

ENROLLED ORDINANCE 168-25

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 17, T6N, R19E, TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN, FROM THE R-2 SINGLE FAMILY DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT (ZT-1733)

WHEREAS, after proper notice was given a public hearing was held, the subject matter of this Ordinance was approved by the Waukesha Town Board on May 23, 2013, 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 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Waukesha Zoning Code adopted by the Town of Waukesha on June 24, 1979, is hereby amended to rezone from the R-2 Single Family District to the B-2 Local Business District, certain lands located in part of the NE ¼ of Section 17, T6N, R19E, Town of Waukesha, Waukesha County, Wisconsin, 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 ZT-1733, is hereby approved.

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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING CODE  
BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 17,  
T6N, R19E, TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN,  
FROM THE R-2 SINGLE FAMILY DISTRICT TO THE B-2  
LOCAL BUSINESS DISTRICT (ZT-1733)

Presented by:  
Land Use, Parks, and Environment Committee

*Absent*

James A. Heinrich, Chair

*Jim Batzko*

Jim Batzko

*Walter L. Kolb*

Walter L. Kolb

*Pamela Meyer*

Pamela Meyer

*Fritz Ruf*

Fritz Ruf

*Thomas J. Schellinger*

Thomas J. Schellinger

*Absent*

Peter M. Wolff

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

Date: 7/23/2013

*Kathleen Novack*

Kathleen Novack, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 7-30-13

*Daniel P. Vrakas*

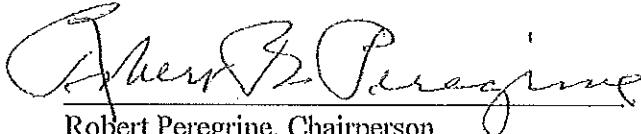
Daniel P. Vrakas, County Executive


COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code hereby recommends approval of (ZT-1733 MRED Cummings-Walgreens) in accordance with the attached "Staff Report and Recommendation".

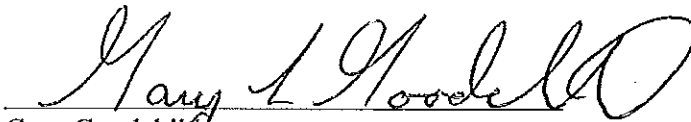
PARK AND PLANNING COMMISSION


June 20, 2013

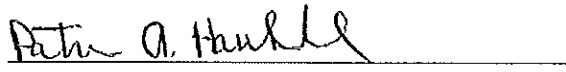
  
Robert Peregrine, Chairperson


  
James Siepmann, Vice Chairperson

(Absent)  
William Mitchell

  
Gary Goodchild

  
Walter Kolb

  
Pat Haukohl

  
Fritz Ruf

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

**DATE:** June 20, 2013

**FILE NO.:** ZT-1733

**TAX KEY NOS.:** WAKT 1361.982.000  
WAKT 1361.997.000  
WAKT 1361.996.000  
WAKT 1361.995.000  
WAKT 1361.994.000

**OWNERS REPRESENTATIVE:** Mark Lake  
Midland Commercial Development Corporation  
W228 N745 Westmound Dr.  
Waukesha, WI 53186

**OWNERS:**

Arturo & Guadalupe Dozal  
W260S3139 Genesee Rd.  
Waukesha, WI 53189

Carol J. Borgwordt  
W260S3159 Genesee Rd.  
Waukesha, WI 53189

Jack and Lois Pease  
W260S3189 Genesee Rd.  
Waukesha, WI 53189

Lee and Marlene Grundman  
S31W26089 Sunset Dr.  
Waukesha, WI 53189

**LOCATION:**

The lands are located in the NE ¼ of Section 17, T6N, R19E, Town of Waukesha. More specifically, the properties are located at the southwest corner of C.T.H. "D" (Sunset Drive) and C.T.H. "X" (Genesee Rd). The property consists of approximately 3.9 acres.

**PRESENT ZONING CLASSIFICATION:**

R-2 Single Family (Town).

**PRESENT LAND USE:**

Single family residential and vacant lands.

168-0-025

3.

**PROPOSED ZONING:**

B-2 Local Business District (Town).

**PROPOSED LAND USE:**

Commercial.

**PUBLIC HEARING DATE:**

May 9, 2013

**PUBLIC REACTION:**

At the May 9, 2013 public hearing, two property owners from the surrounding residential subdivision and one other citizen spoke in support of the project. One of the speakers noted that the developer had agreed to provide fencing, a landscape allowance to her and well/septic assurance.

**TOWN PLAN COMMISSION ACTION:**

The Town Plan Commission recommended approval of the rezoning to the Town Board at their meeting of May 9, 2013.

**TOWN BOARD ACTION:**

The Town Board approved the rezoning request at their meeting of May 23, 2013.

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

Both the Town and County plans designate these parcels in the Mixed Use category. The properties were the subject of a 2011 County Development Plan amendment, and the following conditions were applied to that approval:

1. The mixed uses being authorized are residential, retail and office uses only.
2. Future development proposals must contain adequate buffering provisions for adjacent residential uses, subject to the approval of the Town of Waukesha.
3. Traffic, access and circulation issues must be considered and addressed at the time of any future rezoning and site plan requests, subject to the approval of the Town of Waukesha.

The proposed zoning change to the B-2 District is proposed to accommodate a Walgreens pharmacy and an Aldi grocery store. Such uses are compatible with the above plan amendment conditions and are appropriate in the Mixed Use category. The submitted landscape plans show a substantial vegetated buffer and fence along both the west and north sides of the project that will abut residential properties. The developer has also committed to providing a landscaping allowance to immediately abutting neighbors so that they can choose and provide additional plantings on their properties.

**OTHER CONSIDERATIONS:**

This request pertains to five parcels at the intersection of C.T.H. "D" and C.T.H. "X" in the Town of Waukesha that were subject of the above referenced 2011 County Development Plan amendment. The proposal would allow for redevelopment of these parcels for a Walgreens pharmacy and an Aldi Grocery store (See Exhibit "A"). A sixth parcel on the far northeast side of the same corner that is located within the City of Waukesha would be utilized for storm water management. The existing

residential and accessory structures that occupy the five parcels would be razed to accommodate the contemplated development. A Certified Survey Map will be prepared to re-divide the property. The Walgreens building would be 15,168 square feet in area and the Aldi would be 15,808 square feet. 161 parking stalls are being provided in total.

The immediately abutting properties to the west and southwest are also in single-family residential use. The neighborhood to the west consists of approximately 50 single family residences. Many of the properties within the Davies Subdivision and to the east of Ridge Rd. and View Dr. have an existing buffer from both the subject parcels and other residential properties along C.T.H. "X". The buffer is an approximate 115' strip of land that is comprised of several vacant parcels owned by abutting residential neighbors. The uses on the northwest and southeast corners of the subject intersection are commercial in nature. There is also industrial development to the northwest of the site.

The subject intersection is heavily traveled, given that it carries traffic on two County highways and serves the numerous commercial and industrial uses in the general area. C.T.H. "X" was recently reconstructed, and an existing unsafe frontage road access point to C.T.H. "D" was eliminated very near the C.T.H. "D" and C.T.H. "X" intersection. A cul-de-sac has been installed and access to the subject site is now via a frontage road access point immediately opposite of the access to Waukesha State Bank, which is to the east of C.T.H. "X". There are no wetlands, floodplain or other mapped natural resources located on the subject acreage.

As noted above, a detailed landscaping plan has been provided which shows dense plantings along the west and southwest sides of the site that abut residential properties (See Exhibit "B"). The Site Plan indicates that a maximum 8' tall fence will be provided along the same property boundaries. The developer has also indicated that he has entered into agreements with the three neighboring property owners to provide them a landscaping allowance and assurance that any damages to their wells and septic systems that would result from construction would be remediated.

The County Public Works Staff advised in a letter dated May 17, 2013 (see Exhibit "C") that the C.T.H. "X" and Sunset Drive alternate for the Waukesha West Bypass study that would have traversed the two abutting highways has been eliminated from consideration. Public Works Staff has advised that they have reviewed and approved two driveways (in concept) that would serve the development. A right in/right out access would be permitted on C.T.H. "D" approximately 450' west of the intersection. A full access driveway would also be permitted on C.T.H. "X", approximately 500' south of the intersection. A left turn lane for northbound traffic was provided when C.T.H. "X" was recently reconstructed.

The County Land Resources Division has provided a preliminary review of the storm water management plan for the site and their review comments will need to be addressed prior to a Storm Water permit being issued. This permit will need to be obtained prior to construction. The storm water management arrangement is somewhat unique, given that the storm water basin will be located on a City of Waukesha parcel, and the developed part of the site will be in the Town. The Town will be responsible for reviewing the Site Plans for the prospective Walgreens and Aldi developments because the project is located within the Town's zoning jurisdiction. The Town site plan review process will allow for the Town to ensure compliance with zoning standards relative to parking, lighting, grading, signage, landscaping, etc. The presented concept site plan is in conformance with the Town's floor area ratio and parking requirements. Retaining walls are being proposed along the

west property line because the west part of the site is the high point, while it is also the location where driveway access can be obtained from C.T.H. "D". The site is expected to be served by holding tanks for sewerage purposes.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that the request be **approved**. The proposed commercial zoning designation is consistent with the Town and County Development Plan recommendations. The Department of Public Works has verified that access and traffic issues will not be an obstacle in the redevelopment of the site. With the subject intersection no longer being considered as a potential West Bypass route, there is now certainty in the location of potential access points. Furthermore, the submitted site plans and documentation that accompanied the rezone application indicate that extensive buffering, in the form of fencing, on-site landscaping and landscaping allowances will be provided to appropriately screen the nearby residential properties.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachments: Map, Ordinance, Exhibits "A", "B", "C"

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1733 Walgreens wkt.doc

**C-100**

**OFFICIAL PROJECT DATA SHEET**

OWNER: WARGRENS

PROJECT NO: 15-000

LOCATION: SUNSET DRIVE (CTH'D) & GENESSEE RD

CITY: WALGREENS

SCALE: 1" = 40'

DATE: 12/11/15

NO.	DESCRIPTION
1	AS NOTED
2	AS NOTED
3	AS NOTED
4	AS NOTED
5	AS NOTED
6	AS NOTED
7	AS NOTED
8	AS NOTED
9	AS NOTED
10	AS NOTED

**ALBION**

INC. A CORP.

1243 NORTH 10TH STREET

SUITE 1100

MIDDLEBURGH, VA 22043

414.223.3330 F.

414.223.3330 P.

WWW.ALBIONARCHITECTS.COM

**KEYED NOTES**

1. ALL NOTES REFER TO ALTERNATIVE PLAN UNLESS INDICATED OTHERWISE.

2. ACCESSIBLE WALKWAY TO ENTRY

3. ACCESSIBLE PARKING

4. ACCESSIBLE SIDEWALK SURFACE

5. PERMANENT INSTALL FINISHING SURFACE

6. ENTRY-HIGH THRESHOLD

7. ACCESSIBLE PLANTING

8. GEOMETRIC WALK

9. CIRCULAR DRIVE

10. CIRCULAR DRIVE

11. DRIVEWAY DRIVE

12. DRIVEWAY DRIVE

13. DRIVEWAY DRIVE

14. DRIVEWAY DRIVE

15. DRIVEWAY DRIVE

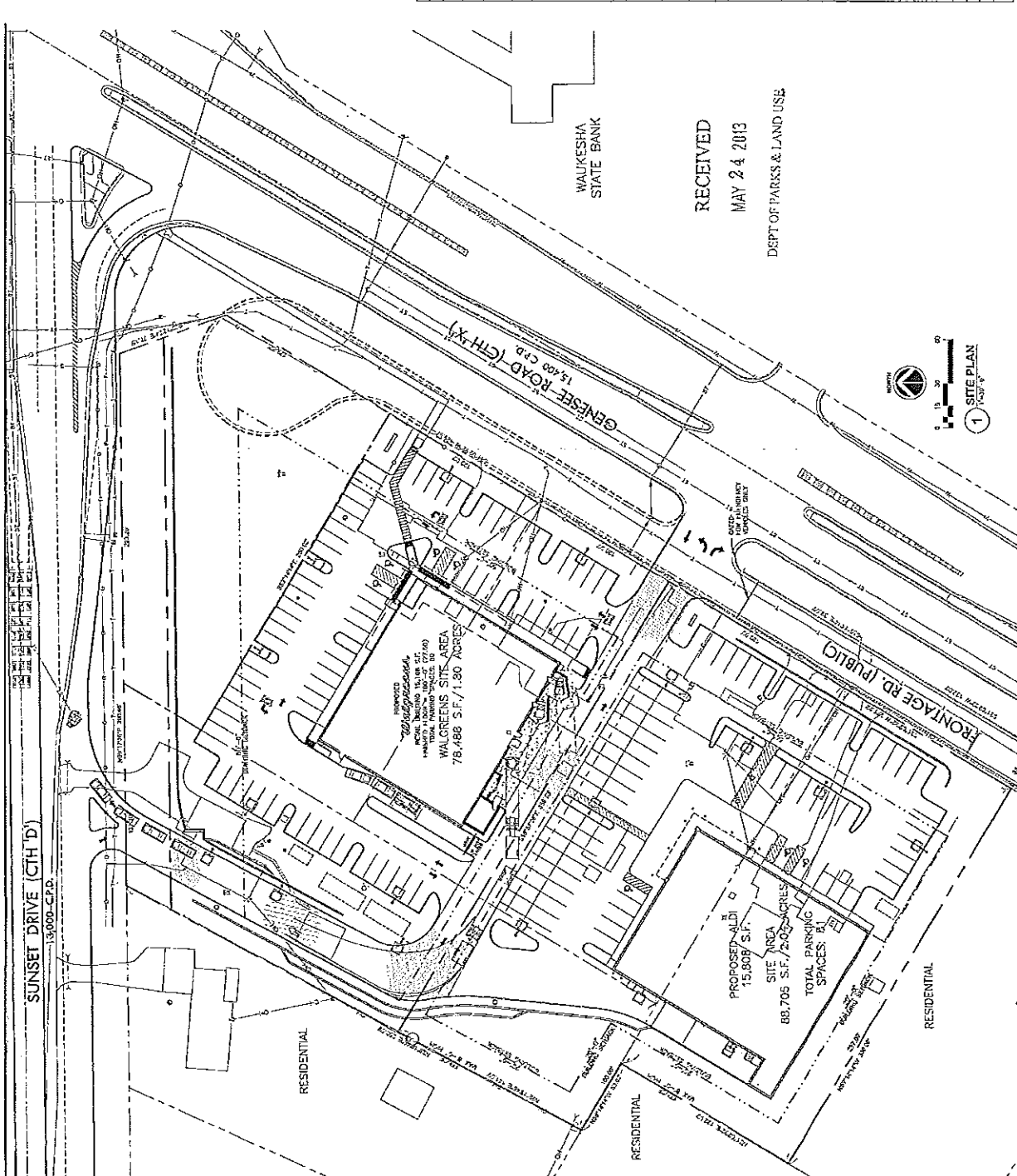
16. DRIVEWAY DRIVE

17. DRIVEWAY DRIVE

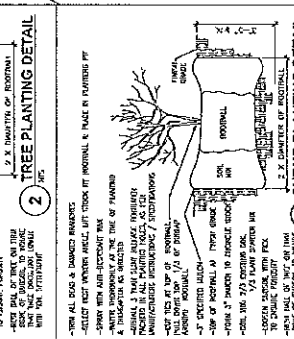
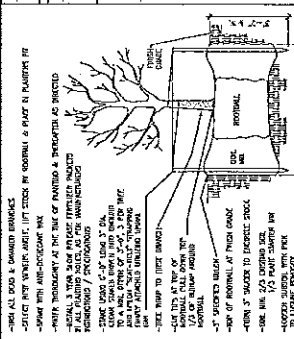
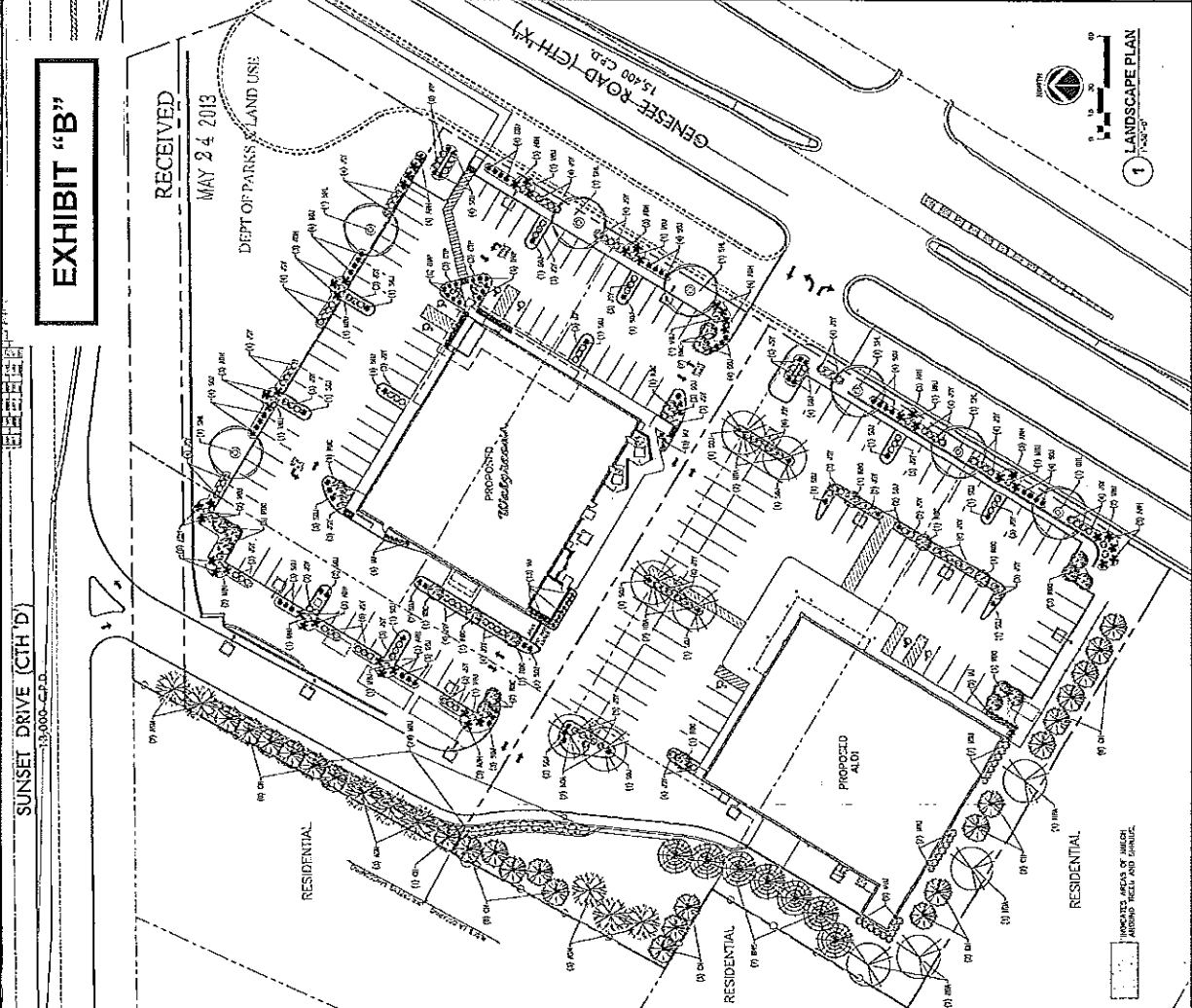
18. DRIVEWAY DRIVE

19. DRIVEWAY DRIVE

20. DRIVEWAY DRIVE







- LANDSCAPE PLAN NOTES:**
1. ALL PLANTINGS TO BE INSTALLED BY CONTRACTOR AT THE TIME OF CONSTRUCTION.
  2. ALL PLANTINGS TO BE INSTALLED BY CONTRACTOR AT THE TIME OF CONSTRUCTION.
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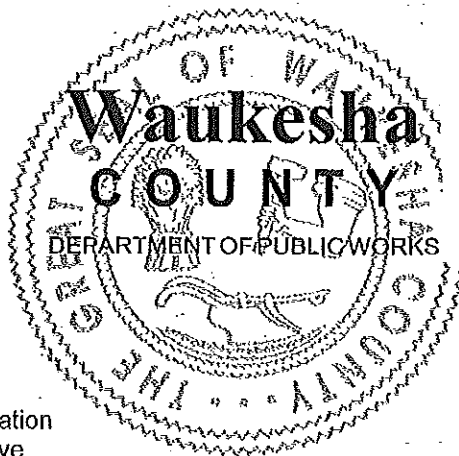
- PLANTING SCHEDULE**
- | PLANT                   | QTY | POINTS |
|-------------------------|-----|--------|
| 1. POTENTIAL FRAXINOSA  | 10  | 100    |
| 2. POTENTIAL FRAXINOSA  | 10  | 100    |
| 3. POTENTIAL FRAXINOSA  | 10  | 100    |
| 4. POTENTIAL FRAXINOSA  | 10  | 100    |
| 5. POTENTIAL FRAXINOSA  | 10  | 100    |
| 6. POTENTIAL FRAXINOSA  | 10  | 100    |
| 7. POTENTIAL FRAXINOSA  | 10  | 100    |
| 8. POTENTIAL FRAXINOSA  | 10  | 100    |
| 9. POTENTIAL FRAXINOSA  | 10  | 100    |
| 10. POTENTIAL FRAXINOSA | 10  | 100    |
| 11. POTENTIAL FRAXINOSA | 10  | 100    |
| 12. POTENTIAL FRAXINOSA | 10  | 100    |
| 13. POTENTIAL FRAXINOSA | 10  | 100    |
| 14. POTENTIAL FRAXINOSA | 10  | 100    |
| 15. POTENTIAL FRAXINOSA | 10  | 100    |
| 16. POTENTIAL FRAXINOSA | 10  | 100    |
| 17. POTENTIAL FRAXINOSA | 10  | 100    |
| 18. POTENTIAL FRAXINOSA | 10  | 100    |
| 19. POTENTIAL FRAXINOSA | 10  | 100    |
| 20. POTENTIAL FRAXINOSA | 10  | 100    |

**WALGREENS PLANTING SCHEDULE**

PLANT	QTY	POINTS	COMMON NAME	SCIENTIFIC NAME	POINTS
1. POTENTIAL FRAXINOSA	10	100	POTENTIAL FRAXINOSA	POTENTIAL FRAXINOSA	100
2. POTENTIAL FRAXINOSA	10	100	POTENTIAL FRAXINOSA	POTENTIAL FRAXINOSA	100
3. POTENTIAL FRAXINOSA	10	100	POTENTIAL FRAXINOSA	POTENTIAL FRAXINOSA	100
4. POTENTIAL FRAXINOSA	10	100	POTENTIAL FRAXINOSA	POTENTIAL FRAXINOSA	100
5. POTENTIAL FRAXINOSA	10	100	POTENTIAL FRAXINOSA	POTENTIAL FRAXINOSA	100
6. POTENTIAL FRAXINOSA	10	100	POTENTIAL FRAXINOSA	POTENTIAL FRAXINOSA	100
7. POTENTIAL FRAXINOSA	10	100	POTENTIAL FRAXINOSA	POTENTIAL FRAXINOSA	100
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11. POTENTIAL FRAXINOSA	10	100	POTENTIAL FRAXINOSA	POTENTIAL FRAXINOSA	100
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13. POTENTIAL FRAXINOSA	10	100	POTENTIAL FRAXINOSA	POTENTIAL FRAXINOSA	100
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19. POTENTIAL FRAXINOSA	10	100	POTENTIAL FRAXINOSA	POTENTIAL FRAXINOSA	100
20. POTENTIAL FRAXINOSA	10	100	POTENTIAL FRAXINOSA	POTENTIAL FRAXINOSA	100

Daniel P. Vrakas  
County Executive

Allison Bussler  
Director of Public Works



**EXHIBIT "C"**

May 17, 2013

RECEIVED

MAY 28 2013

DEPT OF PARKS & LAND USE

Mr. Mark Lake  
Midland Development Corporation  
W228 N. 745 Westmound Drive  
Waukesha, WI 53186

RE: Walgreens Development  
Access to CTH X and CTH D  
NE ¼ Sec 17-6-19, Town of Waukesha

Dear Mr. Lake,

The Wisconsin Department of Transportation and Waukesha County have selected the Pebble Creek West alternate as the proposed route of the West Waukesha bypass. This decision eliminates the CTH X and Sunset Drive alternate from further consideration and as a result, the final Environmental Impact Statement will be written with Pebble Creek west as the preferred alternate.

Our Department has in concept reviewed and approved two access driveways to this site. The access driveway proposed on CTH D is located 450 feet west of the intersection that will function as a right in/right out only driveway. The access driveway on CTH X shall align with the existing bank driveway, 500 feet south of the intersection that will function as a full access. A left turn lane was constructed for the proposed development during the reconstruction of the CTH X project.

As the Pebble Creek West alternate has been selected, the above access would function under county jurisdiction. Once planning and rezoning permissions are obtained and before construction begins, you will need to obtain the appropriate permits from this Department.

If you have any questions, or we can be of any further assistance, please contact Gary Evans of our office at 262-548-7740.

Sincerely,

Allison Bussler, Director  
Department of Public Works

C: Jason Mayer, DPW  
Doug Cain, WisDOT  
Art Baumann, WisDOT  
Ben Erachalu, WisDOT  
Jamie Salentine, Town of Waukesha, Town Clerk

AB/GME/mfc

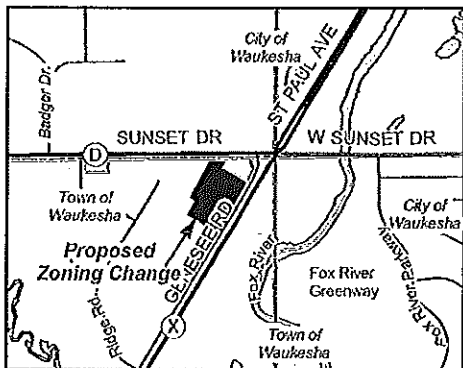
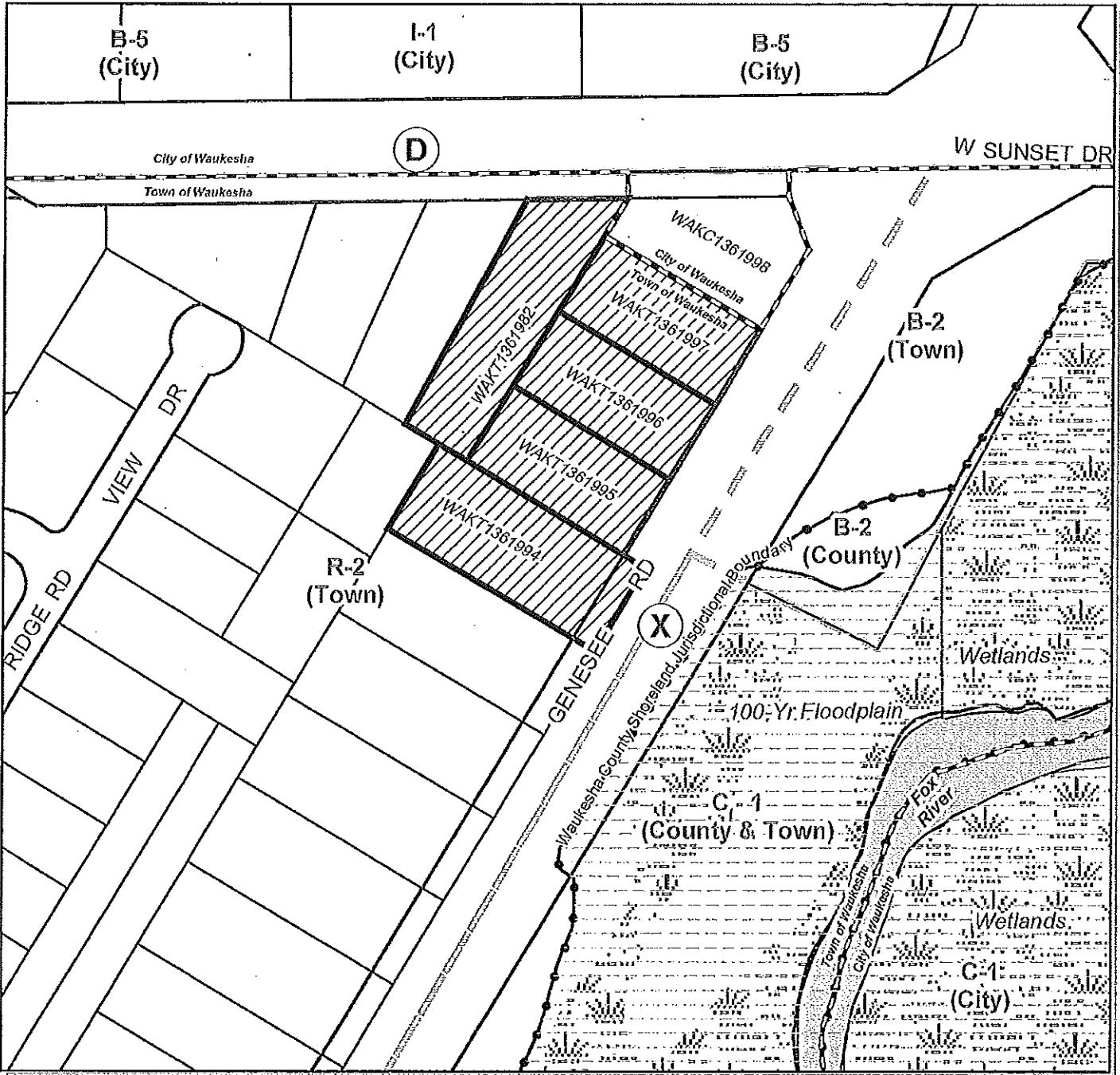
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515 W. Moreland Blvd., Rm. 220  
Waukesha, Wisconsin 53188  
Phone: (262) 548-7740  
Fax: (262) 896-8097  
[www.waukeshacounty.gov](http://www.waukeshacounty.gov)

168-0-025

# ZONING AMENDMENT

PART OF THE NE 1/4 OF SECTION 17  
TOWN OF WAUKESHA



ZONING AMENDMENT FROM R-2 SINGLE FAMILY RESIDENCE DISTRICT TO B-2 LOCAL BUSINESS DISTRICT (4.04 ac)

FILE..... ZT-1733

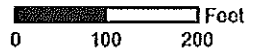
DATE..... 06/20/13

AREA OF CHANGE..... 4.04 ACRES

TAX KEY NUMBERS..... WAKT1361.982, .994, .995, .996, & .997



1 inch = 200 feet



Prepared by the Waukesha County Department of Parks and Land Use

168-0-025

STATE OF WISCONSIN

WAUKESHA COUNTY

TOWN OF WAUKESHA

ORDINANCE NO. 2013-07

ORDINANCE REZONING PROPERTIES FROM R-2 SINGLE FAMILY RESIDENCE DISTRICT  
TO B-2 LOCAL BUSINESS DISTRICT  
TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN

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

**Section 1:** The following-described property is rezoned from the R-2 (Single Family Resident District) zoning classifications: to the B-2 (Local Business District) zoning classifications:

See attached legal description which is appended as Exhibit A, and a map depicting the area of land rezoned, and designating those portions of the lands to be rezoned to the B-2 Local Business District zoning classification.

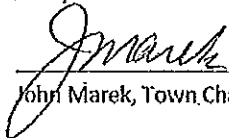
**SECTION 2:** All ordinances or parts of this ordinance, conflicting or contravening the provisions of this ordinance are hereby repealed.

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

PASSED AND ADOPTED this 30 day of May, 2013.

TOWN BOARD, TOWN OF WAUKESHA,  
WAUKESHA COUNTY, WI

By:

  
John Marek, Town Chairman

ATTEST:



Jamie Salentine, Town Clerk-Treasurer

Z:\Documents\Clerk-Treasurer\Plan Commission\Rezone\Waukesha\Ordinance #2013-07 - WALGENSES Rezone - 5-30-13.doc

RECEIVED

MAY 31 2013

DEPT OF PARKS & LAND USE

168-0-025

11.

**EXHIBIT A**

**PROPERTY OWNERS:** Lee And Marlene Grundman

**LEGAL DESCRIPTION WAKT 1361-982**

PT NE1/4 SEC 17 T6N R19E COM NE COR N89 55'W 844.46 FT S19 44'W 39.28 FT S89 55'E 287.39 FT THE BGN S89 55'E 137.20 FT S31 52'W 421.40 FT N58 36'W 100.0 FT N29 05.5'E 351.5 FT TO BGN 1 AC DOC# 2985804 & DOC# 3155959

**PROPERTY OWNERS:** Arturo And Guadalupe Dozal

**LEGAL DESCRIPTION WAKT 1361-997**

CERT SURV 473 VOL 3/132 PT NE1/4 SEC 17 T6N R19E R1945/425

**PROPERTY OWNER:** Carol J Borgwordt

**LEGAL DESCRIPTION WAKT 1361-996**

PT NE1/4 SEC 17 T6N R19E COM NE COR N89°55'W 844.46 FT S19°44'W 244.39 FT S58°36'E 567.78 FT N31°52'E 120.0 FT THE BGN N58°36'W 250.02 FT N31°52'E 120.0 FT S58°36'E 250.02 FT S31°52'W 120.0 FT TO BGN VOL 990/564 DEEDS & DOC# 2812796

**PROPERTY OWNER:** Lois Pease

**LEGAL DESCRIPTION WAKT 1361-995**

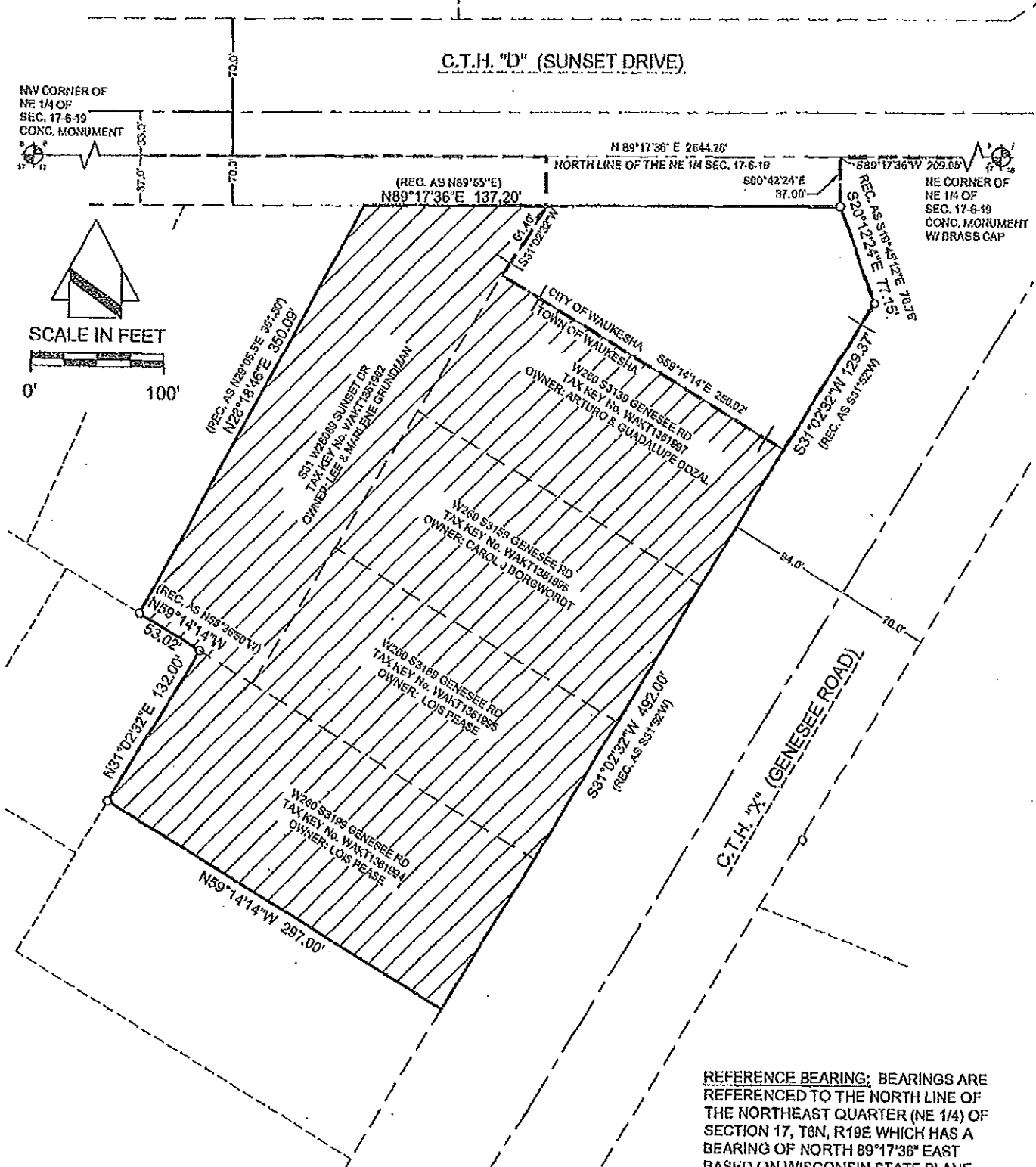
PT NE1/4 SEC 17 T6N R19E COM NE COR S89°55'W 844.46 FT S19°44'W 244.39 FT S58°36'E 317.6 FT THE BGN S58°36'E 250.02 FT N31°52'E 120 FT N58°36'W 250.02 FT S31°52'W 120 FT TO BGN R885/568 & DOC# 3727666

**PROPERTY OWNER:** Lois Pease

**LEGAL DESCRIPTION WAKT 1361-994**

PT NE1/4 SEC 17 T6N R19E COM WHERE N LI INTERSECTS CTR OF HY S31°52'W 638.6 FT THE BGN N58°36'W 330 FT S31°52'W 132 FT S58°36'E 330 FT N31°52'E 132 FT TO BGN 1 AC DOC# 2810016 & DOC# 3727665

# EXHIBIT A TOWN AREA TO BE REZONED



REFERENCE BEARING: BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 17, T8N, R19E WHICH HAS A BEARING OF NORTH 89°17'36" EAST BASED ON WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE).

FILE NAME: S7714CSM.DWG  
P.S. WAUKESHA 5332

168-0-025