

ENROLLED ORDINANCE 172-032

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 1, T6N, R19E, TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN, FROM THE DISTRICT R-3 SINGLE FAMILY RESIDENTIAL DISTRICT TO THE B-3 GENERAL BUSINESS DISTRICT (ZT-1856)

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 February 9, 2017; 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 conditionally rezone from the R-3 Single Family Residential District to the B-3 General Business District, certain lands located in part of the NE ¼ of Section 1, 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-1856, is hereby approved.

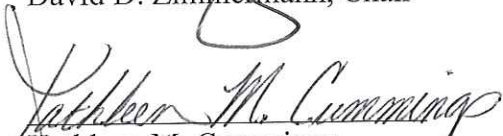
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Waukesha.

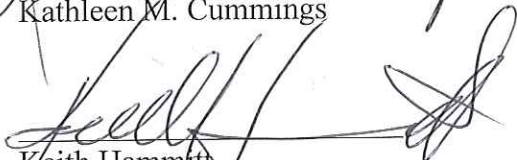
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

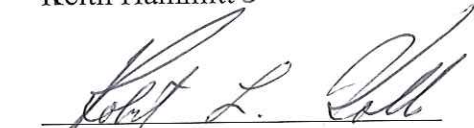
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF WAUKESHA ZONING CODE  
BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE  
NE ¼ OF SECTION 1, T6N, R19E, TOWN OF WAUKESHA, WAUKESHA COUNTY,  
WISCONSIN, FROM THE DISTRICT R-3 SINGLE FAMILY RESIDENTIAL  
DISTRICT TO THE B-3 GENERAL BUSINESS DISTRICT (ZT-1856)

Presented by:  
Land Use, Parks, and Environment Committee

  
David D. Zimmermann, Chair

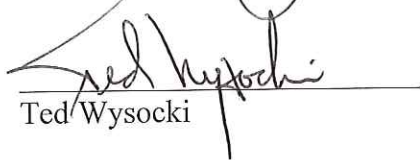
  
Kathleen M. Cummings

  
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: 9/27/17,   
Kathleen Novack, County Clerk

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

Approved: X

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

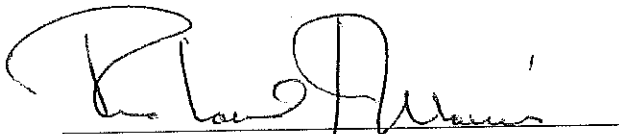
Date: 10/3/17,   
Paul Farrow, County Executive

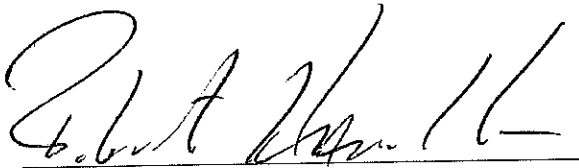
**COMMISSION ACTION**

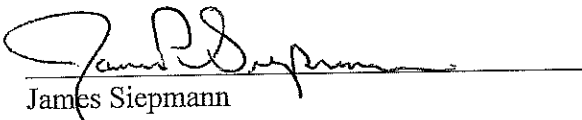
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code hereby recommends approval of ZT-1856 (Thomas Schepp) in accordance with the attached "Staff Report and Recommendation".

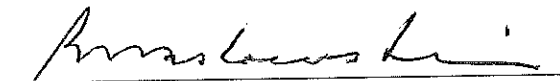
**PARK AND PLANNING COMMISSION**

**August 17, 2017**

  
Richard Morris, Chairperson

  
Robert Hamilton

  
James Siepmann

  
William Maslowski

*Absent*  
Robert Peregrine (Absent)

*Absent*  
William Mitchell (Absent)

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

**DATE:** August 17, 2017  
**FILE NO.:** ZT-1856  
**TAX KEY NO.:** WAKT 1297.966  
**OWNER/APPLICANT:** Select Storage 51 LLC  
c/o Thomas Schepp  
15045 Dublin Court  
Brookfield, WI 53005-1547

**LOCATION:**  
Part of the NE ¼ of Section 1, T6N, R19E, Town of Waukesha. More specifically the property is located at S16 W22171 S.T.H. 59, containing approximately 4.6 acres.

**EXISTING ZONING:** R-3 Single Family Residential District.

**PROPOSED ZONING:** B-3 General Business District.

**EXISTING LAND USE:** Residential – rental, and a shed, both to be removed.

**PROPOSED LAND USE:**  
The construction of two rental storage buildings (mini-warehouses), 6,400 and 8,450 square foot in size.

**PUBLIC HEARING DATE:** February 9, 2017.

**PUBLIC REACTION:**  
Four neighbors were concerned about drainage and flooding on the properties along Anoka Avenue. One stated a drainage study has not been done and filling would affect the properties along Anoka Avenue. Another stated retention ponds are nothing but breeding areas for mosquitos. Another questioned when will all of the rezoning of the residential properties along S.T.H. 59 stop. Another stated there is not enough planning being done before properties are rezoned. The former owner of the subject property asked that the rezoning be approved as the property has been for sale for a long time.

It should be noted the rezoning of properties must be approved in compliance with the Town and County Comprehensive Development Plans, which were approved in 2009 after a lengthy cooperative countywide planning effort. Currently, both plans designate the parcels between S.T.H. 59 and the New Berlin Recreation Trail, and between Springdale Road and S.T.H. 164, for commercial and industrial use, with the exception of any Isolated Natural Resource Areas. Erosion and stormwater issues will be addressed as part of the permitting process for the proposed use.

**TOWN PLAN COMMISSION ACTION:**  
On February 9, 2017, the Town Plan Commission unanimously recommended approval of the rezoning request subject to the following conditions:

1. The Petitioner shall satisfy all comments, conditions, and concerns of the Town Chairman, Town Engineer, Town Planner, and Waukesha County, in regard to the rezone.
2. The rezone shall not be in full force and effect until such time as:
  - a. The Petitioner obtains approval of the Site Plan and Plan of Operation per Section 13-2-4 of the Town of Waukesha Code of Ordinances.

- b. The Petitioner obtains appropriate approvals and permits from Waukesha County for an erosion control plan and stormwater plan.
  - c. The Petitioner obtains appropriate approvals and permits from the Wisconsin Department of Transportation for driveway access onto Arcadian Avenue (S.T.H. 59).
  - d. The Petitioner obtains approval of any Signage per Section 13-2-15 of the Town of Waukesha Code of Ordinances.
3. The Petitioner shall reimburse the Town of Waukesha for all costs and expenses incurred by the Town in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Town for the review and preparation of required documents, attendance at meetings or other related professional services.

**TOWN BOARD ACTION:**

On February 9, 2017, the Town Board unanimously approved the rezoning request in accordance with the recommendation of the Town Plan Commission.

**COMPLIANCE WITH THE WAUKESHA COUNTY AND THE TOWN OF WAUKESHA COMPREHENSIVE DEVELOPMENT PLANS:**

Both plans designate the northern one third of the subject parcel as Commercial and Office Park and the southern two thirds as Industrial, and the proposed use complies with both plans.

**STAFF ANALYSIS:**

The property is located on the south side of S.T.H. 59, just west of Springdale Road. It contains a small residence and a shed, both of which are proposed to be removed in order to construct two (2) commercial storage buildings, 6,400 square feet and 8,450 square feet in size. Wetlands were delineated in 2016 in the east and south portions of the site (see Exhibit "A"). Mini-warehouses are a permitted use in the B-3 General Business District and Site Plan/Plan of Operation approval and erosion control and stormwater management is being required.

It should be noted that the Town is currently updating their Town Zoning Map and the wetlands identified on the site will be reflected as a Conservancy overlay on that newly adopted map. The Town is imposing the offset, setback and separation requirements from the wetlands currently in effect for the proposed use, as well as access, signage, architectural, and Site Plan/Plan of Operation review.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval of the rezone request as conditioned by the Town of Waukesha above.** The request is consistent with the Town and County Comprehensive Development Plans and the proposed use complies with the Town of Waukesha Zoning Code.

Respectfully submitted,

*Sandra L Scherer*

Sandy Scherer  
Senior Planner

Attachments: Exhibit "A"  
Town Ordinance  
Map



ORDINANCE NO. 2017-02

ORDINANCE REZONING PROPERTIES FOR A PARCEL  
FROM R-3 RESIDENTIAL DISTRICT TO THE B-3 GENERAL 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-3 (Residential District) zoning classifications: to the B-3 (General Business District) zoning classifications:

**Legal Description:** ALL THAT PART OF THE NE ¼ OF SECTION 1, TOWN 6 NORTH, RANGE 19 EAST, IN THE TOWN OF WAUKESHA, COUNTY OF WAUKESHA, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE CENTER LINE OF THE PUBLIC HIGHWAY KNOWN AS STATE TRUNK HIGHWAY #41, (NOW STATE TRUNK HIGHWAY #59) SAID POINT BEING THE NW CORNER OF THE LAND TO BE DESCRIBED AND BEING SOUTH 89 DEGREES 13' WEST, 979.39 FEET FROM THE POINT WHERE THE CENTER LINE OF SAID HIGHWAY IS INTERSECTED BY THE EAST LINE OF SAID SECTION 1; THENCE SOUTH 0 DEGREES 28' WEST 659.4 FEET TO A STAKE; THENCE NORTH 89 DEGREES 13' EAST, PARALLEL WITH THE CENTER LINE OF SAID STATE TRUNK HIGHWAY 41, 330.1 FEET TO A STAKE; THENCE NORTH 0 DEGREES 78' EAST, PARALLEL WITH THE FIRST DESCRIBED LINE 659.4' TO THE CENTER LINE OF SAID STATE TRUNK HIGHWAY 41; THENCE SOUTH 89 DEGREES 13' WEST ALONG THE CENTER LINE OF HIGHWAY, 330.1 FEET TO THE PLACE OF BEGINNING.

Address: S16W22171 Arcadian Avenue, Waukesha, WI 53186, Tax Key WAKT1297966.

**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 9<sup>th</sup> day of February, 2017.

TOWN BOARD, TOWN OF WAUKESHA,  
WAUKESHA COUNTY, WI

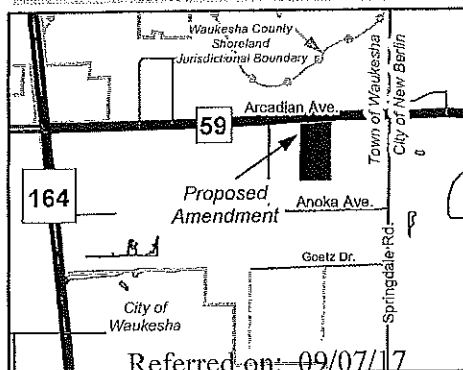
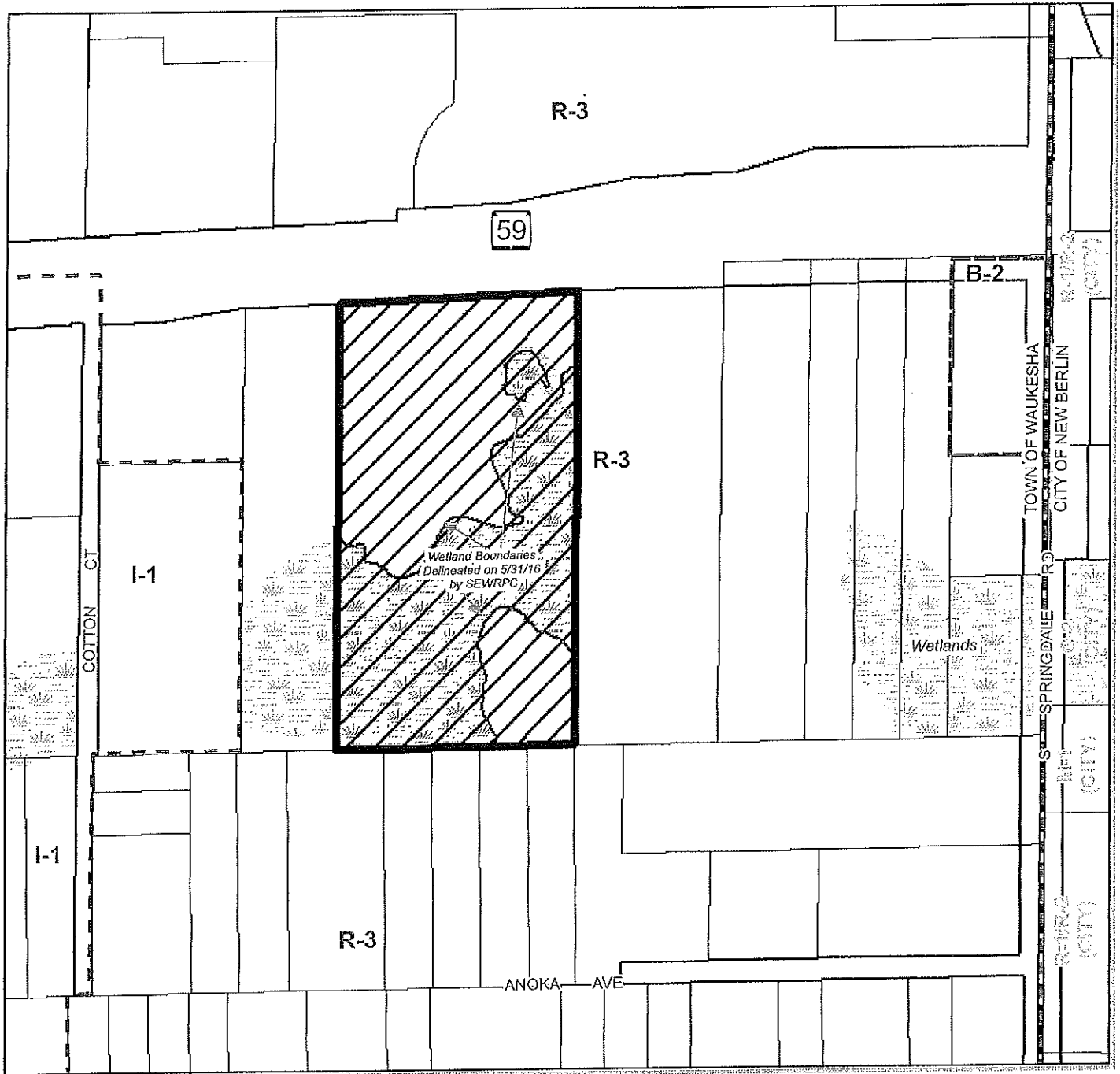
By:   
John Marek, Town Chairman


ATTEST:   
Kathy Nickolaus, Town Clerk-Treasurer

RECEIVED  
7/25/2017  
DEPT OF PARKS &  
LAND USE

# ZONING AMENDMENT


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



 TOWN ZONING CHANGE FROM R-3 SINGLE FAMILY RESIDENCE DISTRICT TO B-3 GENERAL BUSINESS DISTRICT

 WETLAND AREAS PROPOSED TO HAVE FUTURE CONSERVANCY OVERLAY ZONING DISTRICT

FILE NO. .... ZT-1856  
 PETITIONER.....SELECT STORAGE 51 LLC  
 DATE OF PLAN COMM. CONSIDERATION.....08/17/17  
 AREA OF CHANGE.....4.7 ACRES  
 TAX KEY NUMBER.....WAKT 1297.966

1 inch = 200 feet  


Referred on: 09/07/17

Prepared by: Waukesha County Department of Parks and Land Use Referred to: LU 100 7 200



D1 - Kolb	AYE	D14 - Wood	AYE
D2 - Zimmermann	(M) AYE	D15 - Mitchell	(2) AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Zaborowski	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	Notified	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

172-0-032

Passed (24 Y - 0 N - 1 Absent)

Majority Vote