

TOWN OF GENESEE PLAN COMMISSION REVISED MINUTES

FEBRUARY 25, 2019

Chairman Leair called the meeting to order at 6:00 p.m.

Present were: Plan Commissioner Jeff Lightfoot, Mike Toole, Bob Christiansen and Town Board Supervisor Charlie Ross. Absent: Plan Commissioner Brett Engelking and Joe Turzynski. Also present: Planner Jeff Herrmann and Deputy Clerk Cindy Zignego.

Notice is Hereby Given that a Public Hearing will be conducted by the Town of Genesee Plan Commission on Monday February 25, 2019, at 6:00 p.m. at the Town of Genesee Town Hall, S43 W31391 Hwy 83, Genesee Depot, Wisconsin, to consider the Conditional Use Amendment request of Stephanie Seitz, d/b/a/ Hoovers Hause All Dog Rescue, W329 S3144 Bryn Mawr Road, Dousman, Wisconsin to amend her Conditional Use per Section 40 (B)(4) of the Town of Genesee Zoning Code to expand the Commercial Kennel for Rescue Dogs. The property is as Part of Lot 2 of CSM No. 7207 and Outlot of CSM 7207, being a part of the NW ¼ of Section 27, T6N R18E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located on the northeast corner of Commercial Drive and STH 59 and contains approximately 4.36 acres of land. More specifically, the property is located at S47 W30760 Hwy 59.

Stephanie Seitz explained that business has tripled in size and more space is needed for storage and office. Moving the front entrance would separate the dogs in kennels from visitors, thus, reducing barking. There would be no changes to main kennel area. The office could also be used as a puppy room. Seitz requested increasing the number of dogs from 10 to 20, which would be 12 regular dogs and 8 puppies. Currently, 10 regular dogs and one litter of puppies is allowed. Adding a wall and door would create more space for storage. Seitz provided a floor plan illustrating the layout of proposed changes. Seitz requested to add a sign to the Genesee Center sign. Herrmann stated there have been some complaints regarding noise from barking. There have been no complaints from the businesses in the area but complaints from neighbors when dogs are outside. Seitz is not adding any outdoor kennels. Adoption days will remain at one day a month. Christiansen asked if approval for more dogs is denied, would plans move forward with changes. Seitz said additional dogs would generate income to pay for the increase in space.

Leair opened up the floor for comments. Dale Pietenpol, S40W28170 Hwy. 59, asked if Hoovers Hause has protocol for incoming dogs' medical conditions. Sarah Ingle, S50W30834 Old Village Road, had a complaint regarding barking on adoption days. Ingle asked for sanctions to be placed to stop the barking. Jenna Bower, W306S4875 State Road 83, lives across the street and cannot hear the dogs when they are inside. Dogs can be heard barking when outside but it is not all day. On days of events, dogs are outside all day. If a privacy fence was installed, Bower thought that would reduce the barking. Ingle clarified that the barking wasn't an issue when the dogs are inside, it is the 6 hours when they are outside on adoption days. Amy Mitchell, 310 Schroeder Ave., moving the entrance will minimize the barking. Ralph Raush, Holiday Oak Dr., owner of the property, testified the noise issue is when people come and go. He thinks moving the entrance will improve the noise and barking. Ross inquired about a privacy fence to block the dogs view of people entering the building.

Leair opened the table for discussion to the audience. Seitz addressed the dogs' medical conditions. The State conducts inspections once a year and requires that no heartworm positive dogs be brought into Hoovers Hause from another state. Dogs are treated in Mississippi and do not travel into Wisconsin until heartworm treatment has been completed. All dogs are vaccinated upon intake. All dogs have been seen by a vet and have a certificate that they are healthy and ready for adoption. Every 30 days that health certificate is renewed. No further comments from the audience.

Leair opened the table back to the commissioners. Christiansen, lives a mile to the west, recalled on December 2 and 15 there were dogs barking for over an hour. His opinion is to require more time before approving the

increase in number of dogs to see if barking improves. Seitz said she will address leaving the dogs outside when they bark with her staff. Leair said hearing could be adjourned to March 20. Christiansen wanted a longer time frame. Seitz wanted approval to move the entrance to the front of the building and leave the increase in number of dogs for a later date. Ross thought 3 months would give them time to improve the barking noise.

Ingle wanted to know if her neighbors could express their concerns. Leair stated that notices were sent out prior to the hearing. Leair said Ingle could come to Town Hall and file a complaint. Leair said Ingle's views have been heard through her previous complaint and by showing up at the meeting. Herrmann said neighbors could send a letter. Raush wanted Hoovers to have a chance to improve.

Leair closed the hearing at 6:33 p.m.

Discussion/Action – Conditional Use and Site Plan/Plan of Operation for Hoovers Hause All Dog Rescue S47 W30760 Hwy. 59, North Prairie, WI 53153 (Tax Key GNT 1546-966).

Ross made a motion to approve the request for expansion of the business, with the exception of increasing the number of dogs, which will be acted upon at the June 24, 2019 Plan Commission meeting, and giving them 30 days to complete interior remodeling. Subject to all previously imposed conditions. Toole seconded. Motion carried unanimously.

Discussion/Action – Site Plan/Plan of Operation for Genesee Gas Inc., W307 S4819 Hwy. 83, Mukwonago, WI 53149 (Tax Key GNT 1546-984-002).

Ravi stated that Genesee Gas is extending into the space previously occupied by Citizens Bank. There will be sales of liquor and tobacco. The move should be completed by end of March or early April 2019. Beer cooler will be in area that the bank utilized as a vault. Leair stated the Town Board did extend the liquor license to whole building for Genesee Gas. Herrmann said this is part of the conditional use for the convenience store. The conditional use does not need to be amended, just the Plan of Operation. Ravi stated there will be two cashiers to monitor the sale of liquor and tobacco.

Ross made a motion to approve subject to the Planner's Report and Recommendation. Christiansen seconded. Motion carried unanimously.

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

NAME: Genesee Liquors & Tobacco

DATE: February 18, 2019

TAX KEY NUMBER: GNT 1546.984.002

OWNER: Genesee Station Property, Inc.
550 E Devon, Suite 180
Itasca, IL 60143-2637

PETITIONER: Nagieswara Ravi
d/b/a Genesee Liquors & Tobacco.
PO Box 223
Mukwonago, WI 53149

LOCATION OF PROPERTY: Unit 2 Genesee Commercial Condominium and the undivided interest in the common areas, being a of the NW ¼ of Section 27, T6N, R18E, Town of Genesee. More specifically, the property is located at W307 S4819 Hwy 83.

ZONING CLASSIFICATION: B-3 Local Business District.

PRESENT LAND USE: Gasoline/Convenience Station and Bank.

REQUESTED USES:

The property consists of a two (2) unit condominium. Unit 1 consists of 43,568 square feet and is the home to the new Citizens Bank. Unit 2 consists of 79,856 square feet and contains an existing gas station/convenience store and bank. Unit 1 will remain as is as no changes are being proposed to the number and/or location of the buildings on the property.

Citizen's Bank has completed their new building and will be moving their existing Genesee office from their current leased space to their new facility. The petitioner is proposing to utilize Unit 2 and take the existing bank area of the convenience store building and convert it to a liquor and tobacco store. The Owner/Petitioner has been in the gasoline business in the Town of Genesee since 2016. No structural remodeling will occur to the interior of the building.

Days & Hours of Operation

Genesee Liquors and Tobacco will be open seven days a week 10:00 a.m. to 9:00 p.m.

Landscaping Plan

No changes are proposed to the existing landscaping on the site.

Lighting

No changes are proposed to the existing exterior lighting on the site.

Parking Plan

No changes are proposed to the existing parking on the site.

Signage

The petitioner is proposing to replace an existing sign and add a new sign. The replacement sign will be 3.5 ft. x 18 ft. and will be located on the front of the building. It will advertise the name of the business. A new sign will be added to the existing free-standing Citizen's Bank sign. The new sign will be 1.5 ft. x 5 ft. and will also advertise the name of the business. Both signs will have a white background with red lettering.

PLANNER'S RECOMMENDATION:

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

1. All previously imposed conditions for Genesee Gas, Inc. shall be complied with unless specifically stated herein.
2. Absolutely no outside storage shall be allowed without specific approval of the Town of Genesee Plan Commission.
3. A complete set of State Approved Plans for any interior remodeling shall be submitted to the Town Planner and Town Building Inspector prior to the issuance of any permits (if applicable).
4. A detailed colored sign rendering and location map (drawn to scale) shall be submitted to the Town Planner for review and approval, prior to the issuance of a building permit for said sign. All signs require a Zoning Permit and a Building Permit, prior to erection of said sign.

5. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained, including a liquor license from the Town of Genesee Town Board.
6. The Waukesha County Environmental Health Division shall inspect and approve the existing private waste disposal system for the existing uses on the property.
7. No additional exterior lighting shall be added without Town and County approval.
8. The applicant shall allow the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.
9. 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.
10. An up to date Plan of Operation must be on file, at all times, with the Town of Genesee Plan Commission and Waukesha County.
11. 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.
12. The Town of Genesee Building Inspector shall inspect the entire building to determine compliance with all applicable building codes. All compliance violations shall be corrected to the Building Inspector's satisfaction, prior to the issuance of a Plan of Operation/Use Permit.
13. The Wales-Genesee Fire Chief shall inspect the premises to ensure all applicable fire codes are complied with. All compliance violations shall be corrected to the Fire Chief's satisfaction, prior to the issuance of a Plan of Operation/Use Permit.
14. Professional fees. Applicant 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.
15. 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

cc: Town of Genesee Clerk
Town of Genesee Building Inspector

Wales-Genesee Fire Chief
Nagieswara Ravi

Discussion/Action – Certified Survey Map for Wendy Gahn-Ackley, S28 W30070 Bryn Mawr Ct., Genesee, WI 53188 (Tax Key GNT 1480-029).

Gahn-Ackley resubmitted a new Certified Survey Map to reconfigure two (2) existing parcels of land into two (2) lots. Gahn-Ackley had previously submitted a Certified Survey Map combining the two parcels. The new Certified Survey Map moves the lot line. The minimum lot size is one acre. Herrmann said that if Gahn-Ackley sells the lot in the future, there will be a driveway issue that will need to be resolved. Village of Wales has to approve as well.

Christiansen made a motion to recommend to the Town Board to approve the CSM subject to the conditions in the Planner's Report and Recommendation. Lightfoot seconded. Motion carried unanimously.

**TOWN OF GENESEE PLAN COMMISSION & TOWN BOARD
PLANNER'S REPORT AND RECOMMENDATION
CERTIFIED SURVEY MAP**

PROJECT NAME: Ackley CSM

DATE: February 18, 2019

OWNER: DETJA LLC
c/o Wendy Ackley
S28 W30070 Bryn Mawr Court
Waukesha, WI 53188

TAX KEY NO.: GNT 1480.028
GNT 1480.029

LOCATION:
Lot 5 and Lot 6, Block 5, Skyline Heights, being a part of the NE ¼ and SE ¼ of the SE ¼ of Section 10, T6N, R18E, Town of Genesee.

ZONING CLASSIFICATION: R-1 Residential District.

LOT SIZE: A Total of Approximately 4.15 acres.

EXISTING USES: Single-Family Residential.

REQUESTED USES: Reconfigure two (2) existing parcels of land into two (2) lots served by private septic system and private well.

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN - 2035:

The Comprehensive Land Use Plan 2035 for the Town of Genesee identifies this property in the Low Density Residential category, which allows development at 20,000 square feet to 1.4 acres per dwelling unit. The proposed reconfiguration of these two (2) parcels into two (2) new lots complies with the purpose and intent of the Town of Genesee Comprehensive Land Use Plan – 2035. The Waukesha County Development Plan also has the property identified in the Low Density Residential category. Therefore, the proposed combination complies with the both the Town and County Land Use Plans.

OTHER CONSIDERATIONS:

The owner currently holds title to two (2) properties located on the Bryn Mawr Court. Lot 5 is about 2.208 acres in size and is currently vacant. Lot 6 is about 1.91 acres and contains a single-family residence with attached garage. The owner originally applied for a CSM to combine the properties into one lot, but has decided, after considerable thought, to reconfigure the lots, thereby maintaining two properties. The owner is proposing to reconfigure the lots in order to add an addition onto the home, which is currently considered non-conforming since it is located less than 10 feet from the property line. Since the home is considered non-conforming, the ordinance does not allow the home

to be expanded vertically or horizontally without getting a variance from the Town of Genesee Board of Appeals. Therefore, reconfiguring the lots is a better option. This will result in Lot 1 consisting of 2.87 acres of land with 135 feet of frontage on Bryn Mawr Court. This lot contains an existing single-family residence and attached garage. Lot 2 will be about 1.28 acres in size with 60.01 feet of frontage on Bryn Mawr Court and is currently vacant. It is important to note that the existing driveway extends across both parcels and may need to be modified at the time a new home is constructed on Lot 2.

This submittal is a Certified Survey Map, which gives the Town Plan Commission 75 days and the Town Board 90 days to take action. The Certified Survey Map was filed with the Town of Genesee on January 18, 2019, giving the Town Plan Commission until April 3, 2019 and the Town Board until April 18, 2019, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated revised January 14, 2019, I have found the following items must be added to the map or waived by the Town of Genesee Plan Commission and Town Board in order to comply with the Town's Land Division Ordinance:

Section 375-23 (I) Location of all existing structures shall be shown on the CSM.

Section 375-29 (E) All Utility and/or Drainage Easements shall be shown on the final CSM.

Section 375-44 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.

PLANNER'S RECOMMENDATION:

Based on the above information, the Town Planner recommends that the Town Plan Commission 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 Owner satisfying all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including but not limited to the Wisconsin State Statute's per Chapter 236; Comm. 85, Wisconsin Administrative Code; and the Village of Wales in regard to the CSM, prior to the Town signing the final CSM.
2. The Village of Wales shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by the Village of Wales shall be incorporated herein.
3. The existing septic system shall be inspected by Waukesha County Environmental Health Division prior to the Town Signing the final CSM. A copy of the septic evaluation shall be presented to the Town Planner.

A note shall be placed on the face of the final CSM stating, "The existing driveway on Lot 2 shall be resolved prior to the sale of Lot 2 or the construction of a new residence on Lot 2".

4. A note shall be placed on the face of the final CSM stating, "No lot shall be further divided absent the

express written approval of the Town Board of the Town of Genesee. No new lots or outlots shall be created absent the express written approval of the Town Board of the Town of Genesee. No lot line shall be adjusted or reconfigured in any way absent the express written approval of the Town Board of the Town of Genesee or unless otherwise expressly authorized by law.”

5. Any and all waivers reviewed and approved by the Town Plan Commission and Town Board shall be noted on the final CSM. The Town Planner shall approve the language of the note.
6. Subject to the Developer satisfying all of the aforementioned conditions within one year of the Town Board granting conditional final CSM approval.
7. 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.
8. 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
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Wendy Ackley
Terrance Pisarek

Discussion/Action – Site Plan/Plan of Operation for Ella’s Public House, W325 S1767 Mickle Road, Delafield, WI 53018 (Tax Key GNT 1457-999-002).

Mark Zierath explained his Plan of Operation. The seasonal shipping container placed by volleyball courts is mainly to reduce traffic crossing Mickle Road to get service. Target date for soft opening is May 2, 3, and 4, 2019 with pairing up with local charities. Hard opening would be Monday, May 6, 2019. Herrmann inquired about interior remodeling. Zierath stated that Bill Brink is handling the build out. Herrmann asked about the garage door windows. Zierath said two of the windows are going to be garage-type windows and not modify the opening at all. The windows will open but the actual opening will not be modified. The third one the brick will be cut and go all the way to the ground. That is the farthest west one next to the side door. Herrmann mentioned provision they be closed by 10:00 p.m. It was decided Zierath would request 2 events per year. Herrmann stated the patio has to be 50 feet away from Mickle Road and needs to be modified. The shipping container also has to be 50 feet from the right of way. Ella’s will be using the electronic signage and cannot have blinking or flashing. The other two signs are just replacing the existing 18 West signs. The liquor license has been approved by the Town Board. Music will be just one singer and not a band.

Christiansen made a motion to approve subject to Planner's Report and Recommendation. Ross seconded. Motion carried unanimously.

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

NAME: Ella's Public House

DATE: February 18, 2019

TAX KEY NO.: GNT 1457.999.002

NAME OF PETITIONER: Mark Zierath
d/b/a Ella's Public House
12990 W. Bluemound Road, Unit 104
Elm Grove, Wisconsin 53122

NAME OF OWNER: William Brink
3330 Bayview Court
Delafield, Wisconsin 53018

LOCATION OF PROPERTY:
Lots 2 and 3, Certified Survey Map No. 10868, being a part of the NE ¼ and NW ¼ of Section 5, Town of Genesee, containing approximately 4.06 acres.

ZONING CLASSIFICATION:
B-3 General Business District.

PRESENT LAND USE:
Vacant (formerly a Restaurant, Banquet Facilities, Outdoor Volleyball Court & Parking).

PROPOSED REQUEST:
Tom Saxe owned the property for over twenty (20) years and recently sold the property to William (Bill) Brink. The property is located on both sides of Mickle Road. The land on the west side of Mickle Road contains the existing restaurant/tavern with banquet facilities (formerly Bucky's West and 18 West Restaurant) and employee parking. The land on the east side of Mickle Road contains an outdoor volleyball court and additional customer parking. Over the years, the owner has made changes and/or applied for various improvements to the property as follows:

- 1989 13 ft x 60 ft. Atrium Addition.
- 1989 13 ft. x 37 ft. Deck Addition to the North side of Building.
- 1992 73 ft. x 125.5 ft. Banquet Hall Facility to the West side of the Restaurant.
- 1995 16 ft. x 40 ft. Storage Addition.
- 1997 22 ft. x 28 ft. Storage Addition – West Side of Building.
- 1999 Enclosed existing Outdoor Dining and Patio Area.
- 2001 15.5 ft. x 16 ft. Entry Addition.
- 2015 Interior Changes – No Permits.

There have also been several changes to the signage on the property with most recent digital sign being approved in 2011.

In 2015, the former owner (Tom Saxe) sold the business to John Biwer, but re-acquired the business. Mr. Saxe then sold the property to William Brink. On August 27, 2018, the Town of Genesee Plan Commission approved a request of Mr. Brink (“Owner”) to utilize a portion of the existing building to operate a heating and air conditioning business, while his brother-in-law (Paul Bialas) received approval to take over the operation of the restaurant/tavern and volleyball courts as the Red Lion Pub and Mini Bowl. However, the use never materialized.

Mark Zierath is proposing to operate the restaurant/tavern and volleyball courts as Ella’s Public House. Ella’s Public House will be a full-service restaurant/tavern with daily lunch and dinner service and traditional tavern operations. The menu will include Friday Fish Fry, Saturday Prime Rib, Sunday Brunch & Pizzas and other daily specials. The tavern will include hand crafted cocktails and a wide variety of Wisconsin craft beers. The business plan calls for a new outdoor patio area on the southeast side of the building and a service area for the existing volleyball courts. It is unknown at this time, if the patio area complies with the locational requirements of the Town of Genesee Zoning Code. Ella’s would like to convert one (1) of the three (3) existing volleyball courts into a bags area and horseshoe pits. Ella’s would like to add a seasonal portable outdoor bar area to service the volleyball courts, bags area and horseshoe pits. In addition, Ella’s would like to reopen the existing volleyball courts for leagues.

Ella’s is proposing to have once a year an outdoor tent event festival that would be appropriate for the entire family; similar to a church festival with live music, food, drinks and a children’s area. This event would involve partnering with a non-profit or other organization as a fundraising mechanism for their group.

The days and hours of operation will be Sunday from 10:00 a.m. to 12:00 a.m., Monday from 3:00 p.m. to 12:00 a.m., Tuesday from 11:00 a.m. to 12:00 a.m., Wednesday and Thursday from 11:00 a.m. to 1:00 a.m. and Friday and Saturday from 11:00 a.m. to 2:30 a.m. or legal bar time. The business will employ eight (8) full-time, twenty (20) part-time and ten (10) seasonal employees. According to the application, the petitioner is proposing to have amplified music (Live, DJ, Juke Box) indoor and on the patio beer garden. It is unknown if any Juke Box or other music will be at the volleyball courts. It is assumed that the petitioner will just be changing the name at the south and east entrances along with using the large free-standing LED sign near Hwy 18. According to the application, the property contains a total of 165 parking spaces. The proposed use requires a total of 57 spaces. The property is currently served by a private waste disposal system and private well.

PLANNER’S RECOMMENDATION:

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

1. The business operation shall be limited to the operation of a restaurant/tavern and outdoor volleyball courts, bags area and horseshoe pits.
2. Absolutely no additional outdoor lighting shall be allowed, unless approved by the Town of Genesee Plan Commission.
3. The hours of operation shall be as follows: Sunday – Saturday from 10:00 a.m. until legal bar time.
4. All outdoor volleyball, bags and horseshoe activities shall cease no later than 11:00 p.m. every day of the week.
5. A detailed location map shall be provided showing the location and size of the portable bar at the volleyball courts.
6. Live and/or Amplified Music is allowed inside the restaurant.

7. No outside live music shall be allowed on the east side of Mickle road. Low volume music may be played by the volleyball courts during volleyball, bags or horseshoe games from 4:00 p.m. to 10:00 p.m. or other times with special Town Plan Commission approval. Further, the decibel reading from the outside music shall not exceed 55 decibels as measured at the perimeter property lines of the property.
8. Live acoustic “non-amplified” music or low volume amplified “Not Live” music shall be allowed outside on the patio area from 4:00 p.m. to 10:00 p.m. or other times with special Town Plan Commission approval. Further, the decibel reading from the outside music shall not exceed 55 decibels as measured at the perimeter property lines of the property. Outdoor music on the patio shall cease no later than 10:00 p.m.
9. All windows and doors, except doors used for patrons to enter and exit the building shall remain closed after 10:00 p.m., except as otherwise approved by the Town Plan Commission.
10. All outside music shall be kept to an acceptable level and if said music becomes a problem in the area, the Town Plan Commission shall have the right to modify or discontinue the outside music.
11. A special event is defined as an event in which space outside of the restaurant is utilized for patrons that is not normally used for patron use during normal business hours. All special events shall be reviewed and approved by the Town Plan Commission at least 30 days prior to said event.
12. A final interior floor plan shall be submitted to the Town Planner for review and approval prior to the issuance of any permits. In addition, a zoning permit may be needed for any new construction activities as well as a building permit and possibly state approved building plans.
13. Detailed colored sign renderings and sign size for the south and east entrance signs shall be submitted to the Town Planner for review and approval prior to erecting the signs.
14. The existing LED sign shall not be animated by means of intermittent, scintillating, scrolling or traveling lights or any other device or means not providing constant illumination. The sign display/image may change no greater than every 10 seconds. The illumination setting of the sign shall be kept to acceptable level. Town of Genesee reserves the right to require the sign illumination be turned down for any reason or removed if said sign becomes a nuisance. No permanent banner signs shall be allowed and all temporary banner signs shall only be allowed for no more than two (2) weeks, subject to town Planner approval prior to erecting any banner signs.
15. 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.
16. A Liquor License shall be applied for and approved by the Town Board. Any and all conditions of approval shall be complied with. Failure to comply with the conditions of approval could result in the liquor license and/or the use permit being revoked.
17. All proposed improvements shall comply with the Town of Genesee Zoning Code and all required Zoning and Building Permits shall be issued prior to commencing any work on the property.
18. The Waukesha County Environmental Health Division shall inspect and approve the existing private waste disposal system for the existing uses on the property.
19. Documentation shall be submitted to the Town Planner that the Wales-Genesee Fire Department has inspected the proposed premises and all necessary fire codes are in compliance prior to the issuance of a use permit.

20. Subject to the Town Building Inspector inspecting the premises and all applicable building codes and permits have been applied for and complied with prior to the issuance of a use permit. A copy of all state approved plans shall be submitted to the Town Planner and the Town Building Inspector (if applicable).
21. Absolutely no outside storage shall be allowed, except with special Town Plan Commission approval.
22. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
23. An up-to-date Plan of Operation must be on file at all times with the Town of Genesee Plan Commission and Waukesha County.
24. The applicant shall allow the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.
25. 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.
26. 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.
27. 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.
28. 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,

Jeffrey C. Herrmann, AICP
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Wales-Genesee Fire Chief
William Brink
Mark Zierath

**Discussion/Action – Certified Survey Map for Ken Grothmann and Summer Grothmann-Braun
W337 S5059 Road GG, Dousman, WI 53118 (Tax Keys GNT 1558-022 and GNT 1559-998-005).**

September 2014 Grothmann had Certified Survey Map approved for a lot line adjustment. The Certified Survey Map was never recorded and the one year time frame expired. An addition to a barn was constructed over the property line and Grothmann is now re-submitting the Certified Survey Map.

Ross made a motion to approve to the Town Board subject to the Planner's Report and Recommendation. Lightfoot seconded. Motion carried unanimously.

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

PROJECT NAME: Grothmann CSM

DATE: February 18, 2019

OWNER: Ken Grothmann Family Trust
W337 S5059 Hwy GG
Dousman, WI 53118

TAX KEY NO.: GNT 1559.998.005
GNT 1558.022

LOCATION: Parcel 1 of Certified Survey Map No. 6785 and Lot 5, Rom's Acres, located in Part of the SW ¼ and the NW ¼ of Section 30, Town of Genesee, Waukesha County, Wisconsin.

ZONING CLASSIFICATION: A-2 Rural Home District (3-Acre Minimum Lot Size).

LOT SIZE: Approximately 6.8 acres.

REQUESTED USES: A Two (2) Lot Certified Survey Map (CSM).

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN -2035:

The Town of Genesee Comprehensive Land Use Plan – 2035 designates this property in the Suburban II Density Residential (3.0 to 4.9 acres of lot area per dwelling unit). The proposed parcels (3.012 acres and 3.716 acres) comply with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

The property owner owns two (2) adjacent parcels of land. Currently, the parcels are 3.53 acres and 3.273 acres in size and comply with the Town of Genesee Comprehensive Land Use Plan – 2035 and the Waukesha County Development Plan. In September of 2014, the owner of both properties received approval from the Town of Genesee to adjust the adjacent lot line thereby resulting in the lots changing in size and resulting in a 3.716 acre parcel and a 3.012 acre parcel. Both parcels complied with the Town of Genesee Comprehensive Land Use Plan – 2035 and the Waukesha County Development Plan as well as the A-2 Rural Home District (3-Acre Minimum Lot Size). Although, the petitioner received approval for the lot line adjustment, the Certified Survey Map (CSM) was never recorded and the one (1) year timeframe expired. Subsequent to the approval of the CSM, the Owner received a permit in December 2014 to construct a 36 ft. x 48 ft. addition to the existing barn. The barn addition actually was constructed over the property line. Therefore, the owner is required to re-submit the CSM for review and action by the Town Plan Commission and Town Board.

This submittal is a Certified Survey Map, which gives the Town Plan Commission 75 days and the Town Board 90 days to take action. The Certified Survey Map was filed with the Town of Genesee on January 22, 2019, giving

the Town Plan Commission until April 7, 2019 and the Town Board until April 22, 2019, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated revised January 18, 2019, I have found the following items must be added to the map or waived by the Town of Genesee Plan Commission and Town Board in order to comply with the Town's Land Division Ordinance:

Section 5.02 (E) All utility and/or drainage easements 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 7.06 (A) Side Lot Lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face.

PLANNER'S RECOMMENDATION:

Based on the above information, the Town Planner recommends that the Town Plan Commission 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 Owner satisfying all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including but not limited to the Wisconsin State Statute's per Chapter 236; Comm. 85, Wisconsin Administrative Code; and the Village of North Prairie in regard to the CSM, prior to the Town signing the final CSM.
2. Village of North Prairie shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by North Prairie shall be incorporated herein.
3. Waukesha County shall provide documentation that the proposed CSM does not require special approval by Waukesha County.
4. The existing septic system shall be inspected by Waukesha County Environmental Health Division prior to the Town Signing the final CSM. A copy of the Septic evaluation shall be presented to the Town Planner.
5. Any and all waivers reviewed and approved by the Town Plan Commission and Town Board shall be noted on the final CSM. The Town Planner shall approve the language of the note.
6. All existing and proposed easements shall be shown.
7. On Sheet 4 of 4, the secretary of the Town Plan Commission shall be changed to "Cynthia Zignego".
8. Subject to the Developer satisfying all of the aforementioned conditions within one year of the Town Board granting conditional final CSM approval.
9. 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.
10. 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; of 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
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Waukesha County Department of Parks and Land Use
John Jahnke
Ken Grothmann

Status Report –

- a. **Century Springs** – 1-year CU review
- b. **Genesee Pet Suites** – 1-year CU review
- c. **Wern Valley Sportsmen’s Club – Clubhouse** – 1-year CU review
- d. **Wern Valley Game Farm** – 1-year CU review
- e. **Neighborhood Services** – 1-year CU review
- f. **Rosebury Farms** – 1-year CU review
- g. **Garibaldi** – 2-year CU review
- h. **Gapinski** – In-law-unit – 1-year CU review
- i. **Gardipee** – In-law-unit – 1-year CU review

The only change in above was Century Springs is parking their trucks off site.

Christiansen made a motion to place the CU reviews on file. Lightfoot seconded the motion. Motion carried unanimously.

Discussion/Action – Approval of February 11, 2019 Plan Commission Minutes

Lightfoot made a motion to approve the February 11, 2019 Plan Commission Minutes. Christiansen seconded. Motion carried with 1 abstention, Ross.

Review Pending.

Herrmann sent a letter to Scheel residence regarding outside storage of debris. He is making arrangements to meet with them to discuss.

Correspondence.

None.

Christiansen made a motion to adjourn, Ross seconded, motion carried unanimously. Meeting adjourned at 7:12 p.m.

Cindy Zignego
Deputy Clerk
March 18, 2019