

ENROLLED ORDINANCE 169-78

AMEND THE TOWN OF VERNON DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE BY REVISING THE PREVIOUSLY IMPOSED B-3 GENERAL BUSINESS DISTRICT CONDITIONS OF APPROVAL. THE REZONING PERTAINS TO MULTIPLE PROPERTIES FRONTING UPON ENTERPRISE DRIVE, LOCATED IN PART OF THE SW ¼ OF SECTION 1, T5N, R19E, TOWN OF VERNON (CZ-0972D)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Vernon Town Board on October 16, 2014, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 59.69, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Town of Vernon District Zoning Map of the Waukesha County Zoning Code, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on February 26, 1959, is hereby amended to revise the previously imposed B-3 General Business District conditions of approval. The rezoning pertains to multiple properties fronting upon Enterprise Drive, located in part of the SW ¼ of Section 1, T5N, R19E, Town of Vernon, and more specifically described in the “Staff Report and Recommendation” and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference CZ-0962D, subject to the following conditions:

1. The following permitted uses may be allowed, subject to the approval of a Site Plan/Plan of Operation Permit by the Town of Vernon Plan Commission and the Waukesha County Department of Parks and Land Use:
 - a. Wholesalers and distributors.
 - b. Retail, wholesale and disposition of motorcycles, all terrain vehicles (ATV), lawn and garden equipment, snowmobiles, personal water craft and boats, boat trailers, related marine equipment, and sporting goods and supplies including repair, service and maintenance, and storage for such equipment, vehicles, and supplies.
 - c. Printing and Publishing houses.
 - d. Cabinet/Countertop sales and production.
 - e. Contractor’s facilities for electricians, plumbers, heating contractors, carpet cleaning, and similar trades and services including repair, service and maintenance, and storage for associated equipment, vehicles, and supplies of the contractor’s facility.
 - f. Telegraph and telephone office and telephone exchange.
 - g. Utility company office.
 - h. Professional office or studio, including but not limited to photographer, interior decorator, etc.
 - i. Mini-warehouse storage facilities.
 - j. Commercial food production and distribution.

2. The following Conditional Uses may be allowed, subject to an approval of a Conditional Use Permit and a Site Plan/Plan of Operation Permit by the Town of Vernon Plan Commission and the Waukesha County Park and Planning Commission:
 - a. Animal hospitals, veterinarian clinics, commercial kennels.
 - b. Contractor's yard as defined in the Waukesha County Zoning Code.
 - c. Testing laboratories (experimental and analytical).
 - d. Public and semi-public buildings and uses including libraries, museums, public and private utilities and communication towers, but not including hospitals, rest homes, private academy, nursery schools or the operation of a public barn, restaurant or recreational facility as a commercial enterprise.
 - e. Auto and truck service and towing including repair service and maintenance, and storage for associated equipment, vehicles, and supplies.
3. Any use similar to the permitted or Conditional Uses listed above, subject to the approval of the Town of Vernon Plan Commission and the Staff of the Waukesha County Planning and Zoning Division.
4. No residential use is permitted as a principal or accessory use.
5. Compliance with all dimensional zoning requirements (e.g. setbacks, offsets, height and area restrictions, etc.) as contained in the B-3 General Business District.
6. Compliance with the current Town of Vernon commercial and Industrial Development Ordinance, Chapter 144, Town of Vernon municipal code and any future changes, additions, modifications, alterations, and/or amendments to the current or future Town of Vernon commercial or Industrial Development Ordinance, Chapter 144, Town of Vernon municipal code. This conditional shall be enforceable by the Town of Vernon only.

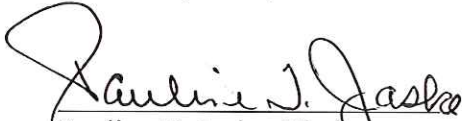
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Vernon.

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

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


AMEND THE TOWN OF VERNON DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE BY REVISING THE PREVIOUSLY IMPOSED B-3 GENERAL BUSINESS DISTRICT CONDITIONS OF APPROVAL. THE REZONING PERTAINS TO MULTIPLE PROPERTIES FRONTING UPON ENTERPRISE DRIVE, LOCATED IN PART OF THE SW ¼ OF SECTION 1, T5N, R19E, TOWN OF VERNON (CZ-0972D)


Presented by:
Land Use, Parks, and Environment Committee


Pauline T. Jaske, Chair


Jim Batzko


Jennifer Grant



Keith Hammitt


Eric Highum


{ ABSENT }
William Mitchell

{ ABSENT }
Thomas J. Schellinger

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 12/16/14, 
Kathleen Novack, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:


Approved: X
Vetoed: _____
Date: 12-22-14, 
Daniel P. Vrakas, County Executive

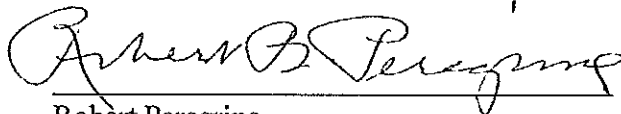
COMMISSION ACTION

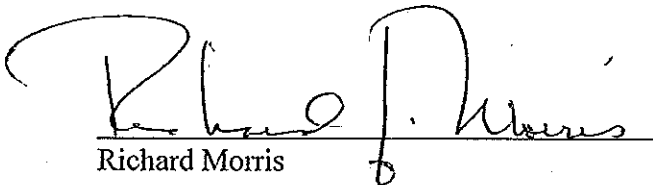
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends approval of (CZ-0927D Town of Vernon) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

November 20, 2014



James Siepmann, Chairperson


Robert Peregrine


Richard Morris


Gary Goodehild


William Mitchell


Bonnie Morris

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

DATE: November 20, 2014

FILE NO: CZ-0972D

PETITIONER: Town of Vernon
W249 S8910 Center Drive
Big Bend, WI 53103-0309

TAX KEY NOs: VNT 2019.982.004, VNT 2019.982.005, VNT 2019.982.006, VNT 2019.982.011,
VNT 2019.982.013, VNT 2019.982.019, VNT 2019.982.028, VNT 2019.982.029,
VNT 2019.982.031, VNT 2019.982.032, VNT 2019.982.033

LOCATION:

Part of the SW ¼ of Section 1, T5N, R19E, Town of Vernon. More specifically, the request pertains to those properties that are located within the Town of Vernon and front on Enterprise Dr. The area wide rezoning affects eleven properties on approximately 30 acres.

PRESENT ZONING: Conditional B-3 General Business District (CZ-972B).

PRESENT LAND USE:

Commercial/Light Industrial.

PROPOSED ZONING:

Amend the Conditional B-3 General Business District zoning (CZ-972D).

PUBLIC HEARING DATE: October 14, 2014

PUBLIC REACTION:

Two property owners along Enterprise Drive spoke in favor of the proposal.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On October 14, 2014, the Town Plan Commission recommended approval of the request. At their meeting on October 16, 2014, the Town Board approved the request to amend the conditions of the rezone (see Exhibit "A").

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

The subject lands along Enterprise Drive are designated as Mixed Use on the Comprehensive Development Plan for Waukesha County (CDPWC). The Mixed Use designation is defined in the CDPWC as development that may contain a combination of uses including residential, institutional, office, retail, service, light industrial, or business park uses. The Town of Vernon Land Use Plan identifies the lands in the planned Commercial category. The proposed amendments to the conditional rezoning will be consistent with the recommended use designation of both plans.

STAFF ANALYSIS:**History:**

In 1992, the Town of Vernon and the Waukesha County Board approved a request to conditionally rezone the area now known as "Enterprise Drive" from the R-1, Residential Zoning District, to the B-3, General Business District, and the B-1, Restricted Business District (CZ-972) to accommodate a business park type development pattern. All but the western most 4 acres of the site was rezoned to conditional B-3. The remaining 4 acres was rezoned to conditional B-1.

In 1996, the Town of Vernon and the Waukesha County Board approved a request to amend the conditions of the previous rezoning on the subject property (CZ-972A). Specifically, this amendment allowed uses in the B-3 zoned areas that were previously excluded. Those uses included trades and service uses such as electricians, plumbers, heating contractors, carpet cleaners, etc., distributors and warehousing facilities with up to 50% floor area ratio having a maximum impervious surface of up to 70%, and certain uses allowed only as Conditional Uses such as child care facilities, outdoor recreational facilities (which operate at night), hospitals, health care facilities, uses which operate more than 16 hours a day, entertainment facilities, tavern and restaurants, telecommunications towers, laboratories and research operations and trucking services. The amendment to the rezone did not allow any outside storage of equipment or supplies except normal customer and employee parking during normal business hours.

In 2003, the Town of Vernon and the Waukesha County Board approved a request to conditionally rezone the westerly four acres of the Enterprise Drive development from the B-1, Restricted Business District, to the B-3, General Business District, to match the remainder of the Enterprise Drive development (CZ-972B).

In 2009, violation complaints about outdoor storage and the operation of a tow truck business prompted discussions between County and Town Planning staff regarding revisiting the conditions of the effective Conditional rezoning terms. County and Town staff jointly drafted amendments to the terms of the rezoning and a public hearing was held. Additional amendments were suggested by the Town and incorporated. The Town Plan Commission ultimately recommended approval of the changes but also directed that the proposed amendments should be advanced to a Town Ordinance Committee. Because of the length of time that it took to work through the rezoning process, County staff ultimately advised that the rezoning request should be denied so that some sort of alternative proposal could be re-initiated by the Town in the future if it was the Town's desire to route the rezoning through a separate ordinance committee.

Accordingly, the County Planning & Zoning Staff recommended denial of the prior rezoning request and the County Board subsequently denied the request (CZ-0972C). The Town took no further steps to re-ignite the rezoning effort within the past five years. However, a recent request for outside storage accommodations was recently received from one of the business owners within the development and this prompted renewed discussions about modifying the rezoning conditions. County Planning Staff suggested that the Town consider re-initiating the 2009 amendment language that never advanced in order to address the emerging storage issue and other similar issues that were the subject of the 2009 effort. The Town agreed that such an approach was appropriate and filed a rezoning application to bring forward the same amendments that were proposed in 2009 but never became enacted.

Proposed Amendments:

The proposed amendments further refine the existing conditions that govern the subject light industrial and commercial/service type business area (Exhibit "A"). Most notably, the amendments delete the existing condition that prohibits outdoor storage. Instead, outside storage would now be an available option via a Site Plan review process and outside storage proposals will need to comply with the Town's Chapter 144 Commercial and Industrial Development Ordinance which deals with various site design and housekeeping type issues. In addition, the requirement of a Conditional Use for operations that exceed 16 hour per day operations is proposed to be deleted. Other changes modify the list of permitted and conditional uses slightly to better reflect the mix of uses that have emerged in a sort of business park format. For instance, residential uses, and B-2 uses are deleted from the permitted use list, whereas commercial food production and distribution facilities are being added as an available permitted use. Certain Conditional Use options such as hospitals, bars and restaurants are being deleted. Said uses would seem unlikely to emerge given the generally limited retail/light industrial nature of the subject area.

STAFF RECOMMENDATION:

As requested by the Town of Vernon, the Planning and Zoning Division Staff recommends that the request to amend the rezoning conditions, be **approved**. The proposed amendments have long been contemplated and the changes are fairly minor in nature but will allow businesses within the Enterprise Dr. business park area more flexibility with regards to specific operational issues such as outdoor storage and extended hours of operation.

Respectfully submitted,

Jason Fruth

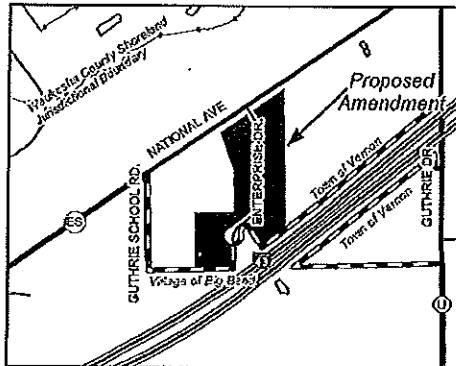
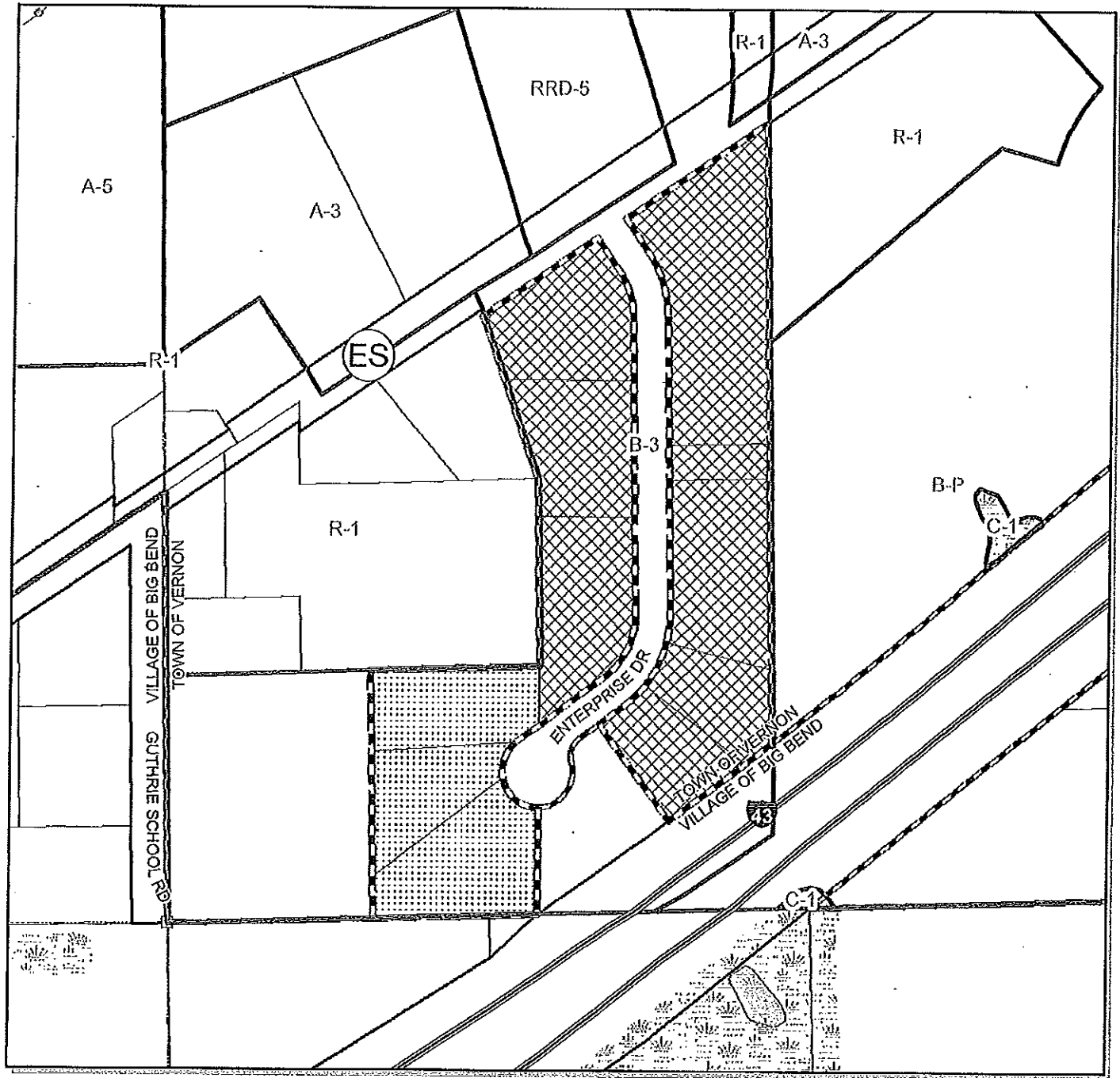
Jason Fruth
Planning and Zoning Manager

Attachment: Map, Exhibit "A"

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ZONING AMENDMENT

PART OF THE SW 1/4 OF SECTION 1
TOWN OF VERNON







	EXISTING CONDITIONAL B-3 ZONING (CZ-972A) (11.56 AC)
	EXISTING CONDITIONAL B-3 ZONING (CZ-972B) (3.85 AC)
	AMEND CONDITIONAL COUNTY ZONING B-3 GENERAL BUSINESS DISTRICT (CZ-972D) (15.41 AC)
FILE.....CZ-972D	
DATE.....11/20/14	
AREA OF CHANGE.....30.8 ACRES	
TAX KEY NUMBERS...VNT 2019.982.004 - 006, .011, .013, .019, .028, .029, .031 - .033	
	1 inch = 300 feet
Prepared by the Waukesha County Department of Parks and Land Use	
0 150 300 Feet	

EXHIBIT "A"

1. The following permitted uses may be allowed, subject to the approval of a Site Plan/Plan of Operation Permit by the Town of Vernon Plan Commission and the Waukesha County Department of Parks and Land Use:
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WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-12/16/14

(ORD) NUMBER-1690081

1 R. KOLB.....AYE
 3 R. MORRIS.....AYE
 5 J. BRANDTJEN.....AYE
 7 J. GRANT.....AYE
 9 J. HEINRICH.....AYE
 11 C. HOWARD.....AYE
 13 P. DECKER.....AYE
 15 B. MITCHELL.....AYE
 17 D. PAULSON.....AYE
 19 K. CUMMINGS.....
 21 W. ZABOROWSKI.....AYE
 23 K. HAMMITT.....AYE
 25 G. YERKE.....AYE

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

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS ~~_____~~

TOTAL VOTES-24