

Enrolled 158-41  
PROPOSED ORDINANCE 158-42

1  
2  
3 AMEND THE TOWN OF VERNON DISTRICT ZONING MAP OF THE WAUKESHA  
4 COUNTY ZONING CODE FOR THE TOWN OF VERNON BY CONDITIONALLY  
5 REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 1,  
6 T5N, R19E, TOWN OF VERNON, FROM THE B-1 RESTRICTED BUSINESS  
7 DISTRICT TO THE B-3 GENERAL BUSINESS DISTRICT (CZ-972B)  
8  
9

10 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by  
11 the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of  
12 requisite notice of said hearing, and a recommendation for approval thereon reported to the  
13 Land Use, Parks and Environmental Committee, and the Waukesha County Board of  
14 Supervisors, Waukesha County, Wisconsin, as required by Section 59.69 of the Wisconsin State  
15 Statutes.  
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
18 ORDAIN that the Town of Vernon District Zoning Map of the Waukesha County Zoning Code,  
19 Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on  
20 February 26, 1959, is hereby amended to conditionally rezone certain lands from the B-1  
21 Restricted Business District to the B-3 General Business District, located in part of the SW ¼ of  
22 Section 1, T5N, R19E, Town of Vernon, and more specifically described in the "Staff Report  
23 and Recommendation" and map on file in the office of the Waukesha County Department of  
24 Parks and Land Use, and made a part of this Ordinance by reference (CZ-972B), subject to the  
25 conditions outlined in Exhibit "A" of the "Staff Report and Recommendation."  
26

27 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
28 this Ordinance with the Town Clerk of Vernon.  
29

30 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon  
31 passage, approval and publication.  
32

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34 provisions of this Ordinance are hereby repealed.

COMMISSION ACTION

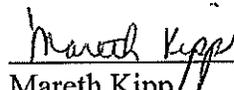
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends **approval** of (CZ-972B Wayne Borchardt/James Coughlin) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

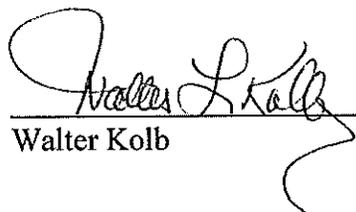
June 19, 2003

  
\_\_\_\_\_  
Betty Willert, Chairperson

  
\_\_\_\_\_  
Vy Janusonis

  
\_\_\_\_\_  
Mareth Kipp

Absent  
\_\_\_\_\_  
Ellen Gennrich

  
\_\_\_\_\_  
Walter Kolb

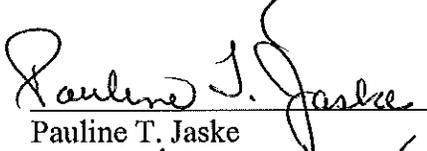
Absent  
\_\_\_\_\_  
Joseph LaPorte

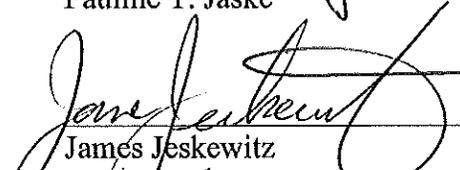
  
\_\_\_\_\_  
Walter Baade

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 SW ¼ OF SECTION 1, T5N, R19E, TOWN OF VERNON, FROM THE B-1 RESTRICTED BUSINESS DISTRICT TO THE B-3 GENERAL BUSINESS DISTRICT (CZ-972B)

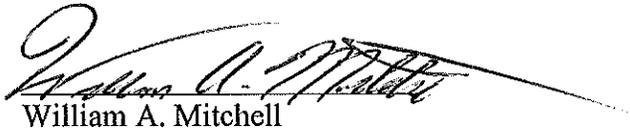
Presented by:  
Land Use, Parks, and Environment Committee

  
Walter L. Kolb, Chair

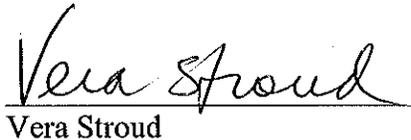
  
Pauline T. Jaske

  
James Jeskewitz

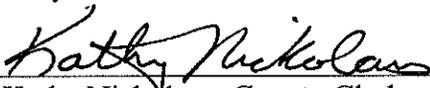
  
Scott J. Klein

  
William A. Mitchell

  
Daniel Pavelko

  
Vera Stroud

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

Date: 8-15-03,   
Kathy Nickolaus, County Clerk

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

Approved: \_\_\_\_\_  
Vetoed: \_\_\_\_\_  
Date: 8-15-03,   
Daniel M. Finley, County Executive

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

**FILE NO:** CZ-972B

**TAX KEY NUMBER:** VNT 2019.982.002

**DATE:** June 19, 2003

**NAME OF PETITIONER:** Wayne Borchardt  
W234 S5460 Big Bend Road  
Waukesha, WI 53186

**NAME OF OWNER:** James Coughlin  
W232 S6950 Millbrook Circle  
Big Bend, WI 53103

**LOCATION OF PROPERTY:**

Lot 2 of Certified Survey Map No. 7465, being part of the SW ¼ of Section 1, T5N, R19E, Town of Vernon, more specifically located at the end of Enterprise Drive. The property consists of 3.85 acres.

**PRESENT ZONING:**

B-1 Restricted Business District.

**PRESENT LAND USE:**

Vacant.

**REQUESTED ZONING CLASSIFICATION AND USE:**

B-3 General Business District to allow the petitioner to construct a building for his business, which includes millwork and building material storage.

**PUBLIC HEARING DATE:**

May 19, 2003.

**PUBLIC REACTION:**

None.

**TOWN PLAN COMMISSION ACTION:**

The Town of Vernon Plan Commission, at their meeting on May 19, 2003, recommended to the Town Board, conditional approval of the rezoning request from the B-1 Restricted Business District to the B-3 General Business District (Exhibit "A").

**TOWN BOARD ACTION:**

The Town of Vernon Board, at their meeting on June 5, 2003, voted to conditionally approve the rezoning request in accordance with the Town Plan Commission's recommendation.

158-0-038

**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 in question, located at the end of Enterprise Drive, consists of 3.85 acres and is currently vacant. The property in question, along with all properties fronting Enterprise Drive, were proposed to be rezoned from the R-1 Residential District to the B-3 General Business District in 1991. Based on objections within the area by the adjacent Guthrie School to the west and other neighboring properties, the parcel in question was rezoned to the B-1 Restricted Business District to allow for more compatible/less intensive uses. All other properties were conditionally rezoned to the B-3 General Business District, subject to certain uses being allowed by right and others by Conditional Use, and with a restriction that outside storage shall not be allowed. In January 1997, minor changes to the original conditions of the rezoning were approved by the Waukesha County Board of Supervisors to allow additional uses, which all properties fronting on Enterprise Drive currently operate under (Exhibit "B"). In November 2002, the adjacent Guthrie School was rezoned from the R-1 Residential District to the B-P Business Park District to allow a printing and graphics business to run from the vacant school building.

The applicant is proposing to rezone the property to allow the construction of a structure to house his building material storage and millwork business. Adjacent uses consist of businesses to the north, east and west, I-43 to the southeast and a 4-acre residential parcel to the southwest. The applicant indicated he is willing to conditionally rezone the property subject to the same conditions approved for all properties fronting on Enterprise Drive. He indicated that he does not see a problem with being restricted to no outside storage being allowed on the property.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**, in accordance with the conditions approved by the Town of Vernon (Exhibit "A"). It is felt, as conditioned, the subject rezoning complies with both the Waukesha County Development Plan and the Town of Vernon Master Land Use Plan, and is compatible with surrounding zoning and business type uses within the area.

Respectfully submitted,



Brian Depies  
Senior Land Use Specialist

BD

158-0-038

4.



**EXHIBIT "A"**

Vernon Town Hall • W249 S8910 Center Drive • P.O. Box 309 • Big Bend, WI 53103-0309

**MEMORANDUM**

To: Town of Vernon Town Board

From: Brian Depies, Town Planner *BD*

Date: May 21, 2003

Re: James Coughlin / Wayne Borchardt Rezoning (CZ-972B)  
Town of Vernon

At the May 19, 2003, Town of Vernon Plan Commission meeting, the Plan Commission recommended to the Town of Vernon Town Board approval of a rezoning of the Coughlin / Borchardt property from the B-1 Restricted Business District to the B-3 General Business District. The Plan Commission conditionally rezoned the property, subject to five (5) conditions that I had read into record. These conditions are the same as what was originally approved in 1992, and amended in 1997 for all properties along Enterprise Drive. They are as follows:

1. The parcel shall be zoned B-3 General Business, subject to the following conditions:
  - a. Any uses permitted in the B-2 Local Business except that a residential use shall only be permitted in conjunction with or accessory to an otherwise permitted use. No off-premise signs allowed.
  - b. Retail and wholesale sales of:
    1. Recreational vehicles including snowmobiles and all the associated inside storage, all terrain vehicles, personal watercraft, recreational trailers, and utility uses.
    2. Boats, boat trailers, and related marine equipment.
    3. Lawn and garden equipment and supplies.

158-0-038



- 4. Sporting goods and supplies.
- c. Trades and services such as electricians, plumbers, heating contractors, carpet cleaning etc.
- d. Distributors and warehousing with a maximum floor area ratio of 50 percent and a maximum lot coverage of impervious surfaces of 70 percent.
- e. Self service and off season storage (mini storage).
- f. Signs to identify the specific use of the property and the function of products sold on the premises.
- g. Contractors' facilities (no outside storage) to include offices, sales areas, show rooms and storage.
- h. Residential uses accessory to otherwise permitted uses.
- i. Garages for equipment, supplies or vehicles.
- j. Lockers and cold storage facilities.

2. PERMITTED CONDITIONAL USES

Only the following conditional uses may be permitted, provided the building site and operational plans have been submitted and approved by the Town Planning Commission and the Waukesha County Park and Planning Commission.

- a. Child care facilities not accessory to a principle office use.
- b. Any outdoor recreational facility involving night operation with limitations on hours of operation.
- c. Hospitals and health care facilities.
- d. All uses operated greater than 16 hours per day.
- e. Entertainment facilities.
- f. Taverns and restaurants.
- g. Communication facilities including antenna mass and satellite-dish antennae located in the rear yard, roof mounted satellite dish, and roof-mounted solar collectors on the roof of the principle structure, and cellular towers.
- h. Laboratories, research and servicing operations. Servicing operations shall not be for general retail or public consumption.

- i. Trucking services.
- 3. Any similar use subject to the approval of the Town of Vernon Planning Commission and the Waukesha County Park and Planning Commission.
- 4. All other locational and use requirements as contained in the B-3 General Business District shall be complied with.
- 5. No outside storage of supplies or equipment is allowed other than customer and employee parking during normal business hours.

If the Town Board approves the rezoning request, I recommend the aforementioned conditions be tied to the approval per the Town of Vernon Plan Commission's recommendation. If you have any questions, please feel free to contact me.

BD

PROPOSED CONDITIONAL B-3 ZONING  
STENDER/LEBEN PROPERTY  
TOWN OF VERNON

EXHIBIT "B"

PROPOSED CONDITIONS

1. The westerly four acres shall be rezoned to the B-1 Restricted Business subject to residential structures only be allowed when they are accessory to an otherwise permitted use.
2. The remainder of the parcel shall be zoned B-3 General Business, subject to the following conditions:
  - a. Any uses permitted in the B-2 Local Business except that a residential use shall only be permitted in conjunction with or accessory to an otherwise permitted use. No off-premise signs allowed.
  - b. Retail and wholesale sales of:
    1. Recreational vehicles including snowmobiles and all the associated inside storage, all terrain vehicles, personal watercraft, recreational trailers, and utility uses.
    2. Boats, boat trailers, and related marine equipment.
    3. Lawn and garden equipment and supplies.
    4. Sporting goods and supplies.
  - c. Trades and services such as electricians, plumbers, heating contractors, carpet cleaning etc.
  - d. Distributors and warehousing with a maximum floor area ratio of 50 percent and a maximum lot coverage of impervious surfaces of 70 percent.
  - e. Self service and off season storage (mini storage).
  - f. Signs to identify the specific use of the property and the function of products sold on the premises.
  - g. Contractors' facilities (no outside storage) to include offices, sales areas, show rooms and storage.
  - h. Residential uses accessory to otherwise permitted uses.
  - i. Garages for equipment, supplies or vehicles.
  - j. Lockers and cold storage facilities.

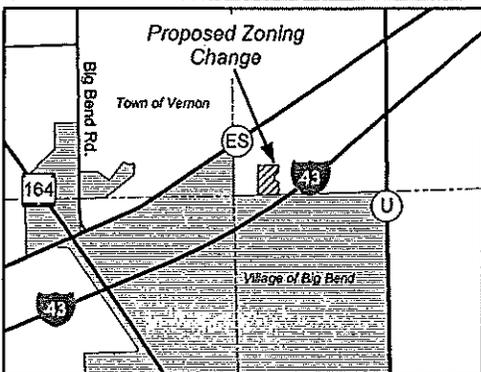
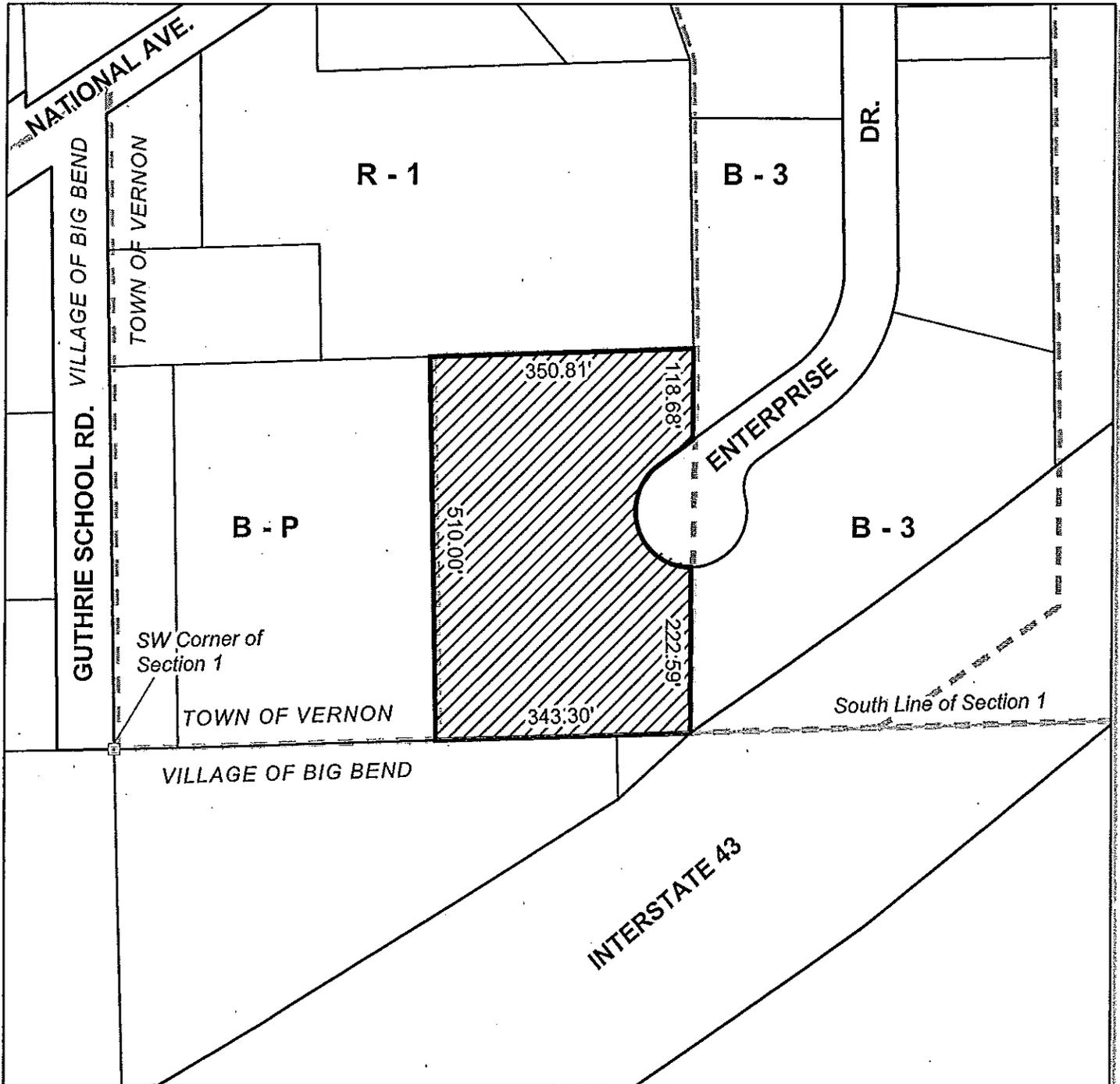
3. PERMITTED CONDITIONAL USES

Only the following conditional uses may be permitted provided the building site and operational plans have been submitted and approved by the Town Planning Commission and the Waukesha County Park and Planning Commission.

- a. Child care facilities not accessory to a principle office use.
  - b. Any outdoor recreational facility involving night operation with limitations on hours of operation.
  - c. Hospitals and health care facilities.
  - d. All uses operated greater than 16 hours per day.
  - e. Entertainment facilities.
  - f. Taverns and restaurants.
  - g. Communication facilities including antenna mass and satellite-dish antennae located in the rear yard, roof mounted satellite dish, and roof-mounted solar collectors on the roof of the principle structure, and cellular towers.
  - h. Laboratories, research and servicing operations. Servicing operations shall not be for general retail or public consumption
  - i. Trucking services.
4. Any similar use subject to the approval of the Town of Vernon Planning Commission and the Waukesha County Park and Planning Commission.
  5. All other locational and use requirements as contained in the B-3 General Business District shall be complied with.
  6. No outside storage of supplies or equipment is allowed other than customer and employee parking during normal business hours.

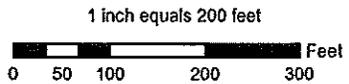
# ZONING MAP AMENDMENT

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



CONDITIONAL ZONING CHANGE FROM B-1 (RESTRICTED BUSINESS DISTRICT) TO B-3 (GENERAL BUSINESS DISTRICT)

FILE.....CZ-972B  
 DATE.....6-19-03  
 AREA OF CHANGE.....3.85 ACRES  
 TAX KEY NUMBER.....VNT 2019.982.002



Prepared by the Waukesha County Department of Parks and Land Use

158-0-038

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/12/03

(ORD) NUMBER-1580038

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

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

TOTAL AYES-33

TOTAL NAYS-00

CARRIED   X  

DEFEATED           

UNANIMOUS   X  

TOTAL VOTES-33