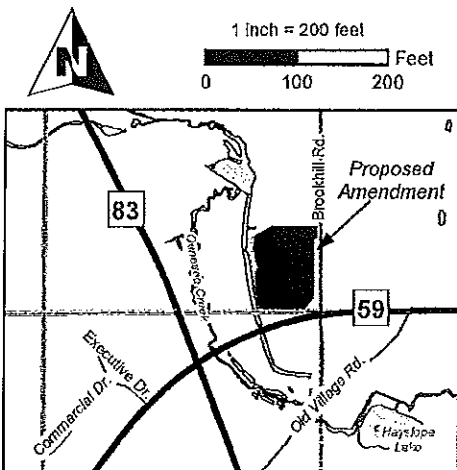
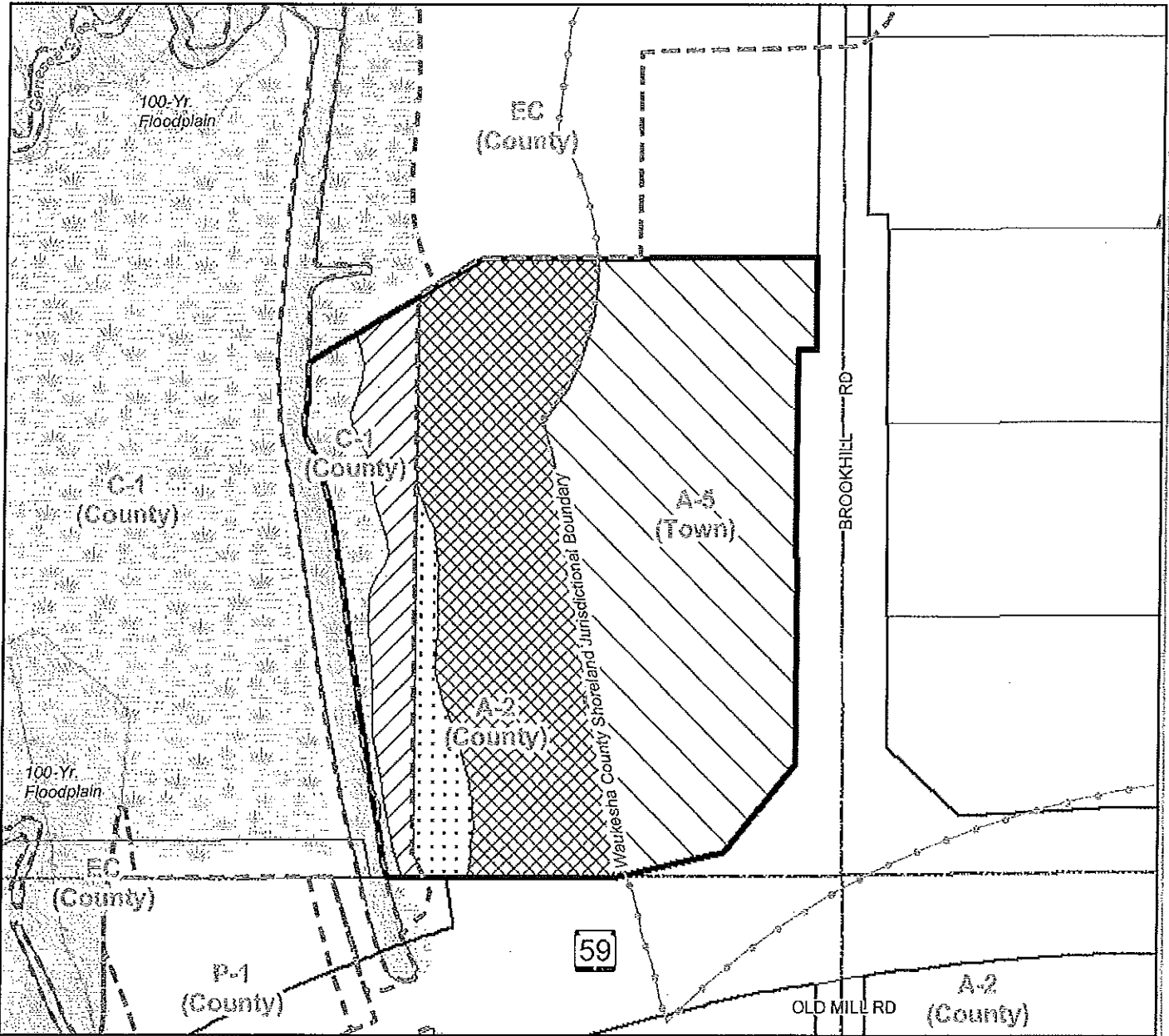
Ben Greenberg
Senior Land Use Specialist


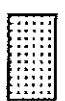


Attachments: Town Ordinance and Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\1821 Carroll University Gnt.Doc

ZONING AMENDMENT

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



-  COUNTY ZONING CHANGE FROM A-2 RURAL HOME DISTRICT TO P-1 PUBLIC AND INSTITUTIONAL DISTRICT (3.50 AC)
-  COUNTY ZONING CHANGE FROM A-2 RURAL HOME DISTRICT TO EC ENVIRONMENTAL CORRIDOR DISTRICT (0.51 AC)
-  TOWN ZONING CHANGE FROM A-5 MINI FARM DISTRICT TO P-1 PUBLIC AND INSTITUTIONAL DISTRICT (5.03 AC)
-  COUNTY ZONING CHANGE FROM C-1 CONSERVANCY DISTRICT TO EC ENVIRONMENTAL CORRIDOR DISTRICT (0.96 AC)

FILE NO.....SZT-1821
 PETITIONER.....CARROLL UNIVERSITY
 DATE OF PLAN COMM. CONSIDERATION.....03/17/16
 AREA OF CHANGE.....10.0 ACRES
 TAX KEY NUMBER.....GNT 1527.989.003

Prepared by the Waukesha County Department of Parks and Land Use

STATE OF WISCONSIN

TOWN OF GENESEE

WAUKESHA COUNTY

ORDINANCE 16-1

**An Ordinance to amend the Zoning Map
of the Town of Genesee from A-5 Mini-Farm District to P-I Public and Institutional District on
lands described as Parcel 2 of Certified Survey Map 8191, being a part of the SW ¼ of Section 22,
Town 6 North, Range 18 East, Town of Genesee, Waukesha County Wisconsin**

WHEREAS, the Town of Genesee has recently received approval from the Waukesha County Board for its Town of Genesee Zoning Code, including Town zoning powers; and

WHEREAS, the Town has now received an application from Carroll University (the "Petitioner") to rezone the property that is generally known as Tax Key No. GNT 1527.989.003, as more particularly described in attached Exhibit A (the "Subject Property"), from the A-5 Mini-Farm District to the P-I Public and Institutional District; and

WHEREAS, the Petitioner has supplied all required data pursuant to the Town of Genesee Zoning Ordinance, including Section 101(A)(2), and the Town Clerk without delay has transmitted such petition to the Town Plan Commission and the Waukesha County Park and Planning Commission pursuant to Section 101(A)(3) of the Town of Genesee Zoning Ordinance; and

WHEREAS, pursuant to Section 101(A)(4), upon due notice as required by Section 102(A) of the Town of Genesee Zoning Ordinance, the Plan Commission held a public hearing in the matter on January 14, 2016; and

WHEREAS, the Town Plan Commission has made a recommendation to the Town Board within 60 days of the public hearing; and

WHEREAS, the Town Board of the Town of Genesee, Waukesha County, Wisconsin, 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 the granting of such 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 noise, dust, smoke and odor, and others, hereby determines that the rezoning will not violate the spirit or intent of the Zoning Code for the Town of Genesee, will not be contrary to the public health, safety or general welfare of the Town of Genesee, will not be hazardous, harmful, noxious, offensive, and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood, and will be consistent with the Town of Genesee Comprehensive Land Use Plan-2035, and the Waukesha County Development Plan, as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same.

NOW, THEREFORE, the Town Board of Genesee, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1:

The Subject Property is hereby rezoned to P-I Public and Institutional District, and the Zoning Map of the Town of Genesee is hereby amended to change the zoning of the Subject Property from A-5 Mini-Farm District to P-I Public and Institutional District,

Section 2:

The Town Engineer is hereby authorized and directed to note this rezoning on the Official Zoning Map of the Town of Genesee.

Section 3: 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 as to those terms that conflict.

Section 4: Effective Date.

This ordinance shall be in full force and effect from and after its passage and publication.

This ordinance passed this 8th day of February, 2016.

BY THE TOWN BOARD OF THE
TOWN OF GENESEE:

Sharon L. Leair
Sharon L. Leair, Town Chairman

ATTEST:

Barbara A. Whitmore
Barbara A. Whitmore, Town Clerk

V

DATE-04/12/16

(ORD) NUMBER-1700105

- 1 R. KOLB.....AYE
- 3 R. MORRIS.....AYE
- 5 J. BRANDTJEN.....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.....
- 25 G. YERKE.....AYE

- 2 D. Zimmermann.....AYE
- 4 J. BATZKO.....AYE
- 6 J. WALZ.....AYE
- 8 E. HIGHUM.....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 C. PETTIS.....AYE
- 16 M. CROWLEY.....AYE
- 18 L. NELSON.....AYE
- 20 T. SCHELLINGER....AYE
- 22 P. JASKE.....AYE
- 24 S. WHITTOW.....

TOTAL AYES-23

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-23

1 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
2 ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF GENESEE AND THE TOWN
3 OF GENESEE ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN
4 LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 22, T6N, R17E, TOWN OF
5 GENESEE, WAUKESHA COUNTY, WISCONSIN, FROM THE A-5 MINI-FARM
6 DISTRICT (TOWN) AND THE A-2 RURAL HOME AND C-1 CONSERVANCY
7 DISTRICTS (COUNTY) TO THE P-I PUBLIC AND INSTITUTIONAL DISTRICT
8 (TOWN) AND THE P-I PUBLIC AND INSTITUTIONAL AND EC
9 ENVIRONMENTAL CORRIDOR DISTRICTS (COUNTY) (SZT-1821)

10
11
12 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
13 this Ordinance was approved by the Genesee Town Board on February 8, 2016, and
14

15 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
16 Planning Commission, which recommended approval and reported that recommendation to the
17 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
18 as required by Sections 59.692 and 60.61, Wis. Stats.
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
21 that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map
22 for the Town of Genesee, Waukesha County, Wisconsin, adopted on June 23, 1970, and the
23 Town of Genesee Zoning Ordinance adopted on March 23, 2015, are hereby amended to
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25 of Genesee, from the A-5 Mini-Farm District (Town) and A-2 Rural Home and C-1 Conservancy
26 Districts (County) to the P-I Public and Institutional District (Town) and the P-I Public and
27 Institutional and EC Environmental Corridor Districts (County), and more specifically described
28 in the "Staff Report and Recommendation" and map on file in the office of the Waukesha
29 County Department of Parks and Land Use and made a part of this Ordinance by reference SZT-
30 1821, subject to the following condition:
31

- 32 1. The related pending 2016 County Comprehensive Plan Amendment must be approved
33 prior to this rezone being effective.
34

35 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
36 this Ordinance with the Town Clerk of Genesee.
37

38 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
39 approval and publication.
40

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