

**TOWN OF GENESEE PLAN COMMISSION MEETING
FEBRUARY 24, 2020**

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

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

Discussion/Action – Conditional Use request of Carrie Belanger, W304 S5186 Highway 83, Mukwonago, Wisconsin to operate a Commercial Horse Boarding Operation. The property is described as Lot 2 Certified Survey Map No. 10908, being a part of the SE ¼ of Section 27, T6N, R18E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located on east side of S.T.H. 83. (Tax Key GNT 1548-997-004)

Carrie Belanger was present. Herrmann stated there is a landfill on the property and should be maintained per the DNR requirements. There should not be any trees or excavating in that area. Herrmann asked the plan commissioners if they want to do an annual CU review starting February 2021. Belanger had no questions. Lightfoot was supportive of one year review. Herrmann stated one of the conditions was to allow a three sided lean-to in each pasture.

Ross made a motion to approve with a condition of a one year CU review starting February 2021 and subject to the conditions in the Planner's Report dated February 17, 2020. Engelking seconded. The motion carried unanimously.

**TOWN OF GENESEE PLAN COMMISSION
PLANNER'S REPORT & RECOMMENDATION
CONDITIONAL USE – COMMERCIAL STABLE**

PROJECT NAME: Sundog Stables

TAX KEY NUMBER: GNT 1548.997.004

DATE: February 17, 2020

NAME OF OWNER: Carrie Belanger
W304 S5186 STH 83
Mukwonago, WI 53149-8725

LOCATION OF PROPERTY:

Lot 2 Certified Survey Map No. 10908, being a part of the SE ¼ of Section 27, T6N, R18E, in the Town of Genesee. More specifically, the property is located at W304 S5186 STH 83, containing approximately 10.963 acres.

PRESENT ZONING:

A-2 Rural Home District.

PROPOSED LAND USE:

Commercial Stable/Horse Boarding Operation.

PUBLIC HEARING DATE:

January 27, 2020

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

The Town of Genesee Land Use Plan - 2035 designates this area in the Suburban II Density Residential category allowing development of 3.0 to 4.9 acres per dwelling unit. The proposed use of the property complies with the Town of Genesee Comprehensive Land Use Plan - 2035.

ORIDNANCE REQUIREMENTS:

Per the requirements of the Town of Genesee Zoning Code regarding Conditional Uses, the Town Plan Commission shall determine that the proposed use of the property as a “Commercial Stable”, complies with the following:

- (a) The building plans, site plan, plan of operation, and a manure management plan (approved by Waukesha County Land Resources Division) shall be submitted to and approved by the Town Plan Commission.
- (b) No buildings other than one used only for residential purposes shall be closer than fifty (50) feet to the lot line of any adjoining lot in a district permitting residential use.
- (c) The Town Plan Commission shall make a finding that such use is compatible with surrounding and nearby residential land uses which may be affected by the proposed use.
- (d) Not more than one horse or other head of livestock should be kept for each full open acre over two acres of open lot area, unless the Town Plan Commission makes a specific finding that the subject parcel can maintain a greater number of livestock based on the proposed building plans, site plans, plan of operation and manure management plan.
- (e) The keeping of swine (hogs and/or pigs of any type), male goats or fur-bearing animals shall not be permitted on less than 20 acres.

OTHER CONSIDERATIONS:

The property is located in the NW ¼ of the SE ¼ of Section 27, in the Town of Genesee. More specifically the property is located on the east side of S.T.H. 83 on the southeast corner of Seville Lane and S.T.H. 83, containing approximately 10.963 acres of land. The property is currently zoned A-2 Rural Home District, requiring a minimum lot size of three (3) acres. The Town Plan Commission held a joint public hearing on January 27, 2020. Two (2) neighbors spoke on the request. One neighbor was in support of the proposed request and indicated that Ms. Belanger keeps her property in immaculate condition. Another neighbor voiced concern over the previous owner and the number of horses that got out of the fenced area and ended up on her property.

The request is to house up to nine (9) total horses on the property. Currently, Ms. Belanger has two of her own horses that reside at the property. The property contains an eight (8) stall stable and a large (60 ft. x 129 ft.) indoor riding arena. There is also a single-family residence, where Ms. Belanger currently resides and a detached garage. The property is surrounded by fencing and has four (4) pastures and two (2) paddocks for the horses. The petitioner also indicated there is room for parking up to six (6) trailers on the property on the south side of the indoor riding arena. The manure storage is located on the south side of the parking area near the detached garage. A manure management plan has been prepared and submitted to Waukesha County for review and action. It is important to note that the property contains a large landfill area in the center part of the property. This area shall not be disturbed per the Wisconsin Department of Natural Resources.

PLANNER’S RECOMMENDATION:

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

1. Subject to the Operation being limited to the activities necessary for boarding, training and stabling up to a maximum of nine (9) horses that are owned or not owned by the Applicant, on the property, unless otherwise limited by the Waukesha County Land Resources Division or the Waukesha County Environmental Health Division.
2. Subject to all horses being boarded in the existing barn facility only, no other buildings shall be used for boarding purposes.
3. Activities on the subject property herein shall not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor. Notwithstanding the foregoing, operation of a horse boarding facility pursuant to ordinary and generally accepted customs and practices, and as further restricted by this Conditional Use Permit, shall not constitute a nuisance as contemplated by this paragraph.
4. The Applicant is required and must have all plans current, approved by the Town Planner for the Town of Genesee and on file with the Town Clerk for the Town of Genesee. The Applicant shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions and subject to the approval of the Town of Genesee Plan Commission, without a public hearing, if such amendment and/or change is not a substantial change from the original plan as approved and as allowed herein. Any amendment or change in any plan contemplated herein that the Town Planner of the Town of Genesee feels, in their sole discretion, to be substantial will require Town Plan Commission review and action or possible an Amended Conditional Use Permit and all procedures in place at the time must be followed.
5. Subject to the Waukesha County Land Resources Division approving the Nutrient Management Plan, prior to the issuance of any permits.
6. The abandoned landfill shall be maintained in accordance with the DNR order. The property owner of record shall be responsible for any maintenance of the landfill. The landfill shall be maintained as required by the Town and/or the DNR.
7. The Town Building Inspector shall inspect the premises to ensure all applicable building codes have been complied with prior to occupancy of the building.
8. The Wales/Genesee Fire Chief shall inspect the premises to ensure all applicable fire codes are complied with and that a Knox Box has been installed in conformance with the Town of Genesee Knox Box Ordinance, prior to occupancy of the building.
9. Subject to the Applicant recording a Declaration of Restrictions indicating a Conditional Use Permit exists on the property and all conditions that shall be followed as part of the operation. The Declaration shall be prepared by the Town Planner with approval from the Town Attorney. The Declaration of Restrictions shall be recorded prior to the issuance of any permits.
10. The Conditional Use Permit shall be subject to an annual review beginning February 2021, and continuing each February, thereafter, until the Town Plan Commission feels it is no longer necessary to complete an annual review. In the event that the use of the property is not in substantial compliance with all terms of this Conditional Use Permit or the conditions of the neighborhood change, then, in that event, the Plan Commission for the Town of Genesee, may add additional conditions or modify the conditions stated herein, in order to obtain compliance with said conditions. If said property remains in noncompliance for a substantial period of time, as determined by the Town Plan Commission, then the Town of Genesee may proceed with termination of the Conditional Use Permit as set forth in the Town of Genesee Zoning Code.

11. No temporary use, clinic, special activity or events for more than 50 people are allowed on said premises at any time. An amendment to the Conditional Use Permit shall be required for any events where more than 50 people are invited to participate or are on said premises at any one time ("special event"). No public hearing shall be required for an event of less than 49 people.
12. Subject to access onto S.T.H. 83 being approved by the Wisconsin Department of Transportation. Any required improvements shall be constructed in compliance with all conditions imposed by the State of Wisconsin.
13. No sign is being proposed at this time. If a sign is desired in the future, the Applicant shall file an amended Site Plan/Plan of Operation. The Applicant shall submit a location map and detailed renderings of all proposed signs to the Town of Genesee Plan Commission for review and action. All approved signs must be located in conformance with the requirements set forth in the Town of Genesee Sign Ordinance, prior to issuance of permits for any signs.
14. All lights shall be for security purposes only and there shall be no additional exterior lighting without prior approval of the Town Plan Commission. All existing lighting on-site may remain as is.
15. Subject to the Applicant maintaining her primary place of residency on the property, unless a new Conditional Use Permit is approved by the Town of Genesee Plan Commission in accordance with all then existing Conditional Use procedures.
16. Subject to the Conditional Use not being transferred, except as follows: Upon the approval of the Town of Genesee Plan Commission, the Conditional Use may be transferred to another lessee and/or future owner.
17. The Applicant shall be required to appear before the Town Plan Commission to answer complaints upon notification by the Town Plan Commission.
18. Subject to no new accessory buildings, being approved without the issuance of a new Site Plan/Plan of Operation, upon approval by the Town Plan Commission. This does not include a small (less than 200 square feet) three (3) sided lean-to in each pasture.
19. No more than six (6) horse trailers shall be parked overnight on the property. All horse trailers shall be screened from view from the neighboring properties.
20. Subject to fencing adequate to contain horses on the property being installed and/or maintained by the owner.
21. Subject to the owner being responsible for containing all horses on her property.
22. Subject to all laws, ordinances, regulations and rules of the Federal, State, County and Town.
23. Subject to documentation being submitted to the Town Planner that Waukesha County Environmental Health Division has issued a Sanitary Permit for the proposed uses on the property prior to the issuance of any permit.
24. The Applicant shall keep the exterior condition of the Premises in a neat and orderly condition at all times so that the Premises will not detract from neighboring Premises. There shall be no outside storage of junk, debris, or other refuse materials and all such materials shall be disposed of promptly.
25. Subject to the applicant allowing the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.

26. The Owner shall keep the Town advised at all times as to the name, address and telephone number(s) of the contact person for emergencies.
27. The owner 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.

Respectfully submitted,

Jeffrey C. Herrmann
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Wales-Genesee Fire Department
Carrie Belanger

Discussion/Action – Certified Survey Map for Casey Masterson, N5 W31720 Twin Oaks Dr., Delafield, WI 53018. Lot #3, CSM 10821, Esser Drive. (Tax Key GNT 1505-996-007)

Mike Shoher and Casey Masterson were present. Herrmann explained there was a meeting with Masterson, Shoher, Town Attorney John Macy, Leair and Herrmann and they came to the conclusion that the cost of connecting both Esser Drives at this time, or maybe in the future, may be cost prohibitive. The cost was approximately \$300,000 to run that connection to serve 2 or 3 lots. Masterson proposed to extend the cul de sacs. There has been an agreement between Masterson and Hardin for the outlot to the north. Masterson gave a proposal for a future land division for lots off the cul de sacs. That will be discussed in the future. Herrmann recommended approving the CSM subject to the conditions in his report. Engelking asked if the cul de sacs are being dedicated and Herrmann replied yes. Herrmann stated the Town is requesting renaming Esser Drive on the south to Esser Drive South. Residents will not have to change their addresses. The Town will change the street signs, which requires Town Board approval first. Leair stated the CSM will be on the Town Board's March 9, 2020 Agenda for approval.

Ross made a motion to recommend approval of the CSM to the Town Board for approval subject to the Planner's Report. Lightfoot seconded the motion. Motion carried unanimously.

TOWN OF GENESEE PLAN COMMISSION & TOWN BOARD

PLANNER'S REPORT AND RECOMMENDATION
CERTIFIED SURVEY MAP

PROJECT NAME: Masterson CSM
TAX KEY NO.: GNT 1505.996.007
DATE: February 17, 2020

OWNERS: Casey Masterson
N5 W31720 Twin Oaks Drive
Delafield, WI 53018

LOCATION: Lot 3 Certified Survey Map No. 10821, being a part of the SE ¼ of the NE ¼ of Section 17, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin.

WAUKESHA COUNTY ZONING: A-2 Rural Home District.
Environmental Corridor Overlay District.
Wetland Overlay District.

LOT SIZE: Lot 1 - Approximately 26.02 acres.

REQUESTED USES: A Certified Survey Map (CSM) to create 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 allowing 3.0 – 4.9 acres of lot area per dwelling unit. Therefore, the proposed parcels comply with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

On October 28th, 2019, the Town of Genesee Plan Commission reviewed a conceptual land division for Casey Masterson, N5 W31720 Twin Oaks Drive, Delafield, Wisconsin. The property is described as Lot 3 Certified Survey Map No. 10821, being a part of the SE ¼ of the NE ¼ of Section 17, T6N, R18E, Town of Genesee. The property consists of approximately 26.02 acres and contains no structures or buildings. The property is currently zoned A-2 Rural Home District (3-acre minimum lot size), Environmental Corridor Overlay District and a Wetland Overlay district. The petitioner was proposing to divide the property to create one (1) additional lot for a total of two (2) Lots and one (1) Outlot. Lot 1 would be 10.00 acres in size and Lot 2 would be 12.75 acres in size. Outlot 1 would be 3.27 acres in size. Mr. Masterson (“Petitioner”) was told that a new road should be constructed so that the two (2) Esser Drives connected as planned for when Esser Point and Sierra subdivisions were platted. Roads were extended to the property lines and temporary cul-de-sacs were constructed so that a future road could be constructed.

On January 22, 2020, the Town Planner, Town Chairman and Town Attorney met with Mr. Masterson, Attorney Michael Schober, and Mark Augustine (surveyor) and discussed the reasons for not wanting to put in the road and make the connection. After considerable discussion, Mr. Masterson indicated that the cost of the new road will be too expensive and the sale of the lots would be so high that they would not be at a price that would allow the lots to be sold at a reasonable price. Given the high price for the lots may render them unsalable. A new concept plan was presented that showed how the temporary cul de sacs could be extended onto Mr. Masterson’s property as permanent cul de sacs, built to Town road standards, to serve the proposed two new lots as well as provide access to the neighboring property to the north. Mr. Masterson also provided a future layout for the development of additional lots; however, that is not his desire at this time. The new proposed CSM contains two (2) Lots and an outlot. Lot 1 will be 14.591 acres in size and Lot 2 will be 10.592 acres in size. Both Lots are currently vacant. Outlot 1 is 7,655 square feet in size and will be transferred to the neighbor to the north. In addition to the creation of two (2) lots and one (1) outlot, additional land will be dedicated to the Town of Genesee along with the construction of two (2) new cul de sacs. No stormwater management has been provided on the CSM.

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 February 3, 2020, giving

the Town Plan Commission until April 18, 2020 and the Town Board until May 3, 2020, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated January 31, 2020, 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 375-9 (A) The proposed cul de sacs shall be dedicated by the owner to the Town of Genesee in the locations and dimensions indicated on said CSM. In addition, the cul de sacs shall be constructed to Town road standards.
- Section 375-12 (A)(5) Any lot regardless of size, in which a portion of the lot contains a primary environmental corridor as identified by the Southeast Wisconsin Regional Planning Commission shall preserve slopes in excess of 12 percent. The slopes exceeding 12 percent shall be identified and a note shall be added to the CSM indicating that any portion of the lot area in excess of 12 percent shall be maintained as open space.
- Section 375-22(E) Names and addresses of the owner, subdivider and land surveyor preparing the CSM shall be shown on the face of the CSM.
- Section 375-23(Q) Location of soil borings are shown on the CSM; however, the boring data needs to be submitted to the Town Planner prior to the Town signing the final CSM.
- Section 375-29 (E) All Utility and/or Drainage Easements shall be shown on the final CSM.
- Section 375-40 (C) Whenever a public improvement is necessitated by the certified survey map, the developer must satisfy the following additional requirements:
- (1)** The developer must submit, subject to approval of the Town Attorney, Town Planner and Town Engineer, a developer's agreement and must enter the approved agreement with the Town, prior to commencing any construction of said improvements.
 - (2)** The developer must submit, subject to approval of the Town Attorney, Town Planner and Town Engineer, a letter of credit or cash to guarantee full and timely completion of the improvements, prior to commencing any construction of said improvements.
 - (3)** The developer must submit any plans or other documents relative to the construction of said improvements, as required in this chapter or as required by the Town Planner and/or Town Engineer.
- 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.
- Section 375-69 No construction or installation of improvements shall commence in a proposed division or development until the CSM has been approved and all pertinent conditions of said approval have been satisfied, a developer's agreement has been entered into between the developer and the Town to the satisfaction of the Town Attorney and the Town Engineer, and the Town Engineer has given written authorization to commence construction.

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 Wales and Waukesha County 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. Waukesha County shall approve the revised CSM and Shall 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.
4. The ownership of Outlot 1 shall be worked out prior to the Town signing the final CSM.
5. On sheet 5 of 5, under Town of Genesee Plan Commission Approval Certificate, "Meri Majeskie, Clerk" shall be changed to "Cynthia Zignego, Secretary".
6. Esser Drive on the South shall be changed to a different name and the property owners on this Esser Drive will be required to change their street name. The Town Planner shall review and approve the final street name. A suggestion would be "South Esser Drive". This would allow the property owners on Esser Drive to change their personal information over time.
7. All erosion control and stormwater management plans will need to be approved by Waukesha County Land Resources Division and the Town Engineer (cursory review), prior to signing the final CSM. Any new Stormwater facilities shall be approved by the Town Planner and Town Engineer.
8. A note shall be added to the face of the CSM indicating that there shall be no commercial or business use on any lot, except as specifically permitted pursuant to the applicable Zoning Code.
9. Any conditions imposed by the Town Engineer shall be complied with prior to the Town signing the final CSM.
10. 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.
11. A note shall be placed on the face of the final CSM stating, no lot or outlot 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 or outlot 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.
12. All existing and proposed easements shall be shown.
13. Subject to the Developer satisfying all of the aforementioned conditions within one (1) year of the Town Board granting conditional final CSM approval.
14. 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.

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
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Waukesha County Department of Parks and Land Use
Casey Masterson
Village of Wales

Discussion – Conceptual Land Division for Hickory Hills, Fowler McConnell, S49 W28855 Parke Ln E, Waukesha, WI 53189. The property is described as being part of the NW ¼ and the SW ¼ of the SE ¼ and part of the SE ¼ of the SW ¼ of Section 18, T 6 N, R18 E, in the Town of Genesee, Waukesha County, Wisconsin. Also, being part of the NE ¼ of the SE ¼ of the SW ¼ and part of the NW ¼ and the SW ¼ of the SE ¼ of Section 18, T 6 N, R 18 E, Town of Genesee, Waukesha County, Wisconsin. (GNT 1511-984, GNT 1511-985, GNT 1511-986 and GNT 1511-987)

Jon Spheeris and Linda Kukar were present.

Herrmann discussed the two proposed CSM's. One CSM shows the new lots being created. The other CSM shows the existing lots. Herrmann compared the two CSM's. State law requires you cannot show more than 4 lots on one CSM and that is why there are two CSM's. Two of the lots were created in 1967 by metes and bounds descriptions. The Town of Genesee did not have a land division ordinance until 1972. They are legally prescribed parcels and do not abut a public road. The Town Attorney recommends not showing the two lots on a CSM because they were created in 1967 and do not meet our requirements. The lots do not have access to a public road or meet our criteria. Herrmann recommended submitting one CSM and not show the remnant piece. There would be four new lots and Honeysuckle Drive would be extended. The cul de sac would be extended onto that property. Engelking asked how lots 1, 2, and 3 get access. Herrmann stated off Hwy D.

Spheeris said the parcel is approximately 114 acres. Fowler McConnell was a long term resident of the Town. Fowler wants to retain the rural character of the property because he wants to build a home on the large parcel. He wants to add 4 lots on the 114 acres, for a total of 7 lots. They can show the 20% slopes on the map and plan on using the County GIS for the Environmental Corridor. Lot 4 is primarily Environmental Corridor. There are two existing homes and a private road. All the lots are large and there should be a sufficient area to build. Soil tests have been completed. Ross had no problem using the County GIS due to the large lot size. Lightfoot agreed and had no objection to the way it is laid out. Spheeris said Fowler does not want future development without future Town approval. Spheeris said they will do one CSM showing the four lots for the March Plan Commission meeting. They will have documents submitted by March 2, 2020.

MEMORANDUM

To: Town of Genesee Plan Commission
From: Jeffrey Herrmann, Administrator-Planner
Date: February 17, 2020
Re: Hickory Hill Farm – Conceptual Land Division

The purpose of this memo is to provide the Town of Genesee Plan Commission with information regarding the conceptual land division for McConnell's Hickory Hill Farm, S49 W28855 Parke Lane East, Waukesha, Wisconsin. The properties are part of the SE ¼ and the SW ¼ of Section 18, T6N, R18E, Town of Genesee and known as Tax Key No's. GNT 1511.984, GNT 1511.985, GNT 1511.986, and GNT 1511.987. More specifically, the properties are located on the north side of C.T.H. D, approximately 4,000 feet west of the intersection of C.T.H. D and S.T.H. 83.

The property consists of approximately 114.25 acres and contains two (2) single-family residences and approximately three (3) detached accessory buildings. The property is currently zoned A-2 Rural Home District (3-acre minimum lot size), A-5 Mini-Farm District (5-acre minimum lot size), and E-C Environmental Corridor District. Currently, the development consists of four (4) parcels. The petitioner is proposing to divide the property to create three (3) additional lots for a total of seven (7) lots. The history on the four (4) existing parcels shows the parcels were created by meets and bounds in 1967 per the deeds. The Town of Genesee Land Division Ordinance did not exist until 1972.

The proposal is for two (2) CSM's, resulting in a total of seven (7) lots. The lot sizes will range in size from 5.190 acres to 48.689 acres. No additional roads are being proposed at this time, although Honeysuckle Drive will be extended onto the property and a permanent cul de sac will be installed.

The owner/petitioner 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 the western portion of the property in the five (5) acre density category with the rest of the property designated in the Suburban II Density Residential category (density equal to 3.0 acres to 4.9 acres of lot area per dwelling unit) and Primary Environmental Corridor category. The proposed development complies with the density requirement of the Town of Genesee Comprehensive Land Use Plan 2035.
- Soil tests have not been provided for the proposed new lots. According to the soils maps on the Waukesha County GIS, the soils on the majority of the property are well drained soils consisting of Fox Loam (FoB), Miami Loam (MxB), Miami Loam (MxC2), Fox Sandy Loam (FmB), Casco Rodman Complex (CrF), Casco Loam (CeC2), Grays Silt Loam (GrB) and Juneau Silt Loam (JuA) soils. These soils are very well drained and no limitations for basements. An isolated area in the west central portion of the property are Mundelein Silt Loam (MzFA) soils, which are poorly drained soils. No soils are considered hydric. A small wetland is located in the far northwest portion of the property and is part of the primary environmental corridor area. The petitioner should have preliminary soil borings completed on the lots to ensure septic system area is adequate for development of a new residence.
- The site does contain some primary environmental corridor (PEC) along the east side of the property. The Town has tried to protect these areas in the past. These areas will need to be identified in the field and shown on the CSM. The Town Plan Commission will need to decide if the PEC shall be field located or identified off of the County GIS.

- The property does not appear to contain a navigable waterway. The petitioner should contact Waukesha County to ensure the County does not have any zoning or land division jurisdiction regarding the proposed development.
- The property has a rolling topography with many steep sloped areas. The elevations vary from 1020 msl in the southwest corner to 1095 msl in the east central portion of the lot. The concept plan does not show slopes greater than 20 percent, but the ordinance requires that all lots, which are greater than two (2) acres in size, with slopes in excess of 20 percent be preserved in open space uses. Any lot that contains Environmental Corridor shall preserve any slopes greater than 12 percent in open space uses, regardless of lot size.
- The Town Plan Commission will need to review the proposed cul de sac extension and decide if they want the any additional Town roads constructed.
- Waukesha County Department of Public Works shall be contacted regarding the number and location of accesses to C.T.H. D.
- Based on the concept plan submitted, it has not been determined if all lots contain buildable areas large enough to accommodate normal residential development.
- No storm water management facilities are shown on the concept plan. The petitioner should review the Waukesha County's Stormwater Ordinance. The Town requires all stormwater facilities to be shown on outlots. Waukesha County Land Resources Division should review the proposed concept to determine if stormwater management facilities are required.
- The proposed land division shall comply in all respects to the Town of Genesee Land Division and Development Ordinance, including but not limited to, lots shall be designed so the depth to width ratio does not exceed 2-1/2 to 1 unless a variance is granted by the Town Plan Commission and Town Board. In addition, two (2) existing lots that do not abut a public road were created around 1967 and do not meet the definition of abutting a public road. The petitioner should consider doing a four (4) Lot CSM and request a waiver for the remnant parcel and adjacent lands owned by the property owner.
- Any waivers or variances granted by the Town of Genesee and/or Waukesha County (if applicable) shall be placed on the face of the final CSM.
- The petitioner does not need to amend the zoning on the property.
- If the Town Plan Commission agrees with this proposed land division, they may want to consider adding a condition on the CSM indicating no lots shall be further divided unless a public road is installed.

Status Report:

- a. Century Springs – 1-year CU review**
- b. Genesee Pet Suites – 1-year CU review**
- c. Wern Valley Sportmen's Club – 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. Roder Trucking – 2-year CU review**
- h. Gapinski – In-law-unit – 1-year CU review**
- i. Gardipee – In-law-unit – 1-year CU review**

There were no changes in the above CU reviews. There was a letter from John Bolger filing a complaint about the noise from Wern Valley Sportsmen's Club. Herrmann sent a copy of the letter to Steve Williams. Lair stated that there is no action on these status reports, just a motion to be placed on file. Bruce Fleischmann arrived at the meeting later and stated he is in the process of cleaning up his property. Engelking made a motion to file the reports as presented. Ross seconded the motion. Motion carried unanimously.

Discussion/Action – Approval of January 27, 2020 Plan Commission Minutes.

Lightfoot made a motion to approve the minutes. Christiansen seconded the motion. The motion carried unanimously.

Review Pending

Badger Materials Recycling submitted their annual report. It is up to the Plan Commission members if they want to review and discuss at the March Plan Commission meeting. If any member wants to discuss at the March meeting, let Herrmann or Zignego know and it will be placed on the March 23, 2020 agenda. Otherwise the report will be filed.

Correspondence

Adjourn

Engelking made a motion to adjourn. Christiansen seconded the motion. Motion carried unanimously.

Meeting adjourned at 6:29 p.m.

Cindy Zignego
Deputy Clerk
February 27, 2020