Enrolled 157-78

~~PROPOSED~~ ORDINANCE ~~157-80~~

THE TOWN OF VERNON DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF VERNON BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF THE SW ¼ OF SECTION 1, T5N, R19E, TOWN OF VERNON, FROM THE R-1 RESIDENTIAL DISTRICT TO THE B-P BUSINESS PARK DISTRICT (CZ-1460)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.69 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN 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 conditionally rezone certain lands from the R-1 Residential District to the B-P Business Park District, located in part of the NW ¼ 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-1460), subject to the following conditions:

1. The Site Plan and Plan of Operation must be approved by the Town Plan Commission and the Waukesha County Department of Parks and Land Use Staff.

2. The property owner must work towards a resolution of the access issue for the resident to the south.

3. No outside storage be allowed.

4. The development must comply with all requirements of the B-P Business Park District.

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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Referred on: 11/12/02	File Number: 157-O-082	Referred to: LU

AMEND THE TOWN OF VERNON DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF VERNON BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF THE SW ¼ OF SECTION 1, T5N, R19E, TOWN OF VERNON, FROM THE R-1 RESIDENTIAL DISTRICT TO THE B-P BUSINESS PARK DISTRICT (CZ-1460)

Presented by:
Land Use, Parks, and Environment Committee

Walter L. Kolb, Chair

Pauline T. Jaske

James Jeskewitz

Scott J. Klein

Daniel Pavelko

Vera Stroud

Matt Thomas

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

Date: December 2, 2002, Patricia E. Madden
Patricia E. Madden, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:
Approved: ✓
Vetoed: _____
Date: 12-3-02, D. M. Finley
Daniel M. Finley, County Executive

157-O-082

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

FILE NO: CZ-1460

TAX KEY NUMBER: VNT 2019.979 and VNT 2019.983

DATE: October 17, 2002

NAME OF PETITIONER:
Mark Muschinski
300 Travis Lane, Unit 13
Waukesha, WI 53186

NAME OF OWNER:
Mukwonago Area School District
c/o Bill Cantwell
W423 Division Street
Mukwonago, WI 53149

LOCATION OF PROPERTY:
Certified Survey Map No 3159, being a part of the NW ¼ of the SW ¼ of Section 1, T5N, R19E, Town of Vernon. More specifically, the parcel is located on the east side of Guthrie School Road, south of C.T.H. "ES" and contains the old Guthrie School. The property contains approximately five acres.

PRESENT ZONING:
R-1 Residential District, allowing one-acre minimum lot sizes.

PROPOSED ZONING:
B-P Business Park District.

PRESENT LAND USE:
Vacant Guthrie School.

PROPOSED LAND USE:
Printing and graphics facility.

PUBLIC HEARING DATE:
September 23, 2002.

PUBLIC REACTION:
One adjacent resident to the south supported the proposal.

TOWN PLAN COMMISSION ACTION:
The Town of Vernon Plan Commission, at their meeting on September 23, 2002, recommended to the Town Board, conditional approval of the rezoning request from the R-1 Residential District to the B-P Business Park District (Exhibit "A").

TOWN BOARD ACTION:
The Town of Vernon Board, at their meeting on October 3, 2002, voted to conditionally approve the rezoning request in accordance with the Town Plan Commission's recommendation.

COMPLIANCE WITH THE TOWN OF VERNON LAND USE PLAN AND THE WAUKESHA COUNTY DEVELOPMENT PLAN:
The Waukesha County Development Plan and the Town of Vernon Land Use Plan designate the areas in the Commercial category. The proposed rezoning is consistent with both plans.

OTHER CONSIDERATIONS:
The property proposed to be rezoned, consists of a one-acre parcel and a 3.99-acre parcel, which contains a 6,000 sq. ft. vacant school building. The property was the subject of a recent amendment to the Waukesha County Development Plan in which it was changed from the Institutional category to the Commercial category (the school had been vacated and the property was for sale by the School District.). At that time, both the Town of Vernon Master Plan and the Waukesha County Development Plan were changed to the Commercial category designation. The applicant is proposing to relocate his printing and graphics company, which is currently located in the City of Waukesha to the old school building and make minimal improvements to the property. The improvements would include a new roof, complete abatement of the asbestos floor tile and the installation of an overhead door on the west side of the building facing Guthrie School Road to accommodate a loading area. The applicant does not propose to have any outside storage on the property and deliveries to the site are typically UPS trucks.

The existing structure is approximately 6,000 sq. ft. in size, whereas the B-P Business Park District requires an initial minimum of a 5,000 sq. ft. structure. The operation being proposed is one shift and the petitioner does not anticipate any expansion, however, he feels there is more than adequate area on the approximate five-acre parcel for any expansion in the long term. At the public hearing, one resident of the Village of Big Bend, expressed concerns about access across the property to his property, which is land locked. As conditioned by the Town, the owner is to work with the adjoining property owner to try to resolve the issue, which may require an annexation to the Village of Big Bend. The development in the area on the west side of Guthrie School Road, which is in the Village of Big Bend, consists of a large cable company and Deluca Hartman Construction Company which has outside storage of many vehicles on the subject site. Properties to the north and south are residential uses at this time, with a business park type development to the east on Enterprise Drive. The subject site does comply with the B-P light industrial category as it meets all of the standards and is within one mile of the interchange of S.T.H 164 and I-43. The applicant indicates that most of their printing jobs are duplication types and the printing of checks. There is no noise, odor or excessive trucking associated with the proposed use.

STAFF RECOMMENDATION:
It is the opinion of the Planning and Zoning Division Staff that this request be **approved**, subject to the following conditions:

1. The Site Plan and Plan of Operation must be approved by the Town Plan Commission and the Waukesha County Department of Parks and Land Use staff.

2. The property owner must work towards a resolution of the access issue for the resident to the south.

3. No outside storage be allowed.

4. The development must comply with all requirements of the B-P Business Park District.

It is felt, as conditioned, the subject rezoning complies with both the Waukesha County Development Plan and the Town of Vernon Master Plan and the lot and building sizes and the parcel's location is consistent with the B-P Business Park District and is adjacent to other business type uses.

Respectfully submitted,

Kathy Moore /Kab

Kathy Moore
Senior Planner

KM:kb

Attachment

EXHIBIT "A"

3. Conceptual Discussion of Rezoning
Ryan Schultz (Alec Ellsworth property) S78 W27100 Hillview Drive
Planner Moore read the attached proposal. The Ellsworth property is a total of 108 acres that are separated by Hillview Drive and the railroad tracks. About 40% of the property is conservancy.
Commissioners discussed: extra traffic on to Hillview Drive and the topography of the road; train noise, soil conditions, the creation of 3 cul de sacs, access for proposed lot #12 across a creek, what amount of credit should be given for those lands in conservancy and the possibility of a park site.

Mr Schultz indicated the soil tests were not actually done to date only reviewed from soil study books.

Planner Moore indicated what the petitioner is looking for tonight is a consensus with regards the number of lots they should consider when applying for their allotment. 100% credit for all land including conservancy gives them approximately 21 lots. Approximately 15 lots would result in granting 20% credit for conservancy which is consistent with the RRD-5 and AD-10 zoning districts which was an implementation tool of the Town's Master Plan.

Four (4) Plan Commission members felt credit should be given for all owned parcels resulting in 21 lots because of the way land was split up years ago however Supervisor Gasser and Chairperson Kunert felt only 20% credit should be given resulting in 15 lots because all parcels were not contiguous.

4. **7:00 PM of Public Hearing**
NOTICE IS HEREBY GIVEN that a joint Public Hearing will be held by the Town of Vernon Plan Commission and a Staff Representative of the Waukesha County Department of Parks & Land Use on Monday, September 23, 2002, at 7:30 p.m., at the Vernon Town Hall, W249 S8910 Center Drive, Big Bend, WI, 53103, to consider the rezoning request of **(CZ-1460) Mark Muschinski, 300 Travis Lane, Unit 13, Waukesha, WI, 53186,** for the property owned by the **Mukwonago Area School District, W423 Division St., Mukwonago, WI, 53149,** to amend the District Zoning Map of the Waukesha County Zoning Code, from the Residential District (permitting one-acre minimum lot sizes) to the B-P Business Park District on the property described as follow:
Certified Survey Map No. 3159, being part of the NW ¼ of the SW ¼ of Section 1, T5N, R19E, Town of Vernon. More specifically, the parcel is located on the east of Guthrie School Road and contains the old Guthrie School.
Chairperson Kunert opened the public hearing at 8:05 p.m. and read the public hearing notice. The parcel is approximately 5 acres. Mr Muschinski was present to request the rezone of the property in order to allow for his current printing business at the old Guthrie School. His current printing business is located in the City of Waukesha.

The following was discussed: No outside storage, delivery trucks include UPS approximately 2 times a day and 1 semi per day. The business is more of a duplicator company printing forms. They currently have 8 employees and are asking for ten (10) employees. The ink used for printing operation is rubber based with no odor and the machines are quiet. The old school building is 6,000 square feet that meets the minimum ordinance requirement of 5,000 square feet.

This property currently has a driveway easement that gives access to a property owner to the south. The property to the south is located in the Village of Big Bend and the access is in the Town of Vernon. Mr Andrew Hemken is that property owner and was present. His property is approximately 4.4 acres. Planner Moore indicated the best way to resolve this access issue is to have the current owner, Mukwonago School District quit claim that strip to the Hemkens and annex the strip to the Village of Big Bend.

Public comments: Mr Andrew Hemken W229 S7920 Guthrie School Road.
If the Town and Village could cooperate, they could put a cul de sac at the end of the road and there would be no access issue.

Hearing closed at 8:30 p.m.

MOTION Commissioner Bauer moved to recommend to the Town Board to approve the rezoning request of Mark Muschinski from R1 Residential to B-P Business Park District with the following conditions from Planner Moore:

1. **Site Plan and Plan of Operation approval by Town Plan Commission and Waukesha County staff.**
2. **Resolution of property access for the resident to the south.**
3. **No outside storage allowed.**
4. **Rezoning to B-P Zoning District be approved by the Town Board and Waukesha County Board.**
5. **Comply with all other requirements of the B-P Zoning District.**

Seconded by Commissioner Craig, carried by voice vote.

Break taken at this time.

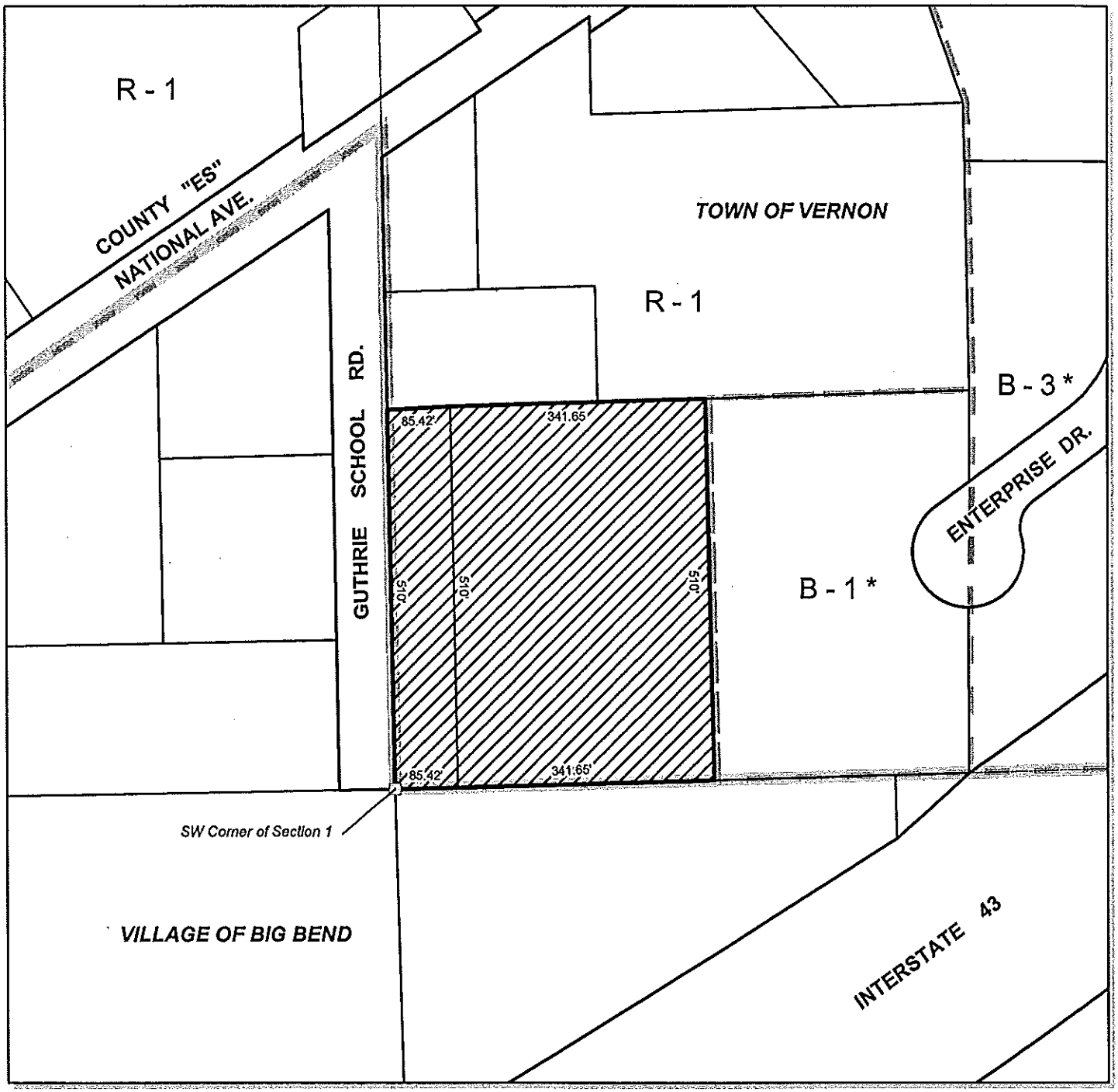
5. Waukesha County Zoning Code Amendments/Recommendation from Plan Commission to Town Board and Waukesha County

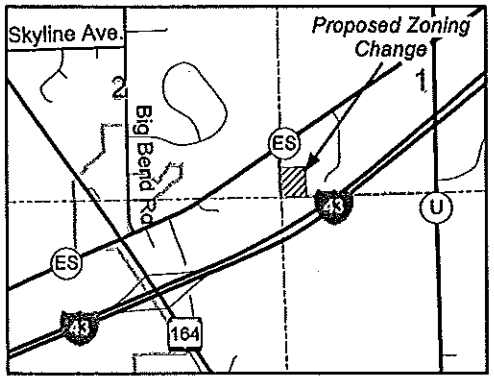
Planner Moore summarized the changes/amendments to the Waukesha County Zoning Code and the Shoreland/Floodland Ordinance. She indicated many of the changes will streamline the process for citizens whereby the County Staff will consider many of the applications and issues whereby cutting down on the amount of time to complete a process of approval when an applicant has to wait until a County Park & Planning Commission meeting is held. Waukesha County is attempting to be more user friendly. Planner Moore felt the changes that would most effect the Town of Vernon were:

Shoreland/Floodland new requirements
Defining and allowing for a "contractor's yard" operation
Defining and allowing for "cluster developments" without public hearings
Site plan and plan of operation approvals by County Staff
Change in definition of a non-conforming structure - will depend on how non conforming the structure is
Certain grading projects may not need a Conditional Use Permit that requires a public hearing
Rules and regulations on communication towers

ZONING MAP AMENDMENT

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





CONDITIONAL ZONING CHANGE FROM R-1 (RESIDENTIAL DISTRICT)TO B-P (BUSINESS PARK DISTRICT)

FILE.....ZT-1460

DATE.....10-17-02

AREA OF CHANGE.....4.99 ACRES

TAX KEY NUMBER.....VNT 2019.979

N

1 Inch equals 200 feet

0 50 100 200 300 Feet

Prepared by the Waukesha County Department of Parks and Land Use

157-0-082

8.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/26/02 (ORD) NUMBER-1570082

1 K. HERRO.....AYE	2 R. THELEN.....AYE
3 D. STAMSTA.....AYE	4 H. CARLSON.....AYE
5 J. MARCHESE.....AYE	6 D. BROESCH.....AYE
7 J. JESKEWITZ.....AYE	8 J. DWYER.....AYE
9 P. HAUKOHL.....AYE	10 S. WOLFF.....AYE
11 K. HARENDA.....	12 J. GRIFFIN.....AYE
13 J. MORRIS.....AYE	14 J. LA PORTE.....AYE
15 D. SWAN.....AYE	16 R. MANKE.....AYE
17 J. BEHREND.....AYE	18 D. FANFELLE.....AYE
19 M. SONNENTAG.....AYE	20 M. KIPP.....AYE
21 W. KOLB.....AYE	22 G. BRUCE.....AYE
23 P. PRONOLD.....AYE	24 A. SILVA.....
25 K. CUMMINGS.....AYE	26 S. KLEIN.....AYE
27 D. PAULSON.....AYE	28 P. JASKE.....AYE
29 M. THOMAS.....	30 K. NILSON.....AYE
31 V. STROUD.....AYE	32 P. GUNDRUM.....
33 D. PAVELKO.....AYE	34 R. SINGERT.....AYE
35 C. SEITZ.....AYE	

TOTAL AYES-31 TOTAL NAYS-00

CARRIED_X_ DEFEATED_____

UNANIMOUS_X_ TOTAL VOTES-31