

ENROLLED ORDINANCE 166-49

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE VILLAGE OF SUMMIT BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 9, T7N, R17E, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN, FROM THE R-1 RESIDENTIAL DISTRICT TO THE B-2 LOCAL BUSINESS AND R-3 RESIDENTIAL DISTRICTS (SVZ-1719)

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 thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the Village of Summit, Waukesha County, Wisconsin, is hereby amended to conditionally rezone certain lands located in part of the SE ¼ of Section 9, T7N, R17E, Village of Summit, from the R-1 Residential District to the B-2 Local Business and R-3 Residential Districts, 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 SVZ-1719 subject to the following conditions:

1. The northern portion of the property (approximately 11,118 sq. ft.), which is being rezoned to the B-2 Local Business District, shall be combined with the adjacent lands to the west and north by a Certified Survey Map that also includes the remnant parcel containing the single-family residence as a separate lot on the Certified Survey Map.
2. The remnant parcel that contains the single-family residence must be at least 0.6 acre (26,136 sq. ft.) in area, so that it is in conformance with 2020 Village of Summit Master Plan, which designates that portion of the subject property as Single-Family Residential (0.6 acres per dwelling unit).
3. The Certified Survey Map, as described above, shall be reviewed and approved by the Waukesha County Department of Parks and Land Use - Planning and Zoning Division Staff, prior to its recordation in the Waukesha County Register of Deed's office.
4. The existing tree line surrounding the new parking area for Burke's Lakeside Restaurant, as shown on Exhibit “A”, shall be preserved, with the exception that any trees that interfere with the installation of the bio-retention areas, as shown on Exhibit “A”, may be removed.

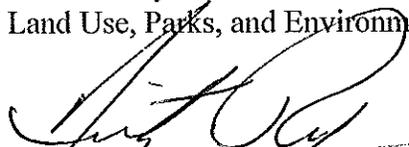
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Village of Summit Clerk.

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

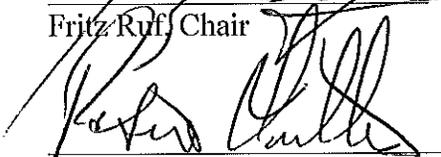
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
ORDINANCE DISTRICT ZONING MAP OF THE VILLAGE OF SUMMIT BY  
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼  
OF SECTION 9, T7N, R17E, VILLAGE OF SUMMIT, WAUKESHA COUNTY,  
WISCONSIN, FROM THE R-1 RESIDENTIAL DISTRICT TO THE B-2  
LOCAL BUSINESS AND R-3 RESIDENTIAL DISTRICTS (SVZ-1719)

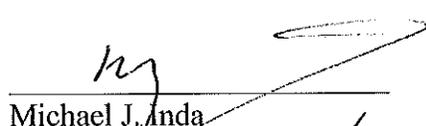
Presented by:  
Land Use, Parks, and Environment Committee



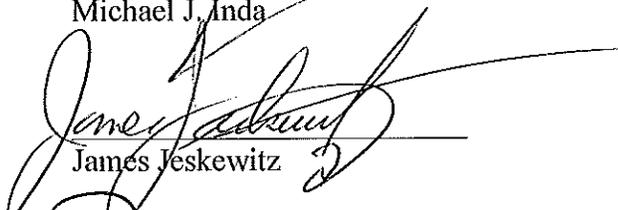
Fritz Ruff, Chair



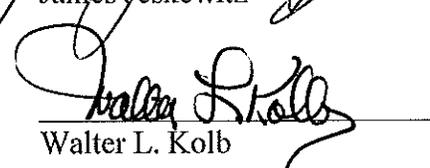
Robert Hutton



Michael J. Anda



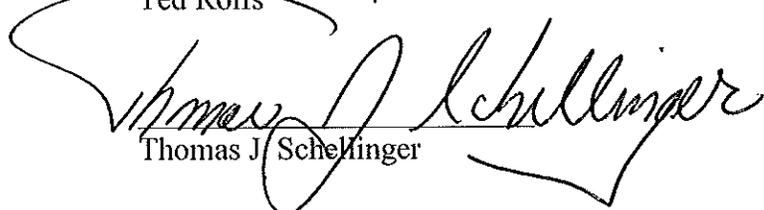
James Jeskewitz



Walter L. Kolb

Absent

Ted Rolfs



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: 9-30-11, Kathy Nickolaus  
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 10-3-11, Daniel P. Vrakas  
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/27/11

(ORD) NUMBER-1660048

1 D. FALSTAD.....AYE  
3 R. HUTTON.....AYE  
5 J. JESKEWITZ.....AYE  
7 P. HAUKOHL.....AYE  
9 J. HEINRICH.....AYE  
11 F. RUF.....AYE  
13 P. DECKER.....AYE  
15 P. MEYERS.....  
17 J. TORTOMASI.....  
19 S. WIMMER.....AYE  
21 W. ZABOROWSKI.....AYE  
23 D. DRAEGER.....AYE  
25 G. YERKE.....AYE

2 T. ROLFS.....  
4 J. DWYER.....AYE  
6 J. BRANDTJEN.....AYE  
8 T. SCHELLINGER....AYE  
10 D. SWAN.....AYE  
12 P. WOLFF.....AYE  
14 M. INDA.....AYE  
16 D. PAULSON.....AYE  
18 K. CUMMINGS.....AYE  
20 P. JASKE.....AYE  
22 P. GUNDRUM.....AYE  
24 W. KOLB.....AYE

TOTAL AYES-22

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS X

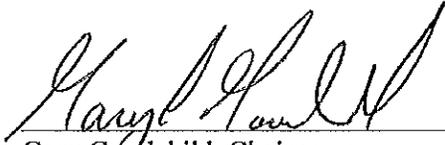
TOTAL VOTES-22

COMMISSION ACTION

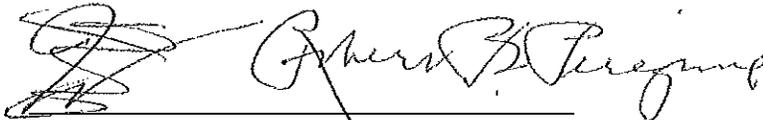
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of (SVZ-1719 – Stephanie Vecitis) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

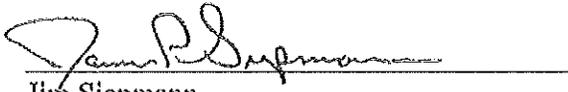
September 1, 2011

  
\_\_\_\_\_  
Gary Goodchild, Chairperson

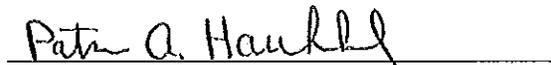
YES

  
\_\_\_\_\_  
Bob Peregrine, Vice Chairperson

  
\_\_\_\_\_  
Bill Mitchell

  
\_\_\_\_\_  
Jim Siepmann

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

  
\_\_\_\_\_  
Pat Haukohl

  
\_\_\_\_\_  
Fritz Ruf

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

**DATE:** September 1, 2011

**FILE NO:** SVZ-1719

**PETITIONER/OWNER:** Stephanie Vecitis  
32714 Valley Road (C.T.H. "B")  
Oconomowoc, WI 53066

**TAX KEY NUMBER:** SUMT 0612.985

**LOCATION:**

Part of the SE ¼ of Section 9, T7N, R17E, Village of Summit, located at the Valley Road address cited above. More specifically, the property is located on the north side of Valley Road (C.T.H. "B"), approximately one-half mile east of Silver Lake Street (C.T.H. "Z"), immediately east of Burke's Lakeside Restaurant (formerly known as Chuck's Supper Club). The property contains approximately 37,118 sq. ft.

**EXISTING ZONING:**

The property is zoned R-1 Residential, under the Waukesha County Shoreland and Floodland Protection Ordinance, requiring a minimum lot size of 1 acre (30,492 sq. ft. utilizing the "sewer reduction" provision of the Ordinance) and R-3 Single-Family Residential, under the Village of Summit Zoning Ordinance, requiring a minimum lot size of 35,000 sq. ft.

**PROPOSED ZONING:**

Under the Waukesha County Shoreland and Floodland Protection Ordinance, the northern portion of the property (approximately 11,118 sq. ft.), which would be transferred to and combined with the adjacent property to the west and north that contains Burke's Lakeside Restaurant, would be rezoned to the B-2 Local Business District, and the southern portion of the property would be rezoned to the R-3 Residential District. The B-2 Local Business District requires a minimum lot size of 30,000 sq. ft. (21,000 sq. ft. utilizing the "sewer reduction" provision of the Ordinance) and the R-3 Residential District requires a minimum lot area of 20,000 sq. ft. (14,000 sq. ft. utilizing the "sewer reduction" provision of the Ordinance).

Under the Village of Summit Zoning Ordinance, the northern portion of the property would be rezoned to the NC Neighborhood Commercial District, which requires a minimum lot area of 40,000 sq. ft., and the southern portion of the property would be rezoned to the R-4 Cottage Residential District, which requires a minimum lot area of 20,000 sq. ft. and a maximum density of 26,000 sq. ft. per dwelling unit. Note: The proposed rezoning under the Village of Summit Zoning Ordinance does not require any approval from Waukesha County.

**EXISTING LAND USE:**

The property contains a single-family residence with an attached garage.

SVZ-1719 Stephanie Vecitis

**PROPOSED LAND USE:**

The single-family residence and attached garage would remain, but the northern portion of the property (approximately 11,118 sq. ft.) would be transferred to and combined with the adjacent property to the west and north, which contains Burke's Lakeside Restaurant. The area to be transferred, which is shown on Exhibit "A" would be utilized to expand the parking lot for the restaurant.

**PUBLIC HEARING DATE:**

July 7, 2011.

**PUBLIC REACTION:**

One neighborhood resident indicated he was in favor of the requested rezoning and proposed parking lot expansion for the restaurant. However, he and five other neighborhood residents expressed concerns about noise, inadequate lighting, and runoff from the parking lot. The owners of the adjacent property to the north of the restaurant also indicated they had a problem with garbage and debris from the restaurant blowing into their yard and would like to see a solid fence around the parking lot.

It was noted at the public hearing that the Village of Summit would address these issues in conjunction with their review and approval of the Site Plan for the restaurant parking lot expansion. At their meeting of August 18, 2011, the Village of Summit Plan Commission reviewed and approved the Parking Plan for Burke's Lakeside Restaurant, which is attached as Exhibit "A", the Grading and Paving Plan for Burke's Lakeside Restaurant, which is attached as Exhibit "B", and the Landscape Plan for Burke's Lakeside Restaurant, which is attached as Exhibit "C". It should be noted that the approved Grading and Paving Plan indicates two bio-retention areas, on the east and west sides of the proposed new parking area. In addition, the approved Landscape Plan indicates that the existing tree line surrounding the new parking area would be preserved, with pine trees and shrubbery added around the perimeter of the new parking area and in two islands within the new parking area. The Landscape Plan also calls for the addition of a light pole in the northeast corner of the new parking area.

**VILLAGE PLAN COMMISSION AND VILLAGE BOARD ACTION:**

Although the original request was to rezone the entire property to the NC Neighborhood Commercial District, under the Village of Summit Zoning Ordinance, the parcel that would remain after the northern portion of the property is transferred to and combined with the adjacent property to the west and north does not meet the minimum lot area requirement of the NC Neighborhood Commercial District, which is 40,000 sq. ft. Therefore, at their meeting of July 7, 2011, the Village Plan Commission and the Village Board directed the staff to prepare an Ordinance for review and approval at their next meeting that would rezone only the northern portion of the property (approximately 11,118 sq. ft.), which is proposed to be transferred and combined with the adjacent property, to the Village of Summit NC Neighborhood Commercial District and rezone the remainder of the property, which contains the single-family residence, to the Village of Summit R-4 Cottage Residential District. As set forth by the Village Plan Commission and the Village Board, the proposed remnant parcel would be in conformance with the Village zoning, as the R-4 Cottage Residential District requires a minimum lot area of 20,000 sq. ft. and a maximum density of 26,000 sq. ft. per dwelling unit. The Ordinance amending the Village of Summit Zoning Map was approved by the Village Board on August 4, 2011.

166-0-048

4.

In order to keep the County zoning consistent with the Village zoning, the Village Plan Commission and Village Board, at their meeting of July 7, 2011, also directed the staff to prepare a recommendation for review and approval at their next meeting that would recommend to the Waukesha County Park and Planning Commission that only the northern portion of the property (approximately 11,118 sq. ft.), which is proposed to be transferred and combined with the adjacent property, be rezoned to the B-2 Local Business District, under the Waukesha County Shoreland and Floodland Protection Ordinance, and that the remainder of the property be rezoned to the R-3 Residential District, under the Waukesha County Shoreland and Floodland Protection Ordinance. The R-3 Residential District, which requires a minimum lot area of 20,000 sq. ft., is the most comparable zoning district to the Village of Summit R-4 Cottage Residential District in the Waukesha County Shoreland and Floodland Protection Ordinance. A recommendation to the Waukesha County Park and Planning Commission to amend the Waukesha County Shoreland and Floodland Protection Ordinance Map for the Village of Summit, as noted above, was approved by the Village Board on August 4, 2011.

**COMPLIANCE WITH THE VILLAGE OF SUMMIT MASTER PLAN AND THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY:**

The Village of Summit Master Plan was amended on July 7, 2011, to designate the northern portion of the property that is proposed to be transferred to and combined with the adjacent property to the west and north as Commercial/Office and to designate the remainder of the property as Single-Family Residential (0.6 acres per dwelling unit). The amendment to the Village of Summit Master Plan will automatically modify the Comprehensive Development Plan for Waukesha County, bringing the rezoning under the Waukesha County Shoreland and Floodland Protection Ordinance, as recommended by the Village of Summit Plan Commission and the Summit Village Board, into conformance with both the Village of Summit Master Plan and the Comprehensive Development Plan for Waukesha County.

**OTHER CONSIDERATIONS:**

The property was under the jurisdictional limits of the Waukesha County Shoreland and Floodland Protection Ordinance, as well as the Town of Summit Zoning Ordinance, prior to the incorporation of the Village of Summit. Per Section 59.692 of the Wisconsin State Statutes, it remains subject to the provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, with the Village being responsible for the enforcement of those provisions. Therefore, the zoning on the subject property is being amended under both the Waukesha County Shoreland and Floodland Protection Ordinance and the Village of Summit Zoning Ordinance.

It should be noted that Burke's Lakeside Restaurant currently has 47 paved parking spaces, five (5) of which are ADA compliant. There is a gravel parking area, located north of the restaurant building, which provides overflow parking for approximately 40 additional cars. The Waukesha County Shoreland and Floodland Protection Ordinance requires seven (7) parking spaces for every 1,000 sq. ft. of primary area devoted to the principal use of the property. The Site Plan/Plan of Operation (File No. PO-10-SUMT-2) that was approved by the Waukesha County Department of Parks and Land Use on April 16, 2010, prior to the incorporation of the Village of Summit, indicates approximately 8,392 sq. ft. of the restaurant building is used as primary floor area and there is another 1,000 sq. ft. of area on a deck. Based on those floor areas, the minimum required number of parking spaces for the restaurant would be 66. However, two (2) additional parking spaces are also required for the

single-family residence located on the restaurant property, increasing the minimum required number of parking spaces on the restaurant property to 68. It should be noted that while number of parking spaces is in conformance with the off-street parking requirements of the Waukesha County Shoreland and Floodland Protection Ordinance, all of the parking spaces do not conform with the locational requirements of the Ordinance. The parking spaces between the restaurant building and the road do not conform with the minimum setback requirement of 10 ft. and the parking spaces along the west lot line do not conform with the minimum offset requirement of 10 ft. Variances from those requirements, which permitted the parking spaces to be located up to the edge of the road right-of-way and up to the west lot line, were granted by the Waukesha County Board of Adjustment on March 10, 2010 (File No. BA10:006).

Although the number of parking spaces currently available on the restaurant property is in conformance with the minimum required number of parking spaces, under the Waukesha County Shoreland and Floodland Protection Ordinance, the restaurant has become extremely popular and the available parking has been found to be inadequate. Therefore, the proposed parking lot expansion and the rezoning necessary to permit the proposed parking lot expansion has been requested.

**STAFF RECOMMENDATION:**

The Planning and Zoning Division Staff recommends approval of the rezoning, as recommended by the Village of Summit Plan Commission and the Summit Village Board, to rezone the northern portion of the property (approximately 11,118 sq. ft.), which is proposed to be transferred and combined with the adjacent property, to the B-2 Local Business District, under the Waukesha County Shoreland and Floodland Protection Ordinance, and to rezone the remainder of the property to the R-3 Residential District, under the Waukesha County Shoreland and Floodland Protection Ordinance, subject to the following conditions:

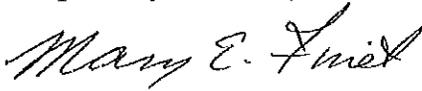
1. The northern portion of the property (approximately 11,118 sq. ft.), which is being rezoned to the B-2 Local Business District, shall be combined with the adjacent lands to the west and north by a Certified Survey Map that also includes the remnant parcel containing the single-family residence as a separate lot on the Certified Survey Map.
2. The remnant parcel that contains the single-family residence must be at least 0.6 acre (26,136 sq. ft.) in area, so that it is in conformance with 2020 Village of Summit Master Plan, which designates that portion of the subject property as Single-Family Residential (0.6 acres per dwelling unit).
3. The Certified Survey Map, as described above, shall be reviewed and approved by the Waukesha County Department of Parks and Land Use - Planning and Zoning Division Staff, prior to its recordation in the Waukesha County Register of Deed's office.
4. The existing tree line surrounding the new parking area for Burke's Lakeside Restaurant, as shown on Exhibit "A", shall be preserved, with the exception that any trees that interfere with the installation of the bio-retention areas, as shown on Exhibit "A", may be removed.

The proposed rezoning is consistent with the Village of Summit Master Plan and the Comprehensive Development Plan for Waukesha County and will facilitate the proposed parking lot expansion for Burke's Lakeside Restaurant, which will alleviate parking problems in the neighborhood. The

SVZ-1719 Stephanie Vecitis

rezoning will maintain residential zoning between the new portion of the restaurant parking lot and the road, which will provide a buffer between the expanded parking lot and the residential area on the south side of Valley Road. In addition, the required preservation of the existing tree line will provide a buffer between the new portion of the restaurant parking lot and the adjacent properties.

Respectfully submitted,



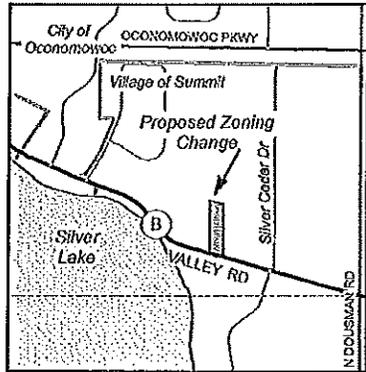
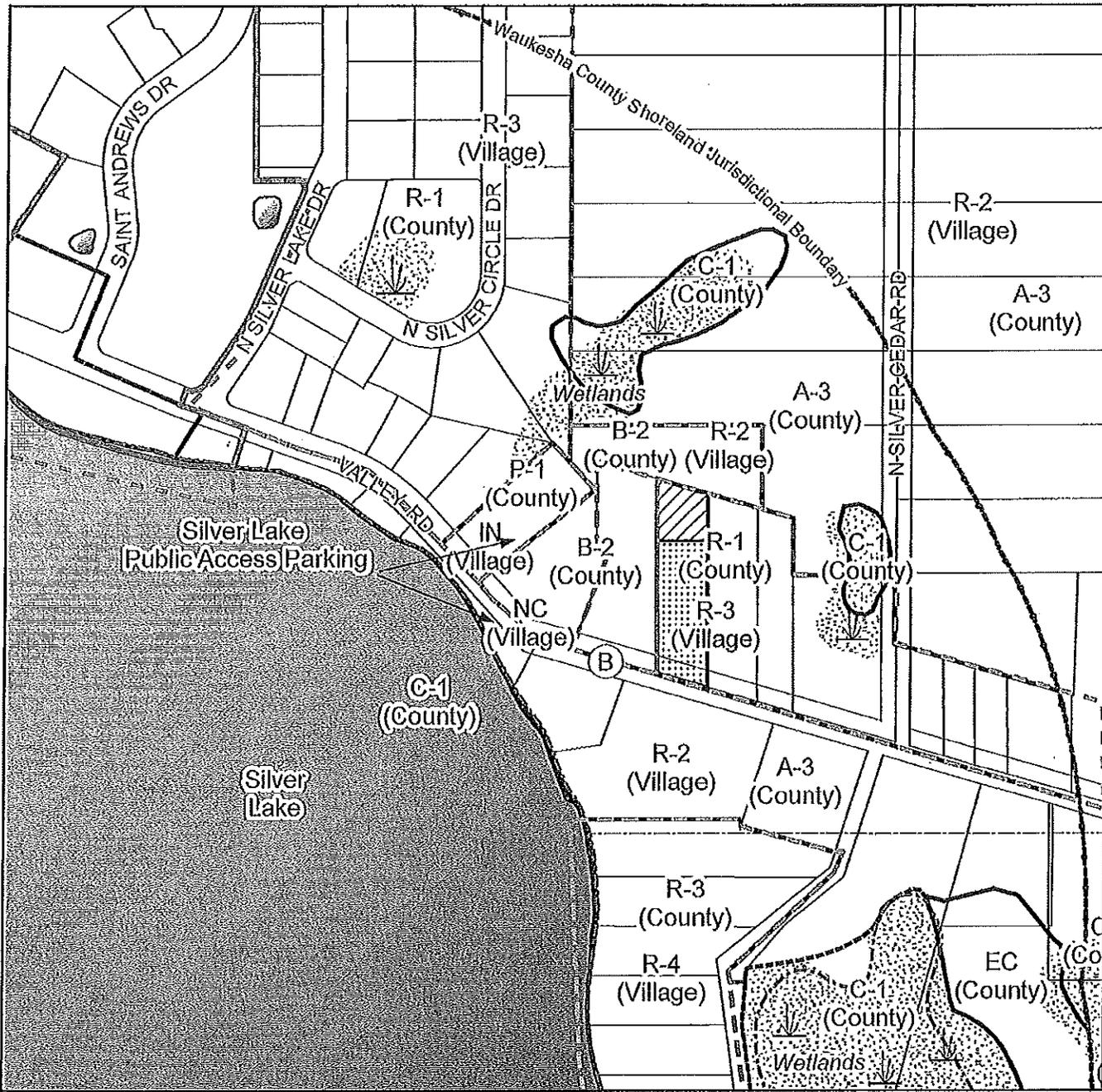
Mary E. Finet  
Senior Land Use Specialist

Attachment: Exhibits "A"- "C" and Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1719 Vecitis smv.doc

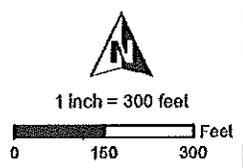
# ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SECTION 9  
VILLAGE OF SUMMIT



-  CONDITIONAL SHORELAND ZONING CHANGE FROM R-1 RESIDENTIAL DISTRICT TO B-2 LOCAL BUSINESS DISTRICT AND VILLAGE ZONING CHANGE FROM R-3 SINGLE-FAMILY RESIDENTIAL TO NC NEIGHBORHOOD COMMERCIAL (0.26 ac)
-  CONDITIONAL SHORELAND ZONING CHANGE FROM R-1 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND VILLAGE ZONING CHANGE FROM R-3 SINGLE-FAMILY RESIDENTIAL TO R-4 COTTAGE RESIDENTIAL (0.66 ac)

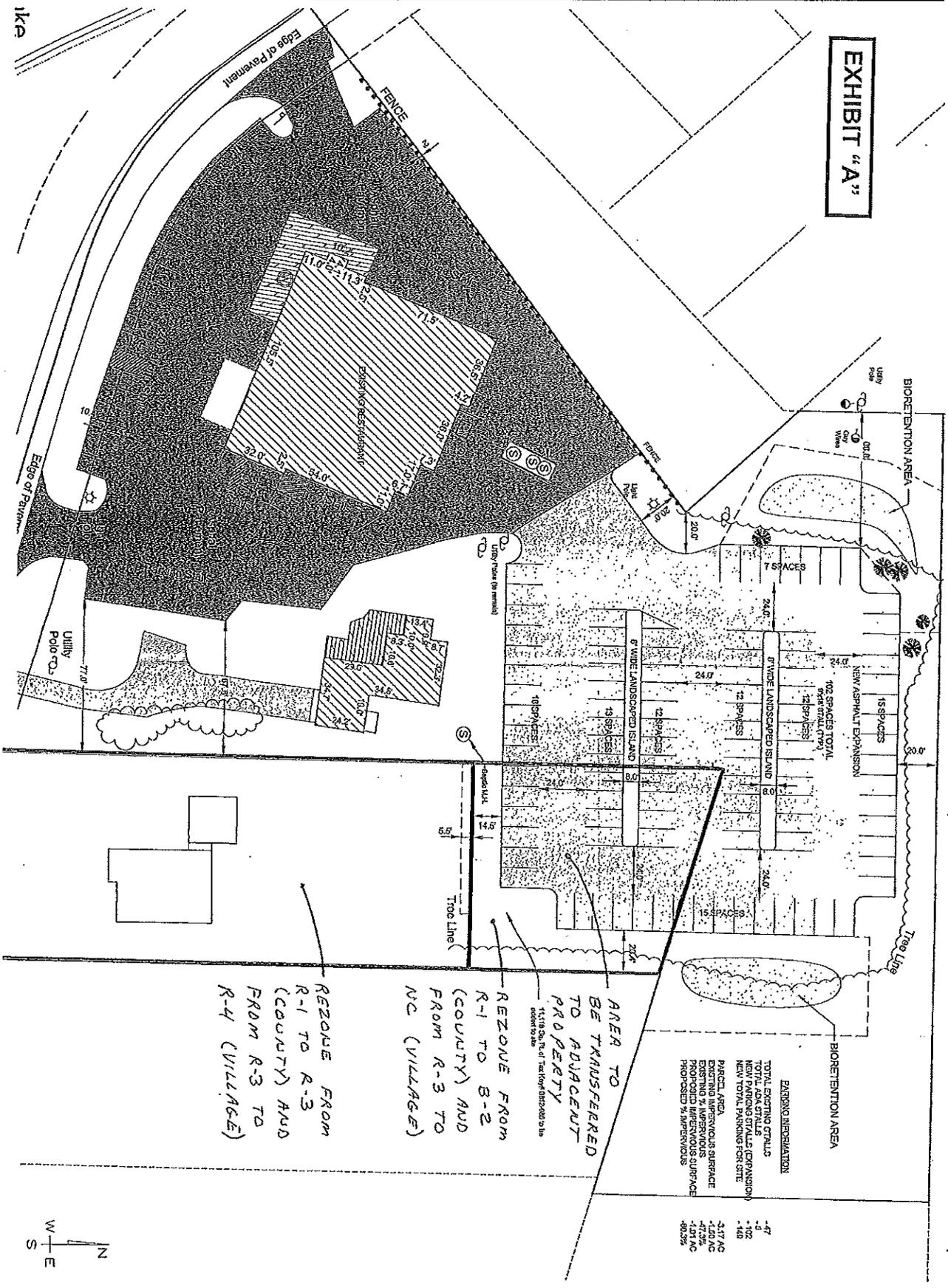
FILE.....SVZ-1719  
 DATE.....09/01/11  
 AREA OF CHANGE.....0.92 ACRES  
 TAX KEY NUMBER.....SUMT 0612.985



Prepared by the Waukesha County Department of Parks and Land Use

166-0-048

**EXHIBIT "A"**



**EXISTING INFRASTRUCTURE**

- TOTAL EXISTING STALLS
- TOTAL NEW STALLS
- NEW PARKING STALLS (EXPANSION)
- NEW TOTAL PARKING FOR SITE

**PAVED AREA**

- EXISTING IMPERVIOUS SURFACE
- EXISTING % IMPERVIOUS SURFACE
- PROPOSED IMPERVIOUS SURFACE
- PROPOSED % IMPERVIOUS SURFACE

4.77 AC  
-1.16 AC  
-47.2%  
-1.21 AC  
-25.2%

**AREA TO BE TRANSFERRED TO ADJACENT PROPERTY**  
15,118 Sq. Ft. of the front driveway to be added to the

**REZONE FROM R-1 TO B-2 (COUNTY) AND FROM R-3 TO NC (VILLAGE)**

**REZONE FROM R-1 TO R-3 (COUNTY) AND FROM R-3 TO R-4 (VILLAGE)**



<p>CLIENT <b>CHUCK VECITIS</b> (252) 554-5214</p>	<p><b>PARKING PLAN</b> BURKE'S LAKESIDE 37233 VALLEY ROAD, SUMMIT, WISCONSIN</p>	<p><b>DAAR ENGINEERING, INC.</b> ENGINEERS PLANNERS SURVEYORS 232 EAST CHICAGO STREET, SUITE 203 EVANSTON, IL 60201 PHONE (414) 232-2411 FAX (414) 232-2422 www.daarengineering.com</p>
<p>DATE AUG 04, 2011</p> <p>DESIGNER JMK</p> <p>PROJECT NUMBER 100024</p> <p>SCALE 1"=50'</p> <p>DRAWN P1</p>	<p>REVISIONS</p>	

166-0-048



