

**TOWN OF GENESEE PLAN COMMISSION MINUTES
FEBRUARY 22, 2010**

Present: Engelking, Girman, Houston, Lightfoot, Turzynski, Schmittinger

Also Present: Leair, Herrmann, Friedlein and Sheri Lieffring from Waukesha
County Parks and Land Use

Meeting called to order by Mrs. Leair at 7:00 P.M.

Joint Public hearing between the Town of Genesee Plan Commission and a Staff Representative of Waukesha County Parks and Land Use to consider the Conditional Use Request of David and Kathy Gee, W300 S5721 Hwy. 83, Mukwonago, WI 53149 to permit a private club and resort (CU-1524). It will consist of an educational operation where the public can visit the property by appointment and learn about the farm and farm animals.

Mr. & Mrs. Gee were present and explained they have 2 horses, 5 llamas, 3 goats, 2 sheep, 1 Prairie Dog and 4 birds. She said they have a large front yard and they would like to have a gathering area there. They have a corral area and within the corral they would have smaller pens. They would introduce the animals one by one and the guests would have the opportunity to pet them and they would learn the care of the animals. They may milk a goat; make butter; homemade ice cream. (See attached description.) The guests would only leave the gathering area if they go on a wagon ride around and around the pastures. They would expect to have no more than 30 people at a time, it may be a daycare group or school group. Normally, it will probably be one or two families at a time. They would operate Monday through Saturday during daylight hours and by appointment, March 1 through October. The rest of the year, they might take the animals to other houses for parties, etc., November 1 through February, nothing going on then at this property. They will have a temporary portable handicapped toilet and there would be a sink. Environmental Health approval is required for the toilet/sink. (The petitioner was told to contact Dave Egli and Environmental Health.)

Mrs. Gee said they looked into a day camp for the future. She said there is a lot more paperwork involved. They will not be doing that at this time, but could possibly in the future. If this were to happen, each camp would be for a period of a week, day light hours only and no one would stay overnight. No food would be served, the visitors would bring a bag lunch. (If lunch would be served, a restaurant license from the County would be required.) The day camp would be from 8:30 AM to 2:00 PM and there would be no more than eight (8) children at a time. These children then would be in the barn and pasture area to help take care of the animals including feeding and cleaning.

There will be a small gift shop under the canopy in the front yard with a minimal amount of souvenir's such as hats and t-shirts.

As far a signage goes, they would put out a yard sign with their logo on it so people coming there can find their driveway. Ms. Lieffring stated that the ordinance reads that off-street parking for this of use, that have the capacity for four or more vehicles, needs to be surfaced, screened and a

reasonable dustless condition. Parking would be available on the south side of the property. It is a grassy area. Visitors would drive in on the paved driveway and park in the grassy area which is 38' deep and 141' wide. There are a lot of evergreens on the southern lot line that screen the property adequately. The parking area is 400 and some feet off of the highway. There would be fewer than six/eight vehicles. Ms. Lieffring stated that this particular conditional use leaves it up to the Plan Commission to determine the parking regulations. The Plan Commissioners felt that what is there should be adequate.

The petitioners are also requesting wetland rides. One of the owners would drive 3-4 passengers through the conservancy on an all terrain vehicle built for water and land. Mr. Gee was told to contact the DNR, Andy Hudack, regarding the tramping through the wetlands. This property is 44 acres and Ms. Lieffring said from the aerial photos, it looks like the wetlands constitute probably about 75% of the lot area.

Highway 83 is being widened in this area, the State bought 6 tenths of an acre from the Gee's. Ms. Lieffring asked if Mr. Herrmann thought the State should weigh in on the public access of that property. Mr. Herrmann said Mr. Gee should contact Andy Maxwell from the D. O. T. Mr. Gee should have the State send a letter to the County and the Town stating that the Gee's have their approval and/or they don't need anything.

Opened to the floor for comment. There were no comments from the floor, brought back to the table. There were no more questions. Hearing closed at 7:20 PM.

Discussion/Action on Conditional Use Request of David and Kathy Gee to permit a private club and resort.

Mr. Herrmann questioned whether or not a Manure Management Plan is required. Also there should be conditions regarding dumpsters, access to Highway 83 and State approval, list of items to be sold and a Site Plan and Plan of Operation. The discussion on the disposal of manure. Mr. Gee stated he piles up the manure, but not for a long time. He does spread some of the manure and they use it when they turn up the ground in the spring to replant the grass. The Plan Commissioners didn't think it was necessary to have a Manure Management Agreement, but felt that if the odor becomes a problem or something like that, that the Plan Commissioners have the right to revisit the issue.

Motion by Mr. Engelking to recommend to the County approval of the Conditional Use Request of David and Kathy Gee as presented here this evening subject to our Town Planner drafting conditions of approval, including DOT approval, DNR approval if applicable and with Mr. Herrmann reviewing the Site Plan and Plan of Operation details as presented this evening. Motion seconded by Mr. Houston. Motion carried unanimously.

Discussion/Action-Hobby Kennel request of Robert and Kathryn Niebler, W304 S3316 Brookhill Road, Waukesha, WI 53189 for up to four (4) dogs.

Mr. Niebler was present. They now have three (3) dogs and may get a fourth dog, but that would be the most that they would have. The dogs are inside dogs and they do have an invisible fence

in their yard for boundaries. He said they would not be doing any breeding of dogs. The Town has not received any complaints.

Opened to the floor for comment. There were not any comments from the floor, brought back to the table. Mrs. Leair read a note from Mr. Juergen Sperzel, S31 W 30269 Sunset Drive, Waukesha, WI 53189, stating that he did not have any objection to Mr. Niebler's request for up to four dogs. There were no more comments.

Motion by Mr. Houston to approve the Hobby Kennel request of Robert and Kathryn Niebler for up to four (4) dogs, any breed of dogs, subject to the Standard Hobby Kennel Conditions. Motion seconded by Mr. Lightfoot. Motion carried unanimously.

Discussion/Action-Site Plan and Plan of Operation – Lilies Place, Coffee/Gift Shop, S42 W31428 Hwy. 83, Catherine Witkowski

Ms. Witkowski was present along with Jim and Jackie Brown.

Mr. Herrmann explained that the Plan Commission had already approved the building as you see it now. There were some issues with the building and State approved plans, they modified the State approved plans. The Town Building Inspector and the Wales/Genesee Fire Chief have some concerns based on the Planner's review and the seating capacity of the restaurants and . Lilies is going to be licensing the entire premises for the liquor license. Pal's Ice Cream Shoppe & Grille will be leasing space from Lilies. Even though Pal's is not going to be having any type of alcohol served at his establishment, this is so that they can have a confined seating area. With that, Lilies also wants to have two (2) festivals, one grand opening festival and a winter festival for ice sculptures, etc. Lilies is also requesting to have Art and Ware Market where they would have approximately 26 vendors in tents on their property and they would use the Town Hall parking lot for parking during those events. They are looking at having approximately nine (9) of those events. Issues that came about are, Liquor licensing of the establishment and having liquor outside on the deck and gazebo area. Also, outside seating capacity and inside seating capacity is a concern. The State approved plans are very specific in that they want the total capacity on the main level limited to 49 persons. They need to post a sign at the main entrance that it shall be limited to 49 persons. Mr. Herrmann said he wasn't sure if that included the gazebo and deck. The Fire Chief's feeling is that it does include the deck and gazebo. Right now they show 60 some seats. The number of 49 from the State includes employees and guests. (Ms. Witkowski said she talked to the State and that is not what they told her. She will get us a copy of the letter from the State.) This will have to be verified by the State. One of the other issues is serving of alcohol outside. They did get approval of a liquor license from the Town Board, but it probably didn't include the outside area. The license would have to be amended to serve alcohol outside.

Mrs. Leair explained that there is one place in the Town that has outdoor seating, Saxe's. Mr. Saxe had to jump through hoops to get it approved outside. Access was through the building only for the outside seating. In this case, there are also stairs coming up to the gazebo and deck area. Mr. Brown said the Fire Chief requested the stairs for egress off of the deck, there was a letter from the State dated June 29, 2009. Mr. Engelking stated that what the State is saying is

that with the stairs, a hand mail would have to be included, not that the stairs are required. They were presented with plans with the stairs on it. If a liquor license is extended to allow for alcohol on the deck/gazebo, the deck/gazebo shall be accessed from the restaurant. The person serving on the deck/gazebo would be responsible to know who is drinking on the deck/gazebo area. Mr. Brown said the alcohol and food would not be sold outside, it would be purchased inside and carried outside. There will be no dispensing of alcohol outside. No beer or wine will be allowed on the patio. Ms. Witkowski said her intention is to serve specialty beers and wines, no alcohol. No one will be allowed to carry any beer or wine around on the grounds and not during the Art & Ware Market or any other events either. The Plan Commissioners felt they did not have a problem with serving the alcohol if the petitioner gets approval from the Town Board to extend their liquor license to the deck/gazebo area.

Ms. Witkowski asked about them having private parties such as showers on the second floor and serving wine. It would still be part of Lilie's. Mr. Herrmann said she would have to have a site plan and plan of operation for that upper level and tell us what kind of parties they are going to have, etc. He said she would have to describe the entire premise including that portion of the upstairs on the liquor license application to the Town Board.

Mr. Schmittinger said you can have family parties there. He said if they rented the space out, then it becomes a commercial operation, but if they are just having a party for their family, utilizing a space that isn't being used for anything else it should be okay.

Mr. Herrmann said if this is something they want to do in the future, they should come in and talk to him about it.

They will have five (5) full time employees and five (5) part-time employees. They will be open seven (7) days per week. In their request they asked for December festival for ice carving and other miscellaneous. This was changed to read "Winter Festival" instead of December Festival. On Mr. Herrmann's Report and Recommendation of February 15, 2010, change condition #14 to read: "If alcohol is permitted on the deck/gazebo, the deck/gazebo shall only be accessed via the restaurant". (The second sentence of #14 was eliminated.) Mr. Herrmann will add a condition about the seating capacity and verification by the State. Mr. Houston said they should put up signs that there will be no alcohol permitted off the deck. This will be added to condition #14. No alcohol allowed on the patio. The hours on the patio and deck area were discussed. After discussion they all agreed that the patio and deck area can be open until 10:00 PM. Indoors they can be open until 11:00 PM. (The hours for serving alcohol should be discussed by the Town Board at the time they approve the liquor license.) They will have coach lighting on the columns and spots above the doors.

Also mentioned was the safety issue with crossing the street from the Town Hall parking lot over to Lilies and Pal's. The yellow cross walk will have to be painted and also there is a possibility of getting a couple of signs indicating the crosswalk is there. Lilies and Pal's should make people aware that the crosswalk is there.

Mr. Herrmann's report and recommendation:

TOWN OF GENESEE PLANNING COMMISSION
PLANNER'S REPORT & RECOMMENDATION
SITE PLAN/PLAN OF OPERATION

PROJECT NAME: Lilies Place

DATE: February 15, 2010

TAX KEY NUMBER: GNT 1521.037

OWNER/PETITIONER: Cathy Witkowski
d/b/a Lilies Place
114 E Roberta
Waukesha, WI 53186

LOCATION OF PROPERTY:
A part of the NE 1/4 of Section 21, T6N, R18E, Town of Genesee, located at S42 W31428 S.T.H. 83.

PRESENT ZONING:
B-2 Local Business District.

PRESENT LAND USE:
Vacant Commercial.

PLANNER'S ANALYSIS:

On July 23, 2007, the Town of Genesee Plan Commission approved the request of Cathy Witkowski, d/b/a Catherine's Kids, LLC, 114 E. Roberta, Waukesha, Wisconsin to convert an existing residential structure into a multi-tenant commercial building. At that time, the proposed uses included retail and office type uses. The first floor contains approximately 1,657 Square feet with five (5) possible retail space areas, two (2) bathrooms and a storage area with additional space located on the proposed wood deck and gazebo area. The second floor contains 1,426 square feet for offices, bathrooms and storage space. The petitioner did not indicate what, if anything will be in basement.

The petitioner is proposing to occupy approximately 1,400 square feet of the first floor for the operation of a Coffee & Gift Shop serving bakery, pizza's, snacks, sandwiches, specialty drinks (coffee, tea, smoothies) and alcoholic beverages (beer & wine). The petitioner did not submit a detailed menu of items to be served. The petitioner is proposing to have the entire premise licensed for the sale and consumption of alcoholic beverages. The petitioner will need to obtain a liquor license from the Town of Genesee Town Board. A restaurant license will also be required from Waukesha County for this operator. The petitioner will be leasing a portion of the building to her brother who is proposing to operate a soda fountain. The petitioner has also discussed in the past about having live music inside the restaurant or on the gazebo between 5:00 p.m. and 10:00 p.m. on Thursday, Friday and Saturday.

The interior floor plan includes a common seating area of seven (7) tables with four (4) chairs

each, a large service counter, display area, storage area and under counter refrigerator and freezer. In addition, ten (10) tables with thirty-two (32) chairs are proposed on the deck/gazebo area and three (3) tables with twelve (12) chairs on the proposed patio area. The patio area was an after thought and was never approved by the Town Plan Commission.

In addition to the proposed restaurant use, the owner/operator of Liles Place is proposing to have flea markets, festivals, etc. She would like to hold up to two (2) festivals a year. On July 17, 2010, the owner would like to have a “2010 Grand Opening & Dedication Ceremony” from 11:00 a.m. to 11:00 p.m. This festival would contain live bands (music), beer and soda tent, food tent, games, talent competitions, and artist displays. The festival would have between 60 – 75 people at any one time. In December, the owner/operator would like to hold a December Festival with Ice carvings, Christmas music, hot chocolate & coffee tent, food tent, outdoor games and events, including a visit from Santa.

The owner/operator is also proposing to have a weekly “Art & Ware Market” for nine Saturdays during the months of May through October. The market would be very similar to a flea market, which would include various vendors selling their antiques, art ware, crafts, fruits, vegetables, and other collectibles. The vendors would set up in the grassy area next to the sidewalk and along the parking area. No parking stalls would be used for vendors; however the location of the vendors’ vehicles is not specifically stated in the application. It is anticipated that the Town Hall Parking Lot would be used for vendor parking as well as customer parking. The Town of Genesee recently designated the Town Hall parking lot as a municipal parking lot.

The proposed interior plan is different than what was approved by the Wisconsin Department of Commerce. Since the plans have changed, the Department of Commerce will need to approve the proposed alterations. In addition, it appears that the center portion of the building and the deck/gazebo area will be used in common with Pal’s, another business operating on the first floor.

The operation will employ five (5) full-time employees and five (5) part-time employees. The business will be open seven (7) days a week. The hours of operation will be from 5:00 a.m. to 11:00 p.m. each day of the week. No changes or additional exterior lighting is proposed. The entire site currently accommodates 18 marked parking stalls. Based on the proposed uses on the property, the Waukesha County Zoning Code requires approximately 14 parking stalls. It appears the petitioner is proposing a sign, but the sign size and location are not given. The property is served by an on-site waste disposal system and private well. In addition the property has a private refuse collection. The Environmental Health Division must certify that the existing on-site waste disposal system is adequate for the proposed use.

PLANNER’S RECOMMENDATION:

Based upon the above information, the Town Planner recommends the Town Plan Commission **approve** this request subject to the following additional conditions:

1. Documentation shall be submitted to the Town Planner that Waukesha Department of Parks and Land Use has approved the Site Plan and Plan of Operation. Any and all

conditions established by Waukesha County shall be adhered to.

2. All previous conditions imposed by the Town of Genesee for Catherine's Corner Shops shall remain in effect unless specifically modified herein.
3. Subject to documentation being submitted to the Town Planner that Waukesha County Environmental Health Division has approved the on-site waste disposal system for the proposed uses on the property, prior to the issuance of any permits.
4. A restaurant license and prerequisite inspection shall be completed and documentation of said inspection and compliance shall be submitted to the Town Planner prior to issuance of an occupancy permit.
5. Documentation shall be submitted to the Town Planner that the Town of Genesee Town Board has issued a Liquor License for the exact premise of the proposed operation, prior to the sale of any alcoholic beverages.
6. Documentation shall be submitted to the Town Planner that the Wisconsin Department of Revenue has approved the issuance of a liquor license for Lilies Place with the knowledge that Pal's Soda Fountain & Grill will be located in the same building with out a liquor license.
7. Subject to the property owners taking all necessary precautions to insure pedestrian traffic only cross Hwy 83 at an approved crosswalk.
8. Subject to the petitioner providing documentation to the Town Planner that the Wisconsin Department of Commerce has approved the proposed changes to the State Approved Plans, prior to the issuance of any permits.
9. Subject to the petitioner obtaining a letter from the State of Wisconsin Department of Transportation (DOT) indicating the existing accesses for the proposed uses meet DOT standards. Said letter shall be submitted to the Town Planner, prior to the issuance of any permits.
10. Subject to no more than two (2) festival's per calendar year and nine (9) markets as described in the Plan of Operation application, unless specifically approved by the Town Plan Commission through an amended Plan of Operation.
11. The two (2) festivals shall be approved by the Town Plan Commission at least 30 days prior to each festival taking place on the property.
12. Absolutely no live or amplified music shall be allowed outside except during the festivals, unless specifically approved by the Town Plan Commission.
13. The first four (4) "Art & Ware Market's" shall provide a detailed list of vendors and the type of commodities they are selling.

14. If alcohol is permitted on the deck/gazebo, the deck/gazebo shall only be accessed via the restaurant. There shall not be a separate access to the deck/gazebo from the ground or from outside the restaurant.
15. The Plan of Operation shall be subject to the submittal of a yearly report beginning January 1, 2011 and continuing each year thereafter, until the Town of Genesee Plan Commission determines said yearly review is no longer necessary. In the event that the festivals or the markets are not in substantial compliance with all terms of this Plan of Operation or the conditions of the neighborhood changes, then, in that event, the Plan Commission for the Town of Genesee and the Waukesha County Department of Parks and Land Use staff may add additional conditions or modify the conditions stated herein, in order to obtain compliance with said conditions stated herein.
16. The Wales/Genesee Fire Chief shall inspect the premises to insure all applicable fire codes are complied with and that a Knox Box has been installed in conformance with the Town of Genesee Knox Box Ordinance.
17. The Town Building Inspector shall inspect the premises to insure all applicable building codes have been complied with.
18. Detailed sign renderings, colors and location of any and all proposed signs shall be reviewed and approved by the Town Planner, prior to the issuance of a building permit for said sign(s).
19. The proposed dumpster shall be completely enclosed by a wood fence or concrete barrier. Landscaping shall be provided on the north and east sides of the proposed dumpster. A detailed plan showing the aforementioned requirements shall be submitted to the Town Planner prior to the issuance of any permits.
20. No outside storage shall be allowed, unless specifically approved by the Town Plan Commission.
21. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
22. An up to date Plan of Operation must be on file, at all times, with the Town of Genesee Plan Commission and Waukesha County.
23. Subject to the applicant allowing the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.
24. Subject to all activities on the subject property herein may not in anyway become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor.

25. The Town reserves the right to review any condition imposed as part of this Plan of Operation if said use becomes a problem in the area. The Town Plan Commission may modify, change, delete, add, etc. any conditions, which they feel may be reasonable in order to allow this use and insure it does not become detrimental to the surrounding area.
26. Professional fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this Plan of Operation, including the cost of professional services incurred by the Town (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 conditional approval due to a violation of these conditions.
27. Payment of Charges. Any unpaid bills owed to the Town by the subject Property Owner or his or her tenants, operators or occupants, 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; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, 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, including possible cause for termination of the conditional approval.

Respectfully submitted,

Jeffrey C. Herrmann, AICP
Town Administrator/Planner

Motion by Mr. Engelking to approve the Site Plan and Plan of Operation for Lilies Place subject to our Town Planner's Report and Recommendation dated February 15, 2010 with the amendment to condition #14, eliminating the second sentence and adding "Signs shall be posted that absolutely no alcoholic beverages shall be removed from the deck/gazebo area and no alcoholic beverages allowed on the patio". Add a condition that the Town Planner and Town Building Inspector verify the seating capacity with the State. Hours for the deck/gazebo and patio no later than 10:00 PM. No live or amplified music allowed outside except during the festivals, unless specifically approved by the Town Plan Commission. Also subject to petitioner furnishing to the Town Planner, a letter from the State D.O.T. indicating the existing accesses meet DOT standards. Motion seconded by Mr. Girman. Motion carried unanimously.

Discussion/Action-Site Plan and Plan of Operation, Pal's Ice Cream Shoppe & Grill, S42 W31428 Hwy. 83, Jim & Jackie Brown.

Jim & Jackie Brown were present.

There are no issues with this application. There will not be any alcohol served. They will be an old fashioned ice cream parlor concept with homemade ice cream products, sandwiches, soups, side and beverages. They will also have old fashioned candy and other confections such as

chocolate dipped pretzels and caramel corn. There hours will be Monday through Sunday from 10:30 AM until 11:00 PM. They will have a staff of ten (10). He plans to have 2-4 employees in the shop at all times. He plans on opening May 1, 2010. They will put up a temporary banner across the two trees for opening. (Also would like a temporary banner type sign for the festivals.)

Mr. Herrmann's report and recommendation:
TOWN OF GENESEE PLANNING COMMISSION
PLANNER'S REPORT & RECOMMENDATION
SITE PLAN/PLAN OF OPERATION

PROJECT NAME: Pal's Soda Fountain & Grille

DATE: February 15, 2010

TAX KEY NUMBER: GNT 1521.037

PETITIONER: Jim & Jackie Brown
d/b/a Pal's Soda Fountain & Grille
S26 W31396 Cregennan Bae
Wales, WI 53183

OWNER: Cathy Witkowski
d/b/a Catherine's Kids, LLC
114 E. Roberta
Waukesha, WI 53186

LOCATION OF PROPERTY:
A part of the NE 1/4 of Section 21, T6N, R18E, Town of Genesee, located at S42 W31428 S.T.H. 83.

PRESENT ZONING:
B-2 Local Business District.

PRESENT LAND USE:
Vacant Commercial.

PLANNER'S ANALYSIS:
On July 23, 2007, the Town of Genesee Plan Commission approved the request of Cathy Witkowski, d/b/a Catherine's Kids, LLC, 114 E. Roberta, Waukesha, Wisconsin to convert an existing residential structure into a multi-tenant commercial building. At that time, the proposed uses included retail and office type uses. The first floor contains approximately 1,657 Square feet with five (5) possible retail space areas, two (2) bathrooms and a storage area with additional space located on the proposed wood deck and gazebo area. The second floor contains 1,426 square feet for offices, bathrooms and storage space. The petitioner did not indicate what, if anything, will be in basement.

The petitioner is proposing to occupy approximately 491 square feet of the first floor for the operation of a soda fountain and grille. The petitioner did not submit a detailed menu of items to be served. Although the petitioner will be sharing seating with Lilies Place, the proposed operation will not be serving alcoholic beverages. If alcohol is proposed in the future, the operator will need to obtain a liquor license from the Town of Genesee Town Board. A restaurant license will also be required from Waukesha County for this operator.

The interior floor plan includes: two (2) tables with two (2) chairs, a large service counter, candy display area, storage area and cooler. The proposed interior plan is different than what was approved by the Wisconsin Department of Commerce. Since the plans have changed, the Department of Commerce will need to approve the proposed alterations. In addition, it appears that the center portion of the building and the deck/gazebo area will be used in common with Lilies Place, another business operating on the first floor. The center portion of the building includes seven (7) tables with four (4) chairs each. The deck/gazebo area also has ten (10) tables with seating for thirty-two (32) patrons. In addition, it appears the petitioner is constructing a patio near the gazebo, which was never approved by the Town Plan Commission. The patio area will have three (3) tables with twelve (12) chairs.

The operation will employ two (2) full-time employees, eight (8) part time employees and approximately six (6) seasonal employees. The business will be open seven (7) days a week from 10:00 a.m. to 10:00 p.m. No changes or additional exterior lighting is proposed. The entire site currently accommodates 18 marked parking stalls. Based on the proposed uses on the property, the Waukesha County Zoning Code requires approximately 14 parking stalls. It appears the petitioner is proposing a sign, but the sign size and location are not given. The property is served by an on-site waste disposal system and private well. In addition the property has a private refuse collection. The Environmental Health Division must certify that the existing on-site waste disposal system is adequate for the proposed use.

PLANNER'S RECOMMENDATION:

Based upon the above information, the Town Planner recommends the Town Plan Commission **approve** this request subject to the following additional conditions:

1. Documentation shall be submitted to the Town Planner that Waukesha Department of Parks and Land Use has approved the Site Plan and Plan of Operation. Any and all conditions established by Waukesha County shall be adhered to.
2. All previous conditions imposed by the Town of Genesee for Catherine's Corner Shops shall remain in effect unless specifically modified herein.
3. Subject to documentation being submitted to the Town Planner that Waukesha County Environmental Health Division has approved the on-site waste disposal system for the proposed uses on the property, prior to the issuance of any permits.
4. A restaurant license and prerequisite inspection shall be completed and documentation of said inspection and compliance shall be submitted to the Town Planner prior to issuance of an occupancy permit.

5. Subject to the petitioner providing documentation to the Town Planner that the Wisconsin Department of Commerce has approved the proposed changes to the State Approved Plans, prior to the issuance of any permits.
6. Subject to the petitioner obtaining a letter from the State of Wisconsin Department of Transportation (DOT) indicating the existing accesses for the proposed use meets DOT standards. Said letter shall be submitted to the Town Planner, prior to the issuance of any permits.
7. The Wales/Genesee Fire Chief shall inspect the premises to insure all applicable fire codes are complied with and that a Knox Box has been installed in conformance with the Town of Genesee Knox Box Ordinance.
8. The Town Building Inspector shall inspect the premises to insure all applicable building codes have been complied with.
9. A detailed sign rendering, colors and location of any and all proposed signs shall be reviewed and approved by the Town Planner, prior to the issuance of a building permit for said sign(s).
10. The proposed dumpster shall be completely enclosed by a wood fence or concrete barrier. Landscaping shall be provided on the north and east sides of the proposed dumpster. A detailed plan showing the aforementioned requirements shall be submitted to the Town Planner prior to the issuance of any permits.
11. No outside storage shall be allowed, unless specifically approved by the Town Plan Commission.
12. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
13. An up to date Plan of Operation must be on file, at all times, with the Town of Genesee Plan Commission and Waukesha County.
14. Subject to the applicant allowing the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.
15. Subject to all activities on the subject property herein may not in anyway become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor.
16. The Town reserves the right to review any condition imposed as part of this Plan of Operation if said use becomes a problem in the area. The Town Plan Commission may modify, change, delete, add, etc. any conditions, which they feel may be reasonable in order to allow this use and insure it does not become detrimental to the surrounding area.

17. Professional fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this Plan of Operation, including the cost of professional services incurred by the Town (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 conditional approval due to a violation of these conditions.

18. Payment of Charges. Any unpaid bills owed to the Town by the subject Property Owner or his or her tenants, operators or occupants, 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; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, 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, including possible cause for termination of the conditional approval.

Respectfully submitted,

Jeffrey C. Herrmann, AICP
Town Administrator/Planner

Motion by Mr. Engelking to approve the Site Plan and Plan of Operation of Pal's Ice Cream Shoppe and Grille subject to our Town Planner's report and recommendation dated February 15, 2010. Also change hours to 10:30 AM to 11:00 PM. Motion seconded by Mr. Houston. Motion carried unanimously.

**Discussion/Action-Site Plan and Plan of Operation-Retzer Nature Center, S14 W28167
Madison Street, Waukesha, WI 53188 for maintenance building**

Pam Lin was present.

Mr. Herrmann said this was a relatively simple request. They are looking to put up a new maintenance facility. The new entrance would be off of Madison Street. The building will have public restrooms, cold storage, a shop, service yard, seed cleaning and seed storage.

There will be six (6) full-time employees and seven (7) part-time employees and five (5) seasonal employees and numerous volunteers. The grounds are open year round, seven (7) days a week from sunrise to 10:00 PM.

Mr. Herrmann's Report and Recommendation:

TOWN OF GENESEE PLAN COMMISSION
PLANNER'S REPORT AND RECOMMENDATION
PLAN OF OPERATION

PROJECT NAME: Retzer Nature Center

TAX KEY NUMBER: GNT 1441.997
GNT 1441.998.002
GNT 1444.999
GNT 1485.999

DATE: February 15, 2010

NAME OF PETITIONER:
Retzer Nature Center
c/o Duane Grimm, Park System Manager
515 W Moreland Blvd – Room 230
Waukesha, WI 53188

NAME OF OWNER: Waukesha County Department of Parks and Land Use
515 W. Moreland Blvd – Room 230
Waukesha, WI 53188

LOCATION OF PROPERTY:
A part of sections 1 and 12 in the Town of Genesee and Section 6 in the Town of Waukesha and Section 36 in the Town of Delafield. The parcel is located on the southeast corner of the intersection of Road DT and Madison Street, containing approximately 275 acres in the Town of Genesee and 394.5 acres overall.

PRESENT ZONING:
P-I Public and Institutional District.
A-1 Agricultural District.
C-1 Conservancy District.
A-E Exclusive Agricultural Conservancy District.

PRESENT LAND USE:
Non-profit nature center owned and operated by Waukesha County.

PROPOSED REQUEST:
Retzer Nature Center has operated in the Town of Genesee since 1974 when Mrs. John Retzer willed their land to Waukesha County, who began developing the nature center. In 1986, a 5,300 square foot building was constructed. The building was used as the headquarters for the Nature Center staff, who used the building to conduct environmental education programs as well as a visitor's center. In 2004, Waukesha County added a 4,622 square foot learning center and a 3,620 square foot planetarium.

The petitioner is proposing to construct a new 4,730 square foot maintenance building to the north of the existing parking lot. The new maintenance facility will combine maintenance functions and native plant handling facilities for Retzer Nature Center. Currently, those functions are spread out in various newer and older buildings on the property. The new maintenance building will consist of public restrooms, heated shop and storage, cold storage, service yard,

seed cleaning and seed storage area.

Much of the existing storage space is inadequate requiring equipment to be stored in an old shed with some equipment being stored outside. A trailer is presently stored outside, which is unsightly and just off the parking lot.

Retzer Nature Center employs six (6) full-time employees, seven (7) part-time employees, five (5) seasonal employees and numerous volunteers. The grounds are open year round, seven (7) days a week, from sunrise to 10:00 p.m. All other uses on the property will stay the same.

PLANNER'S RECOMMENDATION:

It is the opinion of the Town Planner that this request be **approved** subject to the following conditions:

1. Documentation shall be submitted to the Town Planner that Waukesha County Park and Planning Commission has approved the Site Plan and Plan of Operation. Any and all conditions established by Waukesha County shall be adhered to. In addition, all previous Plan of Operation conditions imposed by the Town of Genesee or Waukesha County shall continue in effect unless modified herein
2. Subject to the petitioner applying for and receiving all applicable building permits from the Town of Genesee Building Inspector for the proposed maintenance building prior to commencing any work on the Building. A complete set of State approved plans shall be submitted to the Town Planner and the Town of Genesee Building Inspector for review and approval prior to the issuance of a building permit.
3. Documentation shall be submitted to the Town Planner and Town Building Inspector that Waukesha County Environmental Health Division has reviewed and issued a sanitary permit for the new maintenance building prior to the issuance of a building permit.
4. If any landscaping is proposed around the building, a Landscaping Plan showing the location, size and type of planting shall be submitted to the Town Planner for review and approval prior to the issuance of the Plan of Operation/Use Permit.
5. Any new dumpsters shall be completely enclosed by a fence or stored inside the building. The exact location of the dumpster and the type of material used shall be submitted to the Town Planner for review and approval, prior to the issuance of a Plan of Operation/Use Permit.
6. Subject to any new outdoor lighting being reviewed and approved by the Town Planner and Waukesha County to ensure no fugitive lighting results from the proposed lights.
7. The Fire Chief shall inspect said premises to ensure that all fire codes are being complied with and that a Knox Box has been installed in conformance with the Town of Genesee Knox Box Ordinance. All compliance violations shall be corrected to the Fire Chief's satisfaction, prior to the issuance of an Occupancy Permit.

8. An up-to-date Plan of Operation must be approved and on file at all times with the Town of Genesee Plan Commission and Waukesha County.
9. Documentation shall be submitted to the Town Planner that all required Federal, State, County and Local licenses and permits have been obtained for any and all uses.
10. Subject to the applicant allowing the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.
11. The Town and County may modify, change, add or delete conditions of this approval as deemed necessary by both the Town of Genesee Plan Commission and Waukesha County.
12. All activities on the subject property herein may not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor.
13. Professional fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this Plan of Operation, including the cost of professional services incurred by the Town (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 conditional approval due to a violation of these conditions.

Respectfully submitted,

Jeffrey C. Herrmann, AICP
Town Administrator/Planner

Ms. Lin said the building will be the same color as the nature center is now, stone on the bottom. There will be plant material in front. It will be built into a hill so it blends into the site.

The Plan Commissioners didn't have a problem with the proposed maintenance building as presented here tonight.

Motion by Mr. Lightfoot to approve the Site Plan and Plan of Operation request of Retzer Nature Center for a maintenance building subject to our Town Planner's Report and Recommendation dated February 15, 2010. Motion seconded by Mr. Houston. Motion carried unanimously.

Discussion/Action-CSM-Tom & Lynn Saxe, Highway 18

This CSM was submitted before and now there are just some minor changes. Wetlands need to be clearly marked on the CSM. It states, "zoned" on the CSM but it doesn't say what it is. We need something from the DOT on vehicular access.

Mr. Herrmann's Report and Recommendation:

TOWN OF GENESEE PLAN COMMISSION & TOWN BOARD
PLANNER'S REPORT AND RECOMMENDATION

CERTIFIED SURVEY MAP

PROJECT NAME: Saxe CSM

DATE: February 15, 2010

OWNER: Tom & Lynn Saxe
W325 S1767 Mickle Road
Delafield, WI 53018

TAX KEY NO.: GNT 1457.999
GNT 1458.994

LOCATION: Being a part of the NE ¼ and the NW ¼ of Section 5,
Town of Genesee, Waukesha County, Wisconsin.

ZONING CLASSIFICATION: B-3 General Business District.

LOT SIZE: Approximately 7.45 Acres.

REQUESTED USES: A three (3) lot Certified Survey Map (CSM).

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE PLAN - 2035:

The recommended Land Use Plan for the Town of Genesee, as noted in the Town of Genesee Comprehensive Land Use Plan – 2035 identifies this property in a Commercial category. It should be noted that the Development Plan for Waukesha County also has this property located in a Commercial category. Therefore, the proposed CSM complies with the Comprehensive Land Use Plan for the Town of Genesee.

STAFF ANALYSIS:

In January 2005, the Town of Genesee Plan Commission reviewed a conceptual land division for Tom and Lynn Saxe, 2451 Pickeral Lake, East Troy, Wisconsin to re-divide two (2) existing parcels into three (3) parcels of land. The petitioner submitted a similar CSM in April 2009, but subsequently withdrew that request. The property contains approximately 7.45 acres of land and

has about 2,284 feet of frontage on U.S.H. 18. The petitioner has now submitted a formal Certified Survey Map (CSM) dated revised January 21, 2010. Lot 1 will be 2.76 acres in size and is currently vacant. Lot 2 will be 1.65 acres in size and contains the existing volleyball court and the bituminous parking area for the volleyball court and the restaurant on the west side of Mickle Road. Lot 3 will be 2.41 acres in size and contains the existing restaurant and banquet facilities. It is important to note that Mickle Road separates Lots 2 and 3. A restriction is noted on the CSM indicating that Lots 2 and 3 shall be permanently attached and not sold separately. This submittal is a Certified Survey Map (CSM), which gives the Town Plan Commission 45 days and the Town Board 60 days to take action. The CSM was filed with the Town of Genesee on January 21, 2010, giving the Town Plan Commission until March 7, 2010 and the Town Board until March 22, 2010, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated January 21, 2010, I have found the following items must be added to the map or waived by the Plan Commission and Town Board in order to comply with the Town's Land Division Ordinance:

- Section 2.06 (G) Soils Tests Required. Lands to be divided or developed into building sites to be served by soil absorption sewage disposal systems, shall have a minimum of one (1) soil test performed per lot, indicating the lot(s) and building site(s) can support a conventional or mound type of soil absorption sewage disposal system in compliance with Department of Commerce codes, including but not limited to COMM 83 & 85 and all amendments thereto.
- Section 4.02 (M) Existing Zoning on and adjacent to the proposed CSM shall be shown on the CSM.
- Section 5.02 (E) All utility and/or drainage easement shall be shown on the final CSM.
- Section 6.06 Duplicate CSM to be Filed; An identical reproducible copy (on stable drafting film at least 4 mils thick) along with the recording data shall be placed on file with the Town Clerk.
- Section 6.07 The Town Clerk or his/her designee shall place upon a copy of the map on that
that each lot shown on said map the correct legal address numbers assigned to lot in conformity with the grid system in effect in Waukesha County. All costs associated with this shall be paid for by the developer.
- Section 7.02 (A) A planting strip at least 30 feet in depth shall be provided adjacent to U.S.H. 18. This strip shall be a part of the CSM lot, but shall have the following restriction lettered on the face of the CSM: "This strip reserved for the planting of trees and shrubs, the building of structures hereon is prohibited."

PLANNER'S RECOMMENDATION:

Based on the above information, the Town Planner advises the Town Plan Commission to recommend to the Town Board to **approve** the CSM subject to the aforementioned conditions being satisfied prior to Town signing the final CSM and subject to the following:

1. Subject to the developer satisfying all comments, conditions and concerns of the Town Engineer and all reviewing, objecting and approving bodies, including but not limited to the State of Wisconsin Department of Commerce per ch. Comm. 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per ch. 236, Wisconsin Statutes; and the Village of Wales in regard to the CSM, prior to the Town signing the final CSM.
2. All existing and proposed easements shall be shown on the CSM.
3. On Sheet 7 of 7, Waukesha County is listed as a signature to the final CSM. Since the location of the CSM is not within the Waukesha County Shoreland and Floodland Protection Ordinance it may not be necessary to have Waukesha County Review the final CSM. The petitioner should contact Waukesha County to determine if they need to review the CSM. If they do not, then the signature can be removed from Sheet 7 of 7.
4. The wetlands were not field identified; however the wetland taken from the Wisconsin DNR Wetland Inventory Maps shall be clearly marked on the CSM.
5. The petitioner shall provide documentation to the Town Planner from the Wisconsin Department of Transportation (DOT) that access onto U.S.H. 18 from Lot 1 is permitted and the location of said access. The DOT shall approve the location of the right-of-way for U.S.H. 18.
6. A notation shall be located in the legend on the final CSM indicating the feature that indicates access from the proposed lots to S.T.H. 83 is prohibited. There shall be no direct access from Lots 2 or 3 onto U.S.H. 18.
7. Saxe's Restaurant shall amend their Site Plan/Plan of Operation since the property is was previously located on, has now been reduced by 2.76 acres.
8. Subject to the Town Planner verifying all conditions of approval have been complied with prior to the Town Officials signing the final CSM.
9. Subject to, **prior to the Town signing the final CSM**, all other required signatures must be inscribed on the final CSM.
10. Subject to the Developer satisfying all of the aforementioned conditions within one year of the Town Board granting conditional final CSM approval.
11. Any and all waivers reviewed and approved by the Town Plan Commission and Town Board shall be noted on the final plat. The Town Planner shall approve the language of

the note.

12. Professional fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (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 conditional approval due to a violation of these conditions.

13. Payment of Charges. Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permits fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, 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, including possible cause for termination of the conditional approval.

Respectfully submitted

Jeffrey C. Herrmann, AICP
Town Administrator/Planner

Motion by Mr. Schmittinger to approve the CSM for Tom & Lynn Saxe as presented this evening, subject to the Town Planners Report and Recommendation dated February 15, 2010. Motion seconded by Mr. Engelking. Motion carried unanimously.

Review of Pending – Everyone copied.

Approval of Minutes from the January 25, 2010 Plan Commission meeting.

Motion by Mr. Engelking to approve the minutes from January 25, 2010 Plan Commission meeting. Motion seconded by Mr. Schmittinger. One abstention, Mr. Houston. Motion carried.

Correspondence – Everyone copied.

Motion by Mr. Engelking to adjourn. Motion seconded by Mr. Houston. Motion carried unanimously. Meeting adjourned at 8:20 PM.

Respectfully submitted,

Elizabeth Friedlein
Deputy Clerk/Designated Representative