

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING ORDINANCE BY AMENDING EXHIBIT "A", PARAGRAPH "A" OF THE TOWN OF WAUKESHA ZONING CODE TO REVISE THE SPECIFIC LOCATION OF A SHARED DRIVEWAY ON A COMMON BOUNDARY LINE, FOR CERTAIN LANDS LOCATED IN THE NW ¼ OF SECTION 15, T6N, R19E, TOWN OF WAUKESHA (ZT-1237E)

WHEREAS the subject matter of this Ordinance having been approved by the Waukesha Town Board on June 12, 2008, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Map for the Town of Waukesha Zoning Ordinance, adopted by the Town of Waukesha on June 24, 1979, is hereby amended to revise the previous conditional rezoning (Enrolled Ordinance No. 153-129) Paragraph "a" of Exhibit "A", for certain lands located in the NW ¼ of Section 15, T6N, R19E, Town of Waukesha and more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference (ZT-1237E), as follows:

Access to lots with Tax Key No.'s WAKT 1354.993 and WAKT 1354.994 shall be via a single shared driveway along their common lot line. The driveway shall be a minimum of 14 ft. wide on Tax Key WAKT 1354.993 and 10 ft. wide on Tax Key No. 1354.994, and constructed by each lot owner when a commercial use is approved by the Town Board for the parcel. The existing residential driveways shall be removed with the yard and curb cut restored to meet Title 6 requirements of the Town of Waukesha Code. A cross easement and Maintenance Agreement for the shared driveway, including access through the easement on Tax Key No. 1354.992, needs to be submitted for Town Plan Commission and Board approval prior to recording with the Register of Deeds and with the Site Plan review process per Section 13-2-4 of the Waukesha County Zoning Code with each lot.

There shall be only one commercial access onto Prairie Avenue, which shall, at a minimum, be located not less than 200 feet south of the centerline intersection of Sunset Drive, and Prairie Avenue (already exists).

The existing cross access easement from Prairie Avenue to Sunset Drive shall be modified/approved by the Plan Commission and Town Board and recorded with the Register of Deeds.

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

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

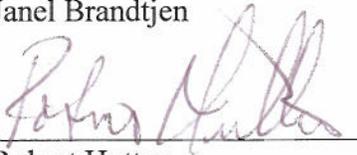
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING ORDINANCE BY AMENDING EXHIBIT "A", PARAGRAPH "A" OF THE TOWN OF WAUKESHA ZONING CODE TO REVISE THE SPECIFIC LOCATION OF A SHARED DRIVEWAY ON A COMMON BOUNDARY LINE, FOR CERTAIN LANDS LOCATED IN THE NW ¼ OF SECTION 15, T6N, R19E, TOWN OF WAUKESHA (ZT-1237E)

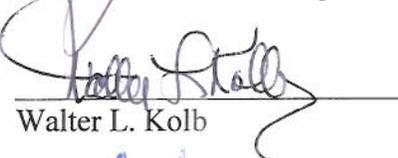
Presented by:
Land Use, Parks, and Environment Committee

Absent
Fritz Ruf, Chair

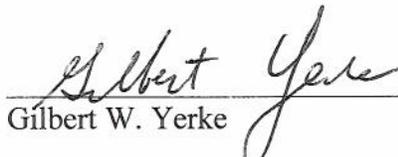
Absent
Janel Brandtjen


Robert Hutton


James Jeskewitz


Walter L. Kolb

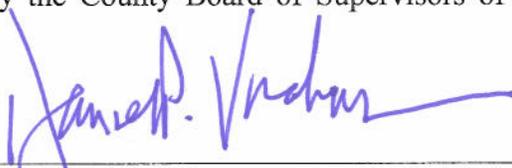

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Gilbert W. Yerke

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

Date: 9-26-08, 
Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____
Date: 9-29-08, 
Daniel P. Vrakas, County Executive

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

DATE: July 31, 2008

FILE NO: ZT-1237E

PETITIONERS: Jocelyn Hallen
1353 South West Avenue
Waukesha, WI 53186

Patrick and Karen Gerbensky
W304 S4432 Brookhill Rd.
Waukesha, WI 53189

O'Brien Investment Company LLC
W247 S3114 Prairie Avenue
Waukesha, WI 53189

TAX KEY NO'S: WAKT 1354.992, WAKT 1354.993 and WAKT 1354.994

LOCATION OF PROPERTY:

The properties are located in the NW ¼ of Section 15, T6N, R19E, Town of Waukesha. More specifically the request consists of the three parcels identified above located on the southeast corner of Sunset Drive and South Prairie Avenue, containing approximately two (2) acres.

PRESENT ZONING:

B-1 Restricted Business District subject to a number of conditions imposed by previous amendments (ZT-1237A approved by the Waukesha County Board of Supervisors on February 23, 1999 (Enrolled Ordinance No. 153-129) and by the Town of Waukesha on December 21, 1998).

PRESENT LAND USE:

Two residential structures and a clinic (O'Brien property)

PROPOSED ZONING:

Revisions to Exhibit "A", paragraph "a" of the Ordinance condition contained in the December 21, 1998 Town approval and approved by Waukesha County in 1999 to revise the specific location of a shared driveway on a common boundary line and to specify dimensions of said driveway and the responsibility for construction of said drive.

PUBLIC HEARING DATE:

May 8, 2008.

PUBLIC REACTION:

None.

TOWN OF WAUKESHA PLAN COMMISSION ACTION:

On June 12, 2008, after some discussion the Plan Commission recommended in favor of the proposed amendment to the Town Board, subject to the revised language provided in the attached Ordinance.

TOWN OF WAUKESHA BOARD ACTION:

On June 12, 2008, the Town Board approved the proposed amendment as provided in the attached Ordinance.

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

The Waukesha County Development Plan indicates this area to be developed with commercial uses and the proposed amendment is consistent with that recommendation.

OTHER CONSIDERATIONS:

This area of the Town of Waukesha has been the subject of numerous amendments over the past years to revise conditions, allow different buildings and uses, all in conjunction with the entire intersection area of Prairie Avenue and West Sunset Drive. The past Ordinance amendments have involved the creation of the senior housing center on the northwest corner of the intersection as well as the Kohl's Food Store, which has now been closed, and various other commercial uses on the northwest corner as well as to allow the southeast corner, which is the subject of this minor amendment to be developed with B-1 type restrictive business uses consisting primarily of office type activities. The issue has been, and continues to be, access to the three subject properties and the proposed amendment relocates the access to this area from Sunset Drive to the common boundary between parcels number WAKT 1354.992 and WAKT 1354.993. Previously the old amendment required the access to be on the east line of WAKT 1354.994. The amendment in question requires now that that access be relocated to a common lot line between WAKT 1354.993 and WAKT 1354.994, with specific direction as to the width of the various driveways on the subject parcels, as enumerated in the attached Town of Waukesha Ordinance and sets forth their responsibility for construction of said common drive and the removal of existing residential drives. The net result will be the removal of two residential driveways onto Sunset Drive and the construction of a single common driveway to serve the two properties (WAKT 1354.993 and WAKT 1354.994). The amendment also requires the Town Board and Plan Commission to review an existing cross-easement on the rear of the subject properties and the O'Brien property which lies to the west and is presently developed as a clinic. All other provisions of the previous amendment approved in 1998, remain in force. The net result of this amendment is a very minor change to the location of the common drive to service the properties and the possible revision to the cross-easement, which was previously placed on the rear of these properties.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. We feel this is a very minor adjustment and will accommodate the direct access to Sunset Drive for the two subject parcels from Sunset Drive, while not having to completely rely on the access through the O'Brien property for parcel number WAKT 1354.993. In addition, the net result is the removal of two separate driveway openings and the recreation of one single, although wider, driveway opening to serve the two subject parcels. We believe this to be a positive result and will accommodate the access needs of these various parcels along Sunset Drive, which is the responsibility of the Town of Waukesha along this section of Sunset Drive.

Respectfully submitted,



Richard L. Mace
Planning and Zoning Manager

RLM:es

Attachments: Map
Town Ordinance

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STATE OF WISCONSIN:

TOWN OF WAUKESHA:

WAUKESHA COUNTY

AN ORDINANCE AMENDING EXHIBIT 'A', PARAGRAPH 'a', OF THE TOWN OF WAUKESHA REZONING ORDINANCE DATED DECEMBER 21, 1998 OF THE TOWN CODE OF THE TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN

THE TOWN BOARD OF THE TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Exhibit 'A', Paragraph 'a', of the Town of Waukesha Rezoning Ordinance dated December 21, 1998, as it relates to the properties located on the southeast corner of Sunset Drive and Prairie Avenue, WAKT1354.993, WAKT1354.994 and WAKT1354.992 of the Town Code of the Town of Waukesha is hereby amended to read as follows:

Access to lots with tax key #1354.993 and #1354.994 shall be via a single shared driveway along their common lot line. The driveway shall be a minimum of 14 ft. wide on tax key #1354.993 and 10 ft. wide on tax key #1354.994, and constructed by each lot owner when a commercial use is approved by the Town Board for the parcel. The existing residential driveways shall be removed with the yard and curb cut restored to meet Title 6 requirements of the Town of Waukesha Code. A cross easement and maintenance agreement for the shared driveway, including access through the easement on tax key #1354.992, needs to be submitted for Town Plan Commission and Board approval prior to recording with the Register of Deeds and with the site plan review process per Section 13-2-4 of the Waukesha Zoning Code with each lot.

There shall be only one commercial access onto Prairie Avenue which shall, at a minimum, be located not less than 200 feet south of the centerline intersection of Sunset Drive and Prairie Avenue (already exists).

The existing cross access easement from Prairie Avenue to Sunset Drive shall be modified / approved by the Plan Commission and Town Board and recorded with the Register of Deeds.

163-0-035

6.

SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Waukesha,

Waukesha County, Wisconsin this 12th day of June, 2008.

TOWN BOARD, TOWN OF WAUKESHA,
WAUKESHA COUNTY, WISCONSIN



Robert J. Tallinger, Sr.
ROBERT J. TALLINGER, Sr.,
Chairman

BY:

Stephen A. Smart
STEPHEN A. SMART, Supervisor

BY:

Everett E. German
EVERETT E. GERMAN, Supervisor

ATTEST

Michaelene R. Knoebel
MICHAELENE R. KNOEBEL, Clerk

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/23/08

(ORD) NUMBER-1630035

1	D. FALSTAD.....	AYE	2	T. ROLFS.....	AYE
3	R. HUTTON.....	AYE	4	J. DWYER.....	AYE
5	J. JESKEWITZ.....	AYE	6	J. BRANDTJEN.....	AYE
7	P. HAUKOHL.....	AYE	8	T. SCHELLINGER....	AYE
9	J. HEINRICH.....	AYE	10	D. SWAN.....	AYE
11	F. RUF.....	AYE	12	P. WOLFF.....	AYE
13	J. BEHREND.....	AYE	14	B. MORRIS.....	AYE
15	P. MEYERS.....	AYE	16	D. PAULSON.....	AYE
17	J. TORTOMASI.....	AYE	18	K. CUMMINGS.....	AYE
19	S. WIMMER.....	AYE	20	P. JASKE.....	AYE
21	W. ZABOROWSKI.....	AYE	22	P. GUNDRUM.....	AYE
23	J. PLEDL.....	AYE	24	W. KOLB.....	AYE
25	G. YERKE.....	AYE			

TOTAL AYES-25

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-25