

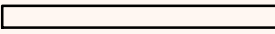


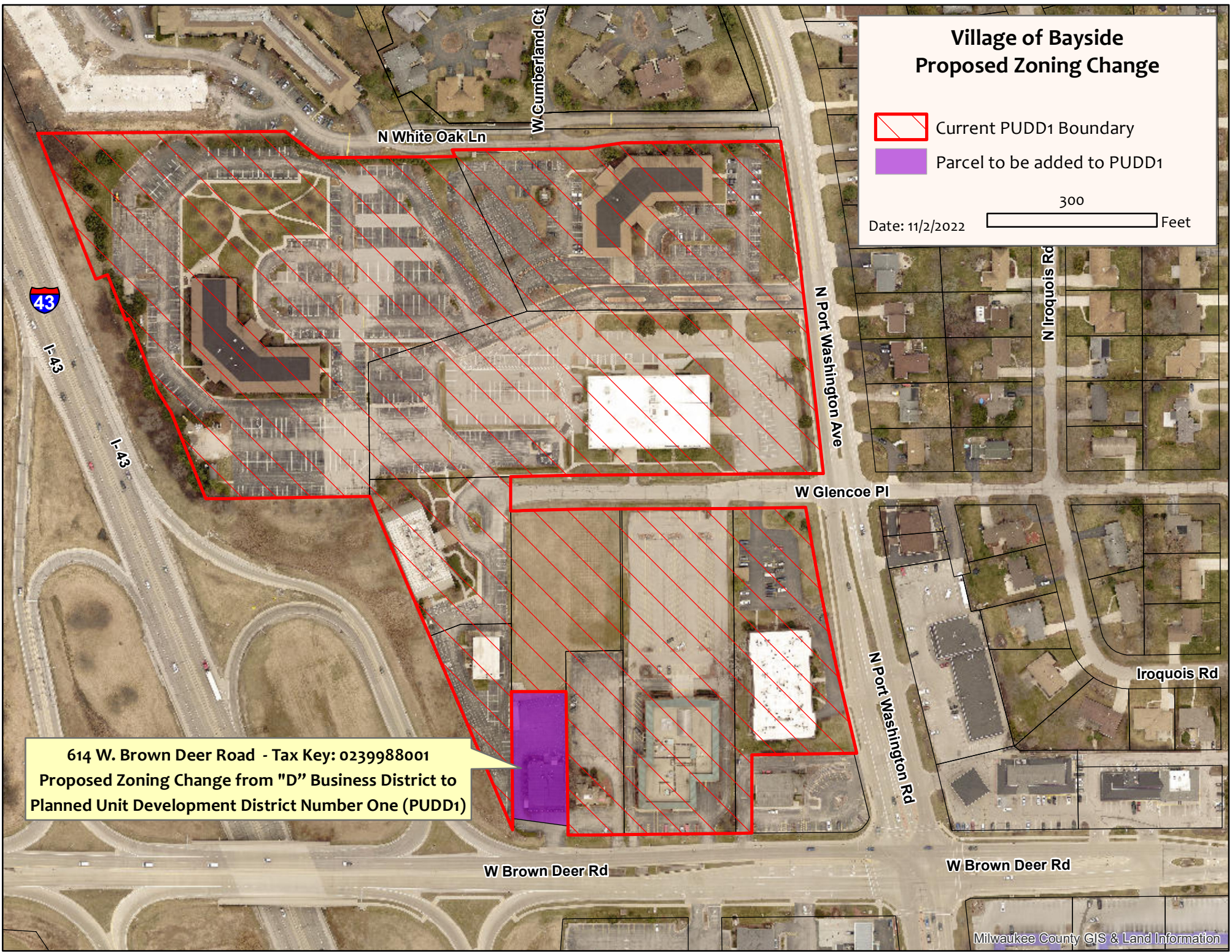
Item IV.A.

Village of Bayside Proposed Zoning Change

-  Current PUDD1 Boundary
-  Parcel to be added to PUDD1

Date: 11/2/2022  300 Feet

614 W. Brown Deer Road - Tax Key: 0239988001
Proposed Zoning Change from "D" Business District to
Planned Unit Development District Number One (PUDD1)





Milwaukee County GIS and Land Information

PARCEL REPORT FOR: 614 W BROWN DEER RD

Parcel Information

TAXKEY: 0239988001
ADDRESS: 614 W BROWN DEER RD
MUNICIPALITY: Bayside
OWNER(S): WISCONSIN, STATE OF

ACRES:

PARCEL TYPE: Single Taxkey

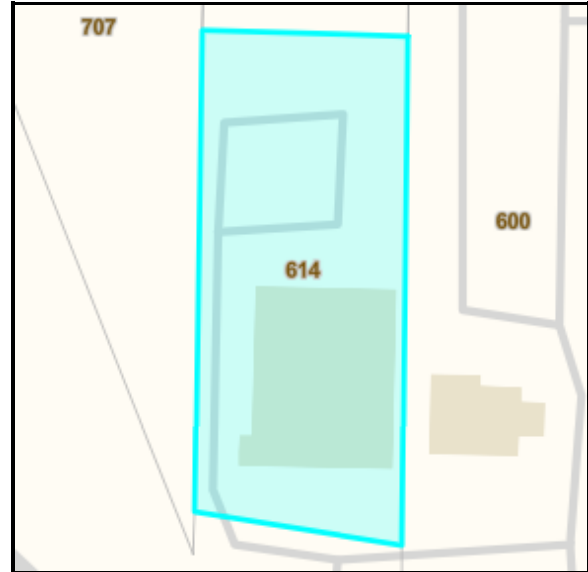
ZONING DESCRIPTION: [Commercial or Business Park](#)

SCHOOL DISTRICT: NICOLET UNION HIGH SCHOOL SCHOOL DISTRICT

ASSESSED VALUE:

LAND VALUE:

IMPROVEMENT VALUE:



LEGAL DESCRIPTION:

S 314 FT OF W 98.405 FT OF E 138.57 FT OF SW 5-8-22, EXC S 60 FT FOR ST & EXC PTS CONV IN DOC NO. 11218294 FOR ST



VANDEWALLE & ASSOCIATES INC.

Date: November 16, 2022

To: Village of Bayside

From: Jackie Mich, AICP

Re: Zoning Map Amendment – 614 W. Brown Deer Road, Tax Key No. 0239988001

Description

The Applicant requests a zoning map amendment to change the zoning of Tax Key No. 0239988001 located at 614 W. Brown Deer Road from “D” Business District to Planned Unit Development District Number One (PUDD 1).

Consistency with the Comprehensive Plan

Wisconsin law requires all zoning map amendments to be consistent with the community’s adopted Comprehensive Plan. On page 62 of the Village of Bayside Comprehensive Plan, the “Future Land Use Map” recommends the subject property for “Planned Mixed Use.” This land use category is intended to facilitate a carefully designed but flexible mix of land uses serving Bayside residents and visitors, and it advises a mix of commercial, multi-family residential in varying scales and formats, parks and open space, community facilities, and stormwater management.

The proposed Planned Unit Development District (PUDD 1) zoning is consistent with the “Planned Mixed Use” land use category recommended by the Future Land Use Map.

Staff Review Comments

As part of the I-43 expansion project, WisDOT will remove the subject parcel’s access to Brown Deer Road. This will leave the parcel without direct access to a public street, essentially making it undevelopable in the future. The requested zoning map amendment would enable the subject parcel to be developed as a part of the PUDD 1 mixed use development. Bringing the parcel into PUDD 1 will enable the parcel to be accessed from private drives within the mixed use development. It will also provide PUDD 1 with an additional half-acre of developable area and nearly 100 feet of additional street frontage that will be highly visible from Brown Deer Road and I-43 (although not directly accessible).

Furthermore, adding the subject property to PUDD 1 will provide the district with more flexibility in site layout, and it may improve the caliber of development or businesses that the district could attract, due to the site’s highly visible location. Adding this property to the district may raise the overall quality of development, beyond what may have been possible otherwise in the district and in this location.

PUDD 1 explicitly lists permitted land uses and maximum square footages for each use category. For example, “general commercial/retail/fitness” uses are capped at 120,000 sq. ft., up to 40,000 sq. ft.

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Shaping places, shaping change

per floor, and up to two stories in height. Ultimately, the additional half-acre of land provided by this parcel will enable the district to add *more developable square footage*, even after accounting for parking requirements, height limitations, landscape surface area requirements, etc. (Staff notes that maximum square footages established by PUDD 1 will not be increased. However, the maximums in PUDD 1 are somewhat “oversized” to account for parcel size constraints, parking requirements, height limitations, landscape surface area requirements, etc., and so staying within the maximums should not be a significant issue.)

Action by the Plan Commission

As part of the consideration of a requested zoning map amendment, the Plan Commission should:

- Provide the Village Board with a **recommendation** regarding the proposed zoning map amendment to PUDD 1; and,
- Include **findings** required by the zoning ordinance for zoning map amendments.

Plan Commission Findings

In making its recommendations to the Village Board, the Plan Commission should consider whether the proposed development meets each of the following criteria, adapted from Section 125-106 of the zoning ordinance. Staff advises the Commission to consider the subject parcel within the context of the larger PUDD 1 when reviewing the criteria.

If the Commission wishes to recommend approval, then the appropriate fact finding would be *in agreement* with Items 1 through 8 of the following:

- (1) That such development will create an attractive mixed use environment:
 - a. That is likely to remain attractive for some time in the future;
 - b. That is compatible with the character of the village; and
 - c. The economic impact of which in terms of income levels, property values, and service demands is substantially as beneficial to the community as that which could be anticipated under the existing zoning.
- (2) That the project will not create traffic or parking demands substantially greater than that anticipated under the existing zoning.
- (3) That the proponents of the proposed development have demonstrated that they will start construction within a specified period of time following the approval of the project, that the project appears economically sound, that the proponents of the proposed development have the financial capacity to carry out the project as proposed and furnish proof thereof to commence and complete construction within a time specified by the board of trustees from date of approval.
- (4) That the plan would result in the preservation of open land in a manner that would enhance the total environmental setting and desirability of the development and compensate for any reduction in individual lot area requirements which are allowed.
- (5) That adequate guarantee is provided for permanent preservation of the residual common open land area resulting from the application of these regulations by private reservation as an enhancement to the development.

- (6) That the common open area to be reserved shall be protected against building development by conveying to the village as part of the conditions for project approval an open space easement over such common open areas, restricting them against any future building or use except as is consistent with that of providing natural or landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences.
- (7) That the care and maintenance of such common open space reservations shall be ensured either by establishment of an appropriate management organization for the project or by agreement with the village for establishment of a special service district for the project area on the basis of which the municipality shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area.
- (8) That the ownership and tax liability of private common open space reservations shall be established in a manner acceptable to the village and made a part of the conditions of the plan approval.

Staff Recommendation

1. Staff recommends that the Plan Commission recommend *approval* of the zoning map amendment as proposed.
2. Staff recommends the *affirmative set of findings* provided above.