

ENROLLED ORDINANCE 172-087

AMEND THE TOWN OF VERNON DISTRICT ZONING MAP 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 (RZ2)

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 February 1, 2018; 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, adopted by the Waukesha County Board of Supervisors, on December 23, 2016, 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 RZ2, subject to the following conditions:

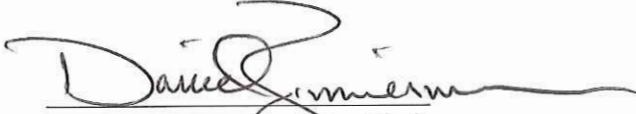
1. The following permitted uses may be allowed, subject to the approval of a Site Plan/Plan of Operation Permit by the Town of Vernon Plan Commission and the Vernon Town Board.
 - a. Wholesalers and distributors.
 - b. Retail, wholesale and disposition of automobiles, motorcycles, all-terrain vehicles (ATV), lawn and garden equipment, snowmobiles, personal watercraft 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 by the Town of Vernon Plan Commission and Vernon Town Board.


- 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.
 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.
 7. The Waukesha County Board must approve the rezoning.

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

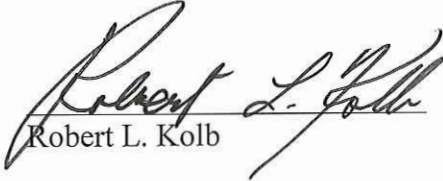
AMEND THE TOWN OF VERNON DISTRICT ZONING MAP BY REVISING THE PREVIOUSLY IMPOSED B-3 GENERAL BUSINESS DISTRICT CONDITIONS OF APPROVAL. THE REZONING PERTAINS TO MULTIPLE PROPERTIES FRONTING UPON ENTERPRISE DRIVE, LOCATED IN PART OF THE SW ¼ OF SECTION 1, T5N, R19E, TOWN OF VERNON (RZ2)

Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

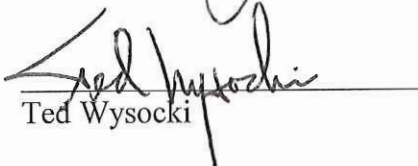

Kathleen M. Cummings

(Absent)
Keith Hammitt


Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki

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

Date: 3/27/18, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 3/30/18, 
Paul Farrow, County Executive

D1 - Kolb	AYE	D14 - Wood	AYE
D2 - Zimmermann	(M) AYE	D15 - Mitchell	(2) AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Zaborowski	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	Absent
D13 - Decker	AYE		

172-0-087

Passed (24 Y - 0 N - 1 Absent)


Majority Vote >

COMMISSION ACTION

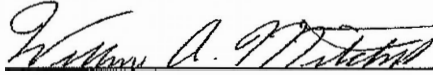
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Town of Vernon Zoning Code, hereby recommends **approval** of (**RZ2 Town of Vernon**) in accordance with the attached "Staff Report and Recommendation".

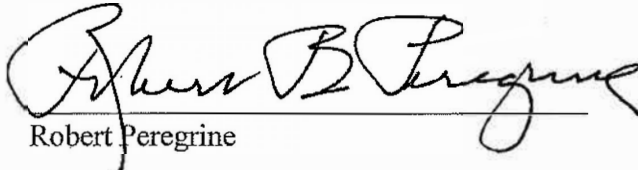
PARK AND PLANNING COMMISSION

February 22, 2018

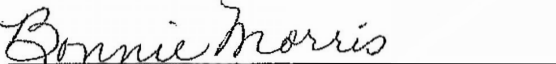

Richard Morris, Chairperson

Absent
James Siepmann, Vice Chairperson


William Mitchell, Secretary


Robert Peregrine

Absent
William Maslowski


Bonnie Morris

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

FILE NO.: RZ2

TAX KEY NO's.: VNT 2019.982.004, VNT 2019.982.005, VNT 2019.982.006,
VNT 2019.982.011, VNT 2019.982.013, VNT 2019.982.014,
VNT 2019.982.015, VNT 2019.982.016, VNT 2019.982.017,
VNT 2019.982.018, VNT 2019.982.019, VNT 2019.982.020,
VNT 2019.982.021, VNT 2019.982.022, VNT 2019.982.023,
VNT 2019.982.024, VNT 2019.982.025, VNT 2019.982.026,
VNT 2019.982.027, VNT 2019.982.028, VNT 2019.982.029,
VNT 2019.982.031, VNT 2019.982.032 and VNT 2019.982.033.

DATE: February 22, 2018

OWNER/PETITIONER: Town of Vernon Board
W249 S8910 Center Drive
Big Bend, WI 53103

LOCATION:
The eleven affected properties (24 Tax Key No.'s because of condominium form of ownership) are located in part of the SW ¼ of Section 1, T5N, R19E, Town of Vernon. The properties all front Enterprise Drive.

PROPOSED REQUEST:
Amend the conditions of the existing Conditional B-3 General Business District zoning (CZ-0972D) to allow for sales and repair of automobiles.

EXISTING ZONING:
B-3 District (conditional).

EXISTING LAND USE:
Business and light industrial.

PROPOSED LAND USE:
Business and light industrial with addition of auto sales and service uses.

PUBLIC HEARING DATE:
December 13, 2017.

PUBLIC REACTION:
One nearby business owner expressed support for the changes and the Town Clerk stated that others had had called with questions but did not express objections. Two other individuals asked questions about the parking and limits on number of cars to be sold; these questions appeared to relate to a specific associated site plan amendment being proposed.

TOWN PLAN COMMISSION AND TOWN BOARD ACTIONS:
At their meeting on December 13, 2017, the Town of Vernon Plan Commission unanimously recommended to the Town of Vernon Town Board approval of the revised rezoning conditions. On February 1, 2018, the Town of Vernon Board approved the rezoning request. The revised terms that would govern the subject area are contained in the attached Town Ordinance.

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

The County Land Use Plan designates the property in the Mixed Use category, which allows for a range of uses, including commercial and industrial uses. The Town of Vernon Land Use Plan identifies the lands in the planned Commercial category. The proposed amendments to the conditional rezoning are consistent with the recommended use designation of both plans.

STAFF ANALYSIS:

The Enterprise Drive light industrial/commercial area of the Town of Vernon was conditionally rezoned to allow for said uses in 1992. The properties along Enterprise Drive essentially function as a form of a business park. The terms of the conditional rezoning have been modified a few times since that time, most recently in 2014. The proposal is to now further slightly amend the conditional rezoning terms to allow for sales and service of automobiles. Sales and service of similar mechanized equipment such as motorcycles, all-terrain vehicles and boats is already provided for. This request was prompted by the desire of one of the motorsports businesses in this area wishing to be able to offer a limited number of cars for sale on one of the subject parcels.

Waukesha County Planning Staff observed that the originally transmitted Town Ordinance was not reflective of all of the most recent 2014 subject rezoning terms and also recommended to the Town that references to County approval of Site Plan approvals be removed because the Town is now subject to its own Zoning Code. The final signed ordinance incorporates those changes.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The approval of the request will allow for additional flexibility for the use of properties in an already commercial/light industrial setting. The Town’s Site Plan review authority will help ensure that the scope and scale of automobile sales and service operations are compatible with the setting.

Respectfully submitted,

Jason Fruth

Planning and Zoning Manager

Attachments: Town Ordinance No. 2018-01
Map

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ORDINANCE 2018-01

AN ORDINANCE TO REZONE PROPERTIES LOCATED ON ENTERPRISE DRIVE IN THE ENTERPRISE BUSINESS PARK OF THE TOWN OF VERNON PURSUANT TO SEC. 300-46 OF THE ZONING ORDINANCE FOR THE TOWN OF VERNON

WHEREAS, prior to the adoption of the Town of Vernon Zoning Code, Waukesha County adopted a rezoning ordinance that affected properties located on Enterprise Drive in the Enterprise Business Park of the Town of Vernon, which rezoning imposed certain restrictions on uses that can be allowed within the district for such properties; and

WHEREAS, upon the adoption of the Town of Vernon Zoning Code, Waukesha County again imposed the same restrictions on said properties pursuant to Waukesha County's authority under Wisconsin Statutes §60.62(3)(b) and other laws, and said conditions were therefore carried forward into the Town of Vernon Town Code; and

WHEREAS, the conditions imposed on said properties do not allow new and used automobile salesrooms and lots, but the Town of Vernon is inclined to allow such uses on said properties; and

WHEREAS, following commencement of the Zoning Amendment Procedure per Section 300-46 of the Town of Vernon Town Code, the Town Clerk duly referred the matter to the Town Plan Commission per Section 300-46 A(3) of the Town of Vernon Zoning Code; and

WHEREAS, the Town Plan Commission conducted the necessary investigation and scheduled a public hearing as required by Section 300-46 A.(3)(b) of the Town of Vernon Zoning Code; and

WHEREAS, the Town of Vernon Town Board and the Town of Vernon Plan Commission conducted a joint public hearing on December 13, 2017 as required by Section 300-46 A.(4) of the Town of Vernon Zoning Code, after providing the required public notice of the public hearing consistent with Section 62.23 of the Wisconsin Statutes and Section 300-46 B.(1) of the Town of Vernon Zoning Code; and

WHEREAS, the Town of Vernon Plan Commission has recommended to the Town of Vernon Town Board that said rezoning be made under certain conditions; and

WHEREAS, The Town Board finds that the proposed zoning is consistent with the Town's comprehensive plan; and

WHEREAS, the Town Board finds that this change to the Town Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Town of Vernon Town Board, after careful review and upon consideration of the recommendation of the Town of Vernon Plan Commission, 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 granting of said 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 the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent of the zoning ordinance for the Town of Vernon will not be contrary to the public health, safety or general welfare of the Town of Vernon will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors, and will not for any other reason cause a substantial adverse affect on the property values and general desirability of the neighborhood; and

WHEREAS, by this Zoning Amendment the Town Board intends to readopt all of the conditions that were previously imposed by Waukesha County on the zoning of properties located on Enterprise Drive in the Town of Vernon exactly as imposed by Waukesha County, subject to one change, which would be to allow retail, wholesale and disposition of automobiles as a permitted use that may be allowed subject to approval of a site plan/plan of operation permit by the Town of Vernon Plan Commission and Vernon Town Board.

NOW, THEREFORE, the Town of Vernon Town Board, Waukesha County, Wisconsin, ordains as follows:

SECTION 1. ZONING CHANGE

The Enterprise Business Park properties, identified as all properties in the Town of Vernon located on Enterprise Drive and as further described in attached Exhibit A, are rezoned to General Business District (B-3) 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 Vernon Town Board.
 - a. Wholesalers and distributors.
 - b. Retail, wholesale and disposition of automobiles, motorcycles, all-terrain vehicles (ATV), lawn and garden equipment, snowmobiles, personal watercraft 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.
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 - 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.
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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 condition shall be enforceable by the Town of Vernon only.
- 7. The Waukesha County Board must approve the rezoning

SECTION 2. CERTIFICATION

Upon certification by the Town Clerk that the conditions set forth in Section 2 have been satisfied within the time period established in Section 5, the Town Planner shall change the zoning classification of the subject property on the Town of Vernon zoning map as indicated herein.

SECTION 3. SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed to those terms that conflict.

SECTION 4. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the conditions stated in Section 2, and this ordinance is null and void and the current zoning shall be in effect with no further notice if such conditions are not satisfied within one year of the date of this decision.

Approved this 1st day of February 2018

BY THE TOWN OF BOARD OF SUPERVISORS

Thomas G. Bird

Thomas G. Bird, Town Chairman

<p>RECEIVED 2/05/2018 DEPT OF PARKS & LAND USE</p>
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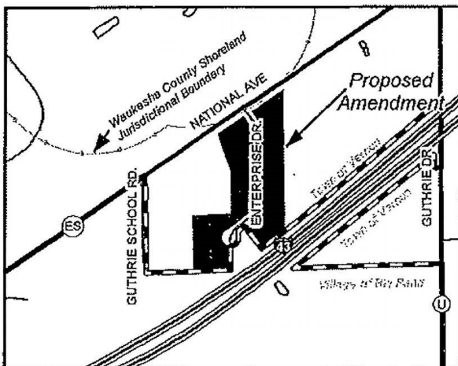
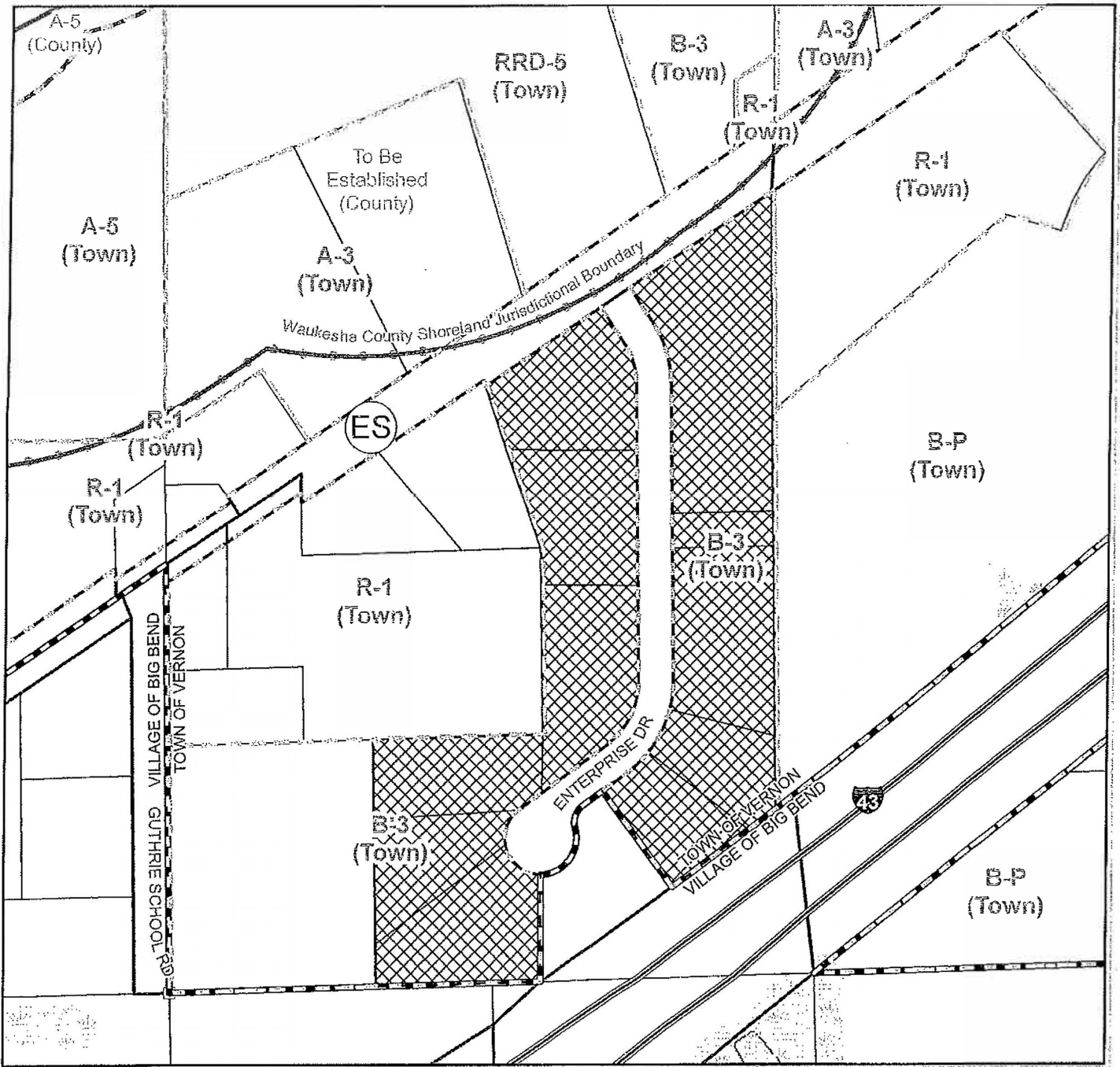
ATTEST:

Karen L. Schuh
Karen L. Schuh, Town Clerk

Published and posted this 2nd day of February 2018

ZONING AMENDMENT

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



AMEND CONDITIONS OF CONDITIONAL B-3 GENERAL BUSINESS ZONING DISTRICT (15.41 AC)

FILE R22
 DATE OF PLAN COMMISSION02/22/18
 AREA OF CHANGE30.8 ACRES
 TAX KEY NUMBERSVNT 2019.982.004, .005, .006, .011, .013, .014, .015, .016, .017, .018, .019, .020, .021, .022, .023, .024, .025, .026, .027, .028, .029, .031, .032, .033



Prepared by the Waukesha County Department of Parks and Land Use

