

Date: July 8, 2021

To: Town of Mukwonago Plan Commission and Town Board

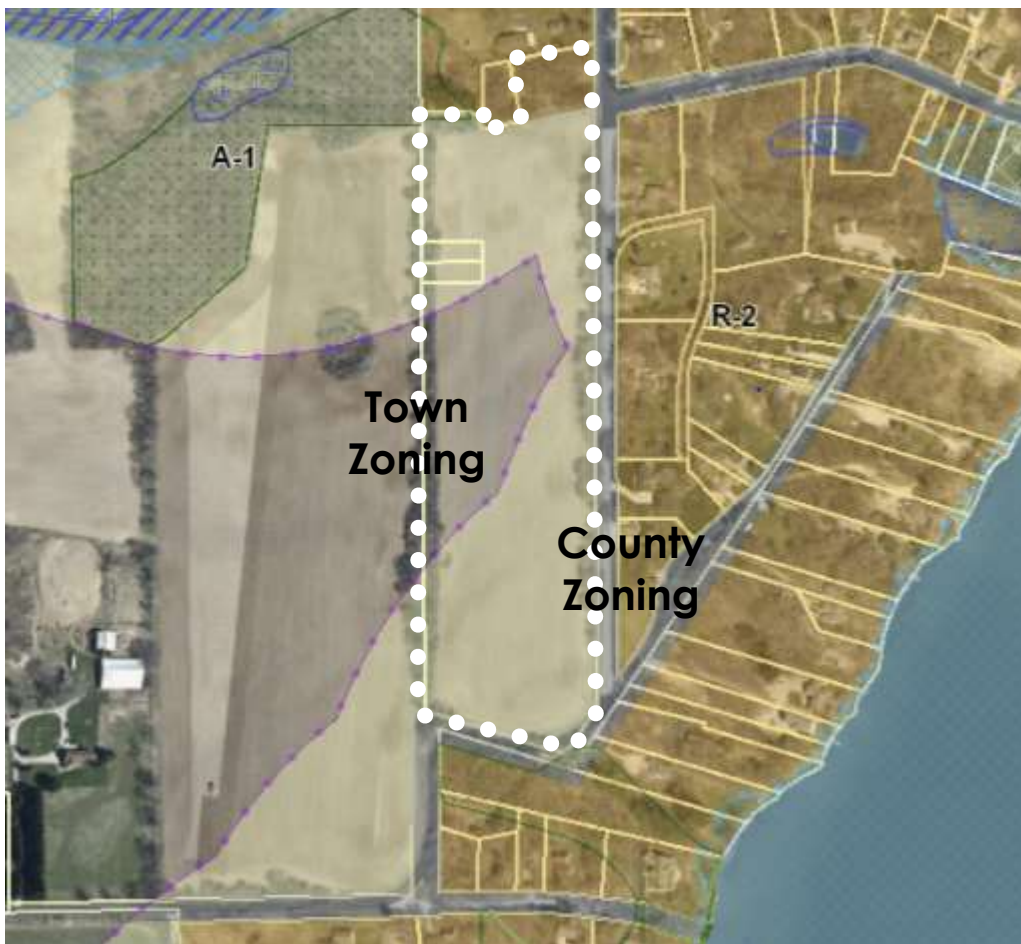
From: Tim Schwecke, Town Planner

Subject: Two-lot certified survey map off of Sandy Beach Road and Lakeview Road (MUKT2005143003; MUKT2005143002; MUKT2005102001) Scott and Courtney Babinat, applicant

Application: 2021-20; <https://s.zoninghub.com/EGK32N1HQ5>

Meeting: July 14, 2021 Plan Commission and Town Board meeting

Scott and Courtney Babinat own the three above-mentioned parcels and have submitted a concept layout for two parcels. The two smaller parcels along the west lot line are being merged into Lot 1.



Jurisdiction The subject property is located in Waukesha County's zoning jurisdiction and the Town's zoning jurisdiction (i.e., dual zoning jurisdiction).

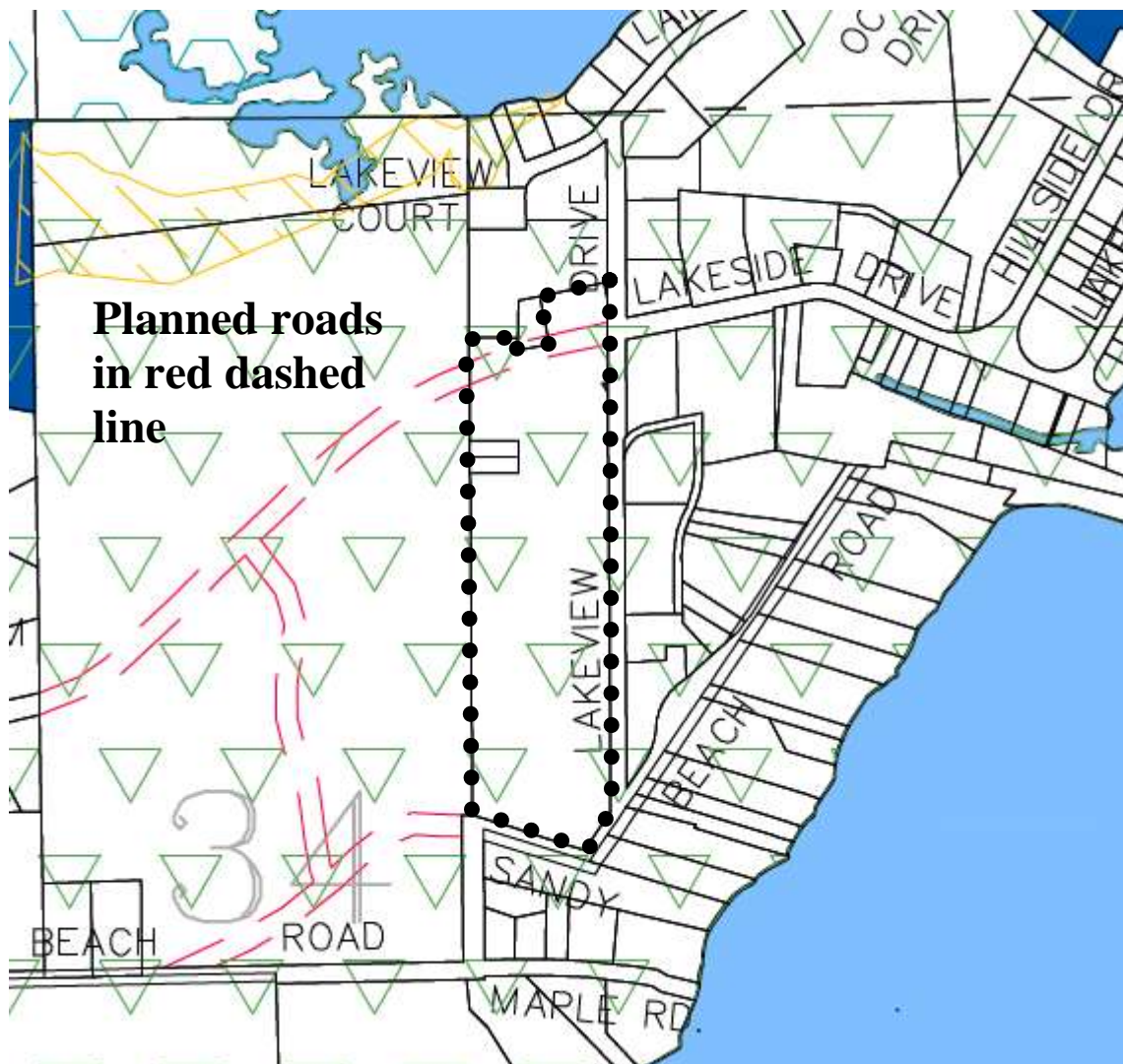
Boundary agreement The subject property is subject to the boundary agreement between the Town and Village of Mukwonago. Specifically, it is located in Exhibits B, C, and D. As such, the property can be attached at the request of the property owner. However, unlike other areas subject to the boundary agreement, a land division does not require attachment.

Zoning requirements The area under Town zoning is zoned A-1. The proposed lots comply to the Town's zoning to the extent they lie within the Town's zoning jurisdiction.

Road access Both of the parcels will access a town road; no internal roads are planned. Given the size of the two lots, it is conceivable they could be further subdivided (3-acre minimum).

Dedication of land Land located along Sandy Beach Road and potentially along Lakeview Road will be dedicated for road purposes.

Official map The Town's official map shows a planned road in the northern part of the subject property (red dashed line). It is not needed to facilitate the division of the subject property.



Review procedures As set forth in s. 34-48 of the municipal code, CSMs are reviewed in two distinct steps. The first step is a conceptual review. The Plan Commission has review authority in this step (i.e., no Town Board review). The Plan Commission will need to (1) approve the conceptual survey map as submitted, (2) approve the map with conditions, or (3) deny the map. If the conceptual CSM is denied, the reason shall be stated in the minutes of the meeting.

After the Plan Commission grants conceptual concurrence, the petitioner then prepares a final CSM for review. In this second step, the Plan Commission is advisory to the Town Board, which makes the final decision.

Notice requirements Aside from being shown on the meeting agenda, no other public notice is required.

Proposed motion for Plan Commission

Approve the conceptual design of the two-lot CSM, subject to the following conditions:

1. The "owner" is listed twice on sheet 1. The one listing Scott Babinat should be removed.
2. A portion of the subject property is subject to the Town's zoning regulations. The first note on sheet 1 should be revised accordingly.
3. The Town engineer should determine if additional land along Lakeview Drive needs to be dedicated to the Town based on the centerline of the existing road.
4. The layout of the lots in the final CSM must substantially comply with the layout depicted in the conceptual CSM. (**OR** as revised at the meeting)
5. The final CSM must comply with the Town's land division regulations (ch. 34), and any requirements in ch. 236, Wis. Stats.
6. The final CSM submittal must include the Review Checklist as adopted by the Town of Mukwonago, including the requirements for septic systems.
7. The Town engineer must review the CSM and approve of the same.
8. Floodplain limits must be shown on the face of the CSM, if none exist, so note.
9. The surveyor's seal, signature, and date must appear on all sheets of the final CSM. The same revision date must also be noted on each sheet.
10. The petitioner must obtain all necessary approvals as specified in s. 236.34(1), Wis. Stats. (County approval).

Attachments:

1. Application materials
2. Correspondence from Sean Sullivan, Town Engineer



Land Division
Town of Mukwonago

Version: December 28, 2020

Town of Mukwonago
W320 S8315 Beulah Road
Mukwonago, WI 53149

Governing regulations. The Town has adopted land divisions regulations to regulate subdivisions, condominiums, and certified survey maps throughout the entire jurisdiction of the town.

General instructions: Application materials should be submitted to the Town Clerk at the mailing address shown above or online at <https://townofmukwonago.zoninghub.com/tools/OnlineApplication.aspx>. If you have any questions, do not hesitate to contact the Town Planner at (920) 728-2814 or via email at tim.schwecke@civitekconsulting.com.

1. **Applicant and agent information** Include the names of the agent, if any, that helped prepare this application including the supplemental information. Examples include surveyors, engineers, landscape architects, architects, planners, and attorneys.

Applicant	Agent
Name <u>Scott James Babinat</u>	
Street address <u>5103 W30286 Lakeside dr</u>	
City, state, zip code <u>Mukwonago WI 53149</u>	
Daytime telephone <u>262 389 9699</u>	
Email address <u>Scott@exlglass.com</u>	

2. **Subject property information**

Physical address "Lakeview dr" Not Assigned

Tax key number(s) MUKT-2005102001 MUKT-2005143003 MUKT-2005143002 MUKT-

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the Town Clerk.

3. **Zoning information.** The subject property is located in the following zoning district(s). (check all that apply)

- | | | |
|------------------------------------------------------|---------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> C-1 Conservancy | <input type="checkbox"/> R-1 Residential | <input type="checkbox"/> EC Environmental corridor (overlay) |
| <input checked="" type="checkbox"/> A-1 Agricultural | <input type="checkbox"/> R-2 Residential | <input type="checkbox"/> HS Hydric soils (overlay) |
| <input type="checkbox"/> RH Rural home | <input type="checkbox"/> B-2 Local business | |
| <input type="checkbox"/> SE Suburban estates | <input type="checkbox"/> P-1 Public | |

Is any portion of the subject property located within Waukesha County's shoreland zoning jurisdiction (generally defined as being within 300 feet of a stream or 1,000 feet of a lake)?

- ☐ No
☒ Yes

4. **Application type** (select one)

- | | |
|-------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Certified survey map – Merge two or more adjoining parcels | <input type="checkbox"/> Subdivision plat – preliminary |
| <input checked="" type="checkbox"/> Certified survey map – Create new lots | <input type="checkbox"/> Subdivision plat – final |
| <input type="checkbox"/> Certified survey map – Modify a lot line between two adjoining parcels | |

5. **Extraterritorial review**

Is the subject property within 1.5 miles of the Village of Mukwonago or the Village of North Prairie?

- ☐ No
☒ Yes (If yes, the Village will need to approve the proposed certified survey map or subdivision plat.)

6. **Existing buildings.** If there are any existing buildings on the subject property, describe whether they will comply with all applicable zoning requirements and/or if one or more will be removed.

NA

7. **Map.** Attach a certified survey map or subdivision plat with the information listed in Table 1 (below) as appropriate.

8. **Attachments.** List any attachments included with your application.

Babinat CSM

9. **Other information.** You may provide any other information you feel is relevant to the review of your application.

Lot #1 is proposed for future residence on south end with
remaining lot to stay agricultural.
Lot #2 is proposed to remain agricultural or for possible future sale

10. **Applicant certification**

- I certify that all of the information in this application, along with any attachments, are true and correct to the best of my knowledge and belief.
- I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with sections 2-2 and 2-3 of the Town of Mukwonago municipal code.
- I understand that the Town Planner will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of such written materials or view it online.

Applicant name:

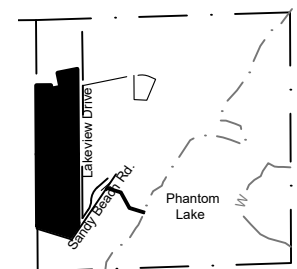
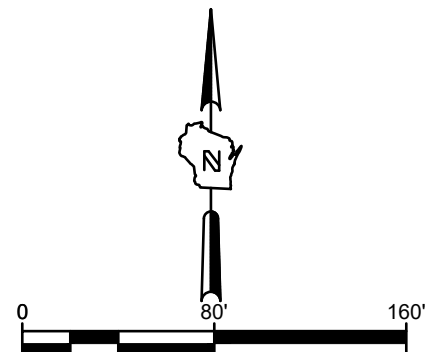
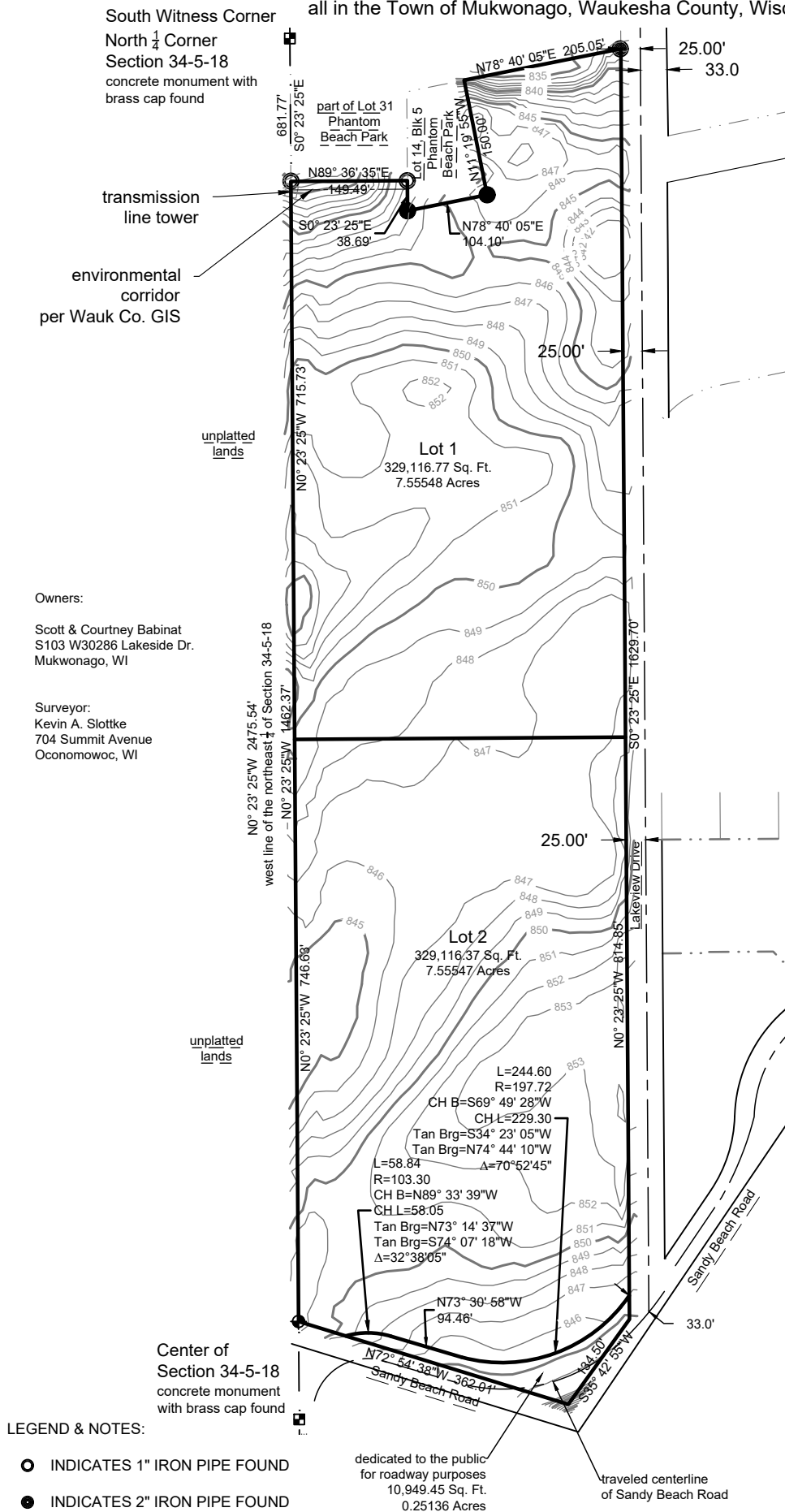
Date:

Scott Babinat

6-14-21

CERTIFIED SURVEY MAP NO. _____

A redivision of Lots 10-13 and part of Lot 9, in Block 5, and Lots 1 to 21 and part of Lot 33, in Block 6, and Lots 1 to 30 and part of Lot 21, in Block 7, together with vacated portions of Phantom Beach Drive and Lakeview Drive, in Phantom Beach Park, being a subdivision in Sections 27 and 34, Township 5 North, Range 18 East, and Lots 8 to 30 and part of Lots 6 and 7, in Block 12, in Third Addition to Phantom Beach Park, in the Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Fractional Section 34, Township 5 North, Range 18 East, South Witness Corner all in the Town of Mukwonago, Waukesha County, Wisconsin.



Vicinity Map
NE $\frac{1}{4}$ of Sec. 34-5-18
1" = 2000'

Owner:
Scott Babinat
S103 W30286 Lakeside Dr
Mukwonago, WI 53149

LEGEND & NOTES:

- INDICATES 1" IRON PIPE FOUND
- ◐ INDICATES 2" IRON PIPE FOUND
- INDICATES SET 3/4" DIAM. REBAR,
18" LONG WEIGHING 1.50 LBS/LIN. FT.

Coordinates & bearings referenced the Wisconsin State Plane Coordinate System, South Zone, NAD27, with the west line of the NE 1/4 of Sec. 34-5-18, assumed to bear N 00°23'25" W

S 18°15'00" W (recorded as)

NOTES:

1. Entire property falls within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance.
2. This certified survey map is located within a State Designated Groundwater Management Area.

CERTIFIED SURVEY MAP NO. _____

A redivision of Lots 10-13 and part of Lot 9, in Block 5, and Lots 1 to 21 and part of Lot 33, in Block 6, and Lots 1 to 30 and part of Lot 21, in Block 7, together with vacated portions of Phantom Beach Drive and Lakeview Drive, in Phantom Beach Park, being a subdivision in Sections 27 and 34, Township 5 North, Range 18 East, and Lots 8 to 30 and part of Lots 6 and 7, in Block 12, in Third Addition to Phantom Beach Park, in the Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Fractional Section 34, Township 5 North, Range 18 East, all in the Town of Mukwonago, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN) SS
MILWAUKEE COUNTY)

I, Kevin A. Slottke, Professional Land Surveyor, hereby certify that I have surveyed, divided, mapped and dedicated a redivision of Lots 10-13 and part of Lot 9, in Block 5, and Lots 1 to 21 and part of Lot 33, in Block 6, and Lots 1 to 30 and part of Lot 21, in Block 7, together with vacated portions of Phantom Beach Drive and Lakeview Drive, in Phantom Beach Park, being a subdivision in Sections 27 and 34, Township 5 North, Range 18 East, and Lots 8 to 30 and part of Lots 6 and 7, in Block 12, in Third Addition to Phantom Beach Park, in the Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Fractional Section 34, Township 5 North, Range 18 East, all in the Town of Mukwonago, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the South witness corner of the North 1/4 corner of said Section 34; thence S 00°23'25" E along the west line of said Northeast $\frac{1}{4}$, 681.77 feet; thence N 89°36'35" E, 149.49 feet; thence S 00°23'25" E, 38.69 feet; thence N 78°40'05" E, 104.10 feet; thence N 11°19'55" W, 150.00 feet to the north line of Phantom Beach Park; thence N 78°40'05" E (recorded as N 79° E), along said north line 205.05 feet to the west right of way line of Lakeview Drive; thence S 00°23'25" E (recorded as South), 1629.70 feet to the east corner of Lot 30 of Block 12 in Third Addition to Phantom Beach Park; thence S 35°42'55" W, 134.50 feet to the south corner of said Lot 30; thence N 72°54'38" W along the south line of said Lot 30 and also the south line of Phantom Beach Park (recorded as N 72°30' W), 362.01 to the west line of Phantom Beach Park also being west line of said Northeast $\frac{1}{4}$; thence N 00°23'25" W (recorded as North) along said west line, 1462.37 feet to the point of beginning.

Containing 669,182.60 Square Feet (15.36232 Acres), more or less

That I have made the survey, land division, and map by the direction of Scott and Courtney Babinat, owners of said land. That the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made. That I have fully complied with s. 236.34 of the Wisconsin Statutes, the Land Division ordinances of Waukesha County, The Village of Mukwonago and the Town of Mukwonago in surveying, dividing, mapping and dedicating the same.

Kevin A. Slottke, PLS 2503 June 11, 2021

OWNER'S CERTIFICATE

Scott Babinat and Courtney Babinat, as owners, certify that we have caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with Chapter 236 Wis. Stats, Waukesha County Land Division Ordinances, Village of Mukwonago Land Division Ordinance, and the Town of Mukwonago Code of Ordinances.

Witness the hand and seal of said owners, this _____ day of _____, 2021

Scott Babinat

Courtney Babinat

State of Wisconsin) _____)ss
_____ County)

Personally came before me this _____ day of _____, 2021, Scott Babinat and Courtney Babinat, to me known to be the persons who executed the foregoing instrument

(SEAL) Notary public, State of Wisconsin
my commission expires _____.

CERTIFIED SURVEY MAP NO. _____

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TOWN OF MUKWONAGO BOARD APPROVAL

Resolved that the Certified Survey Map of Scott Babinat and Courtney Babinat, owners of said lands, being a part of the Northeast $\frac{1}{4}$ of Section 34, Town 5 North, Range 18 East, Town Of Mukwonago, Waukesha County, Wisconsin, having been approved by the Mukwonago Town Board on _____, 2021

Peter Topczewski, Chairman

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

The above, which has been filed for approval as required by Chapter 236 of the Wisconsin State Statutes, is hereby approved on this _____ day of _____, 2021

Dale R. Shaver, Director

VILLAGE OF MUKWONAGO APPROVAL

The above, which has been filed for approval as required by Chapter 236 of the Wisconsin State Statutes, is hereby approved on this _____ day of _____, 2021

Fred Winchowky, Village President

June 25, 2021

Ms. Kathy Karalewitz
Administrator, Clerk/Treasurer
Town of Mukwonago
W320 S8315 Beulah Road
Mukwonago, WI 53149-9235

Re: Babinat CSM Review
Dated June 11, 2021

Dear Kathy,

Per your request, we have completed our review of the Babinat CSM dated June 11, 2021 and offer the following:

This review is for the compliance with Wisconsin Administrative Code Chapter A-E 7, Wisconsin Statute Chapter 236 and the Town of Mukwonago Code of Ordinances Chapter 34

1. Per Wisconsin Administrative Code Chapter, A-E 7- No comments.
2. Per Wisconsin Statute Chapter 236.20 (2) All monuments erected, corners and other points established in the field in their proper place. Monuments are needed on the lot line between lots 1 and 2 and on the curve along Sandy Beach Road.
3. Per Wisconsin Statute Chapter 236.20 (2) (c) – The length and bearing of the exterior boundary and all lot lines shall be shown. The sub-part dimensions for both lots need to be shown. This would also allow for the proper location of the roadway curves which are currently not tied to a line.
4. Per Wisconsin Statute Chapter 236.34 (1m) (c) – The land description listed under the “Certified Survey Map” title on each page is in error. Lots 1-32 (stated as 1-21) in Block 6 and part of lot 31 (stated as 21) in Block 7 should be referenced.
5. Per Wisconsin Statute Chapter 236.20 (2) (f) – The exact width of all easements, streets and alleys. The ROW width of Lakeview Drive appears to be variable. The adjacent CSM’s list it as being 50 feet near Sandy Beach Road and 58 feet around Lakeside Drive. This should be clarified.
6. Per Wisconsin Statute Chapter 236.34 (1m) (d) (2) – A clear and concise description of the land surveyed. This description contains the same general description as the heading. See comment # 4. In addition, it should mention the Point of Beginning where the boundary starts not just where it finishes.
 - Label the Point of Beginning
 - The lot line between lots 1 and 2 should be lighter than the external boundary line.
 - Add “dedicated” to the Owners Certificate.

If you have any questions, please contact our office.

Letter to Kathy Karalewitz
Proposal for services
June 25, 2021
Page 2

Respectfully,

RUEKERT & MIELKE, INC.



Sean M. Sullivan, P.E.
ssullivan@ruekert-mielke.com

SMS:acI

Cc: Peter Topczewski, Town Chair, Town of Mukwonago
John Macy, Attorney, Town of Mukwonago
Tim Schwecke, Planner, Town of Mukwonago
Plan Commission
Scott Babinat