

ENROLLED ORDINANCE 173-088

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 W ½ OF THE SW ¼ OF SECTION 1, T5N, R19E, TOWN OF VERNON, WAUKESHA COUNTY, WISCONSIN, FROM THE RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 TO THE B-3 GENERAL BUSINESS DISTRICT (RZ16)

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 December 6, 2018; 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 RRD-5 Rural Residential Density District 5 to the B-3 General Business District, certain lands located in part of the W ½ of the SW ¼ of Section 1, T5N, R19E, 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 RZ16, is hereby approved subject to the following conditions:

1. The rezone shall not be in full force and effect until such time as the Petitioner applies for and receives approval of a Site Plan/Plan of Operation from Waukesha County to operate a full service lawn care, landscaping, snow removal and tree removal business that includes also the storage and processing of firewood.
2. Vehicle parking areas, areas where equipment will be used or stored, and firewood and other bulk product storage areas must be screened from roadways and adjacent properties.

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

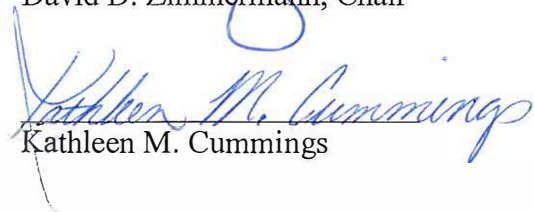
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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 W 1/2 OF THE SW 1/4 OF SECTION 1, T5N, R19E, TOWN OF VERNON,
WAUKESHA COUNTY, WISCONSIN, FROM THE RRD-5 RURAL RESIDENTIAL
DENSITY DISTRICT 5 TO THE B-3 GENERAL BUSINESS DISTRICT (RZ16)

Presented by:
Land Use, Parks, and Environment Committee



David D. Zimmermann, Chair



Kathleen M. Cummings



Keith Hammitt



William A. Mitchell



Thomas J. Schellinger




Steve Whittow



Chuck Wood

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

Date: March 1, 2019, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____


Date: 3/4/19, 
Paul Farrow, County Executive

COMMISSION ACTION

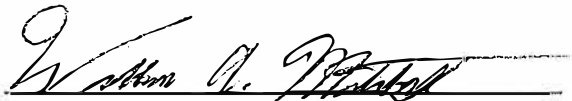
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends **approval** of **RZ16 (Scaffidi_Wendorf)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

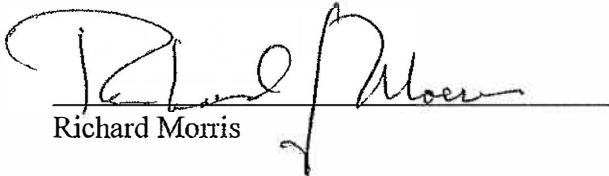
January 17, 2019



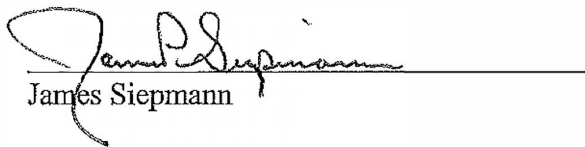
Robert Peregrine, Chairman



William Mitchell, Vice Chairman



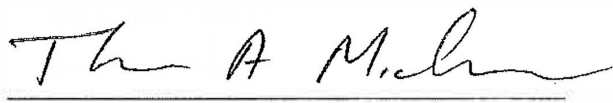
Richard Morris



James Siepmann



William Maslowski



Thomas Michalski

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

FILE NO.: RZ16

TAX KEY NO.: VNT 2019.990

DATE: January 17, 2018

PETITIONER: Anthony Scaffidi
S51 W23811 Turners Pike W.
Waukesha, WI 53189

OWNER: Catherine Wendorf
S53 W24595 Glendale Road
Waukesha, WI 53189

LOCATION:
Part of the W½ of the SW¼ of Section 1, T5N, R19E, Town of Vernon, Waukesha County. More specifically, the property is located at S68 W22850 National Avenue, Big Bend, WI 53103, containing approximately 20 acres.

EXISTING LAND USE:
Single-family residential and multiple accessory structures with large areas of wetland and Primary Environmental Corridor.

EXISTING ZONING:
RRD-5 Rural Residential Density District 5, HG High Groundwater, C-1 Conservancy, and ECO Environmental Corridor Overlay Districts.

PROPOSED ZONING:
Amend 16.5 acres of RRD-5 Rural Residential Density District to B-3 General Business District. The lands zoned HG High Groundwater, ECO Environmental Corridor Overlay, and C-1 Conservancy Districts are not proposed to change.

PROPOSED LAND USE:
Firewood processing and storage of landscaping equipment and related materials.

PUBLIC HEARING DATE:
November 14, 2018.

PUBLIC REACTION:
Judy Menzli, S68 W22715 National Avenue, stated no objection to the proposal and asked what the B-3 District could allow in the future, as her family may also consider a similar rezoning request.

TOWN PLAN COMMISSION AND TOWN BOARD ACTIONS:
At their meeting on November 14, 2018, the Town of Vernon Plan Commission unanimously recommended to the Town of Vernon Town Board approval of the request with a condition incorporated herein. On December 6, 2018, the Town of Vernon Board approved the rezoning request.

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

The Town of Vernon Land Use Plan designates this area as Residential-Business Transition Area and Environmentally Sensitive Area and the Waukesha County Comprehensive Development Plan designates this area as Mixed Use and Primary Environmental Corridor. Both categories allow for a mix of business and residential uses. Therefore, the proposal complies with both plans.

STAFF ANALYSIS:

The subject property is approximately 20 acres and is located north of C.T.H. "ES", across from Enterprise Drive where there is an existing business park. The site contains areas of wetland, Primary Environmental Corridor and a floodplain affiliated with Mill Brook along the north portion of the site. These lands are identified on the Waukesha County Park and Open Space Plan as Open Lands to be Protected. The entire property is subject to the Waukesha County Shoreland and Floodland Protection Ordinance and is zoned RRD-5 Rural Residential Density District, HG High Groundwater, C-1 Overlay (wetland) and Environmental Corridor Overlay. A single family home and multiple outbuildings currently exist on the property. The property is served by a private well and septic system.

The petitioner is proposing to conditionally rezone the RRD-5 Zoning District portion of the property to B-3 General Business District to allow him to legally operate his existing business, Waukesha Lawn Service, from the subject property. The Town received complaints that the business started operating without permits. The business is a full service lawn maintenance and landscaping company that also provides snow and tree removal services and firewood. The property will primarily be used for the cutting, splitting and storage of firewood and the storage of materials. Uncovered materials stored on-site include the firewood, log splitter, trailers and vehicles. An existing outbuilding will store snowplows, lawn mowers, landscaping tools, a log splitter, skid steer and a firewood bundler. Landscaping is also proposed to screen the area from view. Future plans include moving all operations consisting of sawing, splitting or processing to the back of the property behind the existing outbuildings. A very conceptual site plan was provided (Exhibit "A") that shows the northeast area of the property to be used for the firewood operation and the storage of trailers and other uncovered material. This area has mature landscaping to screen the area from the road. Additional details and issues will be considered through the Site Plan/Plan of Operation (SPPO).

The Waukesha County Shoreland and Floodland Protection Ordinance allows for such uses within the B-3 General Business District with approval of the specific use by the Plan Commission and Zoning Administrator. Surrounding uses are a mix of residential, particularly along the north stretch of C.T.H. "ES," and business (Enterprise Drive, a business park). The adjacent property to the northeast is conditionally rezoned to B-3 as well, with a Conditional Use allowing the owners to store commercial vehicles on the property.

The Comprehensive Development Plan for Waukesha County designates this area of C.T.H. "ES" as Mixed Use. These areas are meant to accommodate residential uses in addition to a combination of commercial and light industrial uses. The Town of Vernon Land Use Plan designation of "Residential-Business Transition Area" is meant to accommodate businesses that need larger lots, County highway access and combined business/residential uses. The 2026 Town of Vernon Smart Growth Plan states development should be analyzed on a case-by-case basis to determine compatibility with architectural standards, common access points and drainage facilities. The Plan also states that consideration for each proposed use shall be given regarding the impact on traffic, safe access, lot size/width, drainage,

aesthetics, and noise and whether the use is seen as hazardous, noxious, offensive or a nuisance to the surrounding neighborhood. If approved, these issues will be further considered through the Site Plan/Plan of Operation process.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following conditions, consistent with the Town of Vernon approval:

1. The rezone shall not be in full force and effect until such time as the Petitioner applies for and receives approval of a Site Plan/Plan of Operation from Waukesha County to operate a full service lawn care, landscaping, snow removal and tree removal business that includes also the storage and processing of firewood.
2. Vehicle parking areas, areas where equipment will be used or stored, and firewood and other bulk product storage areas must be screened from roadways and adjacent properties.

If approved, as conditioned, the rezoning request will allow the petitioner to store equipment and materials in conjunction with a full service lawn care and landscaping business, as well as process and sell firewood on the property, and is consistent with the parameters of both the Town and County Comprehensive Development Plans. The rezone also excludes areas of the property that are identified on the Park and Open Space Plan as Open Lands to be Protected. The Town and County must review proposals planned for Mixed-Use on a case-by-case basis to ensure that single use or mixed-use proposals are appropriate and will be harmonious within the larger mixed-use neighborhood. As conditioned, the proposed business operation must present detailed site and operational plans to the Town and County for review and approval as part of the Site Plan review process. Noise, aesthetics, driveway surfacing, hours of operation and septic facilities will be fully analyzed as part of that process.

Respectfully submitted,

Rebekah Leto

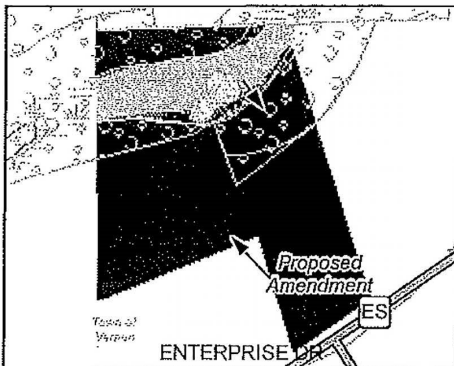
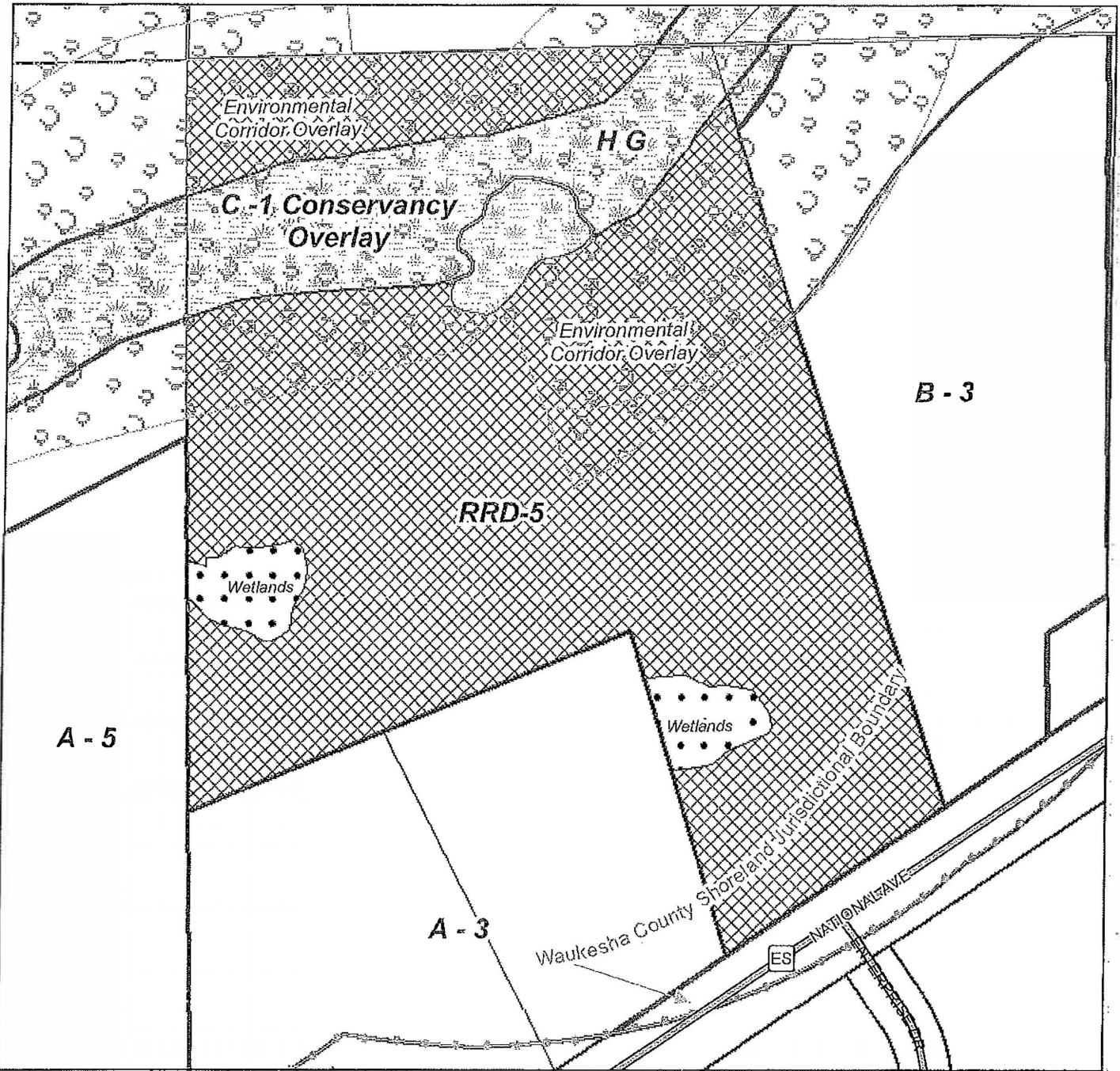
Rebekah Leto
Senior Land Use Specialist




Attachments: Map
Exhibit "A" Conceptual Site Plan

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ZONING AMENDMENT

PART OF THE W 1/2 OF THE SW 1/4 OF SECTION 1
TOWN OF VERNON

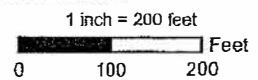


-  SHORELAND ZONING AMENDMENT FROM RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT TO B-3 GENERAL BUSINESS DISTRICT (10.8 AC)
-  SHORELAND ZONING AMENDMENT FROM RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 TO B-3 GENERAL BUSINESS DISTRICT WITH CONSERVANCY OVERLAY (.72 AC)
-  SHORELAND ZONING AMENDMENT FROM RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 TO B-3 GENERAL BUSINESS DISTRICT WITH ENVIRONMENTAL CORRIDOR OVERLAY (5.2 AC)

FILE.....RZ16
 DATE OF PLAN COMMISSION.....01/17/19
 AREA OF CHANGE.....16.5 ACRES
 TAX KEY NUMBER.....VNT 2019.990



Prepared by the Waukesha County Department of Parks and Land Use



RECEIVED

SEP 18 2018

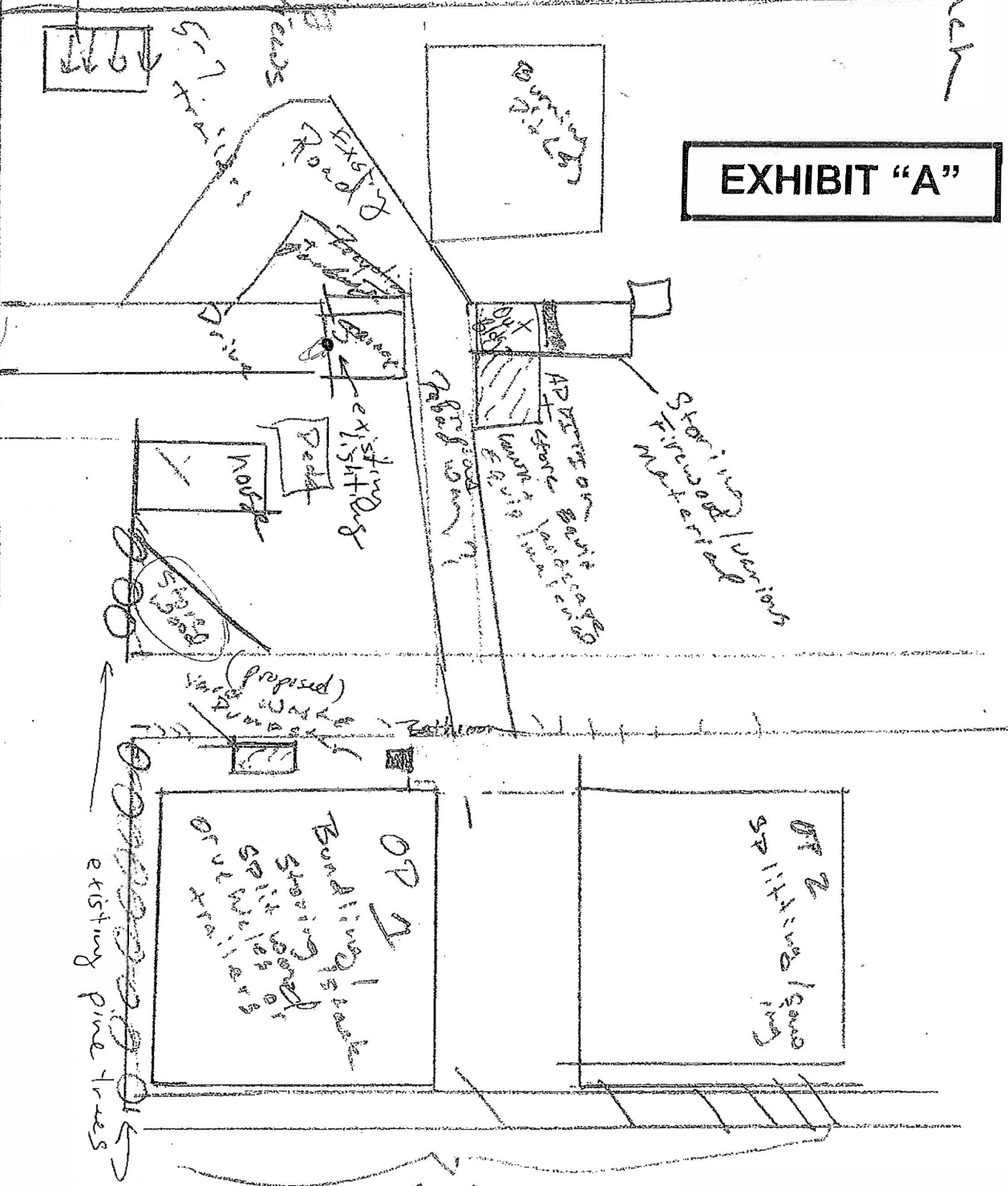
DEPT OF PARKS & LAND USE

SO Plot = 1.1 inch
VOLUME 11

To avoid

Blackberry
Front yard
M1 operation
M1 or moved
to T, right side
where
is already
Blackberry
Vines

PARKING



National



Voting Results for Ordinance 173-O-088

Please Refer to the Board of Supervisors' Agenda for the Ordinance Number and Description. The Board of Supervisors meets on the 1st and 3rd Mondays of each month at 7:00 PM. The Board of Supervisors' Agenda is available on the Board of Supervisors' Website at www.waukesha.gov. The Board of Supervisors' Website is available at www.waukesha.gov. The Board of Supervisors' Website is available at www.waukesha.gov. The Board of Supervisors' Website is available at www.waukesha.gov.

Passed By Majority Vote

AYE: 25 NAY: 0 ABSTAIN: 0 ABSENT: 0

D1 - Foti	AYE	D14 - Wood	AYE
D2 - Zimmermann	Motion	D15 - Mitchell	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 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Whittow	Second
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		