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2  
3 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING  
4 ORDINANCE BY REVISING THE CONDITIONS OF A PREVIOUS CONDITIONAL  
5 REZONING (ENROLLED ORDINANCE NO. 153-029), OF CERTAIN LANDS LOCATED  
6 IN THE SW ¼ OF SECTION 10, T6N, R19E  
7 (ZT-1237B)  
8  
9

10 WHEREAS the subject matter of this ordinance having been approved by the Waukesha Town  
11 Board on April 25, 2002, after public hearing, and the giving of requisite notice of said hearing,  
12 and duly referred to and considered by the Waukesha County Park and Planning Commission,  
13 and a recommendation for approval, thereon reported to the Land Use, Parks and Environment  
14 Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the  
15 Wisconsin State Statutes.

16  
17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
18 ORDAIN that the District Zoning Map for the Town of Waukesha Zoning ordinance, adopted by  
19 the Town of Waukesha on June 24, 1979, is hereby amended to revise the previous conditional  
20 rezoning (Enrolled Ordinance No. 153-029), of certain lands located in the SW ¼ of Section 10,  
21 T6N, R19E, and more specifically described in the "Staff Report and Recommendation" on file  
22 in the office of the Waukesha County Department of Parks and Land Use, and made a part of this  
23 ordinance by reference (ZT-1237B) subject to the following:  
24

25 Paragraph a of Exhibit "A" is revised to read as follows:  
26

27 Development/redevelopment of the site for commercial uses shall only be allowed  
28 on the basis of an integrated site design, defined as a combination or uniting of  
29 individual parcels and buildings to produce a singular project development.  
30 Approval of the development by the Town of Waukesha Planning Commission,  
31 Town Board and the Waukesha County Park and Planning Commission will be  
32 required except after the initial development/redevelopment of the site, additions  
33 less than 25% of the initial buildings, remodeling, to accommodate new or  
34 different uses but not redecorating, accessory buildings less than 800 square feet  
35 and Plan of Operation for new or changed uses need only Town Planning  
36 Commission and Town Board approval and administrative approval by the  
37 Waukesha County Department of Parks and Land Use in order to maintain  
38 conformance with intent and purpose of these conditions of rezoning for this site.  
39 Individual lots as they may presently exist shall not be permitted. Individually  
40 owned lots/site shall be a minimum of five acres to be set forth on a Certified  
41 Survey Map duly approved and recorded. Existing residences and outbuildings  
42 must be removed at the time of commercial redevelopment of this site or, if  
43 utilized, shall meet all contemporary architectural, commercial or building codes  
44 of the town and the state, as indicated in Exhibit "1", and be integrated into the  
45 overall site design.

46 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
47 this ordinance with the Town Clerk of Waukesha.  
48

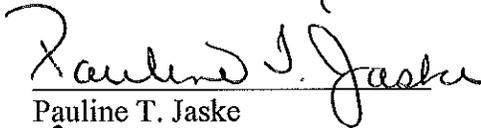
49 BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect upon passage,  
50 approval and publication.  
51

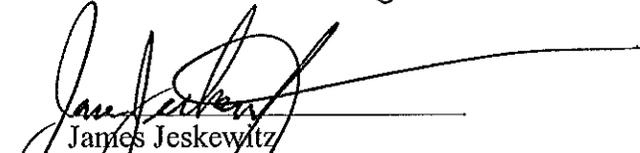
52 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of  
53 provisions of this ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING  
ORDINANCE BY REVISING THE CONDITIONS OF A PREVIOUS CONDITIONAL  
REZONING (ENROLLED ORDINANCE NO. 153-029), OF CERTAIN LANDS  
LOCATED IN THE SW ¼ OF SECTION 10, T6N, R19E (ZT-1237B)

Presented by:  
Land Use, Parks, and Environment Committee

  
Walter L. Kolb, Chair

  
Pauline T. Jaske

  
James Jeskewitz

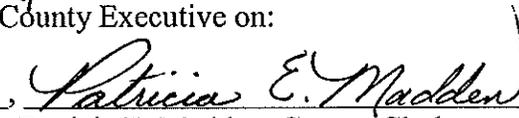
  
Scott J. Kleiz

  
Daniel Pavelko

Absent  
Vera Stroud

  
Matt Thomas

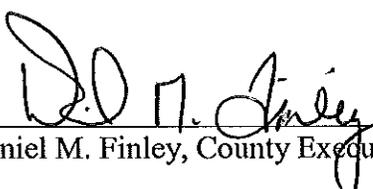
The foregoing legislation adopted <sup>as amended</sup> by the County Board of Supervisors of Waukesha County,  
Wisconsin, was presented to the County Executive on:

Date: August 14, 2002,   
Patricia E. Madden, County Clerk

The foregoing legislation adopted <sup>as amended</sup> by the County Board of Supervisors of Waukesha County,  
Wisconsin, is hereby:

Approved: ✓

Vetoed: \_\_\_\_\_

Date: 8-19,   
Daniel M. Finley, County Executive

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

**FILE NO.:** ZT-1237B

**DATE:** June 20, 2002

**PETITIONER:** General Capital Group, LLP  
c/o Sig Strautmanis  
10532 North Port Washington Road  
Mequon, Wisconsin 53092

**TAX KEY NOS.:** WAKT 1335.942

**LOCATION:**  
Part of the SW ¼ of Section 10, T6N, R19E, Town of Waukesha. More specifically, the property is located on the northwest corner of South Prairie Avenue and Sunset Drive.

**PRESENT ZONING:**  
B-3 General Business District with conditions.

**PRESENT LAND USE:**  
Grocery store, shopping center and residential uses, many of which have been vacated.

**PROPOSED ZONING:**  
No change in the category. It is proposed to amend a condition that was previously imposed by action of the Town Board of Supervisors and the Waukesha County Board of Supervisors, and approved by the Waukesha County Board of Supervisors on February 3, 1999, to require project sizes to be a minimum of two acres in size, rather than the previously imposed five-acre minimum parcel size. No other changes are contemplated.

**PROPOSED USE:**  
Senior housing project on a portion of the site.

**PUBLIC HEARING DATE:**  
April 25, 2002.

**PUBLIC REACTION:**  
One person representing the industrial user north of the property was concerned that a senior housing project in this area may be adversely affected by the uses of their industrial parcel with respect to noise levels. One other person was present who supported the project and is a neighbor immediately south of Sunset Drive and across the street from said project.

**TOWN PLAN COMMISSION ACTION:**  
The Town of Waukesha Plan Commission voted on April 25, 2002, to approve the amendment.

**TOWN BOARD ACTION:**  
The Town Board on April 25, 2002, voted to approve the proposed amendment.

**CONFORMANCE WITH THE COUNTY DEVELOPMENT PLAN:**

As previously acknowledged and indicated in the Planning Staff's Recommendation of 1996 for rezoning of this property to accommodate the commercial uses, we indicated that technically the proposed rezoning was inconsistent with the County Development Plan. However, we also indicated since 1990, this area was a transitional area that could be developed for either commercial, office or light industrial purposes. We also stated that the surrounding uses are a mix of predominantly residential, commercial and limited industrial uses. There is no clear-cut land use pattern or trend mandating only the industrial use of this land and there is an established pattern and trend of commercial uses all the way from Sentry Drive East to S.T.H. 164; therefore, we do not feel this technical inconsistency was fatal to the proposed rezoning of this property.

**OTHER CONSIDERATIONS:**

As previously noted, the only modification as proposed under this amendment is to modify the minimum project size. Previously, projects had to be five acres in size in order to be approved. This amendment suggests that project sizes could be two acres at a minimum in size, thereby accommodating the senior housing project proposal, consistent with the newly adopted senior housing zoning amendment. No other changes to the conditions are proposed.

**STAFF RECOMMENDATION:**

It is the opinion of the Staff this request be **approved** and do not feel strongly, one way or another, whether the project size is five acres or two acres and, based on the newly proposed amendments for the senior housing in the Town of Waukesha, it is felt this site could accommodate such a use on a two-acre parcel in accordance with the limitations prescribed in the senior housing text amendment.

Respectfully submitted,

*Richard L. Mace / Kab*

Richard L. Mace  
Planning and Zoning Manager

RLM:smv

Attachments: Map

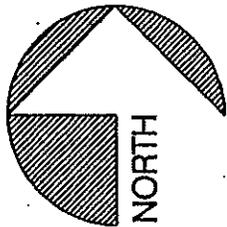
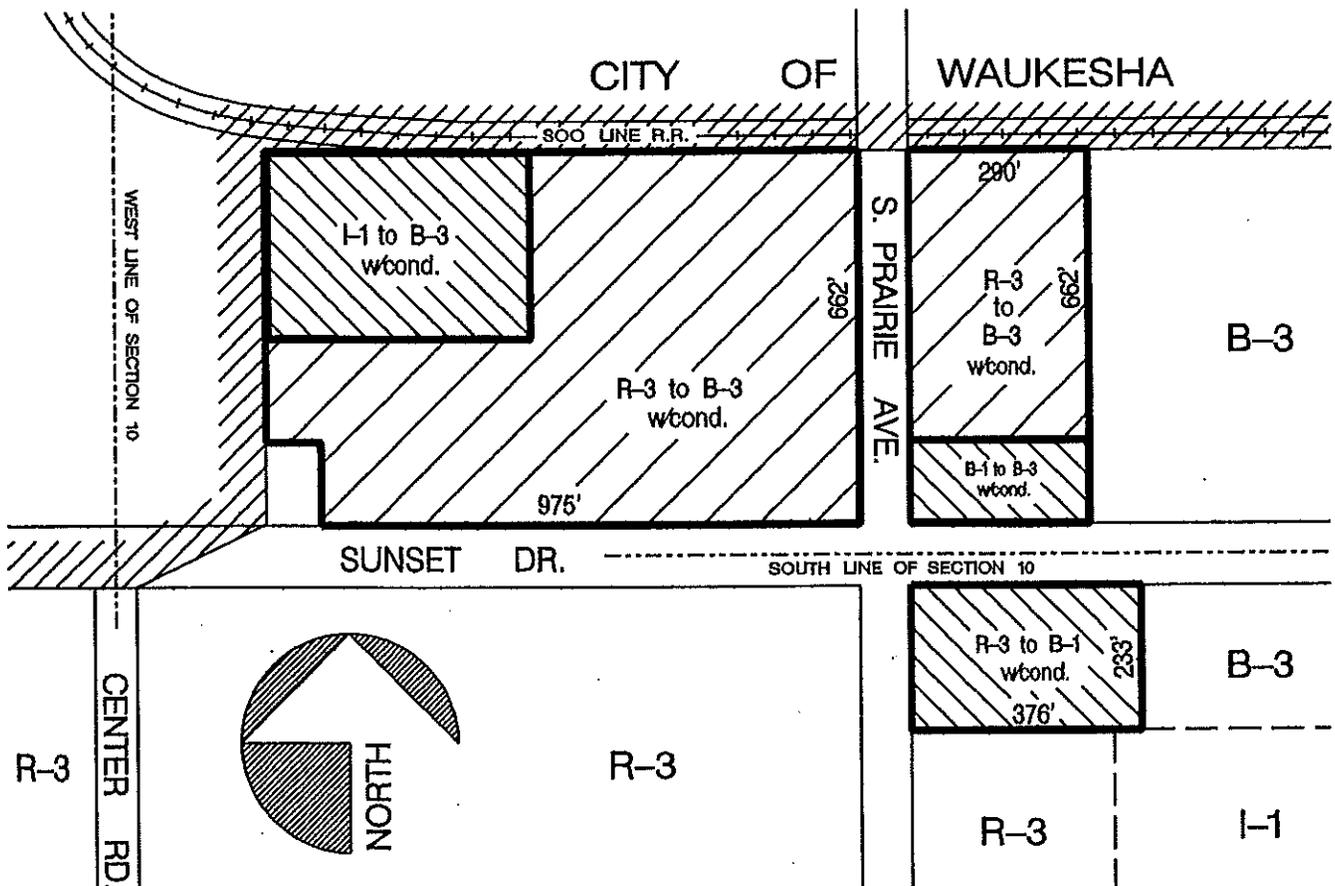
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157-0-033

4.

# ZONING CHANGE

PART OF THE SW 1/4 OF SEC. 10 & NW 1/4 OF SEC. 15  
TOWN OF WAUKESHA



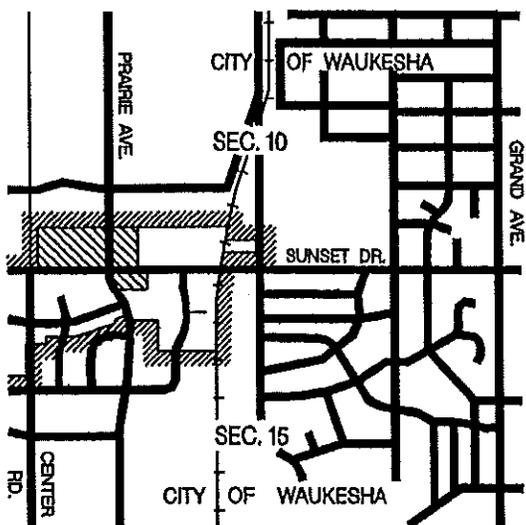
AMENDMENT OF CONDITIONS  
FROM PREVIOUS REZONE  
(ZT-1237A)

FILE..... ZT-1237B

DRAWN.....(REVISED) 6-20-02

SCALE..... 1" = 300'

AREA.....17.5 acres



LOCATION MAP

WAUKESHA COUNTY PARKS & LAND USE DEPARTMENT

**ORDINANCE AMENDING EXHIBIT "A"  
OF THE TOWN ZONING CODE OF THE TOWN OF WAUKESHA,  
WAUKESHA COUNTY, WISCONSIN**

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THE TOWN BOARD OF THE TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN,  
DOES ORDAIN AS FOLLOWS:

SECTION 1: Exhibit "A" of the ordinance dated December 21, 1998, as it relates to the property located at the northwest corner of Sunset Drive and Prairie Avenue, of the Town Zoning Code of the Town of Waukesha is hereby amended by adding thereto the following provision:

- a. Development/Redevelopment of the site for commercial uses shall only be allowed on the basis of an integrated site design, defined as a combination, or uniting, of individual parcels and buildings to produce a singular project development. Approval of the development by the Town of Waukesha Planning Commission and Town Board and the Waukesha County Park and Planning Commission will be required, except after the initial development/redevelopment of the site, additions less than 25% of the initial buildings, remodeling, to accommodate new or different uses, but not redecorating, accessory buildings less than 800 square feet, and plan of operation for new or changed uses need only Town Planning Commission and Town Board approval and administrative approval by the Waukesha County Department of Parks and Land Use in order to maintain conformance with intent and purpose of these conditions of rezoning for this site. Individual lots as they may presently exist shall not be permitted. Individually owned lots/sites shall

be a minimum of two acres to be set forth on a certified survey map duly approved and recorded. Existing residences and outbuildings must be removed at the time of commercial redevelopment of this site or, if utilized, shall meet all contemporary architectural, commercial building codes of the Town and the State, as indicated in Exhibit "1", and be integrated into the overall site design.

SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Waukesha, Waukesha County, Wisconsin this 25<sup>th</sup> day of April, 2002.

TOWN BOARD, TOWN OF WAUKESHA,  
WAUKESHA COUNTY, WISCONSIN

BY: Rodney T. Stilwell  
RODNEY T. STILWELL, Chairman

BY: Robert J. Tallinger  
ROBERT J. TALLINGER, Supervisor

BY: Stephen Smart  
STEPHEN SMART, Supervisor

ATTEST:

BY: Michaelene R. Knoebel  
MICHAELENE R. KNOEBEL, Clerk

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/13/02

(ORD) (RES) NUMBER-1570033

1 K. HERRO.....AYE  
 3 D. STAMSTA.....AYE  
 5 J. MARCHESE.....AYE  
 7 J. JESKEWITZ.....AYE  
 9 P. HAUKOHL.....AYE  
 11 K. HARENDA.....AYE  
 13 J. MORRIS.....  
 15 D. SWAN.....AYE  
 17 J. BEHREND.....AYE  
 19 M. SONNENTAG.....AYE  
 21 W. KOLB.....AYE  
 23 P. PRONOLD.....AYE  
 25 K. CUMMINGS.....AYE  
 27 D. PAULSON.....AYE  
 29 M. THOMAS.....AYE  
 31 V. STROUD.....AYE  
 33 D. PAVELKO.....AYE  
 35 C. SEITZ.....AYE

2 R. THELEN.....AYE  
 4 H. CARLSON.....AYE  
 6 D. BROESCH.....AYE  
 8 J. DWYER.....AYE  
 10 S. WOLFF.....AYE  
 12 J. GRIFFIN.....AYE  
 14 J. LA PORTE.....AYE  
 16 R. MANKE.....AYE  
 18 D. FANFELLE.....AYE  
 20 M. KIPP.....  
 22 G. BRUCE.....AYE  
 24 A. SILVA.....AYE  
 26 S. KLEIN.....AYE  
 28 P. JASKE.....AYE  
 30 K. NILSON.....AYE  
 32 P. GUNDRUM.....AYE  
 34 R. SINGERT.....AYE

TOTAL AYES-33

TOTAL NAYS-00

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-33