

ENROLLED ORDINANCE 171-13

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ AND NE ¼ OF SECTION 27, T6N, R19E, TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT (ZT-1832)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Waukesha Town Board on May 12, 2016, 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 60.62, 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 A-1 Agricultural District to the B-2 Local Business District, certain lands located in part of the SE ¼ and NE ¼ of Section 27, 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-1832, 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.

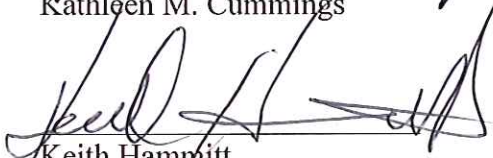
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

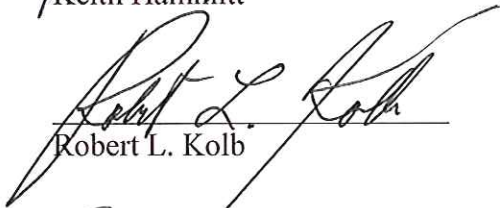
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ AND NE ¼ OF SECTION 27, T6N, R19E, TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT (ZT-1832)

Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

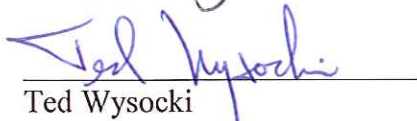

Kathleen M. Cummings


Keith Hammitt


Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki

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

Date: 6/28/16, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

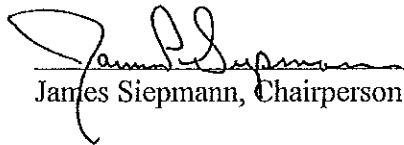
Date: 7/6/16, 
Paul Farrow, County Executive

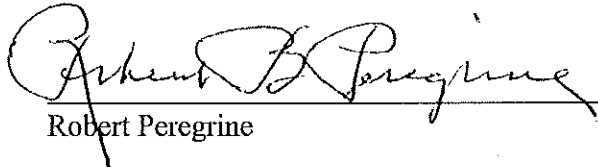
COMMISSION ACTION

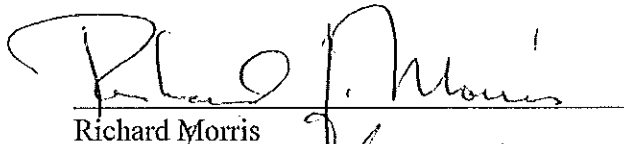
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code hereby recommends approval of ZT-1832 (Five Diamonds/Kuenzi Properties LLC) in accordance with the attached "Staff Report and Recommendation".

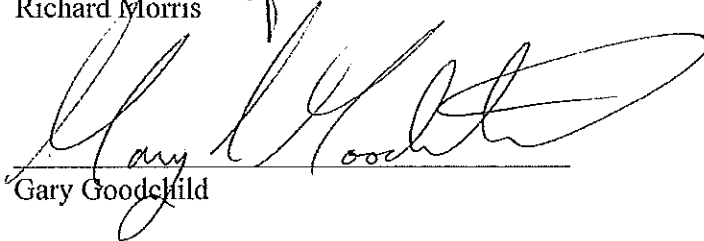
PARK AND PLANNING COMMISSION

May 19, 2016

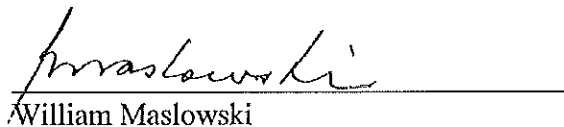

James Siepman, Chairperson


Robert Peregrine


Richard Morris


Gary Goodchild

(Absent)
William Mitchell


William Maslowski

Absent
Keith Hammitt

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

DATE: May 19, 2016

FILE NO.: ZT-1832

PETITIONER: Five Diamonds/STIKS Academy
Tom Kelenic

OWNER: Kuenzi Properties, LLC.
S52 W24082 Glendale Road
Waukesha, WI 53189

TAX KEY NO.: WAKT 1401.997.005

LOCATION:

Part of the SE ¼ and NE ¼ of Section 27, T6N, R19E, Town of Waukesha. More specifically, the property is located northwest of the intersection of Glendale Road and S.T.H. 164 and contains approximately 28 acres, three acres of which, are proposed to be rezoned.

EXISTING LAND USE:

Agricultural.

PROPOSED LAND USE:

Commercial.

EXISTING ZONING:

A-1 Agricultural District (Town).

PROPOSED ZONING:

B-2 Local Business District (Town).

PUBLIC HEARING DATE:

May 12, 2016.

PUBLIC REACTION:

Several residents spoke in opposition of the project. Concerns were offered regarding the following:

- Society placing too much emphasis on select sports.
- Traffic congestion on Glendale Road.
- Light and noise pollution.
- Hours of operation.
- Use of private well and septic.
- Storm water management and impact on adjacent wetlands.
- Condition of private driveway.

The Town asked the petitioner to explain his project, because comments from the public indicated that there was confusion about the nature of the proposed project. The petitioner clarified that the facility would not contain any outdoor ball fields and that it was solely an indoor training facility. The Town Planner has advised that, after that clarification was offered, public comments focused on traffic and hours of operation.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On May 12, 2016, the Town of Waukesha Plan Commission recommended approval of the request. The Town Board approved the request on May 12, 2016.

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

The Town Plan and the County Development Plan identify the south part of the subject property in the Commercial category and the north part of the property in the Mixed Use category. The proposal is consistent with both plans.

STAFF ANALYSIS:

The petitioner is seeking to rezone a three-acre portion of a 28-acre property located to the northwest of the intersection of Glendale Road and S.T.H. 164 in the Town of Waukesha from the A-1 Agricultural District to the B-2 Local Business District (see Map). The far north part of the property is subject to the County Shoreland ordinance, however, the subject three acres is solely located within the Town's jurisdiction. The south end of the 28 acres currently contains two commercial buildings with the balance of the property being in agricultural use. The building immediately to the south previously housed a pet supply store and is now vacant. The building nearest the intersection is a veterinary clinic. The owner of the property resides in the residence to the south of the subject property. Lands to the north and west are agricultural and lower density residential subdivisions are located on the opposite side of S.T.H. 164 from the site. A church is located south of Glendale Road.

The petitioner would like to construct an indoor baseball training facility on the property (See Exhibits "A" and "B"). The facility would include batting cages and indoor training fields. The building would be approximately 41,000 square feet in area. Parking is proposed to the north and east of the building. The parking plan depicts 84 parking stalls. The petitioner is working with the County Land Resources Division regarding storm water management planning.

The project is proposed in a condominium form of ownership, in part, because access to the site is via a private shared roadway. The Town has reviewed a Site Plan for the project along with condominium documents. The Town Planner has indicated that the petitioner, property owner and Town Fire Chief have agreed that the driveway serving the proposed building will be centered within a 66' easement. The roadway and easements will be the only common elements. Each building and its immediate surroundings will be a condominium unit and the remaining undeveloped acreage will be a fourth condominium unit.

The Town has reviewed a detailed Site Plan/Plan of Operation for the facility. The Town's approval of the Site Plan is subject to a number of conditions that set forth hours of operation, landscaping requirements, etc.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommend that this request **approved**.

The County and Town plans recommend commercial and mixed uses at this node along S.T.H. 164. The Planning and Zoning Division Staff feels that the proposed baseball training facility is an appropriate commercial use given the neighboring commercial uses and adjacency to a state trunk highway. The Planning and Zoning Division Staff believes that the introduction of traffic to the surrounding area will be modest in nature, as the facility will not include outdoor ball fields and will contain less than 100 parking stalls.

Respectfully submitted,

Jason Fruth

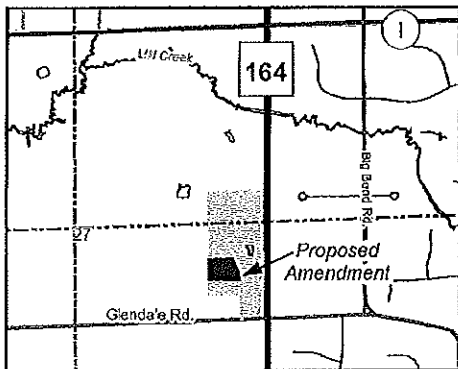
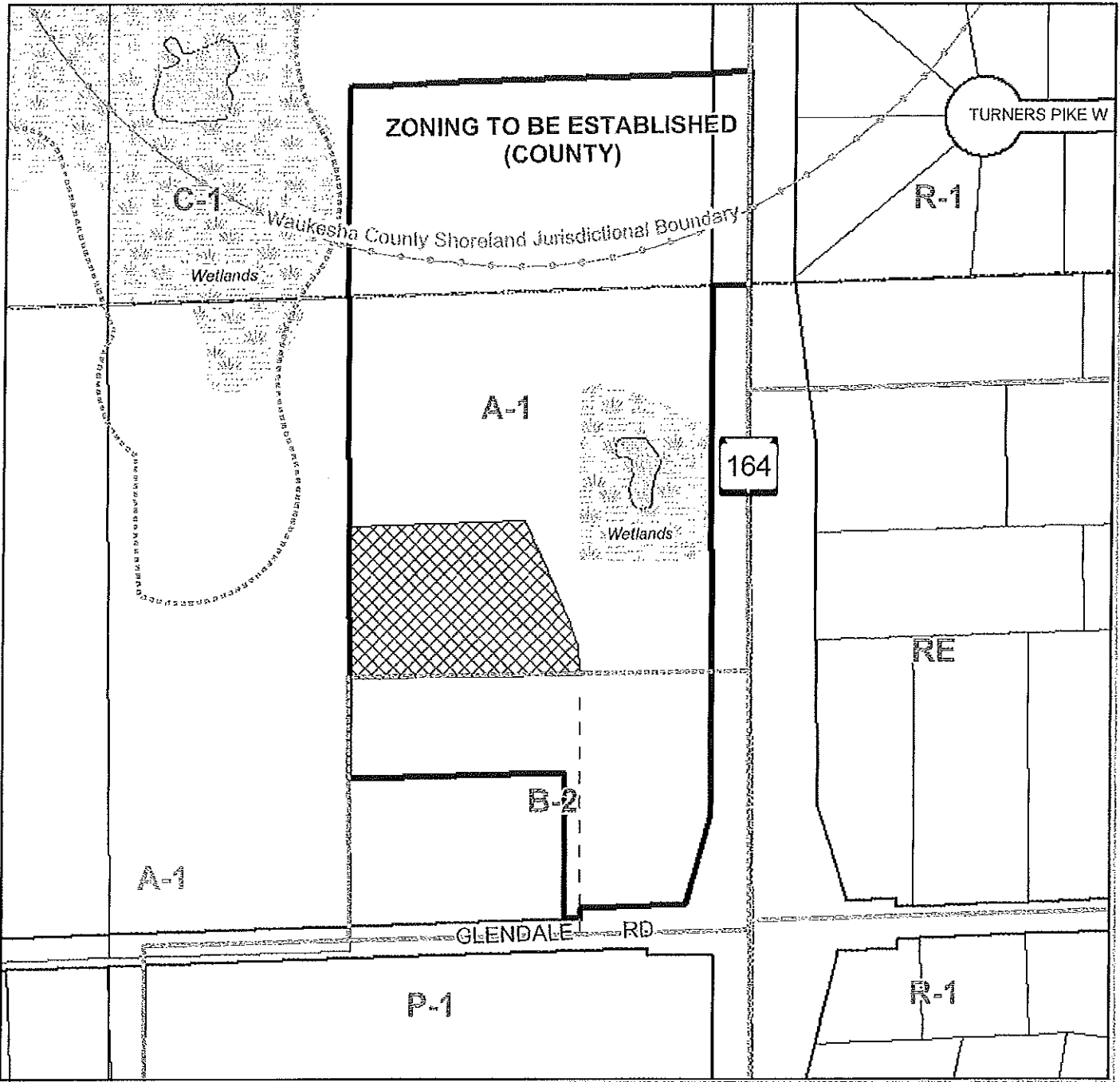
Jason Fruth
Planning Manager

Attachments: Map, Town Ordinance, Exhibits "A" and "B"

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\1832 Five Diamonds Kuenzi Properties Wkt.Doc

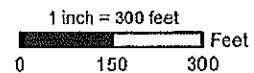
ZONING AMENDMENT

PART OF THE SE 1/4 OF SECTION 27
TOWN OF WAUKESHA



 TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO B-2 LOCAL BUSINESS DISTRICT

FILE NO.....ZT-1832
 PETITIONER.....FIVE DIAMONDS/STIKS
 DATE OF PLAN. COMM. CONSIDERATION.....05/19/16
 AREA OF CHANGE.....3.08 ACRES
 TAX KEY NUMBER.....WAKT 1401.997.005



Prepared by the Waukesha County Department of Parks and Land Use
 File Number: 171-O-012

Referred on: 06/09/16

Referred to: LU 6

ORDINANCE NO. 2016-05

ORDINANCE REZONING PROPERTIES
FROM A-1 AGRICULTURAL DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT
TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN

WHEREAS, a Petition has been filed by Kuenzi Properties, LLC, to rezone certain property located in the Town of Waukesha that is identified in Exhibit A attached hereto and incorporated by reference; and

WHEREAS, said rezoning Petition was submitted to rezone the approximately three acre parcel identified in Exhibit A, from A-Agricultural District to B-2 Local Business District; and

WHEREAS, the Petitioner has supplied all required data pursuant to the Town of Waukesha Zoning Ordinance and a public hearing was conducted by the Town Plan Commission and the Town Board jointly, as required by Section 13-2-22(d) of the Town of Waukesha Zoning Code, upon due notice as required by Section 13-2-23(b) of the Town of Waukesha Town Zoning Code; and

WHEREAS, following the public hearing, the Plan Commission duly considered the testimony taken at the public hearing, along with the detailed development plans submitted to them by the applicant along with any other pertinent information regarding the proposed amendment, and reviewed all pertinent technical information and made a recommendation to the Town Board; and

WHEREAS, the Town Board has received the recommendation from the Town Plan Commission; and

WHEREAS, the Town Board of the Town of Waukesha having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on surrounding communities as to noise, dust, smoke and odor, and others, hereby determines that the rezoning will not violate the spirit or intent of the Zoning Code for the Town of Waukesha, will not be contrary to the public health, safety or general welfare of the Town of Waukesha, will not be hazardous, harmful, noxious, offensive, and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood, and will be consistent with the Town of Waukesha Comprehensive Plan.

NOW, THEREFORE, the Town Board of the Town of Waukesha, Waukesha County, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The following-described property is rezoned from the A-1 (Agricultural District) zoning classifications: to the B-2 (Local Business District) zoning classifications:

See attached legal description which is attached hereto and incorporated herein by reference as Exhibit A, which includes a map depicting the area of land rezoned.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

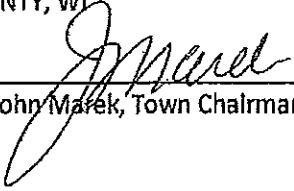
SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting as provided by law.

Adopted by the Town Board of the Town of Waukesha on this 12 day of May, 2016.

TOWN BOARD, TOWN OF WAUKESHA,
WAUKESHA COUNTY, WI

By:


John Marek, Town Chairman

ATTEST:


Kathy Nickolaus, Town Clerk-Treasurer

Z:\Documents\Clerk-Treasurer\Plan Commission\Rezone\Waukesha\Ordinance #2013-08 - FIVE DIAMONDS Rezone - 6-13-13.doc

REZONE EXHIBIT Town Exhibit "A"

FOR UNIT 3 OF THE KUENZI CONDOMINIUM PLAT

NE CORNER SE
1/4 SEC 27-8-19
CONC. MONUMENT
W/BRASS CAP

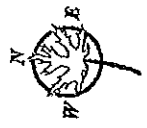
EAST LINE SE 1/4 SEC 27-8-19
S 00°31'37" E 816.96'

S.T.H. "164"

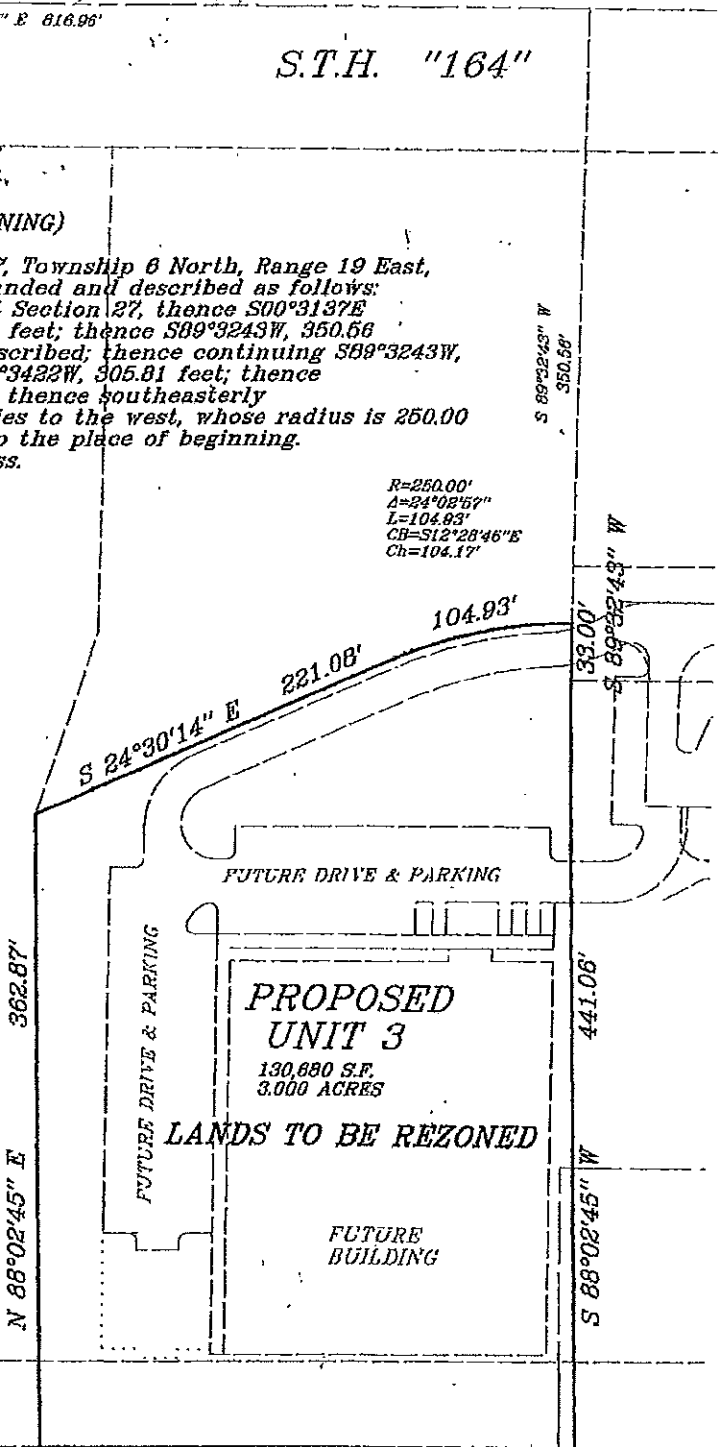
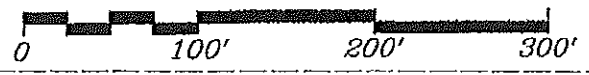
LANDS TO BE REZONED (FROM A-1 ZONING TO B-2 ZONING)

Being a part of the NE 1/4 of the SE 1/4 Section 27, Township 6 North, Range 19 East, Town of Waukesha, Waukesha County, Wisconsin, bounded and described as follows: Commencing at the northeast corner of said SE 1/4 Section 27, thence S00°31'37"E along the east line of said SE 1/4 Section 27, 816.96 feet; thence S89°32'43"W, 350.58 feet to the place of beginning of the lands to be described; thence continuing S89°32'43"W, 33.00 feet; thence S88°02'45"W, 441.06 feet; thence N00°34'22"W, 305.81 feet; thence N88°02'45"E, 362.87 feet; thence S24°30'14"E, 221.08 feet; thence southeasterly 104.93 feet along the arc of a curve, whose center lies to the west, whose radius is 250.00 feet, and whose chord bears S12°28'46"E, 104.17 feet to the place of beginning. Said lands containing 3.00 acres of land, more or less.

R=250.00'
A=24°08'57"
L=104.93'
CB=S12°28'46"E
Ch=104.17'



SCALE: 1"=100'



N 00°34'22" W 305.81'

RECEIVED

MAY 13 2016

DEPT OF PARKS & LAND USE


APRIL 25, 2016

EDGEWOOD SURVEYING

14185 BEECHWOOD TRAIL • NEW BERLIN • WISCONSIN 53151
(262)365-5749 • fax (262)797-8528
EMAIL: edge@sdsurveying@aol.net
www.edgewoodsurveying.com

EXHIBIT "B"

RECEIVED
MAY 13 2016
DEPT OF PARKS & LAND USE



JRM CONSULTING LLC
3943 OAKMONT TRAIL
WAUKESHA, WI 53188
262-205-5017
info@jrmconsulting.com

TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN
SITKs BASEBALL FACILITY
SITE PLAN

DESIGNED	JRM	DATE	9/29/2015
DRAWN	DK	DATE	3/10/2016
CHECKED	JRM	DATE	3/10/2016
SCALE		AS SHOWN	
PROJECT NO.		171-O-012	
SHEET NO.		2 OF 5	

WETLAND LIMITS PER
WAUKESHA COUNTY GIS
MAPPING

S.T.H. "164"

EAST LINE SE 1/4 SEC 27-6-19

S 00°31'37" E 1069.74

N 00°34'22" W 979.87'

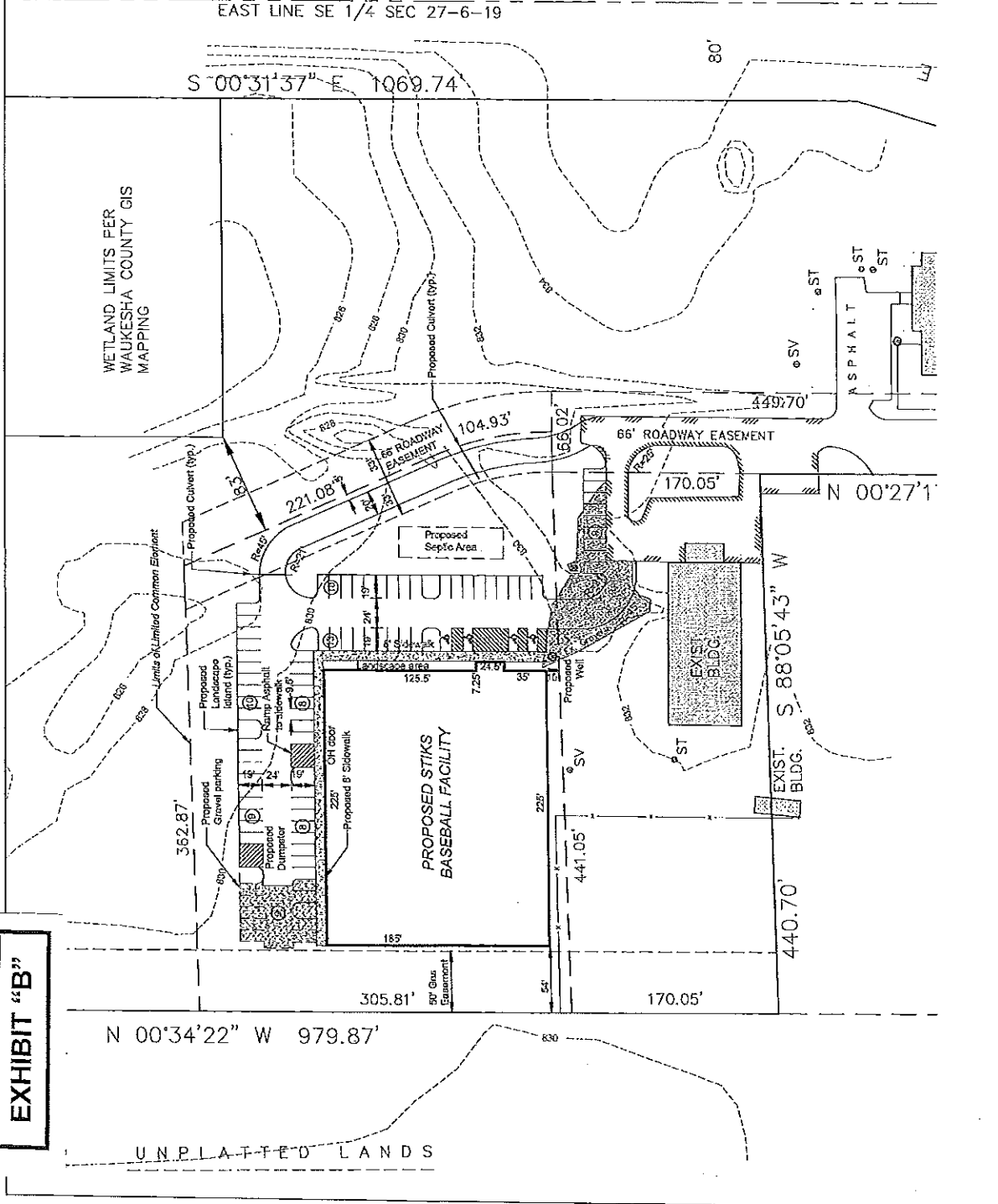
UNPLATTED LANDS

LEGEND

- EXISTING CONTOUR
- EXISTING GRAVEL
- PROPOSED GRAVEL
- EXISTING ASPHALT
- PROPOSED CONCRETE
- EXISTING PEDISTAL
- EXISTING SEPTIC VENT
- EXISTING SEPTIC COVER

CALL DIGGERS' HOTLINE
1-800-242-8371

CALL FIRST TO OBTAIN LOCATION OF UTILITIES AND TO VERIFY DEPT OF LAND USE RECORDS. ALL UTILITIES SHOWN ARE NOT TO BE DEPENDENT ON THIS PLAN.



Referred on: 06/09/16

File Number: 171-O-012

Referred to: LU 11