

**TOWN OF GENESEE PLAN COMMISSION MEETING
JULY 22, 2019**

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

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

Discussion/Action - Amendment to the Town of Genesee Zoning Map to rezone property owned by The Legend of Brandybrook Estates LLC, N8W22520-L Johnson Street, Waukesha, Wisconsin from the A-5 Mini-Farm District to R-1 Residential District in order to develop the property into single-family home sites utilizing a Residential Planned Unit Development. The property is described as Lot 2, Certified Survey Map No. 5162, being a part of the NE ¼ of Section 3, T6N, R18E, Town of Genesee. More specifically, the property is located at W304 S1806 Brandybrook Road.

Carl Tomich and Jack Gaudion represented The Legend of Brandybrook Estates. Herrmann reviewed the conditions in his report dated July 15, 2019.

Christiansen made a motion to approve recommendation to Town Board on August 12, 2019 at 6:00 p.m. subject to Planner's Report and Recommendation dated July 15, 2019. Ross seconded the motion. Motion carried unanimously.

**TOWN OF GENESEE PLAN COMMISSION AND TOWN BOARD
PLANNER'S REPORT & RECOMMENDATION
ZONING MAP AMENDMENT**

PROJECT NAME: Legends of Brandybrook Estates, LLC

TAX KEY NUMBER: GNT 1449.988.001

DATE: July 15, 2019

NAME OF OWNER: The Legend of Brandybrook Estates LLC
N8 W22520-L Johnson Drive
Waukesha, WI 53186

NAME OF PETITIONER: The Legend of Brandybrook Estates LLC
N8 W22520-L Johnson Drive
Waukesha, WI 53186

LOCATION OF PROPERTY:

Lot 2 Certified Survey Map No. 5162, being a part of the NE ¼ of Section 3, T6N, R18E, in the Town of Oconomowoc. More specifically, the property is located at W304 S1806 Brandybrook Road, containing approximately 15.1 acres.

PRESENT ZONING:
A-5 Mini-Farm District.

PROPOSED ZONING:
R-1 Residential District.

PRESENT LAND USE:

Single Family Residence and a Detached Accessory Building.

PROPOSED LAND USE:

Single-Family Residential Development.

PUBLIC HEARING DATE:

June 24, 2019

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

The Town of Genesee Land Use Plan - 2035 designates this area in the Low Density Residential category allowing development of 20,000 square feet to 1.4 acres per dwelling unit. The proposed development of 11 units on 15.1 acres complies with the Town of Genesee Land Use Plan - 2020.

OTHER CONSIDERATIONS:

The parcel is adjacent to the Legends of Brandybrook Golf Course located in Wales, Wisconsin and contains about 740 feet of frontage on Brandybrook Road. The parcel is approximately 15.1 acres in size and contains a single-family residence and a large detached accessory building. The petitioner is proposing to rezone approximately 15.1 acres of the property from A-5 Mini-Farm District, requiring five (5) acre minimum lot sizes, to R-1 Residential District, requiring one (1) acre minimum lot sizes. The purpose of the rezone is to allow the parcel to be divided into eleven (11) lots, while maintaining an overall density of one (1) dwelling unit for every one (1) acre of gross land area. The development will be completed using a residential PUD – Conditional Use per section 40 (B)(30) of the Town of Genesee Zoning Code to allow increased flexibility in lot size, offset, setback, height, building location, and floor area ratio requirements. All roads are proposed to be built to standards accepted by the Town of Genesee, but will be private roads maintained by the association. This proposal will be completed using private wells and septic systems, however, some of the septic systems will be on easements in the common area. The common area is about 6.82 acres in size and contains the wetlands and most of the Environmental Corridor. The proposed development will provide all stormwater management on outlots to be owned as an undivided fractional interest of all property owners. Other lands will be used as common open space for all lot owners in the development.

Neighbors and landowners in the area spoke for and against the proposed development. The neighbors were concerned about traffic and number/location of accesses within the development and the size of the homes and the type of construction materials within the development. Many members of the Golf Club spoke in favor of the proposed request.

PLANNER'S RECOMMENDATION:

It is the opinion of the Town Planner that the Town Plan Commission recommend to the Town Board to **approve** this request subject to the following conditions:

1. There shall be a maximum of eleven (11) dwelling units in substantial conformance with the concept plan submitted by the petitioner dated 06-03-2019.
2. Compliance with all the requirements of the Town of Genesee Land Division and Development Ordinance.
3. Compliance with all the requirements of the Conditional Use for a Planned Unit Development (PUD).
4. The condominium plat shall be reviewed and approved by the Town of Genesee Plan Commission, Town Board and Waukesha County.
5. The development shall comply in all respects, with the Waukesha County Stormwater Management and

Sediment and Erosion Control Ordinance.

6. The petitioner shall comply with all requirements of the Town of Genesee Public Works Superintendent and Town Engineer regarding all necessary improvements to the intersection of the Proposed Driveway and Brandybrook Road.

Respectfully submitted,

Jeffrey C. Herrmann
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Waukesha County Department of Parks and Land Use
Legends of Brandybrook, LLC
Trio Engineering

Discussion/Action - Conditional Use request of The Legend of Brandybrook Estates LLC, N8 W22520-L Johnson Street, Waukesha, Wisconsin for a Planned Unit Development pursuant to Section 40 (B)(30) Planned Unit Development of the Town of Genesee Zoning Code to allow a single-family residential development. The property is described as Lot 2, Certified Survey Map No. 5162, being a part of the NE ¼ of Section 3, T6N, R18E, Town of Genesee. More specifically, the property is located at W304 S1806 Brandybrook Road.

Turzynski had a question about the wells. Gaudion explained The Legends has its own water system and there will be individual wells for the new residences.

Turzynski made a motion to approve based on Planner's Report and Recommendation dated July 15, 2019. Christiansen seconded the motion. Motion carried unanimously.

**TOWN OF GENESEE PLAN COMMISSION AND TOWN BOARD
PLANNER'S REPORT & RECOMMENDATION
CONDITIONAL USE PLANNED UNIT DEVELOPMENT (PUD)**

PROJECT NAME: Legends of Brandybrook Estates, LLC

TAX KEY NUMBER: GNT 1449.988.001

DATE: July 15, 2019

NAME OF OWNER: The Legend of Brandybrook Estates LLC
N8 W22520-L Johnson Drive
Waukesha, WI 53186

NAME OF PETITIONER: The Legend of Brandybrook Estates LLC
N8 W22520-L Johnson Drive
Waukesha, WI 53186

LOCATION OF PROPERTY:

Lot 2 Certified Survey Map No. 5162, being a part of the NE ¼ of Section 3, T6N, R18E, in the Town of Genesee. More specifically, the property is located at W304 S1806 Brandybrook Road, containing approximately 15.1 acres.

PRESENT ZONING:

R-1 Residential District - Pending.

PROPOSED LAND USE:

Single-Family Residential Development.

PUBLIC HEARING DATE:

June 24, 2019

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

The Town of Genesee Land Use Plan - 2035 designates this area in the Low Density Residential category allowing development of 20,000 square feet to 1.4 acres per dwelling unit. The proposed development of 11 units on 15.1 acres complies with the Town of Genesee Land Use Plan - 2020.

ORDINANCE REQUIREMENTS:

Per the requirements of the Town of Genesee Zoning Code regarding Planned Unit Developments, the Town Plan Commission shall have the right to require additional open space around the outer boundaries of the proposed PUD or selected lots to be substantially larger than the minimum in order to provide natural buffers for existing developments and for the purposes of blending the proposed development with surrounding subdivisions and other developments.

The developer shall enter into a developer's agreement with the Town to guarantee the implementation of the development according to the terms of the conditions established as part of the development plan approval.

The Town Plan Commission in making its determination, as to the approval or denial of the conditional use permit for the planned development, shall give consideration to the purposes of the PUD, and be satisfied as to the following:

- (1) That the proposed development is consistent with the spirit and intent of this subsection, is in conformity with the general character of the Town, and, would not be contrary to the general welfare of the Town or of the immediate neighborhood.
- (2) The benefits from the anticipated improved design of the resultant development shall justify the variation from the normal requirements through the application of a PUD.
- (3) That the size, quality and architectural design of all buildings in the project will not have an adverse effect upon the general character of the Town and surrounding neighborhood.
- (4) That the provisions and facilities of the open space areas being provided are of such quality, size and aesthetic value to justify the approval of the project.
- (5) That the setbacks shall be maintained along any boundary street of the project area, as required by the existing underlying basic district.
- (6) That no building shall be permitted closer to a side or rear boundary lot line of the project area than required by the applicable side or rear yard requirements of the adjoining underlying basic district.
- (7) The approval of a petition for conditional use shall be based on and include as conditions thereto the basic architectural design, the site plan, the operational plans for the development as approved, as well as all other commitments offered as required in regard to project value, character or other factors pertinent to an assurance that the proposed development will be carried out basically as presented for the project.

- (8) The proposed development is consistent with the spirit and intent of this Code and will not be contrary to the general welfare and economic prosperity of the Town, but rather that the benefits derived by utilizing the planned unit development and, welfare and economic prosperity of the Town, but rather that the benefits derived by utilizing the planned unit development and, in keeping with the current economic and social consideration, justifies the application of the planned unit development technique.
- (9) Such development conforms to the adopted Town of Genesee Comprehensive Land Use Plan – 2035 and its components.
- (10) The size, quality, and architectural design of all buildings in the project shall not be of such as to have an adverse effect upon the general character of the Town or the surrounding neighborhood.
- (11) Functional utility and relationship of the lots or units to the common open space and facilities provided shall be of such quality, size, and aesthetic value as to meet the purpose and intent of this Section, and that all other required preserved areas are preserved or protected unless disturbed to accommodate a road as designated on the Town's official map.
- (12) The approval shall be based upon satisfaction of standards of this Code and shall include any conditions of approval applicable thereto, regarding the building design, site layout, and operational plans, as well as all other commitments offered and required in regard to project value, character, or other factors pertinent to an insurance that the proposed development will be carried out as approved.
- (13) The plan will result in preservation of open land in a manner, which will enhance the total environmental setting and desirability of the development and of the neighborhood and that adequate guarantee is provided for permanent retention as common open space of the residential open land areas resulting from the application of these standards. These are by private reservation or by dedication to the public.
- (14) Ownership and tax liability of the private open space preservation areas shall be established in a manner acceptable to the Town Attorney and made a part of the conditions of this specific plan approval.

OTHER CONSIDERATIONS:

The parcel is adjacent to the Legends of Brandybrook Golf Course located in Wales, Wisconsin and contains about 740 feet of frontage on Brandybrook Road. The parcel is approximately 15.1 acres in size and contains a single-family residence and a large detached accessory building. The property has a zoning amendment pending, which will change the zoning on the property from A-5 Mini-Farm District, requiring five (5) acre minimum lot sizes, to R-1 Residential District, requiring one (1) acre minimum lot sizes. The purpose of the rezone is to allow the parcel to be divided into eleven (11) lots, while maintaining an overall density of one (1) dwelling unit for every one (1) acre of gross land area. The purpose of the Conditional Use Petition is to allow the development to be completed using a Residential PUD – Conditional Use per section 40 (B)(30) of the Town of Genesee Zoning Code to allow increased flexibility in lot size, offset, setback, height, building location, and floor area ratio requirements. All roads are proposed to be built to standards accepted by the Town of Genesee, but will be private roads maintained by the association. This proposal will be completed using private wells and septic systems, however, some of the septic systems will be on easements in the common area. The common area is about 6.82 acres in size and contains the wetlands and most of the Environmental Corridor. The proposed development will provide all stormwater management on outlots to be owned as an undivided fractional interest of all property owners. Other lands will be used as common open space for all lot owners in the development.

The proposed development will result in eleven (11) new homesites with lots ranging in size from 20,046 square feet to 42,801 square feet. The existing home will remain on an individual lot, but the detached accessory building will be removed from the property. The proposed development shows five (5) outlots on the site. Outlot 1 will be for the proposed private road. Outlots 2 and 3 will be common space for all lot owners with some defined areas for septic systems. A golf cart path will be located on Outlot 2 to connect the development to the Club House for the

Legends at Brandybrook. Outlots 4 and 5 will be used for stormwater maintenance. The Owners have requested a reduction in the offset from 20 feet to 15 feet and a reduction in the Road Setback from 50 feet to 35 feet. No other reductions were requested

Neighbors and landowners in the area spoke for and against the proposed development. The neighbors were concerned about traffic, number/location of accesses within the development, the size of the homes and the type of construction materials within the development. Many members of the Golf Club spoke in favor of the proposed request.

PLANNER'S RECOMMENDATION:

It is the opinion of the Town Planner that the Town Plan Commission recommend to the Town Board to **approve** this request subject to the following conditions:

1. All conditions of the Zoning Amendment approved by the Town Plan Commission, Town Board, and Waukesha County shall be complied with and adhered to.
2. The Uses authorized by this conditional use are limited to the following: Eleven (11) single -family parcels as detailed in the plans dated June 3, 2019 and presented to the Town staff and Town Plan Commission. No changes or modifications to the above noted plans shall occur without prior Town Plan Commission approval. The development shall be completed as one project and shall not be completed in phases.
3. Subject to approval of the basic architectural design, the site plan, the operational plans for the development as approved, as well as all other commitments offered as required in regard to project value, character or other factors pertinent to an assurance that the proposed development will be carried out basically as presented for the project.
4. Ownership and tax liability of the private open space preservation areas shall be established in a manner acceptable to the Town Attorney and made a part of the conditions of this specific plan approval.
5. Subject to the Town Engineer and Waukesha County Department of Parks and Land Use, Land Resources Division reviewing and approving a stormwater management plan and an erosion and sediment control plan. A copy of the final approved plan shall be submitted to the Town Clerk.
6. A detailed vegetation restoration, landscaping and an overall grading plan(s) along with a timetable for completion shall be submitted to the Town Planner for review and approval prior to the issuance of a Conditional Use Permit. The above plans shall include natural vegetation. The Town of Genesee may contact the Wisconsin Department of Natural Resources or other entities when reviewing the plans. All costs and fees associated with this review shall be paid for by the developer. A Letter of Credit or Cash in an amount as determined acceptable by the Town Planner and Town Engineer shall be posted to ensure all restoration is completed as per the approved plans. The Town Attorney shall review the form of the Letter of Credit prior to the issuance of a Conditional Use Permit.
7. The Town Planner, Town Highway Superintendent and Town Engineer (if applicable) shall review and approve the proposed access from the project area onto Brandybrook Road.
8. The exact location, design, material and color of the entrance gate shall be reviewed and approved by the Town Plan Commission prior to erection of the gate.
9. Documentation shall be submitted to the Town Planner that individual wells or a joint well is acceptable to the Department of Natural Resources. If the petitioner decides to install a community water system to service all eleven (11) parcels, the Town Plan Commission and Town Board shall review and approve the system prior to installation.

10. All requirements and regulations of the Town of Genesee Zoning Code regarding offset, setback, floor area ratio, open space, shore setback and floodplain setback shall be complied with unless modified as follows:
 - A. No building, structure, obstruction or appurtenances of any kind shall be located closer than 35 feet to the edge of the private road or less than 15 feet to a property line.
 - B. The minimum distance between structures shall be 30 feet.
 - C. The size of the units may vary; however, the floor area ratio for each unit shall not exceed a twenty-five (25) percent footprint of the area under the limited elements (individual ownership area) with an overall floor area ratio not to exceed forty-five (45) percent of the limited elements (individual ownership area). The cumulative floor area ratio (FAR) of the entire 15.1 acres shall not exceed fifteen (15) percent.
 - D. The elevation of the lowest floor of each home shall be determined by Town Planner prior to issuance of a zoning permit for said home.
11. A Letter of Credit or Cash in an amount as determined acceptable by the Town Planner, Town Attorney and Town Engineer shall be posted to ensure all damage caused to Brandybrook Road as a result of the proposed construction is restored to a form acceptable to the Town Highway Superintendent. The Letter of Credit or Cash shall also include the cost of restoration and landscaping as stated above. The Town Attorney shall review the form of the Letter of Credit prior to the issuance of a Conditional Use Permit. This Letter of Credit or Cash can be combined with other required monetary assurances set forth in this conditional use.
12. The Wales-Genesee Fire Chief shall determine if a fire protection water tank is required and (if applicable) the location of the tank. If a fire protection water tank is required, it shall comply with all requirements of the Town of Genesee Code of Ordinances. The Fire Chief shall review the design and turning radius of the private roads for emergency equipment/apparatus, any recommended changes shall be made to the private roads prior to the Town approving the condominium plat.
13. No signs shall be permitted, unless specifically approved by the Town of Genesee Plan Commission prior to the erection of said signs.
14. A detailed exterior lighting plan, including cut-sheets for all fixtures, shall be submitted to the Town Planner for review and approval. All outside lighting shall be screened so as to avoid fugitive lighting shining upon the road and/or neighboring properties. A copy of the final lighting plan shall be submitted to the Town Clerk, prior to the issuance of building permit.
15. A final (official) copy of the building plans shall be submitted to the Town Planner and Town Building Inspector, prior to the issuance of a Zoning Permit and a Building Permit.
16. The Homeowners Association or Condominium Association Documents, including but not limited to, the declarations, bylaws, covenants and restrictions, etc. shall be reviewed and approved by the Town Attorney, Town Planner and the Town Plan Commission (if requested).
17. A Condominium Plat shall be submitted and acted upon by the Town Plan Commission and Town Board as required by the Town of Genesee Land Division and Development Ordinance. An approved Final Condominium Plat shall be required prior to commencing construction on an individual lot.
18. Documentation shall be provided to the Town Planner that the Department of Natural Resources has reviewed and approves or does not object to the proposed development.

19. Any changes or modifications to any part of this development shall be reviewed and approved by the Town of Genesee Plan Commission prior to implementation.
20. Subject to all laws, ordinances, regulations and rules of the State, County, Town and USA.
21. 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.
22. The applicant shall allow the premises to be available for inspection by the Town of Genesee officials and their agents at any reasonable time and upon reasonable notice.
23. Subject to the owners approving and acknowledging in writing that they have received a copy of this Conditional Use Permit, that they understand and accept the same, and that upon failure to satisfy the conditions precedent the issuance of the Conditional Use Permit, this approval is void and in the same is deemed to not have been approved, and the petitioner will therefore need to re-commence the application process.
24. A Conditional Use Permit shall be issued within 18-months of the approval by the Town of Genesee. If the Conditional Use Permit is not issued with the above specified time period, the Town of Genesee Plan Commission shall review the validity of the proposed development and render a decision if said development will take place and may extend the time period for the issuance of the Conditional Use Permit. If the Town and County determine that the project is not feasible for whatever reason, the Conditional Use Permit shall automatically be terminated.
25. Any subsequent changes or additions to an approved plan shall first be submitted for approval to the Town Plan Commission and, if it is the commission's opinion such change or addition is not substantial, it may recommend approval to the Town Board. The following shall automatically be construed to be substantial:
 1. An increase in the number of dwelling units from that shown in the approved project;
 2. A significant change in the size or type of structure from that contained in the approved conditional use;
 3. The addition of any principal uses not included in the approved conditional use; and
 4. Any change in the basic concept of the site development, which would significantly alter the relationship of uses or open space.
26. The Town reserves the right to review any condition imposed as part of this Conditional Use 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 without the necessity of having a public hearing. Any major change, as determined by the Town Plan Commission and Waukesha County shall follow the Conditional Use procedure of the Waukesha County Zoning Ordinance.
27. Petitioner shall, on demand, reimburse the Town of Genesee for all costs and expenses of any type that the Town incurs in connection with this conditional use permit, including the cost of professional services incurred by the Town of Genesee (including engineering, legal, planning and other consulting fees) and for the review and preparation of the conditional use permit or attendance at meetings or related professional services for this application, as well as for any actions that the Town of Genesee is required to take to enforce the conditions in this conditional use permit due to a violation of these conditions. All fees due and owing at the time shall be paid prior to the issuance of the conditional use permit, and such fees coming due following the issuance of the conditional use permit shall be paid within thirty (30) days of billing.

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 property taxes (real or personal); 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
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Legends of Brandybrook, LLC
Trio Engineering

Discussion/Action – Certified Survey Map for Steven Vaneerden, W309 S6245 Road X, Mukwonago, WI 53149 (Tax Key GNT 1572-017)

Vaneerden was not present. Plan Commission decided to make a recommendation to the Town Board. Herrmann reviewed the easement transfer in 1983. Waukesha County stated two buildings need to be torn down before signing of the CSM.

Ross made a motion to approve recommendation to the Town Board on August 12, 2019 at 6:00 p.m. subject to Planner's Report and Recommendation dated July 15, 2019. Christiansen seconded the motion and it carried unanimously.

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

CERTIFIED SURVEY MAP

<u>PROJECT NAME:</u>	Vaneerden CSM
<u>TAX KEY NO.:</u>	GNT 1572.017 GNT 1572.018 GNT 1572.989
<u>DATE:</u>	July 15, 2019
<u>OWNER:</u>	Steven & Susan Vaneerden W309 S6245 Road X Mukwonago, WI 53149
<u>LOCATION:</u>	Lots 17 and 18 Pheasant Ridge, and a smaller parcel, all being a part of the SE ¼ of Section 33 and the SW ¼ of Section 34, Town of Genesee, Waukesha County, Wisconsin and at W309 S6245 Road X.
<u>TOWN ZONING:</u>	A-2 Rural Home District.

SHORELAND ZONING:

A-2 Rural Home District.

LOT SIZE:

Lot 17 - Approximately 3.1 acres.
Lot 18 - Approximately 3.0 acres.
Small Parcel – Approximately 14,374 square feet.

REQUESTED USES:

A Certified Survey Map (CSM) to reconfigure three (3) parcels into two (2) Lots.

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN -2035: The Town of Genesee Comprehensive Land Use Plan – 2035 designates property in the Suburban II Density Residential category allowing development at 3.0 acres to 4.9 acres per dwelling unit. Therefore, the proposed parcels comply with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

The properties are located on the north side of Road X, about 1,300 feet west of the intersection of Hunters Crossing and Road X. Lot 17 contains an existing home and in-ground swimming pool. Lot 18 contains an existing detached garage. An additional small parcel is about 14, 374 square feet and contains a private road servicing both parcels. The petitioner is proposing to reconfigure the lot lines to maintain the existing residence and detached garage on the same property. The proposed reconfiguration will result in two (2) new Lots. Lot 1 will consist of 3.505 acres and will contain the single-family residence and detached garage. Lot 2 will consist of 3.002 acres and will be vacant except for the private road. It appears the Lot line between Lot17 and Lot 18 was moved at some, but the exact date is unknown at this time. In 2006, the Vaneerden’s purchase the 14, 270 square feet from neighbor to the east (Don Belman Jr.).

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 June 25, 2019, giving the Town Plan Commission until September 8, 2019 and the Town Board until September 23, 2019, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated June 12, 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 375-12(A)(5) All slopes greater than 20 percent shall be shown on the CSM along with a note indicating that any lot area with slopes in excess of 20 percent shall be maintained as open space.
- Section 375-23 (M) Existing zoning on and adjacent to the proposed 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; the Village of North Prairie and Waukesha County in regard to the CSM, prior to the Town signing the final CSM.
2. The 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 the Village of North Prairie shall be incorporated herein.
3. Waukesha County shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by Waukesha County shall be incorporated herein.
4. 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 notes.
5. The existing shed and Chicken Coop shall be removed from the property, prior to the Town Signing the final CSM.
6. A note shall be placed on the CSM, indicating, "No soil tests were provided for the existing Lot 17 or Proposed Lot 2. Therefore, if no viable septic area is found on proposed Lot 2, this lot may not be buildable in the future".
7. The Waukesha County Environmental Resources Division shall approve a preliminary Site Evaluation of the existing septic system, prior to the Town signing the final CSM.
8. "C.T.H. X" shall be changed to "Road X".
9. The 66' Wide Ingress and Easement" references Document No. 1201395. This document number should be verified. Register of Deeds does not show an Easement under that Document Number.
10. Per Section 11 of the Town of Genesee Zoning Code, since more than one (1) principle residence or parcel is proposed, the pavement or gravel within the 66-foot easement shall be a minimum of 16 feet in width, unless required to be greater, pursuant to another local Ordinance.
11. A maintenance agreement for maintaining the 66-foot easement and/or road shall be reviewed and approved by the Town Planner and Town Attorney.
12. On sheet 6 of 6, the signature for the Town Board Chairman "Charon L. Leair" shall be changed to "Sharon L. Leair".
13. All existing and proposed easements shall be shown.
14. Subject to the Developer satisfying all of the aforementioned conditions within one (1) year of the Town Board granting conditional final CSM approval.
15. 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.
16. 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
Waukesha County Department of Parks and Land Use
Steven & Susan Vaneerden
Jahnke & Jahnke

Discussion/Action – Certified Survey Map for Larry Dietrich, W305 S5072 State Road 83, Mukwonago 53149 (Tax Key GNT 1546-048)

Dietrich wants to combine three lots into one lot. Herrmann explained the process to complete the CSM.

Lightfoot made a motion to approve recommendation to Town Board on August 12, 2019 at 6:00 p.m. subject to Planner's Report and Recommendation dated July 15, 2019. Christiansen seconded the motion and it carried unanimously.

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

CERTIFIED SURVEY MAP

PROJECT NAME: Dietrich CSM

TAX KEY NO.: GNT 1546.047
GNT 1546.048
GNT 1546.049

DATE: July 15, 2019

OWNER: Larry R. Dietrich
W305 S5072 S.T.H. 83
Mukwonago, WI 53149

LOCATION: Lots 55, 56, and 57 Plat of Genesee, being a part of the NE ¼ and the NW ¼ of Section 27, Town of Genesee, Waukesha County, Wisconsin and at W305 S5072 S.T.H. 83.

TOWN ZONING: R-3 Residential District.

SHORELAND ZONING: None.

LOT SIZE: Approximately 34,167 Square Feet (.78 acres).

REQUESTED USES: A Certified Survey Map (CSM) to combine three (3) adjacent Lots into one (1) parcel, thereby removing the lot lines and combining Tax Key Numbers.

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN -2035: The Town of Genesee Comprehensive Land Use Plan – 2035 designates property in the Low density residential category allowing development at 20,000 square feet to 1.4 acres per dwelling unit. Therefore, the proposed parcel complies with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

The property is located on the east side of S.T.H. 83. It contains a single-family residence with an attached garage and a small shed. The petitioner owns three (3) adjacent lots with the residence located over an existing lot line. In order to eliminate the existing interior property lines, the petitioner has submitted a Certified Survey Map (CSM). The proposed combination of parcels will result in one larger parcel containing about .78 acres of land.

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 June 26, 2019, giving the Town Plan Commission until September 9, 2019 and the Town Board until September 24, 2019, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated June 20, 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:

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| Section 375-23 (J) | Approximate dimensions of all lots together with proposed lot numbers. |
| Section 375-23 (M) | Existing zoning on and adjacent to the proposed CSM. |
| Section 375-29 (E) | All Utility and/or Drainage Easements shall be shown on the final CSM. |
| Section 375-44 | <u>Duplicate CSM to be Filed:</u> 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 375-48 (A) | Since S.T.H. 83 is classified as a major highway, a planting strip at least 30 feet in depth shall be provided adjacent to S.T.H. 83. 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 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:

17. 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.
18. The 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 the Village of North Prairie shall be incorporated herein.

19. 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 notes.
20. The Waukesha County Environmental Resources Division shall approve a preliminary Site evaluation of the existing septic system, prior to the Town signing the final CSM.
21. On sheet 4 of 4, the signature for the Town Plan Commission Secretary shall be "Cynthia Zignego, Secretary" not "Meri Majeskie, Clerk".
22. All existing and proposed easements shall be shown.
23. Subject to the Developer satisfying all of the aforementioned conditions within one (1) year of the Town Board granting conditional final CSM approval.
24. 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.
25. 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
Larry Dietrich
Bryce Kaczor

Discussion – Conceptual Land Division, Donald Murn, S51 W28637 Saylesville Road, Waukesha, WI 53189. (Tax Key GNT 1540-997-001)

Murn discussed his proposal for land development. Murn will go to the County for clarification of what needs to be done.

Memorandum

To: Donald Murn
From: Jeffrey Herrmann, Administrator-Planner
Date: 06/17/19

The purpose of this memo is to provide the Town of Genesee Plan Commission with information regarding the proposed development for Donald Murn, S107 W34870 S. Shore Drive, Mukwonago, Wisconsin. The property is described as part of the S ½ of Section 25 T6N, R18E, Town of Genesee and is located on the southeast corner of Saylesville Road (C.T.H X) and Point Drive. The parcel contains about 100 acres and has approximately 983 feet of frontage on Saylesville Road and about 2,100 feet of frontage on Point Drive. The parcel is currently vacant. The property is zoned A-1 Agricultural, C-1 Conservancy and A-E Exclusive Agricultural Conservancy District under the Town of Genesee Zoning Code. Under the Waukesha County Shoreland and Floodland Protection Ordinance, the property is zoned A-1 Agricultural, HG High Groundwater, C-1 Conservancy and Floodplain Overlay District. The petitioner is proposing to develop a total of three (3) units. This proposal will be completed using private wells and septic systems.

The owner is presenting this conceptual land division to the Planning Commission to get any comments or suggestions to help them decide on the feasibility and layout prior to making a formal submittal.

The following are comments to be considered when reviewing the revised concept plan:

- The proposed Comprehensive Land Use Plan 2035 for the Town of Genesee identifies this property in the Suburban II Density Residential allowing development at 3.0 to 4.9 acres of lot area per dwelling unit, primary environmental corridor category (density equal to 5.0 acres per dwelling unit) and other open lands to be preserved. The Comprehensive Land Use Plan 2035 for the Town of Genesee seeks to preserve and protect primary environmental corridors to the greatest extent possible. Under the plan, development within these corridors would be limited to that needed to accommodate required transportation and utility facilities, compatible outdoor recreation facilities, and, on a limited basis, carefully sited rural density residential use. The Developer has provided a layout whereby the environmental corridors and conservancy lands are protected.
- Soil tests have not been provided for different areas of the proposed development. According to the soils classification, the soils are adequate for conventional and/or mound type septic systems. The soils classification for the buildable areas consists of the following soil types: Fox Sandy Loam (FmB), Hebron Loam (HeB), and Hochheim Loam Eroded (HmC2). These soil types tend to be well drained and not hydric. Other soils on the site are not well drained and are considered hydric or have hydric inclusions.
- Approximately half of the parcel is considered wetland and primary environmental corridor (PEC). The wetlands and the PEC area shall be identified in the field, surveyed and a written report sent to the Wisconsin Department of Natural Resources (DNR). The DNR will need to review and approve the location of the wetlands. The Primary Environmental Corridor delineation will need to be submitted to the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for review and approval. The Town Plan Commission may waive this requirement if deemed appropriate. A restriction shall be placed on the Certified Survey Map prohibiting uses in the PEC.
- The property does not abut a navigable waterway of the state, but a tributary of the Genesee Creek is located in close proximity to the south property line.
- A portion of Lot 3 contains floodplain along the frontage of Point Drive. It is important that this floodplain issue get resolved with Waukesha County to insure access on to Point Drive.
- A large portion of the property is located within the Waukesha County Shoreland and Floodland Jurisdictional limits, therefore, the developer should contact Waukesha County to confirm what jurisdiction they have regarding the proposed land division and future development of the property.
- The property drops in elevation from the northwest to the southeast. The elevation at the high point near C.T.H. X is 825 msl with the lowest elevation near the southeastern property line 784 msl. The concept plan does not delineate slopes greater than 12 percent. All parcels which contain environmental corridor with slopes greater than 12 percent will need to be preserved in open space uses and it appears that this is the

case with Lot 3. Lots 1 and 2 may need to delineate slopes greater than 20 percent if no environmental corridor is present on the proposed lots. The code indicates that lots in excess of two (2) acres, with no environmental corridor, preserve slopes in excess of 20 percent. A detailed analysis of the slopes and corridor will be more than likely be required.

- Based on the concept plan submitted, all lots appear to contain buildable areas large enough to accommodate normal residential development. In addition, all requirements of the Town of Genesee Zoning Code and Waukesha County Shoreland and Floodland Protection Ordinance in regards to offsets, setbacks, floor area ratio, etc. will need to be reviewed and approved.
- No storm water management facilities are shown on the concept plan. The petitioner's engineer should review the Waukesha County's Stormwater Ordinance. The Town requires all stormwater facilities to be shown on outlots. Waukesha County will need to review the proposed stormwater management facilities when the proposed concept plan is implemented (if applicable).
- The area of the property where the potential home sites are to be developed is currently zoned A-1 Agricultural, requiring a minimum lot size of three (3) acres. For lots which lie partially within and partially outside of the environmental corridor district, any land altering activity and/or building envelopes shall be located outside of the environmental corridor district and appropriately restricted as such on the face of the certified survey map, subdivision plat or other document approved by the Town Plan Commission or the zoning administrator and recorded in the office of the register of deeds. The overall goal of this requirement is to obtain a maximum density of building activity within the environmental corridor of not more than one dwelling unit for each five acres of environmental corridor land.
- The proposed land division shall comply in all respects to the Town of Genesee Land Division and Development Ordinance.
- Any waivers or variances granted by the Town of Genesee and/or Waukesha County shall be placed on the face of the final CSM.
- Access to C.T.H. X will need to be approved by the Waukesha County Department of Public Works. If only one access is approved, it may need to be a shared access easement 60 feet wide by 60 feet deep or the existing driveway will need to be relocated. The property line should be the center of the easement. Documentation regarding the above will need to be submitted to the Town Planner for review and approval prior to acting on the Certified Survey Map.
- The petitioner will not need to amend the zoning on the property.

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

Manager, Ravi, is requesting the sale of coffee, donuts and cigarettes at drive thru facility from 6 a.m. to 10 a.m. and adding the sale of beer, wine and spirits from 10 a.m. to 9 p.m. Town Board will need to approve on August 12, 2019 extending the premise on the liquor license for the sale of alcohol.

Lightfoot made a motion to approve the sale of coffee, donuts and cigarettes through the drive thru from 6 a.m. to 10 a.m. The sale of alcohol will go to the Town Board on August 12, 2019 at 6:00 p.m. Ross seconded the motion and it carried unanimously.

Discussion/Action – Approval of June 24, 2019 Plan Commission Minutes

Turzynski made a motion to approve the June 24, 2019 minutes, seconded by Christiansen. Motion carried unanimously.

Review Pending

Discussion regarding four violation letters: Wierzba – pool pump noise; Bennett – rooster; Engnath – vehicles; and Hoffmann – vehicles.

Correspondence

None.

Christiansen made a motion to adjourn, Ross seconded. Meeting adjourned at 6:40 p.m.

Cindy Zignego
Deputy Clerk
July 24, 2019