

ENROLLED ORDINANCE 170-50

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF VERNON BY  
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF  
THE NW ¼ OF SECTION 11, T5N, R18E, TOWN OF VERNON, WAUKESHA  
COUNTY, WISCONSIN, FROM THE R-1 RESIDENTIAL DISTRICT  
TO THE B-2 LOCAL BUSINESS DISTRICT (SZ-1814)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Vernon Town Board on July 16, 2015, 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 (59.692), Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Vernon, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to conditionally rezone from the R-1 Residential District to the B-2 Local Business District, certain lands located in part of the NW ¼ of Section 11, T5N, R18E, Town of Vernon, 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 SZ-1814, is hereby approved, subject to the following conditions:

1. Subject to the petitioner applying for and receiving approval of a Site Plan/Plan of Operation for the operation of a chiropractic office on the subject property by the Town of Vernon Plan Commission and the Staff of Waukesha County Department of Parks and Land Use.
2. Subject to the petitioner complying with the provisions of Section 29 (B-2, Local Business District) of the Waukesha County Shoreland and Floodland Protection Ordinance.
3. Subject to review and approval of a new Certified Survey Map reconfiguring the lots in a manner which addresses the access issues and meets all Town and County requirements.
4. Subject to review and approval of an access plan for the two lots by the County and Town Board, upon receipt of a recommendation by the Plan Commission, which meets all Town and County requirements.
5. Compliance Letter. Prior to the issuance of a Zoning Permit, written documentation from the Town Planner, verifying all applicable conditions of the Town of Vernon Plan Commission approval have been met, must be submitted to the Staff of Waukesha County Department of Parks and Land Use.

6. Petitioner Agreement. As a condition precedent to the issuance of a Zoning Permit, the petitioner is required to accept the terms and conditions of the same in its entirety in writing.
7. Town Attorney Review. The Town of Vernon Plan Commission's recommendation shall not be in full force and effect until such time that the Town Attorney has reviewed the conditions and placed them in final form.
8. Professional Fees. The petitioner shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town of Vernon incurs in connection with this approval, including the cost of professional services incurred by the Town of Vernon (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this approval due to a violation of these conditions. This condition shall be enforceable by the Town of Vernon only.
9. Payment of Charges. Any unpaid bills owed to the Town of Vernon by the Subject Property Owner and/or Agent for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town of Vernon; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town of Vernon, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town of Vernon, including possible cause for termination of the conditional approval. This condition shall be enforceable by the Town of Vernon only.

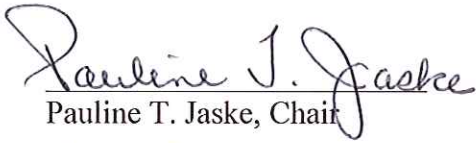
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town of Vernon Clerk.

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

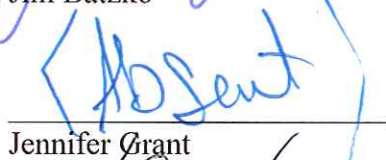
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

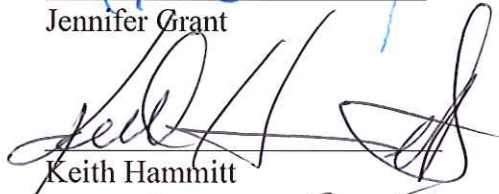
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF VERNON BY  
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COUNTY, WISCONSIN, FROM THE R-1 RESIDENTIAL DISTRICT  
TO THE B-2 LOCAL BUSINESS DISTRICT (SZ-1814)

Presented by:  
Land Use, Parks, and Environment Committee

  
Pauline T. Jaske, Chair

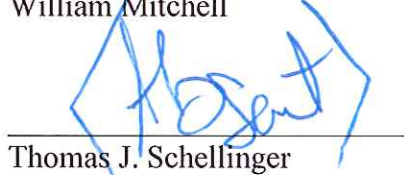
  
Jim Batzko

  
Jennifer Grant

  
Keith Hammitt

  
Eric Highum

  
William Mitchell

  
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: 9/22/15,   
Kathleen Novack, County Clerk

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

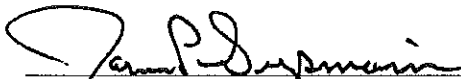
Approved: X  
Vetoed: \_\_\_\_\_  
Date: 9/23/15,   
Paul Farrow, County Executive

COMMISSION ACTION

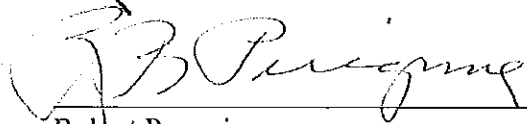
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of SZ-1814 (Halpin) in accordance with the attached "Staff Report and Recommendation."

PARK AND PLANNING COMMISSION

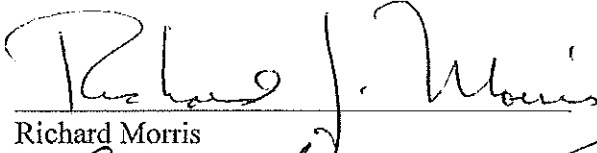
August 20, 2015



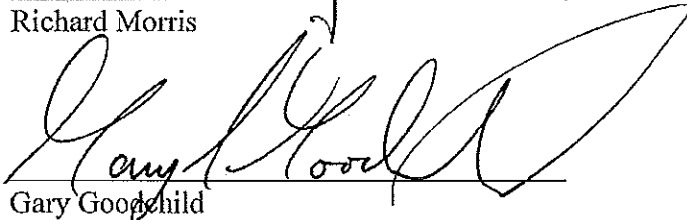
James Siepmann, Chairperson



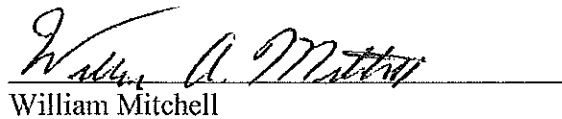
Robert Peregrine



Richard Morris



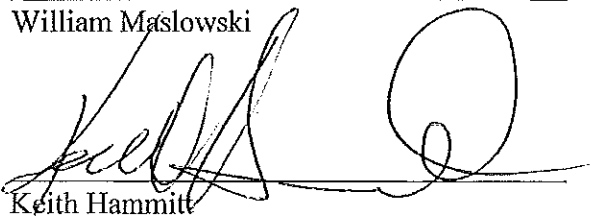
Gary Goodchild



William Mitchell

Absent

William Maslowski



Keith Hammitt

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

**DATE:** August 20, 2015

**FILE NO.:** SZ-1814

**TAX KEY NO.:** VNT 2058.994.002

**OWNER:** Pauline, Robert and Sean Halpin  
S73 W23950 National Ave.  
Big Bend, WI 53103

**PETITIONER:** Sean Halpin  
S73 W23870 National Ave.  
Big Bend, WI 53103

**LOCATION:**  
Parcel 2, Certified Survey Map No. 8221, Volume 71, Page 302, located in part of the NW ¼ of Section 11, T5N, R18E, Town of Vernon. More specifically, the property is located at S73 W23950 National Avenue and is 57,822 sq. ft. in size.

**PRESENT ZONING CLASSIFICATION:** R-1 Residential District (County Shoreland).

**PRESENT LAND USE:** Residential (single-family residence).

**PROPOSED ZONING:** B-2 Local Business District.

**PROPOSED LAND USE:** Chiropractic Office.

**PUBLIC HEARING DATE:** July 8, 2015, continued on July 16, 2015.

**PUBLIC REACTION:** None.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

On July 16, 2015, the Town of Vernon Plan Commission recommended approval of the request to rezone subject to a number of conditions. On July 16, 2015, the Town of Vernon Board also recommended approval of this request with the conditions recommended by the Town Plan Commission.

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

The Town and County Development Plans identify the property in the Mixed Use category. The proposal to rezone the property to the B-2 district to allow the conversion of the residence on the property to a chiropractic office would conform with the land use designation of both the Town and County Plans. The mixed use category is intended for development that may contain residential and could contain a combination of public, institutional, office, retail, service, light industrial, research and development, and/or other commercial uses.

**OTHER CONSIDERATIONS:**

The subject 1.3 acre property is located on the north side of C.T.H. "ES" (National Avenue) about 1/3 mile west of the intersection of S.T.H. 164 and C.T.H. "ES. The property is bounded on the east by lands in the Village of Big Bend and on the east by a property which contains a residence and a commercial dog kennel. The subject property currently contains a one-story three-bedroom single-family residence with an exposed basement level.

The petitioner is proposing to convert the existing residence to a chiropractic office. Therefore, since the property is currently zoned R-1 for residential use, the petitioner is requesting to rezone the property to the B-2, Local Business District which would allow the business use of the property. A map showing the existing and proposed zoning is attached.

The property currently shares a circle driveway with the adjacent residential/kennel property to the west. There is a 20 ft. shared driveway easement that runs along the common lot line to the access point on C.T.H. "ES." The Waukesha County Department of Public Works (DPW) has indicated that due to the amount of frontage on C.T.H. "ES," only one access drive for the subject property and the adjacent property to the west is permitted. Sight distance requirements are increased based on the proposed business use of the property and the easterly driveway does not comply with these requirements. Therefore, the driveway will need to be relocated approximately 50 ft. to the west. The Town of Vernon Fire Department has indicated that an additional access point is desired for emergency access. Therefore, DPW has indicated that the westerly driveway may remain as long as it is chained and signed for emergency use only. The Town of Vernon has indicated that their Ordinances do not allow access to a lot by private easement but that a shared driveway can be permitted. Therefore, for the driveway access to be relocated to the west to comply with sight distance requirements, a lot line adjustment will also be required to ensure that the driveway is shared. A new Certified Survey Map will be required to adjust the lot line and relocate the easement.

It should be noted that business uses also require the review and approval of a Site Plan/Plan of Operation by the Town Plan Commission and the Waukesha County Planning and Zoning Division Staff. The proposed operation will need to comply with all applicable parking, signage, building code, fire code, septic, etc. requirements.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**, in accordance with the Town of Vernon Plan Commission and Town of Vernon Board recommendations, with the conditions recommended by the Town, except as modified below. Modifications to the Town's recommended conditions are in **bold**.

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The rezoning of the subject property will allow the conversion of the existing residence to a chiropractic office and possible other business uses allowed in the B-2 district in the future. The property is located on a county trunk highway near the intersection of S.T.H. 164 and C.T.H. "ES" and is immediately adjacent to the Village of Big Bend. The rezoning of this property for business use consistent with both the Town and County Land Use Plans and will be compatible with nearby uses.

Respectfully submitted,

*Peggy Tilley*

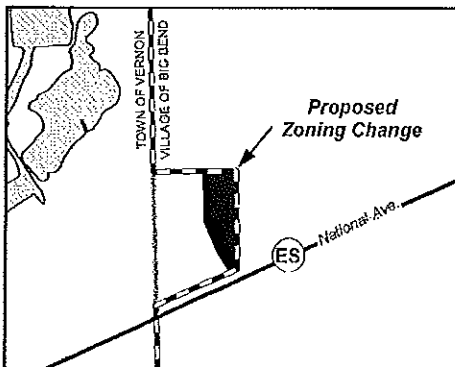
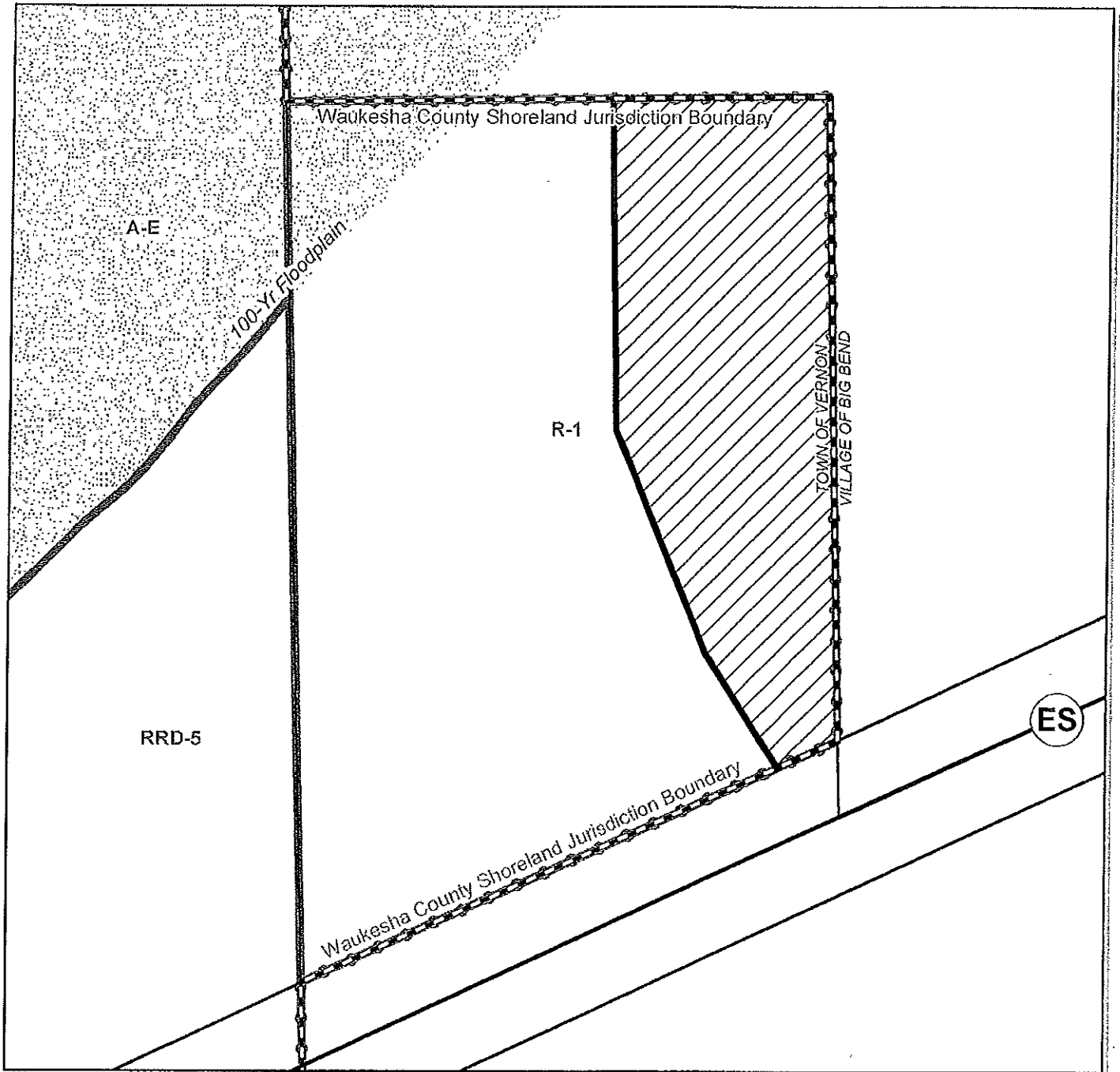
Peggy Tilley  
Senior Land Use Specialist

Attachment: Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1814 Halpin vnt.doc

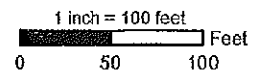
# ZONING AMENDMENT

PART OF THE NW 1/4 OF SECTION 11  
TOWN OF VERNON



CONDITIONAL SHORELAND ZONING AMENDMENT FROM R-1  
RESIDENTIAL DISTRICT TO B-2 LOCAL BUSINESS DISTRICT

PETITIONER.....Sean Halpin  
 FILE.....SZ-1814  
 DATE.....08/20/15  
 AREA OF CHANGE.....1.3 ACRES  
 TAX KEY NUMBER.....VNT 2058.994.002



Prepared by the Waukesha County Department of Parks and Land Use



WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/22/15

(ORD) NUMBER-1700051

1 R. KOLB.....AYE  
 3 R. MORRIS.....AYE  
 5 J. BRANDTJEN.....AYE  
 7 J. GRANT.....AYE  
 9 J. HEINRICH.....AYE  
 11 C. HOWARD.....AYE  
 13 P. DECKER.....AYE  
 15 B. MITCHELL.....AYE  
 17 D. PAULSON.....AYE  
 19 K. CUMMINGS.....AYE  
 21 W. ZABOROWSKI.....AYE  
 23 K. HAMMITT.....AYE  
 25 G. YERKE.....

2 D. Zimmermann.....AYE  
 4 J. BATZKO.....AYE  
 6 J. WALZ.....AYE  
 8 E. HIGHUM.....AYE  
 10 D. SWAN.....AYE  
 12 P. WOLFF.....AYE  
 14 C. PETTIS.....  
 16 M. CROWLEY.....AYE  
 18 L. NELSON.....AYE  
 20 T. SCHELLINGER....AYE  
 22 P. JASKE.....AYE  
 24 S. WHITTOW.....AYE

TOTAL AYES-23

TOTAL NAYS-00

CARRIED   X  

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-23