

173rd BOARD YEAR
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref	Referred to:	Title
173-O-074	12/14/18 01/03/19	Land Use	ORD: Amend The District Zoning Map Of The Town Of Waukesha Zoning Code By Revising A Condition Of A Previous Conditional Rezoning Enrolled Ordinance No. 153-129, Paragraph (g), Exhibit "A-3") To Allow Drive Through Uses In The B-3 General Business District (RZ17)
173-O-075	12/14/18 01/03/19	Land Use	ORD: Amend The Text Of The Town Of Lisbon Zoning Code Relating To Conditional Use Permits (RZ1701F)
173-O-076	12/14/18 01/03/19	Land Use	ORD: Amend The Text Of The Town Of Eagle Zoning Code Relating To Planned Unit Developments (RZ23)
173-O-077	12/21/18 01/03/19	Land Use	ORD: Amend The Text Of The Town Of Waukesha Zoning Code To Repeal And Recreate Sections 13-2-15(c)(12) And 13-2-15(g) And Create Section 13-2-15(g)(6) Relating To Off Premises Signs (RZ24)
173-O-078	12/21/18 01/03/19	Land Use Executive	ORD: Modification To Waukesha County Natural Areas And Critical Species Habitat Sites Acquisition Partnership Funding Program
173-O-079	01/02/19 01/03/19	Land Use Finance	ORD: Waukesha County Land Conservancy, Inc. Partnership Acquisition – Meyer Property
173-O-080	01/02/19 01/03/19	Public Works	ORD: Laying Out, Relocation And Improvement Of The Intersection Of County Trunk Highway O And County Trunk Highway I, IH-43 WB Ramp To Beloit Road, Waukesha County – Project I.D. 2782-03-06
173-O-081	01/02/19 01/03/19	Executive Finance	ORD: Modify The Bridges Library System 2019 Budget To Accept And Appropriate Grant Funding To Improve Library Services To People Affected By Memory Loss And Their Caregivers
173-O-082	01/02/19 01/03/19	Judiciary Finance	ORD: Amend Sheriff's Department 2019 Budget For Expenditure Of Donated Funds
173-O-083	01/02/19	Judiciary Finance	ORD: Accept The 2018 Cops Office Anti-Heroin Task Force Program Grant From The State Of Wisconsin Department Of Justice And Modify The Waukesha County Sheriff's Department 2019 Budget To Authorize Grant Expenditures
173-O-084	01/03/19 01/03/19	HHS Finance	ORD: Accept The Families Of Women With Substance Use Disorders Grant And Modify The Department Of Health And Human Services 2019 Budget To Appropriate Additional Revenues And Expenditures For Grant Activities
173-O-085	01/03/19 01/03/19	HHS Finance	ORD: Accept The Urban Youth Primary Substance Use Prevention Grant And Modify The Department Of Health And Human Services 2019 Budget To Appropriate Grant Expenditures And Increase Revenues
173-O-086	01/03/19 01/03/19	Finance	ORD: Modify The 2018 Active Employee Program Budget In The Health And Dental Insurance Fund

1 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING CODE
2 BY REVISING A CONDITION OF A PREVIOUS CONDITIONAL REZONING ENROLLED
3 ORDINANCE NO. 153-129, PARAGRAPH (g), EXHIBIT "A-3") TO ALLOW DRIVE
4 THROUGH USES IN THE B-3 GENERAL BUSINESS DISTRICT (RZ17)
5
6

7 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
8 this Ordinance was approved by the Waukesha Town Board on November 8, 2018; and
9

10 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
11 Planning Commission, which recommended approval and reported that recommendation to the
12 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
13 as required by Section 60.62, Wis. Stats.
14

15 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
16 that the District Zoning Map for the Town of Waukesha Zoning Code, adopted by the Town of
17 Waukesha on October 30, 2017, is hereby amended to revise the conditional rezoning allowed by
18 Enrolled Ordinance No. 153-129, Paragraph (g), Exhibit "A-3" to allow drive through uses in the
19 B-3 General Business District, and more specifically described in the "Staff Report and
20 Recommendation" and map on file in the office of the Waukesha County Department of Parks
21 and Land Use and made a part of this Ordinance by reference RZ17, is hereby approved, subject
22 to the following conditions:
23

24 1. County Enrolled Ordinance 153-129 Exhibit "A-3": paragraph (g) shall be amended as
25 follows:
26

27 Uses on the site shall be allowed, as set forth in the B-3, General Business District, except
28 the following uses shall expressly be prohibited: vehicle sales, new or used; storage yards
29 and garages for equipment, supplies, or vehicles; storage of junk automobiles or parts; dry
30 cleaning, dying, and laundry establishments, except that drop off and pick up stations for
31 laundry/dry cleaning establishments may be allowed; lockers or cold storage plants;
32 gasoline stations; vehicle repair; dance halls and amusement places; wholesalers and
33 distributors; mini warehouses; and theaters.
34

35 2. Effective. The amendment to the B-3 District conditions shall not be in full force and
36 effect until approved by the Waukesha County Board of Supervisors.
37

38 3. Payment of Charges. The Petitioner and/or Property Owner shall, on demand,
39 reimburse the Town of Waukesha for all costs and expenses of any type incurred by
40 the Town in connection with the review and approval of this application, including,
41 but not limited to, the cost of professional services incurred by the Town for the
42 review and preparation of required documents, attendance at meetings or other
43 related professional services as well as to enforce the conditions in this approval
44 due to a violation of these conditions. Additionally, any unpaid bills owed to the
45 Town of Waukesha by the Subject Property Owner and/or Agent, for reimbursement
46 of professional fees (as described above); or for personal property taxes; or for real
47 property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the

48 Town of Waukesha must be paid on demand and prior to issuance of any permits.
49 Such unpaid bills also constitute a breach of the requirements of this conditional
50 approval that is subject to all remedies available to the Town of Waukesha, including
51 possible cause for termination of the conditional approval.
52

53 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
54 this Ordinance with the Town Clerk of Waukesha.
55

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

COMMISSION ACTION

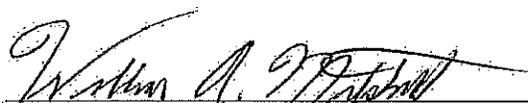
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code hereby recommends **approval** of **(RZ17 Larson-Shops at Sunset LLC/78 Waukesha LLC)** in accordance with the attached "Staff Report and Recommendation".

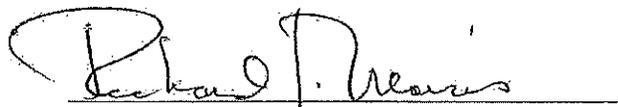
PARK AND PLANNING COMMISSION

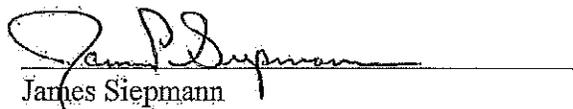
December 6, 2018

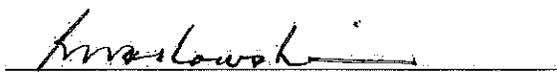
Absent

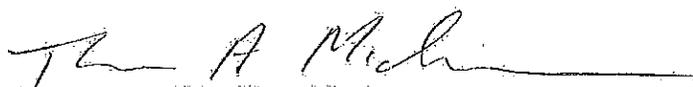
Robert Peregrine, Chairman


William Mitchell, Vice Chairman


Richard Morris


James Siepmann


William Maslowski


Thomas Michalski

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

DATE: December 6, 2018

FILE NO.: RZ17

TAX KEY NO's: WAKT 1335.942.002 and WAKT 1335.942.003

OWNERS: Tim Larsen
d/b/a Shops at Sunset LLC
2777 N. Stemmons Fwy Ste 1400
Dallas, TX 75207-2277

78 Waukesha LLC
6938 N. Santa Monica Boulevard
Fox Point, WI 53217

LOCATION:

Parcel 2 and 3 of Certified Survey Map No. 9666, part of the SW ¼ of Section 10, T6N, R19E, Town of Waukesha. More specifically, the properties are located at S30 W24890 and S30 W24896 Sunset Drive, containing a total of approximately 4.9 acres.

PRESENT ZONING CLASSIFICATION:

B-3 (Conditional).

PRESENT LAND USE:

Commercial (south), senior housing (north).

PROPOSED ZONING:

B-3 (Amend conditions imposed by previous rezoning).

PROPOSED LAND USE:

Mixed Use (modification to use terms for drive-thrus proposed).

PUBLIC HEARING DATE:

September 13, 2018.

PUBLIC REACTION:

An owner of a business located in the strip mall on the property affected by the proposed text amendment expressed concerns regarding traffic and safety issues around the building. She indicated that their employees enter and exit from the back of the building and make trips to the dumpster in the far back of the building. If there would be additional drive through traffic, they suggested the addition of speed bumps in the back and front of the building to slow down vehicles. Another suggestion was to make the parking in the back of the building employee parking only. She also had questions regarding the fire lanes and noted that it is difficult to make a left turn onto Sunset Drive. The fire chief indicated that all standard codes for fire lanes would need to be met.

TOWN PLAN COMMISSION:

On September 13, 2018, the Town Plan Commission, by a vote of 4 to 1, recommended approval of the rezoning request as conditioned. Subsequently, on November 8, 2018, the Town Plan Commission unanimously recommended approval of the subject rezone ordinance in its final form.

TOWN BOARD ACTION

On September 13, 2018, the Town Board, by a vote of 4 to 1, approved the rezoning request as conditioned. Subsequently, on November 8, 2018, the Town Board, by a vote of 4 to 1 approved the subject rezone ordinance in its final form.

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

The properties are designated in the Mixed Use category on both plans. The proposal to amend the rezoning terms is compatible with plan recommendations in that mixed uses would continue to be accommodated.

OTHER CONSIDERATIONS:

The subject properties are part of a conditional rezoning series of files that was first established in 1999. The conditions that govern the subject properties are extremely detailed and are similar to those that are typical of a planned unit development (PUD) document. The properties subject to the various rezone files within the series are located at the northwest, northeast and southeast quadrants of the intersection of Sunset Drive and Prairie Avenue. The rezone terms have been amended several times since 1999. This part of the Town is highly urbanized and these particular properties are bordered by the City of Waukesha on all sides.

The current proposal would amend the use terms as they relate to two properties in the northwest quadrant of the intersection (see attached map). The amendment would slightly modify the list of prohibited uses, which would make restaurants with drive through lanes an available Conditional Use, whereas the use is currently prohibited. A Jimmy John's sandwich shop is proposed for the west end of the strip commercial building located on the subject parcel that abuts Sunset Drive. The sandwich shop would like to have a drive-thru window. Drive-thrus within the Town's B-3 District require a Conditional Use Permit. The proposed sandwich shop has advanced through the Town's Conditional Use process but approval of the drive thru use has been made contingent upon this rezoning being approved. There are numerous fast food restaurants with drive thrus on Sunset Dr., with the closest being Culver's located immediately to the west.

A speaker at the public hearing asked a number of questions about the functionality of a specific drive-thru layout that would only be able to move forward if this text amendment were first proposed. The Town has conducted a Conditional Use hearing regarding that related proposal. The Town asked the petitioner to respond with detailed information regarding anticipated traffic, drive lane specifications, etc. and the petitioner has provided very detailed information, as requested. The Town has since conditionally approved a Conditional Use, subject to numerous conditions including that the subject rezone must first be approved and that the County Planning and Zoning Division must review and approve the Site Plan, pursuant to the terms of the 1999 rezoning. The Town's Conditional Use conditions stipulate compliance with a detailed plan set that includes provisions to ensure traffic safety, landscape buffering and signage considerations.

STAFF RECOMMENDATION

It is the opinion of the Planning and Zoning Division Staff that the request be **approved** subject to the following conditions imposed by the Town:

1. County Enrolled Ordinance 153-129 Exhibit "A-3"., paragraph (g) shall be amended as follows:

Uses on the site shall be allowed, as set forth in the B-3, General Business District, except the following uses shall expressly be prohibited: vehicle sales, new or used; storage yards and garages for equipment, supplies, or vehicles; storage of junk automobiles or parts; dry cleaning, dyeing, and laundry establishments, except that drop off and pick up stations for laundry/dry cleaning establishments may be allowed; lockers or cold storage plants; gasoline stations; vehicle repair; dance halls and amusement places; wholesalers and distributors; mini warehouses; and theaters.

2. Effective. The amendment to the B-3 District conditions shall not be in full force and effect until approved by the Waukesha County Board of Supervisors.

3. Payment of Charges. The Petitioner and/or Property Owner shall, on demand, reimburse the Town of Waukesha for all costs and expenses of any type incurred by the Town in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Town for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Town of Waukesha by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Town of Waukesha must be paid on demand and prior to issuance of any permits. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town of Waukesha, including possible cause for termination of the conditional approval.

The approval of the request allows for the subject property owners to seek Conditional Use approvals to operate drive thru restaurants in an area that has many such uses. The Conditional Use and Site Plan review process would ensure that such uses are compatible with the neighborhood.

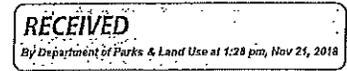
Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Division Manager

Attachments: Town Ordinance No. 2018-07
Map

ORDINANCE NO. 2018-07
TOWN OF WAUKESHA



AN ORDINANCE TO CONDITIONALLY REZONE THE B-3 CONDITIONS
TO CERTAIN LANDS IN THE TOWN OF WAUKESHA

WHEREAS, a petition has been filed by Tim Larson; DBA Shops at Sunset, petitioning pursuant to Section 13-2- 22(b) for rezoning property depicted in attached Exhibits A, attached hereto and incorporated herein by reference (the "Subject Property"); and

WHEREAS, upon receipt of the petition the Town Clerk scheduled a public hearing to be held jointly by the Town Plan Commission and the Town Board September 13, pursuant to Section 13-2- 22(d); and

WHEREAS, the Town Clerk for the Town of Waukesha has properly transmitted notice to the Town Plan Commission, Town Board, and to the Waukesha County Park and Planning Commission, pursuant to Section 13-2-22(d)(2) of the Town of Waukesha Zoning Code; and

WHEREAS, the Plan Commission considered the testimony taken at the public hearing, along with other pertinent technical information and made a recommendation to the town pursuant to Section 13-2- 22(d)(3) of the Town of Waukesha Zoning Code; and

WHEREAS, the Town Board for the Town of Waukesha at the September 13, 2018 meeting after carefully reviewing the recommendation of the Plan Commission for the Town of Waukesha and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety, morals, comfort, prosperity and general welfare of the Town of Waukesha of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the rezoning will serve the public health, safety morals, comfort, prosperity and general welfare of the Town of Waukesha, and that such amendments are intended to provide for adequate light, air, convenience of access, and safety from fire and other dangers; to promote the safety and efficiency of the public streets and highways; to aid in conserving and stabilizing the economic values of the community; to promote the orderly development of land; to preserve and promote the general attractiveness and character of the community environment; to guide the proper distribution and location of population and of the various land uses; and otherwise provide for the healthy and prosperous growth of the community, and that such rezoning will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW THEREFORE, the Town Board for the Town of Waukesha, Waukesha County does hereby ordain as follows:

SECTION 1: The Subject Properties identified as Tax Keys WAKT1335942002 and WAKT1335942003, are hereby conditionally rezoned to amend the B-3 District conditions established in Enrolled Ordinance no. 153-129, Ordinance No 3, Exhibits A-3 for the properties located at S30W24896 Sunset Dr (WAKT 1335942002) and S30W24890 Sunset Dr (WAKT1335942003), by conditions stated in Section 2 of this ordinance are met.

SECTION 2: The above rezoning is conditioned upon the following conditions, which must be complied with or this ordinance is null and void:

1. County Enrolled Ordinance 153-129 Exhibit "A-3"; paragraph (g) shall be amended as follows:
Uses on the site shall be allowed, as set forth in the B-3, General Business District, except the following uses shall expressly be prohibited: vehicle sales, new or used; storage yards and garages for equipment, supplies, or vehicles; storage of junk automobiles or parts; dry cleaning, dyeing, and laundry establishments, except that drop off and pick up stations for laundry/dry cleaning establishments may be allowed; lockers or cold storage plants; gasoline stations; vehicle repair; dance halls and amusement places; wholesalers and distributors; mini warehouses; and theaters.
2. Effective. The amendment to the B-3 District conditions shall not be in full force and effect until approved by the Waukesha County Board of Supervisors.
3. Payment of Charges. The Petitioner and/or Property Owner shall, on demand, reimburse the Town of Waukesha for all costs and expenses of any type incurred by the Town in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Town for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Town of Waukesha by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Town of Waukesha must be paid on demand and prior to issuance of any permits. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town of Waukesha, including possible cause for termination of the conditional approval.

SECTION 4. SEVERABILITY.

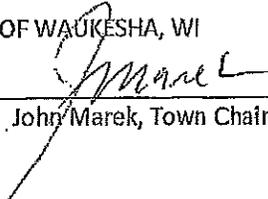
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the 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 7. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication and subject to the conditions stated in Section 2, and this ordinance is null and void and original district zoning shall be in effect with no further notice if said conditions are not complied with on the terms and conditions stated herein.

Passed and approved this 8th day of November, 2018.

TOWN OF WAUKESHA, WI

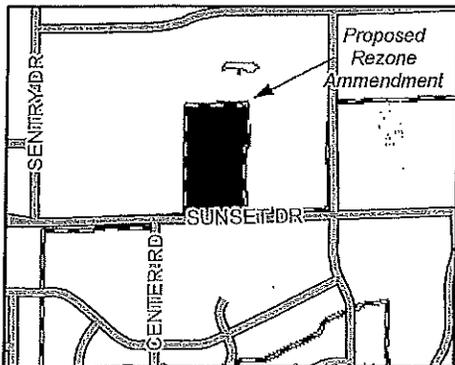
By:  John Marek, Town Chairman

ATTEST:


Kathy Nickolaus, Town Clerk-Treasurer

ZONING AMENDMENT

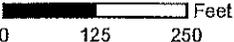
PART OF THE SW 1/4 OF SECTION 10,
TOWN OF WAUKESHA



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

FILE.....RZ17
 DATE OF PLAN COMMISSION.....12/6/2018
 AREA OF CHANGE.....4.8 ACRES
 TAX KEY NUMBER.....WAKT 1335.942.002 AND WAKT 1335.942.003



1 inch = 250 feet


Prepared by the Waukesha County Department of Parks and Land Use

Referred on: 01/03/19

File Number: 173-O-074

Referred to: LU 9

1 AMEND THE TEXT OF THE TOWN OF LISBON ZONING CODE
2 RELATING TO CONDITIONAL USE PERMITS (RZ1701F)
3
4

5 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
6 this Ordinance was approved by the Lisbon Town Board on November 26, 2018; and
7

8 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
9 Planning Commission, which recommended approval and reported that recommendation to the
10 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
11 as required by Section 60.62, Wis. Stats.
12

13 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
14 that the text of the Town of Lisbon Zoning Code, adopted by the Town of Lisbon on April 9,
15 2010, is hereby amended relating to Conditional Use Permits, more specifically described in the
16 "Staff Report and Recommendation" on file in the office of the Waukesha County Department of
17 Parks and Land Use and made a part of this Ordinance by reference RZ1701F, is hereby
18 approved.
19

20 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
21 this Ordinance with the Town Clerk of Lisbon.
22

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

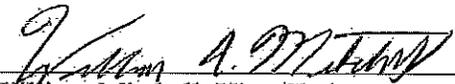
COMMISSION ACTION

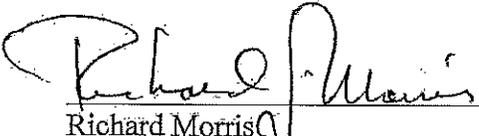
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Code hereby recommends **approval** of **RZ1701F (Text Amendment/Town of Lisbon Board)** in accordance with the attached "Staff Report and Recommendation".

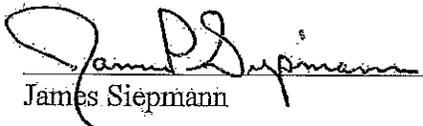
PARK AND PLANNING COMMISSION

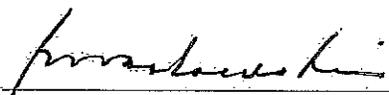
December 6, 2018

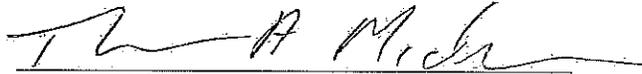
Absent
Robert Peregrine, Chairman


William Mitchell, Vice Chairman


Richard Morris


James Siepmann


William Maslowski


Thomas Michalski

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

DATE: December 6, 2018

FILE NO.: RZ-1701F

NAME OF PETITIONER: Town Board of Lisbon
Lisbon Town Hall
W234 N8676 Woodside Road
Lisbon, WI 53089

REQUEST:
Text Amendment to the Town of Lisbon Zoning Code relating to Conditional Use Permits (CUPs).

PUBLIC HEARING DATE: October 11, 2018

PUBLIC COMMENT:

There were no comments from the public, but a Plan Commission member questioned why there was nothing in the proposed Ordinance regarding termination or expiration of Conditional Use Status. *It should be noted this information is found in Section 4(k) of the proposed Ordinance.* The Town Attorney also answered that the Town could add a condition regarding the term for which a CUP would be valid. The Town Attorney stated that with these revisions, the new owner of the property would assume the (conditional) use on the property. *The proposed Ordinance allows for transferability in Section 4(g).*

TOWN PLAN COMMISSION ACTION:

On October 11, 2018, the Town of Lisbon Plan Commission unanimously recommended approval of the text amendment to the Town Board and Waukesha County.

TOWN BOARD ACTION:

On October 22, 2018, the Lisbon Town Board of Supervisors unanimously approved Ordinance No. 10-18 regarding the amendments to the Conditional Use section of the Town's Zoning Ordinance.

Subsequent to a meeting with the Waukesha County Planning and Zoning Division and Town staff, on November 26, 2018, the Lisbon Town Board of Supervisors unanimously (re)approved Ordinance No. 10-18 regarding the amendments to the Conditional Use section of the Town's Zoning Ordinance with minor edits.

STAFF ANALYSIS:

The Town is proposing this text amendment due to the change in State Statute in 2017, which added new language (standards) regarding Conditional Use Permits (CUPs), and the Town is updating their Code to reflect these new standards. Specifically, they are repealing Section 4(a) through (g) and creating Section 4(a) through (l), and renumbering Section 4(h) to 4(m). The sections to be repealed and replaced include the generalized Conditional Use introductory paragraphs along with guidance relative to the application process, hearing notice requirements and basis for determination sections. The Town is adding language to match new statutory rules that require substantial evidence to be relied upon in the Town's decision making process. Language has also been added to specify that imposed conditions must relate to the purpose and intent of the ordinance.

The CUP process is also proposed to be modified from decisions being made by the Plan Commission only to the Plan Commission providing recommendations to the Town Board and then the Board making the final decision. County Staff recommended that the Town consider the additional time that applicants may face in awaiting decisions from an additional body; the Town ultimately elected to add Town Board approval as a requirement. Several towns within the County already require Board approval for CUPs; Planning Staff feels that this is a local preference issue and does not object to the Town's proposal to include the Town Board in the process.

County Staff also recommended that the Town consider restoring its neighbor mailing requirements to 300', rather than the 500' currently specified in the code. Most local codes require a 300' neighbor mailing requirement for zoning matters that involve public hearings. The modification to 300' provides consistency in notice mailing requirements for rezones, variances and Conditional Use requests. Law now requires publication of a Class two public hearing notice for Conditional Use requests and the Town Code includes this requirement. The Town Planner has indicated that the Town will likely examine its specific standards for individual Conditional Use types and consider subsequent amendments in the future.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of this request in accordance with the Town of Lisbon's adopted Ordinance approving the same. The proposed amendments will provide an updated CU section in conformance with new state law and, therefore, this zoning amendment is within the purpose and intent of the Town of Lisbon's Zoning Ordinance.

Respectfully submitted,

Sandra L Scherer

Sandy Scherer
Senior Planner

Attachment: Town Ordinance 10-18

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NOV 29 2018

STATE OF WISCONSIN

TOWN OF LISBON

DEPT OF PARKS & LAND USE
WAUKESHA COUNTY

Ord. 10-18

**AN ORDINANCE REPEALING CHAPTER 11, SECTION 4(a) THROUGH (g) AND
CREATING SECTION 4(a) THROUGH (I) OF THE ZONING CODE OF THE TOWN OF
LISBON RELATING TO ISSUANCE OF CONDITIONAL USE PERMITS**

The Town Board of the Town of Lisbon, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: Chapter 11, Sections 4(a) through (g) are repealed and Section 4(a) through (I) are hereby created to read as follows:

SECTION 4 CONDITIONAL USES

(a) **Approval Required**

Certain uses and situations which are of a special nature, or are so dependent upon actual contemporary circumstances as to make impractical the predetermination of permissibility or the detailing in this ordinance of the specific standards, regulations, or conditions which would permit such determination in each individual conditional use type, subject to the requirements hereinafter specified for each conditional use type, the approval of the Town Board, unless otherwise designated herein, and subject to any conditions as deemed appropriate in the approval process.

(b) **Definitions** in this subsection:

1. **Conditional Use** means a use allowed under a Conditional Use Permit, special exception, or other special zoning permission issued by a Town, but does not include a variance.
2. **Substantial Evidence** means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that a reasonable person would accept in support of a conclusion.

(c) **Application**

Application for Conditional Use Permits may be made by an individual property owner or group of owners or by a municipality, lake management district, sanitary district, or similar agency on behalf of a larger property area where said proposal may benefit a larger group or entire community. Application shall be made to the Town Clerk and shall include:

1. A plat of survey (preferably a topographic survey), or an accurate map of the property drawn to a scale of not less than two hundred (200) feet to one (1) inch, and properly dimensioned showing: all lands within three hundred (300) feet of the subject property; the land in question; its legal description and location;

location and use of existing buildings, sanitary systems, and private water supplies on such land; the ordinary high water mark of any navigable waters within one hundred (100) feet of the boundaries of the land in question; the location and use of any proposed buildings; sanitary systems and private water supplies on such land and within one hundred (100) feet of the land in question. Contact the Town Hall as to the number of copies required.

2. Names and complete mailing addresses, including zip codes, of the owners of all properties within three hundred (300) feet of any part of the land included in the proposed change. When the project is to include a larger area and number of property owners and the applicant is the municipality or other governmental agency representing a large number of properties, the necessity of including names and addresses for the owners of land within three hundred (300) feet of the project area is not required although there must be a listing of all properties directly included by the project. Notice of hearing will only be required to be sent to the community, DNR, and other agencies of government as set forth elsewhere in this ordinance, and the notice shall be published in the newspaper as a class 2 type notice.
3. Site Plans and Plan of Operation as required by Sub. Sec. (d) of this Ordinance.
4. A fee, as established and periodically modified by the Town under Section 37 (b) 5 shall accompany each application, except those submitted by a governmental body or agency. Such fee shall be paid by cash, check, or money order to the Town of Lisbon to defray the cost of official notification and positing of the public hearing. Costs incurred by the Town of Lisbon in obtaining legal, planning, engineering, and/or other technical and professional advice in connection with the review of conditional use applications and preparation of conditions to be imposed on such uses in accordance with Ordinance 1.14, shall also be charged to the applicant.
5. Where necessary, to comply with the Waukesha County Shoreland and Floodland Protection Ordinance, and certain regulations established by the Wisconsin Statutes and the federal government, applications will be required to be submitted to the Waukesha County Department of Parks and Land Use - Planning and Zoning Division, the State of Wisconsin Department of Natural Resources, and the U.S. Army Corps of Engineers.

(d) **Site Plan and Plan of Operation**

1. **Purpose, Scope and Intent.** For the purpose of protecting and promoting the public health, safety, convenience, prosperity, aesthetics, and general welfare of the community, and for promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, issuance of a conditional use shall require the submittal, review and approval of a Site Plan and Plan of Operation.

The Town Plan Commission shall review and recommend to the Town Board, and the Town Board shall approve, conditionally approve or reject the Site Plan and Plan of Operation as a part of the review process undertaken when reviewing the application for issuance of a Conditional Use Permit. The Town's review shall include but not be limited to review of the site, existing and proposed structures, detailed architectural plans, neighboring uses, utilization of landscaping and open

space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, lighting, drainage, sewerage and water systems and the proposed operation.

The Town Plan Commission may recommend changes to any proposed Site Plan and Plan of Operation, and the Town Board may approve amendments to the submitted Site Plan and Plan of Operation provided that the Town Board determines that amendments to the Site Plan and Plan of Operation are necessary to conform with the purpose and intent of this Ordinance, and comply with the Town's adopted Comprehensive Development Plan, and any other adopted plan or ordinance utilized by the Town to promote the health, safety and general welfare of the citizens by preserving and enhancing the Town's natural environment, facilitating the creation of an attractive and harmonious community, protecting and enhancing property values, and encouraging the appropriate use and orderly development of land.

2. **Site Plan.** The Site Plan shall include the following information:
 - A. Site Plan drawn to a recognized engineering scale not to exceed 1" = 60 feet.
 - B. Name of project noted.
 - C. Applicants name and address.
 - D. Total number of parking spaces and layout, including driveways and access to adjacent public roads or rights of way.
 - E. The type, size, and location of all structures with all building dimensions and distances from property lines shown.
 - F. Other information as requested by the Town.
3. **Plan of Operation.** The proposed Plan of Operation relating to any conditional use shall include the following information:
 - A. The proposed use of the land and/or structures.
 - B. Activities to occur both inside and outside all principal and accessory structures.
 - C. The frequency and duration of all activities.
 - D. The number of employees of any commercial or industrial enterprise.
 - E. The estimated number of occupants of a residential use.
 - F. The number, size and type of all vehicles associated with the use.
 - G. Plans for compliance with the performance standards set forth in this Ordinance.
 - H. The season, days and hours of operation.
 - I. The expected starting and completion dates of construction.
 - J. The proposed phasing of the project, if appropriate.
 - K. Other information as requested by the Town.

(e) **Plan Commission Review**

The Town Plan Commission shall hold a public hearing, and shall publish notice of said hearing once each week for two (2) consecutive weeks in a newspaper of general circulation in the area of the proposed conditional use. The notice of the public hearing shall contain the purpose, time and place of the meeting. Notice of the public hearing shall be given by regular mail to the owners of all lands within three hundred (300) feet of any part of the land included in such conditional use at least seven (7) days before such public hearing.

The Town Plan Commission shall review the site, the size and location of existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed site plan and plan of operation. Conditions such as, but not limited to, landscaping, architectural design, dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased setbacks and offsets, natural resource features, or parking requirements may be recommended by the Town Plan Commission; provided however, that any condition recommended by the Plan Commission must be related to the purpose of the Ordinance and be based upon substantial evidence.

(f) **Final Determination and basis for Approval or Denial**

The Town Board may, after receiving the recommendation of the Plan Commission, approve issuance of a Conditional Use Permit for conditional uses if any applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this Ordinance, and any additional provisions required by the Town Board, provided however, that any condition required by the Town Board must be related to the purpose of the Ordinance and based on substantial evidence.

The decision of the Town Board to approve or deny a Conditional Use Permit must be supported by substantial evidence, and the Town shall notify the applicant, in writing, of any decision to approve or deny issuance of the Conditional Use Permit.

(g) **Issuance of Conditional Use Permit**

Upon approval of a Conditional Use Permit, the Town shall issue a Conditional Use Permit in recordable form which shall be recorded by the Town in the Waukesha County Register of Deeds and upon such recording, the Conditional Use shall become effective. Any requirement or condition required for issuance of the Conditional Use Permit must be reasonable, and to the extent practical, measurable and may include conditions such as the permits duration, transfer or removal. The Conditional Use Permit shall not be issued unless or until the applicant demonstrates that the applications and all requirements and conditions established by the Town Board relating to the Conditional Use Permit are or will be satisfied, both of which must be supported by substantial evidence.

(h) **Compliance**

Conditional Use Permit, once issued, shall remain in effect as long as the conditions upon which the permit were issued are followed, or upon the expiration of a term noted in the Conditional Use Permit. Issuance of any Conditional Use Permit shall be contingent upon compliance with all other provisions of this Ordinance, such as, but not limited to, lot width and area, setbacks, offsets, height, parking, loading, traffic, signage, and highway access requirements.

(i) **Existing Permits**

All uses existing at the effective date of this Ordinance which would be classified as a conditional use in the district concerned if they were to be established after the effective date of this Ordinance, and are legally operated under the terms and conditions of their Conditional Use Permits, are hereby declared to be conforming conditional uses to the extent of their existing operation. Any proposed change in the existing operation shall be subject to the conditional use procedures as if such use were being established anew.

(j) **Amendments**

Changes subsequent to the initial issuance of a Conditional Use Permit which would result in a need to change the initial conditions shall require an amendment to the Conditional Use Permit. Enlargement of a conditional use shall be considered an amendment. The procedure and standard governing issuance of a Conditional Use Permit shall be followed when considering any amendment to an existing Conditional Use Permit.

(k) **Termination or Expiration of Conditional Use Status**

Any Conditional Use Permit shall terminate upon occurrence of any of the following events:

1. The conditional use authorized by the Conditional Use Permit did not commence within twelve (12) months after issuance of the Conditional Use Permit.
2. The conditional use authorized by the Conditional Use Permit has been discontinued for a period of twelve (12) consecutive months.
3. The term of any Conditional Use Permit shall have expired.

(l) **Revocation of Conditional Use Permit**

Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the Town or should the use, or characteristics of the use be changed without prior approval by the Town, the Conditional Use Permit may be revoked. The procedure for revocation of a Conditional Use Permit shall follow the same application procedure required when considering a new Conditional Use Permit. The holder of the Conditional Use Permit shall be provided notice of any reason or reasons that will be considered by the Town as a basis for revoking the Conditional Use Permit, a Public Hearing shall be conducted by the Plan Commission, and the holder of the Conditional Use Permit shall have an opportunity to appear before the Town Plan Commission and present evidence and testimony opposing any recommendation to revoke the Conditional Use Permit. The Town Board shall review any recommendation of the Plan

Commission to revoke the Conditional Use Permit, and the Town Board may, after reviewing that recommendation, revoke the Conditional Use Permit provided that there exists substantial evidence to support the revocation of the Permit. Any decision of the Town Board to revoke the Conditional Use Permit shall be reduced to writing and provided to the holder of the Conditional Use Permit. The revocation of the Conditional Use Permit shall likewise be recorded by the town in the Waukesha County Register of Deeds to be effective.

SECTION 2: Chapter 11, Section 4(h) Conditional Uses Permitted is renumbered as Section 4(m), and all references in the Zoning Code to this Section are renumbered accordingly.

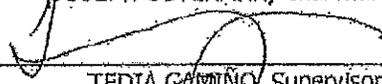
SECTION 3: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

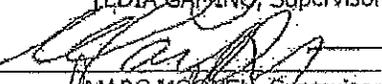
SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.

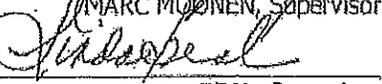
RE-Adopted by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 26th day of November, 2018.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman

BY: 
TEDIA GAMINO, Supervisor

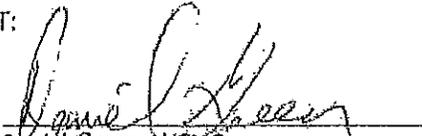
BY: 
MARC MOONEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: 
REBECCA PLOTECHER, Supervisor

ATTEST:

BY:


Daniel Green, WCMC
Town Clerk



1 AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE
2 RELATING TO PLANNED UNIT DEVELOPMENTS (RZ23)
3
4

5 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
6 this Ordinance was approved by the Eagle Town Board on November 5, 2018; and
7

8 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
9 Planning Commission, which recommended approval and reported that recommendation to the
10 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
11 as required by Section 60.62, Wis. Stats.
12

13 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
14 that the text of the Town of Eagle Zoning Code, adopted by the Town of Eagle on March 31,
15 2017, is hereby amended relating to Planned Unit Developments, more specifically described in
16 the "Staff Report and Recommendation" on file in the office of the Waukesha County
17 Department of Parks and Land Use and made a part of this Ordinance by reference RZ23, is
18 hereby approved.
19

20 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
21 this Ordinance with the Town Clerk of Eagle.
22

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

COMMISSION ACTION

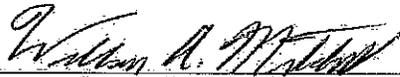
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Eagle Zoning Code hereby recommends **approval** of **RZ23 (Text Amendment/Town of Eagle Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

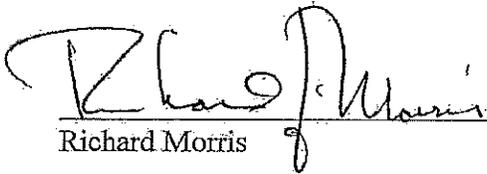
December 6, 2018

Absent

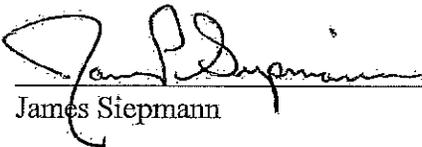
Robert Peregrine, Chairman



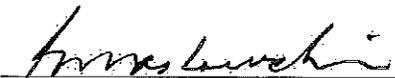
William Mitchell, Vice Chairman



Richard Morris



James Siepmann



William Maslowski



Thomas Michalski

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

FILE NO.: RZ23
DATE: December 6, 2018
PETITIONER: Town of Eagle Board
P.O. Box 327
Eagle, WI 53119

NATURE OF REQUEST:
Amend the Town of Eagle Zoning Code (Town Ordinance 2018-07) relating to Planned Unit Developments.

PUBLIC HEARING DATE:
November 5, 2018.

PUBLIC REACTION:
None

TOWN PLAN COMMISSION:
On November 5, 2018, the Town of Eagle Plan Commission unanimously recommended adoption of the proposed ordinance.

TOWN BOARD ACTION:
On November 5, 2018, the Town of Eagle Board unanimously approved the proposed ordinance.

OTHER CONSIDERATIONS:
In response to recent Conditional Use law changes, the Town of Eagle recently amended their zoning ordinance to temporarily reserve several Conditional Use sections within the code. That action was taken to allow the Town sufficient time to more comprehensively revise various Conditional Use provisions. The Town's Planned Unit Development standards are a stand-alone part of the Town Code, but such uses require a Conditional Use. The Town has now decided to also temporarily reserve this section of the code as they deliberate Conditional Use code amendment options further. Planned Unit Developments allow flexibility from conventional zoning standards and provide for unique designs by allowing clustering of lots to provide more open space or amenities.

STAFF RECOMMENDATION:
It is the opinion of the Planning and Zoning Division Staff that the proposed text amendments be **approved**. The proposed amendments are intended to be an interim measure with more comprehensive amendments planned in the future to more fully describe Conditional Use performance standards and conditions.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachment: Town Ordinance 2018-07

ORDINANCE 2018-07

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE ZONING REGULATIONS RELATING TO PLANNED UNIT DEVELOPMENTS AND RELATED MATTERS

WHEREAS, the Town Board for the Town of Eagle adopted a zoning code for the Town of Eagle in 1990 and has amended it from time to time since then; and

WHEREAS, the Plan Commission for the Town of Eagle prepared a recommended ordinance to revise various sections of the adopted zoning code with regard to planned unit developments and related matters; and

WHEREAS, the proposed revisions are meant to allow the Town time to further review requirements for planned unit developments including the way in which they are reviewed; and

WHEREAS, the Town Clerk for the Town of Eagle has (1) referred the matter to the Plan Commission, (2) notified the Waukesha County Park and Planning Commission of the proposed amendment, and (3) published a class II public hearing notice; and

WHEREAS, the Plan Commission has conducted the necessary investigation, and scheduled a joint public hearing for the Plan Commission and the Town Board; and

WHEREAS, upon due notice the Town Board and the Plan Commission conducted a joint public hearing on November 5, 2018; and

WHEREAS, within a reasonable time after the hearing, the Plan Commission has reported its recommendation to the Town Board; and

WHEREAS, the Town Board concurs with the Plan Commission's recommendation; and

WHEREAS, the Town Board for the Town of Eagle, after carefully reviewing the recommendation of the Plan Commission and having given the matter due consideration, having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Eagle, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Eagle, Waukesha County, does hereby ordain as follows:

RECEIVED
11/06/2018
DEPT OF
PARKS & LAND
USE

Section 1. Division 3 of Article 6 of the zoning code is repealed and recreated to read as follows:

Division 3
Reserved.

Section 2. 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 3. The Town of Eagle Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

Section 4. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Adopted this 5th day of November 2018

TOWN OF EAGLE



Bob Kwiatkowski, Town Chairman

ATTEST:



Lynn Pepper, Town Clerk

Published and posted this ____ day of _____ 2018

1 AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE TO REPEAL AND
2 RECREATE SECTIONS 13-2-15(c)(12) AND 13-2-15(g) AND CREATE SECTION
3 13-2-15(g)(6) RELATING TO OFF PREMISES SIGNS (RZ24)
4
5

6 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
7 this Ordinance was approved by the Waukesha Town Board on October 11, 2018; and
8

9 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
10 Planning Commission, which recommended approval and reported that recommendation to the
11 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
12 as required by Section 60.62, Wis. Stats.
13

14 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
15 that the text of the Town of Waukesha Zoning Code, adopted by the Town of Waukesha on
16 October 30, 2017, is hereby amended to repeal and recreate Sections 13-2-15(c)(12) and 13-2-
17 15(g) and create Section 13-2-15(g)(6) relating to off premises signs, more specifically described
18 in the "Staff Report and Recommendation" on file in the office of the Waukesha County
19 Department of Parks and Land Use and made a part of this Ordinance by reference RZ24, is
20 hereby approved.
21

22 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
23 this Ordinance with the Town Clerk of Waukesha.
24

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

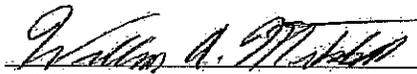
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code hereby recommends **approval** of (RZ24 Text Amendment/Town of Waukesha Board) in accordance with the attached "Staff Report and Recommendation".

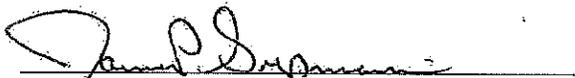
PARK AND PLANNING COMMISSION

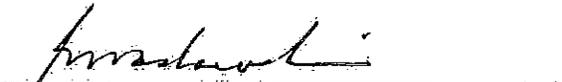
December 6, 2018

Absent
Robert Peregrine, Chairman


William Mitchell, Vice Chairman


Richard Morris


James Siepmann


William Maslowski


Thomas Michalski

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

DATE: December 6, 2018

FILE NO.: RZ24

PETITIONER: Town of Waukesha Board
W250 S3567 Center Road
Waukesha, WI 53189

NATURE OF REQUEST:

Repeal and re-create Sections 13-2-15(c)(12) and 13-2-15(g) and create Section 13-2-15(g)(6) of the Town of Waukesha Zoning Code, relating to off premises signs.

PUBLIC HEARING DATE:

October 11, 2018.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION:

At their October 11, 2018 meeting, the Town of Waukesha Plan Commission by a vote of 5 to 1, recommended approval of the proposed amendments to the Town Board.

TOWN BOARD ACTION:

At their October 11, 2018 meeting, the Town of Waukesha Board by a vote of 5 to 1, approved the proposed amendments.

OTHER CONSIDERATIONS:

The Town is proposing to amend the signage provisions of its zoning code. The amendments were prompted by a request by a local business owner. The business owner explained that his storage business visibility will be greatly impacted by the altered road configuration that is part of the West Bypass construction project. Specifically, Merrill Hills Road, the road which his business fronts upon, will be terminated in a cul de sac near the property, whereas the road is currently a heavily traveled through road. The business owner is seeking the temporary off-premise sign as a short-term measure as he identifies alternative ways to market his business in the future.

The proposed provisions will allow for off premise signage for two different scenarios. The first would allow signage on an adjacent parcel where neighboring parcel owners will share signage. The second would allow off premise signs for a maximum of five years where the road that a property fronts is proposed to be or has been converted from a through road to a dead-end road as a result of a road improvement project.

Sign size for offsite signs related to road changes are proposed to be more restricted (maximum 64 square feet for a single use sign) and location is to be restricted to within ½ mile of the property that is being advertised.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed amendments allow for limited off-site signage accommodations that provide flexibility for abutting commercial properties to share signage, which may save costs for business owners while providing visibility. In addition, the provisions recognize the practical difficulties for business owners that come with major changes to local roads as a result of public improvement projects. The Town is providing a limited term signage exception provision to help a local business through a transitional time as the local roadway network is significantly changed within the next few years.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning Manager

Attachment: Town Ordinance 2018-06

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ORDINANCE NO. 2018-06
AN ORDINANCE TO AMEND
TITLE 13: ZONING
CHAPTER 2: GENERAL PROVISIONS
SECTION 13-2-15,

WHEREAS, the Town Board of the Town of Waukesha has regulated zoning within the Town since approximately September 22, 1948; and

WHEREAS, the Town Clerk upon due notice as required by Sections 13-2-22(d)(1) and 13-2-23(b) of the town code and applicable State laws duly scheduled a public hearing and gave notice thereof, and the public hearing was duly held on October 11, 2018; and

WHEREAS, upon completion of the public hearing, the Plan Commission considered the testimony of the public hearing along with other pertinent information and made a recommendation to the Town Board concerning the proposed amendment to the Town Zoning Code; and

WHEREAS, the Town Board of the Town of Waukesha 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 determined that this Zoning Amendment will not be contrary to the public health, safety or general welfare of the Town of Waukesha; 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 Waukesha Comprehensive Plan, and updates the Waukesha Zoning Code for the future.

NOW, THEREFORE, the Town Board of the Town of Waukesha, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Title 13: zoning, chapter 2: general provisions, section 13-2-15(c) 12, section 13-2-15(g) and are hereby amended and section 13-2-15(g)(6) has been created follows:

Sec. 13-2-15(c)(12) Off Premises Sign

Off Premises Sign. A sign not intended to be temporary (see Temporary Sign), and for a use not conducted on the parcel where the sign is located. Off premise signs are not permitted in any District unless recommended by the Plan Commission and approved by the Town Board on the basis of the criteria contained within this subsection. An off premises sign may be approved where allowed by Sec. 13-2-15(g):

- a. Two or more adjacent parcel owners will share the sign to be located on one of the respective parcels; or
- b. The road that fronts the use or uses has been, or within one (1) year will be, converted from a through road to a dead-end as a result of a road improvement project.



All off premises signs shall require all parties involved to enter into a written agreement with respect to its use, location, maintenance, modification, replacement and/or its ultimate removal. Parties shall include the property owner(s) where the sign is to be located and the owner(s) of all uses for which the sign is intended. The agreement shall be subject to review and approval of the Town Board and the Town Attorney, and recorded with the Register of Deeds prior to installation of the sign. The sign shall be otherwise consistent with the purpose and intent of the Town Off Premises Sign restriction of minimizing visual clutter.

Sec. 13-2-15(g)

The following signs are restricted in total display area as follows: The total sign display area of all signs on any one parcel of land is limited to the area requirements set forth in subparagraphs (1)-(6). If multiple signs are desired, the total sign display area must be apportioned between these signs based on building frontage.

Sec. 13-2-15(g)(6)

Off Premises Signs shall follow the requirements for sign types set forth in subparagraphs (1)-(5) above except off premises signs approved per Sec. 13-2-15(c)(12)b:

- a. Shall not exceed 64 square feet of sign display area on all sides for a single advertised use, nor 128 square feet of sign display area for multiple advertised uses.
- b. Shall serve the same purpose as an on-premises sign for the business or uses existing on the property for which the sign is intended.
- c. Shall be located within one-half (1/2) mile of the property for which the sign is intended.
- d. Shall be limited to a maximum duration of five (5) years and shall not be renewed.
- e. May be permitted in any zoning district provided the location of the sign is not within a residential subdivision.

SECTION 2: 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 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting as provided by law and upon the approval of the Waukesha County Board as required by Wisconsin Statutes 60.62(3)(b).

Adopted by the Town Board of the Town of Waukesha on this 8th, day of November, 2018.

TOWN BOARD, TOWN OF WAUKESHA,
WAUKESHA COUNTY, WI

By: _____

John Marek, Town Chairman

ATTEST: _____

Kathy Nickolaus, Town Clerk-Treasurer

1 MODIFICATION TO WAUKESHA COUNTY NATURAL AREAS AND CRITICAL
2 SPECIES HABITAT SITES ACQUISITION PARTNERSHIP FUNDING PROGRAM
3
4

5 WHEREAS, the Waukesha County Comprehensive Development Plan, which contains a Park
6 and Open Space Plan, is annually amended by the Waukesha County Board of Supervisors; and
7

8 WHEREAS, the adopted Park and Open Space Plan contains objectives for parkland acquisition,
9 lake and river access, protection of specific high quality natural areas and wetland mitigation
10 banks to assist developers in meeting wetland mitigation requirements, and
11

12 WHEREAS, the Regional Water Supply Plan adopted by the County Board on June 28, 2011
13 identifies areas for enhanced rain and snow infiltration for recharge of shallow groundwater
14 supplies which are similarly identified as isolated natural areas within the Park and Open Space
15 Plan, and
16

17 WHEREAS, through Ordinance 152-101, the Waukesha County Board approved a natural areas
18 and critical species habitat sites acquisition partnership funding program with cities, villages and
19 towns within Waukesha County funded through the Tarmann Parkland Acquisition Fund, and
20

21 WHEREAS, through subsequent ordinances by the Waukesha County Board, not-for-profit
22 conservation organizations have received funding for acquisitions meeting the conditions of this
23 program, and
24

25 WHEREAS, future opportunities exist to partner with lake management districts to implement
26 the objectives of the adopted Park and Open Space Plan, and
27

28 WHEREAS, partnerships with local governments, not-for-profit conservation organizations and
29 lake management districts could provide an opportunity for the County to implement the Park
30 and Open Space Plan while reducing up front acquisition costs and long term operating costs to
31 the County, and
32

33 WHEREAS, Waukesha County's financial participation is limited to twenty-five percent (25%)
34 of the fair market value of a site from the Tarmann Parkland Acquisition Fund and conditioned
35 upon County Board approval.
36

37 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
38 that the natural areas and critical species habitat sites acquisition partnership funding program
39 established under Ordinance 152-101 is modified to include not-for-profit conservation
40 organizations and lake management districts created under Chapter 33 of the Wisconsin Statutes.
41

42 BE IT FURTHER ORDAINED that, in order to ensure that the acquiring entity accomplishes
43 Waukesha County's purposes set forth in its Park and Open Space Plan, the following conditions
44 shall be required when a site is acquired through Waukesha County's local community natural
45 area and critical species habitat sites acquisition partnership funding program:
46

- 47 1. Waukesha County shall have the right to obtain an interest or future interest in the
48 site; i.e., a conservation easement, a right of first refusal, etc.

- 49 2. The site shall be identified in and meet the purposes of the Waukesha County Park
50 and Open Space Plan.
51 3. The site shall be open to the public including specific public access requirements of
52 applicable grant sources also used for the property acquisition.
53

54 BE IT FURTHER ORDAINED that the program requirement that “the entrance to the property
55 shall include clear indications of all parties responsible for funding the effort to preserve the
56 respective property” is no longer necessary and is eliminated as a requirement of Waukesha
57 County’s local community natural area and critical species habitat sites acquisition partnership
58 funding program.

1 WAUKESHA COUNTY LAND CONSERVANCY, INC.
2 PARTNERSHIP ACQUISITION – MEYER PROPERTY
3
4

5 WHEREAS, the Waukesha County Development Plan, which incorporates the Waukesha
6 County Park and Open Space Plan, was adopted and periodically updated by the Waukesha
7 County Board of Supervisors; and
8

9 WHEREAS, the Plan identifies 80.081 acres of property located in the Southeast ¼ of Section
10 25, Town 5 North, Range 17 East in the Town of Eagle for preservation through acquisition by a
11 non-profit agency (Attached as Exhibit A); and
12

13 WHEREAS, the Walter J. Tarmann Parkland Acquisition Fund was created in Enrolled
14 Ordinance 150-28 for the purpose of acquiring park and open space lands consistent with the
15 Waukesha County Board Adopted Park and Open Space Plan; and
16

17 WHEREAS, the Natural Areas and Critical Species Habitat Sites Acquisition Partnership
18 Funding Program was created in Enrolled Ordinance 152-101 to assist cities, towns and villages
19 in the acquisition and preservation of designated natural and critical species habitat sites in
20 Waukesha County through the use of the Tarmann Fund, and has subsequently been extended to
21 provide acquisition assistance to not-for-profit conservation agencies and lake management
22 districts; and
23

24 WHEREAS, the Waukesha County Land Conservancy, Inc., a non-profit conservation
25 organization, has requested Waukesha County's assistance to acquire the above-mentioned
26 property; and
27

28 WHEREAS, the selling price of the property is six hundred thousand dollars (\$600,000.00); and
29

30 WHEREAS, in accordance with program requirements, the County financial contribution shall
31 not exceed 25% of the selling price; and
32

33 WHEREAS, the Waukesha County Land Conservancy, Inc. has requested the County contribute
34 forty four thousand, seven hundred and fifty dollars (\$44,750) of the total acquisition cost with
35 the Waukesha County Land Conservancy, Inc. providing \$44,750, the State of Wisconsin
36 granting \$248,500 and the U.S. Fish and Wildlife Service granting \$262,000; and
37

38 WHEREAS, the Waukesha County Land Conservancy, Inc. has agreed to execute the Buyout
39 Option with Waukesha County (Attached as Exhibit B) and to abide by all other requirements of
40 the program including those restrictions included with the applicable state and federal grants; and
41

42 WHEREAS, the Waukesha County Land Conservancy, Inc. will be responsible for the
43 maintenance of the site.
44

45 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
46 that the Waukesha County Department of Parks and Land Use is authorized to make a land
47 acquisition grant to the Waukesha County Land Conservancy, Inc. in an amount not to exceed
48 forty four thousand, seven hundred and fifty dollars (\$44,750) using available funds from the

49 Walter J. Tarmann Acquisition Fund Budget for the acquisition of the Meyer property, described
50 in the attached Exhibit A, for land preservation purposes.

51

52 BE IT FURTHER ORDAINED that the Department of Parks and Land Use and Corporation
53 Counsel are authorized to finalize a Buy-out option for execution by the Waukesha County
54 Executive and County Clerk in association with the acquisition.

Exhibit A



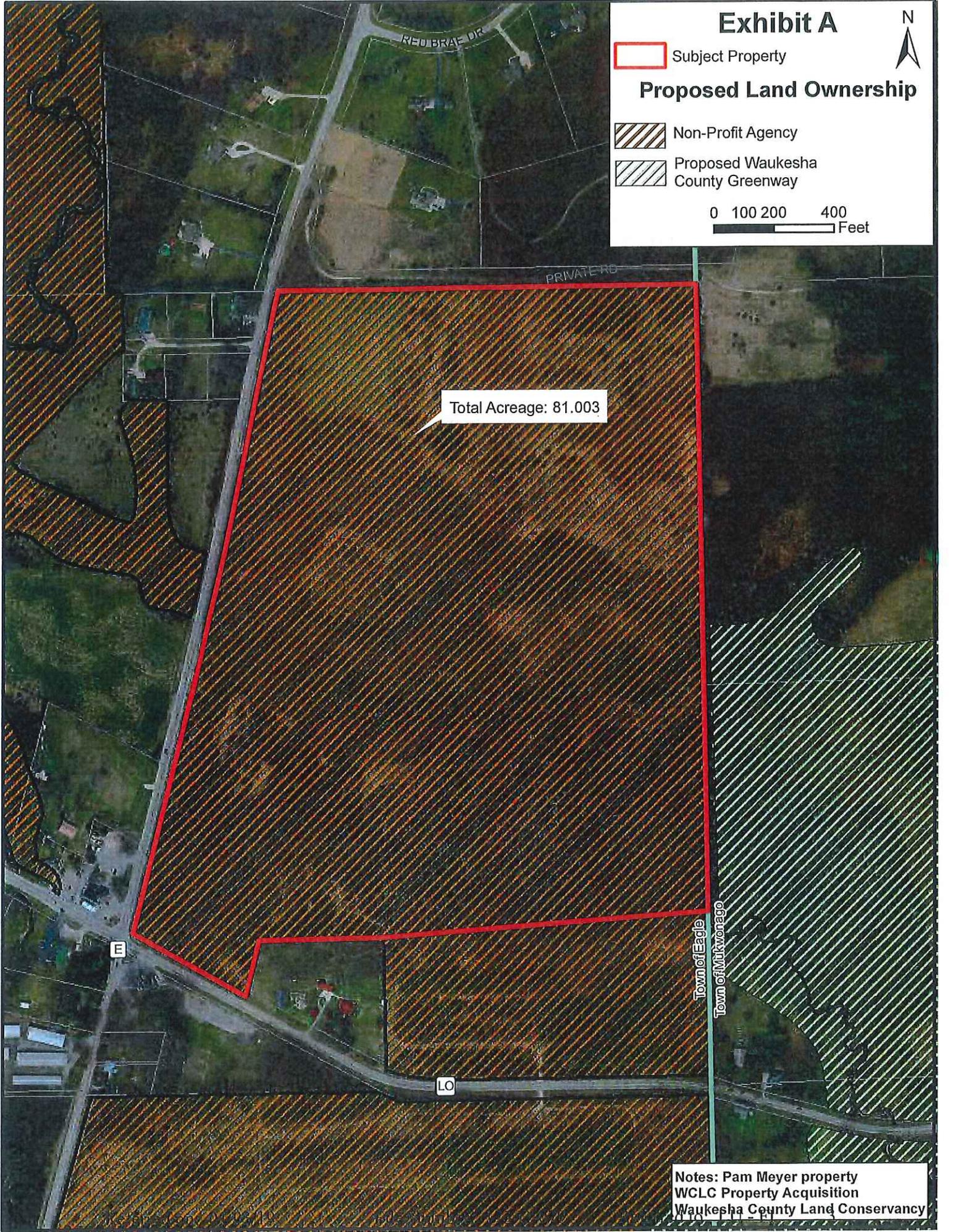
 Subject Property

Proposed Land Ownership

 Non-Profit Agency

 Proposed Waukesha County Greenway

0 100 200 400
Feet



Total Acreage: 81.003

Notes: Pam Meyer property
WCLC Property Acquisition
Waukesha County Land Conservancy

BUYOUT OPTION

With the written approval of the Wisconsin Department of Natural Resources, (hereinafter "Department"), and other applicable agencies, (hereinafter "Agencies"), which provided grant funds used for the acquisition by the Waukesha County Land Conservancy, Inc. a non-profit organization, (hereinafter "Grantor"), the undersigned Steve Schmuki as President for the Grantor does hereby grant to Waukesha County, a political subdivision of the State of Wisconsin, (hereinafter "County"), this day of **December XX, 2018** an option to purchase Grantor's "Property" being approximately 80.081 acres in the Town of Eagle as further described in Exhibit "A" attached hereto and made a part hereof.

WHEREAS, Grantor and County wish to address the disposition of said property,

NOW, THEREFORE, in consideration of the mutual agreements and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantor and County do hereby agree to the Buyout Option upon the terms and conditions as set forth below.

If Grantor, with prior written approval from the Department, intends to sell, transfer, convey or enters into a bona fide offer to purchase for the sale of the property, or any part thereof; or agrees to the lease, exchange, dedication or other transfer, (hereinafter "Offer"), then Grantor shall give the County written notice of such, including a copy of said Offer setting forth the material terms and conditions.

Upon receipt of the above notice, the County shall have 60 days to exercise its Buyout Option. If the County elects to exercise the Buyout, it shall give written notice to the Grantor of its intention to close upon the terms and conditions as set forth below. Further, closing shall be 90 days from receipt of Grantor's notice.

The purchase price shall be forty four thousand, seven hundred and fifty dollars and 00/100 (\$44,750.00). Closing shall be held at the Waukesha County Administration Center.

Grantor states that this is a conveyance at an agreed price and that Wis. Stats. Chap. 32 is not applicable to this property.

Grantor shall obtain an ALTA owner's policy in the amount of the purchase price, together with GAP coverage, at Grantor's expense, by a title insurer licensed in Wisconsin. Grantor shall provide title commitment to County, by actual delivery, within 10 days of Grantor's notice of Offer/intent to sell. If Grantor fails to comply with this provision, the closing date may be delayed, at County's sole discretion, by the same number of days the title commitment is late. The Property shall remain subject to the terms, conditions and requirements of the recorded Stewardship Grant and Management Contract in perpetuity. Prior to the conveyance of the Property by the Grantor to the County, the Grantor, the County and the Department shall execute an Assignment of Stewardship Grant and Management Contract that shall be recorded against the Property.

Upon payment of the purchase price, Grantor shall convey the Property by warranty deed, free and clear of all liens and encumbrances, except the recorded Stewardship Grant and Management Contract, the recorded Assignment of Stewardship Grant and Management Contract to Waukesha County, municipal and zoning ordinances, recorded easements for the distribution of utility and municipal services and general taxes levied in the year of closing,

(provided none of the foregoing prohibit present use of the Property), which constitutes merchantable title for purposes of this transaction. Notwithstanding the foregoing, the County shall only use the Property for its original conservation purposes. The County's further sale of the property for other than open space preservation, or other like conservation purposes shall be prohibited.

This Buyout Option is contingent upon obtaining the written approval of the Department, Waukesha County Executive and Waukesha County Board of Supervisors for the purchase of the Property, contained in Exhibit "A", prior to closing.

Grantor shall notify County, in writing, of any condition affecting the Property or defect not previously disclosed through the closing of this transaction. Grantor shall cure said defect(s) by closing, or County may, at County's option declare this Offer null and void. Said defects to include any and all waste or debris, including but not limited to abandoned vehicles, machinery, scrap metal, cylinders, drums, tires and all other materials not occurring naturally on the Property.

The County may obtain, at its expense, written environmental assessments (phase I and/or phase II) of the Property from independent environmental consultants of County's choice confirming that (i) the Property complies with all Environmental Laws; (ii) there are no liabilities (contingent or otherwise) affecting the Property arising under any Environmental Laws; (iii) there are no underground or above ground storage tanks, associated pipes or equipment located on or at the Property; and (iv) there are no Hazardous Substances on, under, at, in or migrating to or from the Property. If the assessment(s) reveal any condition that demonstrates a violation of applicable environmental laws, triggers reporting responsibilities, or other condition affecting the property in County's sole discretion, County may declare this option null and void.

The term "Environmental Laws" shall mean all federal, state and local laws including statutes, rules, regulations, common law doctrines and remedies and other governmental restrictions, codes, standards and requirements relating to the disposal, release, emission, dispersal, spilling, leaking, burial, migration, seeping, movement or discharge of air pollutants, chemicals, gases, vapors, waste pollutants, groundwater, effluents, storm water or surface water runoff, process wastewater, solid wastes or hazardous waste or otherwise relating to the protection of the environment. The term "Hazardous Substances" shall mean all hazardous or toxic substances, fumes, smoke, soot, acids, alkalis, chemicals, liquids, gases, vapors, fill, soils, wastes and materials; any pollutants, particulate matter, effluents or contaminants (including, without limitation, petroleum products, asbestos and raw materials which include hazardous or toxic constituents); and any other similar substances or materials which are regulated under Environmental Laws.

If the County fails or elects not to exercise its Buyout Option hereunder, and the Grantor, with the prior written approval of the Department, sells the Property, or portion thereof, to a party, then, in such instance, the County's Buyout Option shall terminate as to that portion of the Property so transferred. If the Buyout is not exercised, and the Grantor fails to close within 90 days of the time set to close upon the terms and conditions as set forth in the Offer, the County's Buyout Option shall be reinstated and be applicable to any subsequent offer.

The rights granted herein may not be assigned by the County without the written consent of the Grantor and the Department. The covenants and agreements contained herein shall bind and benefit the parties and their respective successors and, to the extent allowed, their assigns. This document represents the entire agreement of the parties and may not be modified except, in writing, signed by all parties. This document may be recorded.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed on their behalf by the following authorized signatories.

County of Waukesha:

Grantor:

By: _____
Paul F. Farrow
County Executive

By: _____
Steve Schmuki, President
Waukesha County Land Conservancy, Inc.

By: _____
Kathleen O. Novack[A1]
County Clerk

Subscribed and sworn to before me
this _____ day of _____, 2018.

Subscribed and sworn to before me
this _____ day of _____, 2018.

by _____
Notary Public, State of Wisconsin
My Commission _____

by _____
Notary Public, State of Wisconsin
My Commission _____

State of Wisconsin
Wisconsin Department of Natural Resources

By _____
Mary Rose Teves, Director
Bureau of Community Financial Assistance

Subscribed and sworn to before me
this _____ day of _____, 2018

by _____
Notary Public, State of Wisconsin
My Commission _____

This document was drafted by and return to:
Rebecca Mattano
Park System Division Manager
Waukesha County Department of Parks and Land Use
515 W. Moreland Blvd., AC230
Waukesha, WI 53188-3878

1 LAYING OUT, RELOCATION AND IMPROVEMENT OF THE INTERSECTION OF
2 COUNTY TRUNK HIGHWAY O AND COUNTY TRUNK HIGHWAY I, IH-43 WB
3 RAMP TO BELOIT ROAD, WAUKESHA COUNTY – PROJECT I.D. 2782-03-06
4
5

6 WHEREAS, the County Board of Supervisors of Waukesha County finds that the proper
7 improvement and maintenance of the intersection of County Trunk Highway O and County
8 Trunk Highway I in the City of New Berlin from a point that is 1096.60 feet North of and 2.12
9 feet East of the West ¼ corner of Section 26, Town 6 North, Range 20 East in the City of New
10 Berlin, Waukesha County, State of Wisconsin to a point that is 705.92 feet South of and 1.37 feet
11 West of the Northwest ¼ corner of Section 26, Town 6 North, Range 20 East, City of New
12 Berlin, Waukesha County, State of Wisconsin requires certain relocation or changes and the
13 acquisition of certain rights of way as shown on the plat marked "Plat of Right of Way Required
14 for C.T.H. O, IH-43 WB Ramp to Beloit Road Project ID 2782-03-06".
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
17 ORDAIN that the plat marked "Plat of Right of Way Required for C.T.H. O, IH-43 WB Ramp to
18 Beloit Road, Project ID 2782-03-06" on file in the County Clerk's office is adopted by reference
19 under the authority granted by Section 83.08 and Chapter 32 of the Wisconsin Statutes.
20

21 IT IS FURTHER ORDAINED that County Trunk Highway O, IH-43 WB Ramp to Beloit Road,
22 in the City of New Berlin is hereby changed or relocated from a point that is 1096.60 feet North
23 of and 2.12 feet East of the West ¼ corner of Section 26, Town 6 North, Range 20 East in the
24 City of New Berlin, Waukesha County, State of Wisconsin to a point that is 705.92 feet South of
25 and 1.37 feet West of the Northwest ¼ corner of Section 26, Town 6 North, Range 20 East, City
26 of New Berlin, Waukesha County, State of Wisconsin in accordance with the plat marked "Plat
27 of Right of Way Required for C.T.H. O, IH-43 WB Ramp to Beloit Road Project ID 2782-03-
28 06".
29

30 IT IS FURTHER ORDAINED that the County shall acquire those rights of way and other
31 interests as shown on the plat marked "Plat of Right of Way Required for C.T.H. O, IH-43 WB
32 Ramp to Beloit Road, Project ID 2782-03-06".

R/W PROJECT NUMBER
2782-03-06

FEDERAL PROJECT NUMBER

SHEET NUMBER
4.1

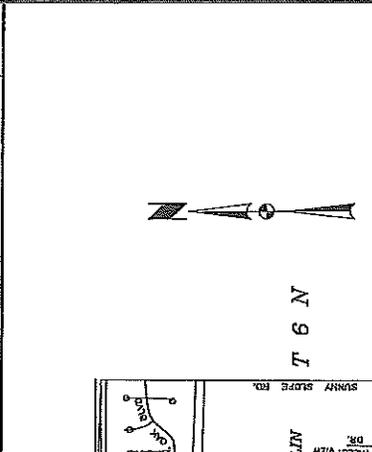
TOTAL SHEETS

PLAT OF RIGHT OF WAY REQUIRED FOR
H-43 WB RAMP TO BELOIT ROAD

C.T.H. "O"

CONSTRUCTION PROJECT NUMBER
2782-03-76

WAUKESHA CO.



ORIGINAL PLAT PREPARED BY
WAUKESHA COUNTY D.P.W.
515 N. MORLAIN BLVD. RM 220
WAUKESHA, WI 53188

DATE 12-18-18

APPROVED FOR
WAUKESHA COUNTY
DEPARTMENT OF PUBLIC WORKS

DATE 12-19-18

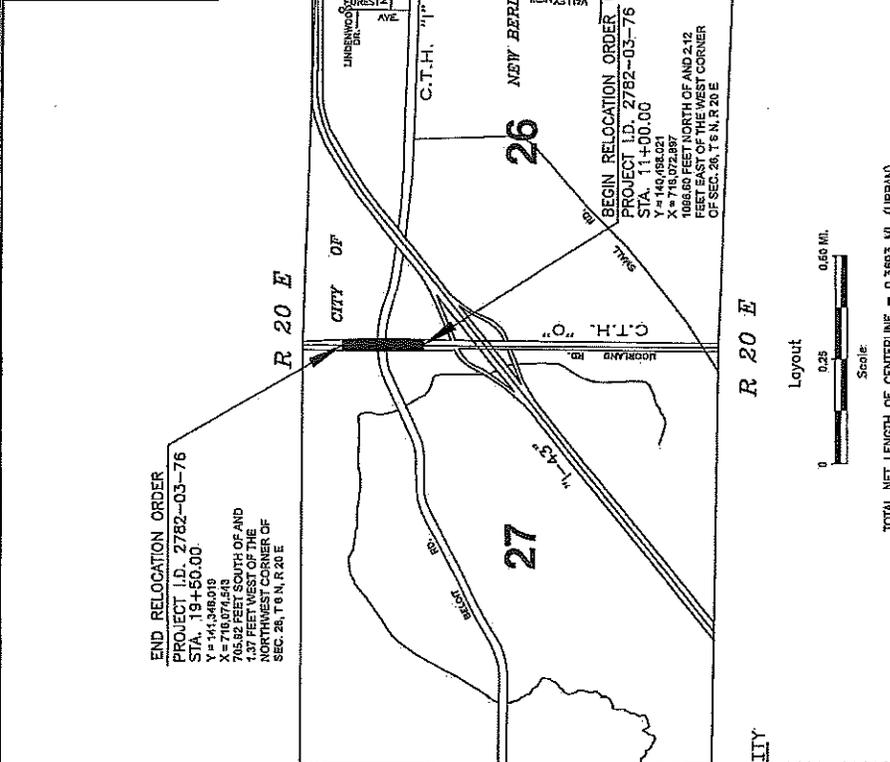
REVISION DATE

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION

APPROVED FOR THE DEPARTMENT

DATE

DESIGNER'S SERVICE NUMBER



END RELOCATION ORDER
PROJECT I.D. 2782-03-76
STA. 19+50.00
Y = 141,348.018
X = 716,074.548
705.92 FEET SOUTH OF AND
1.37 FEET WEST OF THE
SIXTEENTH CORNER OF
SEC. 26, T 6 N, R 20 E

BEGIN RELOCATION ORDER
PROJECT I.D. 2782-03-76
STA. 11+00.00
Y = 149,038.021
X = 719,072.897
1066.00 FEET NORTH OF AND 2.12
FEET EAST OF THE WEST CORNER
OF SEC. 26, T 6 N, R 20 E

TOTAL NET LENGTH OF CENTERLINE = 0.3693 MI. (URBAN)

Scale: 0, 0.25, 0.50 MI.

CONVENTIONAL SYMBOLS

SECTION LINE	PARCEL NUMBER	UTILITY NUMBER
QUARTER LINE	SECTION CORNER	R/W MONUMENT
NEW REFERENCE LINE	NOTATION FOR FLOODS	NON-MONUMENTED R/W POINT
NEW R/W LINE	NOTATION FOR FLOODS	FOUND IRON PIN
PROPERTY LINE	NOTATION FOR HIGH VOLTAGE LINES	VALVE (GAS)
LOT, TR. AND OTHER MINOR LINES	NOTATION FOR HIGH VOLTAGE LINES	WATER (ETC)
SCOPE INTERCEPT	TEMP. LIMITED EASEMENT AREA	SIGN
CORPORATE LIMITS	EASEMENT AREA (HIGHWAY, PERMANENT LIMITED, OR RESTRICTED DEVELOPMENT)	SUR
UNDERGROUND FACILITY (TELECOMMUNICATIONS, ELECTRIC, ETC)	RESTRICTED DEVELOPMENT	CP-FREASE
FREE ACQUISITION AREA (PLATTING VARIETIES BY OWNERS)	TRANSMISSION STRUCTURES	CP
TEMP. LIMITED EASEMENT AREA (HIGHWAY, PERMANENT LIMITED, OR RESTRICTED DEVELOPMENT)	BUILDING	
PERMANENT LIMITED DEVELOPMENT	BUILDING (TO BE REMOVED)	
TRANSMISSION STRUCTURES	BRIDGE	

CONVENTIONAL ABBREVIATIONS

ACCESS RIGHTS	AR	POINT OF COMPOUND CURVE	PCC
ACRES	AC	POINT OF INTERSECTION	PX
ADJACENT	ADJ	PROPERTY LINE	PL
AL	AL	REMAINING LINE	RL
AND OTHERS	ET AL	REMAINING LINE	REN
BACK	BK	RIGHT OF WAY	RT
BLOCK	BLK	RIGHT OF WAY	R/W
CENTERLINE OF SURVEY	C.L.	RIGHT OF WAY	R/W
CORNER	CR	SQUARE FOOT	SQ FT
CORNER	CR	STATE "THINK HIGHWAY"	STH
COUNTY	CO	STATION	STA
COUNTY TRUNK HIGHWAY	CTH	SUBDIVISION	SUBD
DISTRICT	DIS	TEMPORARY LIMITED EASEMENT	TLE
EASEMENT	EAS	TEMPORARY LIMITED EASEMENT	TLE
EASEMENT NUMBER	EN	TRANSPORTATION PROJECT	TPP
EXCEPTING	EX	UNITED STATES HIGHWAY	USH
GAS VALVE	GV	VOLUME	V
GRID NORTH	GN		
GRID NORTH BEARING	GNB		
IDENTIFICATION	ID		
LAND CONTRACT	LC		
LEFT	L		
MONUMENT	M		
NON-MONUMENT	NM		
NUMBER	N		
OUTLOT	OL		
PAGE	P		
POINT OF YAMENY	POY		
PERMANENT LIMITED EASEMENT	PME		
POINT OF BEGINNING	PGB		
POINT OF CURVATURE	PC		

CONVENTIONAL UTILITY SYMBOLS

WATER	—
SEWER	—
TELEPHONE	—
TRANSMISSION LINES	—
ELECTRIC DISCUSSION	—
OTHER OPTIC	—
SANITARY SEWER	—
STORM SEWER	—

CURVE DATA

LONG CURVE BEARING	LCB
RADIUS	R
DEGREE OF CURVE	D
DELTA	Δ
LENGTH OF CURVE	L
TANGENT	T
DIRECTION AHEAD	DA
DIRECTION BACK	DB

NOTES

HORIZONTAL POSITIONS SHOWN ON THIS PLAN ARE WISCONSIN COUNTY COORDINATES, WAUKESHA COUNTY, NAD83 (GPO) IN U.S. SURVEY FEET. VALUES ARE GRID COORDINATES, GRID BEARINGS, AND GRID DISTANCES. GRID DISTANCES MAY BE USED AS GROUND DISTANCES. FIELD SURVEY AND COORDINATE DATA HAS BEEN PREPARED BY RA SMITH.

RIGHT OF WAY BOUNDARIES ARE DEFINED WITH COURSES OF THE PERIMETER OF THE HIGHWAY LANDS REFERENCED TO THE U.S. PUBLIC LAND SURVEY OR OTHER SURVEYS OF PUBLIC RECORD

THE EXISTING HIGHWAY RIGHT OF WAY SHOWN HEREON IS BASED ON THE RIGHT OF WAY PLAT FOR C.T.H. "O" PROJECT 2722-03-71, EXISTING CERTIFIED SURVEY MAPS, SUBDIVISION PLATS, AND OTHER SURVEYS OF PUBLIC RECORD.

DIMENSIONING TO THE NEW RIGHT OF WAY IS MEASURED ALONG AND PERPENDICULAR TO THE CENTERLINE OF CONSTRUCTION.

A TEMPORARY LIMITED EASEMENT (TLE) IS A RIGHT FOR CONSTRUCTION PURPOSES, INCLUDING THE RIGHT TO OPERATE NECESSARY EQUIPMENT THEREON AND THE RIGHT OF INGRESS AND EGRESS, AS LONG AS REQUIRED FOR SUCH PUBLIC PURPOSE. INCLUDING THE RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT THEREON ANY VEGETATION THAT THE HIGHWAY AUTHORITIES MAY DEEM NECESSARY OR DESIRABLE. ALL TLE'S EXPIRES AT THE COMPLETION OF THE CONSTRUCTION PROJECT FOR WHICH THIS INSTRUMENT IS GIVEN.

A PERMANENT LIMITED EASEMENT (PLE) IS A RIGHT FOR CONSTRUCTION AND MAINTENANCE PURPOSES, AS DEFINED HEREIN, INCLUDING THE RIGHT TO OPERATE NECESSARY EQUIPMENT THEREON AND THE RIGHT OF INGRESS AND EGRESS, AS LONG AS REQUIRED FOR SUCH PUBLIC PURPOSE. INCLUDING THE RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT THEREON ANY VEGETATION THAT THE HIGHWAY AUTHORITIES MAY DEEM NECESSARY OR DESIRABLE. BUT WITHOUT PREJUDICE TO THE OWNERS RIGHT TO MAKE OR CONSTRUCT IMPROVEMENT ON SAID LANDS OR TO FLATTEN THE SLOPES, PROVIDING SAID ACTIVITIES WILL NOT IMPAIR OR OTHERWISE ADVERSELY AFFECT THE HIGHWAY FACILITIES.

1 MODIFY THE BRIDGES LIBRARY SYSTEM 2019 BUDGET TO ACCEPT AND
2 APPROPRIATE GRANT FUNDING TO IMPROVE LIBRARY SERVICES TO
3 PEOPLE AFFECTED BY MEMORY LOSS AND THEIR CAREGIVERS
4
5

6 WHEREAS, the Bridges Library System received notification from Bader Philanthropies that it
7 has been awarded a \$10,000 grant for the Library Memory Project to be received in two
8 payments—\$5,000 in 2019 and \$5,000 in 2020; and
9

10 WHEREAS, the 2019 budget for the Bridges Library System does not include this level of
11 appropriation for this project; and
12

13 WHEREAS, the grant will be used to develop training materials and offer volunteer training
14 sessions as well as to expand the reach of the Library Memory Project which is designed to
15 provide library programs to those affected by memory loss, Alzheimer’s disease, and other forms
16 of dementia and their caregivers; and
17

18 WHEREAS, the Bridges Library System has received Bader sponsored grants for Library
19 Memory Project purposes since 2017; and
20

21 WHEREAS, the proposed use of these grant funds has no direct impact on either the County
22 General Tax Levy or the Special Library Tax Levy.
23

24 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
25 that the Bridges Library System may accept \$5,000 from Bader Philanthropies in 2019.
26

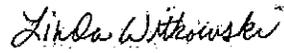
27 BE IT FURTHER ORDAINED that the Bridges Library System 2019 budget be modified by
28 increasing the grant revenue by \$5,000 and increasing operating expenses by \$5,000 to cover
29 costs associated with this grant in 2019.

FISCAL NOTE

MODIFY THE BRIDGES LIBRARY SYSTEM 2019 BUDGET TO ACCEPT AND
APPROPRIATE GRANT FUNDING TO IMPROVE LIBRARY SERVICES TO
PEOPLE AFFECTED BY MEMORY LOSS AND THEIR CAREGIVERS

This ordinance authorizes the Bridges Library System to accept a Bader Philanthropies grant and appropriate \$5,000 in expenditures to purchase supplies and materials for training and programmatic purposes to assist those affected by memory loss, Alzheimer's disease, and other forms of dementia.

This ordinance results in no direct impact to the County general tax levy or the Special Library tax levy.


Linda Witkowski
Budget Manager
12/21/2018

ST
BAJ # 2019-00000008

1 AMEND SHERIFF'S DEPARTMENT 2019 BUDGET
2 FOR EXPENDITURE OF DONATED FUNDS
3
4

5 WHEREAS, the Waukesha County Sheriff's Department purchased a replacement canine in
6 2018 using funds donated by the Waukesha County Deputy Sheriff's Association; and
7

8 WHEREAS, the newly-acquired canine has become timid in unfamiliar surroundings, when
9 doing vehicle checks or when doing building checks which is a liability for the handler and the
10 Department; and
11

12 WHEREAS, the kennel that the canine was acquired from has worked with the handler to try to
13 retrain the canine without success; and
14

15 WHEREAS, the kennel that the canine was acquired from has a one year warranty on the dog
16 and is willing to let the Department exchange the current canine for a new canine as long as the
17 Department pays the training course cost for the handler and the new canine; and
18

19 WHEREAS, the Waukesha County Deputy Sheriff's Association has agreed to provide adequate
20 funding to pay for the training and travel expenses for the handler and the replacement canine;
21 and
22

23 WHEREAS, the Waukesha County Deputy Sheriff's Association will pay an amount up to
24 \$3,300 for travel and training expenses for the replacement canine and the handler which they
25 have raised specifically for this purpose through clothing sales, charity events, and direct
26 donations.
27

28 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
29 that the Waukesha County Sheriff's Department 2019 budget be modified by appropriating
30 expenditures of \$3,300 for Operating Expenses to fund training and travel expenses for a canine
31 and handler and increasing Other Revenue by \$3,300 for donated funds for this purpose.

FISCAL NOTE

AMEND SHERIFF'S DEPARTMENT 2019 BUDGET
EXPENDITURE OF DONATED FUNDS

A canine unit was purchased in 2018 to replace one of the four canines that provide patrol and drug detention. The canine is not performing and the Sheriff's department is replacing the canine under the one year kennel warranty.

This will require additional training costs of \$3,000 and travel expenses of \$300 that are not covered by the kennel's warranty. This ordinance increases the 2019 Sheriff's operating expenses budget by \$3,300 for this purpose. This increase will be funded with additional Other Revenue from the Waukesha County Deputy Sheriff's Association resulting in no additional direct tax levy impact.

Linda Witkowski

Linda Witkowski
Budget Manager
12/27/2018

MRY
BA#2019-00000019

1 ACCEPT THE 2018 COPS OFFICE ANTI-HEROIN TASK FORCE PROGRAM GRANT
2 FROM THE STATE OF WISCONSIN DEPARTMENT OF JUSTICE AND MODIFY
3 THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT 2019 BUDGET
4 TO AUTHORIZE GRANT EXPENDITURES
5
6

7 WHEREAS, the State of Wisconsin, Department of Justice identified a need to provide financial
8 resources to reimburse local multi-jurisdictional drug task forces for overtime hours spent on
9 conducting heroin and opiate investigations; and
10

11 WHEREAS, the State of Wisconsin, Department of Justice applied for and was awarded a \$2.5
12 million grant from the 2018 COPS Office Anti-Heroin Task Forces Program Grant to reimburse
13 overtime expenses for conducting opiate investigations; and
14

15 WHEREAS, the Waukesha County Metropolitan Drug Enforcement Unit was awarded \$30,000
16 in 2019 and \$30,000 in 2020 from the Wisconsin Department of Justice to fund overtime
17 associated with opiate case investigation; and
18

19 WHEREAS, the Waukesha County Sheriff's Department is proposing to amend the 2019
20 adopted budget by increasing the personnel expenditure appropriation unit by \$30,000 to fund
21 overtime expenses associated with heroin and opiate investigations.
22

23 THE COUNTY BOARD OF SUPERVISORS OF WAUKESHA COUNTY ORDAINS that the
24 Waukesha County Sheriff's Department be authorized to accept the grant award from the
25 Wisconsin Department of Justice 2018 COPS Office Anti-Heroin Task Forces Program Grant.
26

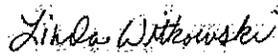
27 BE IT FURTHER ORDAINED that the Waukesha County Sheriff's Department 2019 budget be
28 modified by increasing intergovernmental revenues by an additional \$30,000, and increasing the
29 Department's personnel expenditure appropriation unit by \$30,000 to fund overtime
30 expenditures associated with opiate case investigations.

FISCAL NOTE

ACCEPT THE 2018 COPS OFFICE ANTI-HEROIN TASK FORCE PROGRAM GRANT
FROM THE STATE OF WISCONSIN DEPARTMENT OF JUSTICE AND MODIFY
THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT 2019 BUDGET
TO AUTHORIZE GRANT EXPENDITURES

The ordinance accepts a two-year reimbursement grant award of \$60,000 from the State of Wisconsin for the Waukesha County Metropolitan Drug Enforcement Unit for overtime hours associated with heroin and opioid related cases. The overtime reimbursements can only be used for these types of cases and must be tracked separately from other types of overtime funds or functions.

The ordinance modifies the 2019 Waukesha County Sheriff's Department budget for the first year of the grant by appropriating an additional \$30,000 of personnel expenditures for county overtime associated with heroin and opioid investigations. General government revenues are increased by an equal amount resulting in no additional tax levy impact.



Linda Witkowski
Budget Manager
12/20/2018

MRY
BA#2019-00000021

ACCEPT THE FAMILIES OF WOMEN WITH SUBSTANCE USE DISORDERS GRANT
AND MODIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
2019 BUDGET TO APPROPRIATE ADDITIONAL REVENUES AND
EXPENDITURES FOR GRANT ACTIVITIES

1 WHEREAS, the Waukesha County Department of Health and Human Services applied for
2 Families of Women with Substance Use Disorders grant funding from the State of Wisconsin,
3 Department of Health Services; and
4

5 WHEREAS, the Clinical Services Division received approval of \$100,000 of grant funding for
6 increasing capacity and availability of services for women with substance use disorders activities
7 including prenatal and postnatal services, care coordination, substance use services, medication
8 assisted treatment, and education services; and
9

10 WHEREAS, the Clinical Services Division will create a hub and spoke model for Waukesha
11 County and other counties to follow in order to connect women with substance use disorders
12 who are pregnant or have children to all needed/available services; and
13

14 WHEREAS, the Clinical Services Division will contract for resources to establish an evidence-
15 based comprehensive referral system model to increase coordination and connect services to
16 women with substance use disorders.
17

18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
19 that the Waukesha County Department of Health and Human Services, Division of Clinical
20 Services is authorized to accept the families of women with substance use disorders grant
21 funding of \$100,000 from the State of Wisconsin, Department of Health Services to increase
22 capacity and availability of services.
23

24 BE IT FURTHER ORDAINED that the Department of Health and Human Services, Division of
25 Clinical Services, 2019 budget be modified by appropriating \$100,000 for operating expenses
26 and increasing general government revenues by \$100,000.

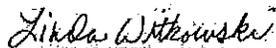
FISCAL NOTE

ACCEPT THE FAMILIES OF WOMEN WITH SUBSTANCE USE DISORDERS GRANT
AND MODIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
2019 BUDGET TO APPROPRIATE ADDITIONAL REVENUES AND
EXPENDITURES FOR GRANT ACTIVITIES

This ordinance authorizes the Department of Health and Human Services (HHS) to accept \$100,000 in State of Wisconsin – Department of Health Services grant revenues, and modifies the 2019 Department budget to appropriate expenditures of \$100,000 to develop a model to better coordinate and integrate services for families of women with substance use disorders. The purpose of the project is to use evidence-based practices to better integrate prenatal and postnatal services, substance use services, medication-assisted treatment, education services, and increase overall care coordination.

Expenditures include \$60,000 to hire a contracted, project coordinator to develop the care coordination model and conduct an environmental analysis of existing resources and unmet needs within the Waukesha County region. Project funds of approximately \$11,500 will fund training, travel, and supply costs of the contracted coordinator and any HHS staff assigned to the development of the grant model. Additionally, based on project outcomes and the development of the care coordination model, nearly \$28,500 of grant funds will be used to enhance coordination and referral between HHS programs and within the Public Health and Birth-to-Three program areas.

This ordinance has no direct levy impact.



Linda Witkowski
Budget Manager
12/26/2018
BAJ # 2019-00000022

1 ACCEPT THE URBAN YOUTH PRIMARY SUBSTANCE USE PREVENTION GRANT
2 AND MODIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES 2019
3 BUDGET TO APPROPRIATE GRANT EXPENDITURES AND INCREASE REVENUES
4
5

6 WHEREAS, the Waukesha County Department of Health and Human Services applied for
7 Urban Youth Substance Use Prevention grant funding from the State of Wisconsin Department
8 of Health Services, to address the 2015 Waukesha County Health Needs Assessment identifying
9 “Alcohol and Drugs” as a Top Five health issue; and
10

11 WHEREAS, the Clinical Services Division received approval for a \$50,000 grant with the
12 possibility for four additional one-year renewals up to five years; and
13

14 WHEREAS, the grant will fund Urban Youth Substance Use Prevention activities including drug
15 prevention services to sixth, seventh, and eight graders attending Butler, Horning, and Les Paul
16 middle schools in Waukesha; and
17

18 WHEREAS, the grant will fund Urban Youth Substance Use Prevention activities using the Too
19 Good for Drugs (TGFD) evidenced based programming that builds on students resiliency.
20 Waukesha County Health and Human Services will purchase the TGFD curriculum to allow for
21 continued use once the grant funding has ended; and
22

23 WHEREAS, the Clinical Services Division will initiate activities related to Urban Youth
24 Substance Use Prevention, by contracting a community-based vendor to provide substance use
25 education at three urban middle schools in the Waukesha area, and establish grant reporting and
26 training processes to support grant activities.
27

28 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
29 that the Waukesha County Department of Health and Human Services, Division of Clinical
30 Services, is authorized to accept the grant for Urban Youth Substance Use Prevention grant
31 funding from the State of Wisconsin Department of Health Services in the amount of \$50,000 for
32 the purpose of substance use youth education during the five year grant period.
33

34 BE IT FURTHER ORDAINED the Department of Health and Human Service, Division of
35 Clinical Services, 2019 budget be modified by appropriating \$12,142 for personnel costs,
36 \$36,644 for operating expenses, and \$1,214 for interdepartmental administrative overhead
37 charges for Urban Youth Substance Use Prevention activities, and increasing general
38 government revenues by \$50,000 for corresponding grant revenues.

FISCAL NOTE

ACCEPT THE URBAN YOUTH PRIMARY SUBSTANCE USE PREVENTION GRANT
AND MODIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES 2019
BUDGET TO APPROPRIATE GRANT EXPENDITURES AND INCREASE REVENUES

This ordinance authorizes the Department of Health and Human Services to accept \$50,000 in State of Wisconsin – Department of Health Services grant revenues, and modifies the 2019 Department budget to appropriate expenditures to provide substance use prevention education. Grant funding of \$30,000 is budgeted to contract with a regional agency to provide this education at three middle schools in the Waukesha area (Butler, Horning, and Les Paul) in 2019. Additional temporary support staff will provide grant oversight and reporting with additional 4-5 hours per week (approximately 0.11 FTE) for additional personnel costs of nearly \$12,000. The remaining \$6,600 will fund grant associated training, travel, and supplies and \$1,200 for administrative overhead costs.

This ordinance results in no direct levy impact.



Linda Witkowski
Budget Manager
1/2/2019
BAJ #2019-0000020

1 MODIFY THE 2018 ACTIVE EMPLOYEE PROGRAM BUDGET IN THE
2 HEALTH AND DENTAL INSURANCE FUND
3
4

5 WHEREAS, Waukesha County established the Health and Dental Insurance Fund in the 2009
6 budget as an internal service fund to account for all claims and costs filed against and paid by the
7 county's self-insured insurance programs and the premiums and other revenues that fund these
8 claims expenses; and
9

10 WHEREAS, this fund includes an active employee health insurance program, which is funded
11 mostly through a premium share between employees and the county; and
12

13 WHEREAS, to guard against higher-cost individual health claims, the county purchases stop loss
14 insurance, which reimburses the county for claims expenses above \$350,000; and
15

16 WHEREAS, the active employee health program has experienced higher-than-budgeted claims
17 expenses, mostly from high-cost individual claims; and
18

19 WHEREAS, the County Board approved an ordinance in October to address projected above-
20 budget claims expenses by increasing budget authority in the active health program by \$1.2
21 million, mostly funded with \$1.1 million of unbudgeted stop loss reimbursement revenues based
22 on known high-cost claims at the time; and
23

24 WHEREAS, since then additional individual high-cost claims have been incurred requiring an
25 additional \$500,000 of budget authority for the Health Insurance Fund; and
26

27 WHEREAS, the county is expected to receive an additional \$1.1 million in stop loss
28 reimbursement revenues, which will more than cover the additional \$500,000 of budget authority
29 needed.
30

31 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
32 that the 2018 Health and Dental Insurance Fund budget be modified by increasing operating
33 expenses \$500,000 and other revenues by \$500,000.

FISCAL NOTE

MODIFY THE 2018 ACTIVE EMPLOYEE PROGRAM BUDGET IN THE HEALTH AND
DENTAL INSURANCE FUND

This ordinance increases operating expense appropriations in the Health and Dental Insurance Fund Budget by \$500,000 to fund projected above-budget health claims expenses in the active employee health program. Projected above-budget claims expenses are largely due to higher-cost individual claims, for which the county receives a reimbursement from its stop loss insurance carrier for expenses above \$350,000. This ordinance appropriates \$500,000 of unbudgeted stop loss reimbursement revenues to cover this additional expenditure authority. (The county does not estimate stop loss reimbursement revenues in the adopted budget due to its unpredictability.)

In October, the County Board approved an earlier ordinance* increasing the active employee program budget by \$1.2 million, funded mostly with \$1.1 million of stop loss reimbursement revenue. At the time (based on mid-year projections), it was unclear how many higher-cost individual claims there would be, and that ordinance limited the increase in budget authority to known stop loss reimbursement revenues of \$1.1 million. Since then, the county has incurred at least another \$1.1 million in additional stop loss-reimbursable claims expenses, which is more than sufficient to cover the additional expenditure authority in this ordinance.

This ordinance is funded with projected above-budget revenues and does not result in any direct impact on tax levy.


Norman A. Cummings
Director of Administration

1/2/2019

BPD
JE# 2018-00014403

*The earlier ordinance in October also appropriated an additional \$800,000 of expenditure authority for the retired employee program, funded with fund balance generated from that program's prior-year favorable results. At this time, it does not appear that the retired employee program will need additional expenditure authority.