

**TOWN OF GENESEE PLAN COMMISSION MEETING
MINUTES
AUGUST 5, 2020**

Chairman Leair called the meeting to order at 5:45 p.m.

Present were: Town Chairman Leair and Supervisor James Morris. Also present were Plan Commission Members Bob Christiansen, Brett Engelking, Jeff Lightfoot, Mike Toole and Joe Turzynski. Also present was Planner Jeff Herrmann.

Discussion/Action - Conditional Use/Plan of Operation for Emily Rodriguez, d/b/a Adeline Montessori School LLC, 140 Carroll Street, Waukesha, Wisconsin to operate a Montessori School per Section 40 (B)(33) Public and Semi-Public Structures and Uses of the Town of Genesee Zoning Code. The property is described as part of the NW1/4 of Section 14, T6N, R18E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located on the south side of Sunset Drive and contains approximately 2.40 acres of land. More specifically, the property is located at S31 W29553 Sunset Drive.

Morris made a motion to approve subject to Planner's Recommendations dated July 29, 2020. Lightfoot seconded the motion. Motion carried unanimously.

Memorandum

To: Town of Genesee Plan Commission
From: Jeffrey C. Herrmann, Administrator-Planner
Date: 07/29/20
Re: Adeline Montessori School – Conditional Use

On July 27th, 2020, the Town of Genesee Plan Commission held a Public Hearing to consider a Conditional Use request of Emily Rodriguez, d/b/a/ Adeline Montessori School LLC, 140 Carroll Street, Waukesha, Wisconsin to operate a Montessori School for kids from infancy up to eighth grade. The property is located in the NW 1/4 of Section 14, T6N, R18E, Town of Genesee. More specifically, the property is located on the south side of Sunset Drive and contains approximately 2.40 acres of land. This property was previously used as a Montessori School prior to Bright Ideas buying the property in 2014.

After reviewing the Applicant's request, comments made at the joint public hearing (none) and discussion at the public hearing, the Town Planner recommends to the Town Plan Commission to approve the proposed request for a Montessori school subject to the following conditions: .

1. The prior Conditional Use/Plan of Operation Permit imposed by the Town of Genesee for Bright Ideas Learning Community is hereby repealed and has no further effect upon acceptance of the current Conditional Use/Plan of Operation Permit and the following conditions shall prevail.
2. The proposed use is limited to the operation of "Adeline Montessori School, LLC" for before and after school care and operation of a pre-school, child care, and early childhood education facility with

elementary and youth educational programs for children from ages six (6) weeks to thirteen (13) years of age.

3. The final Conditional Use/Plan of Operation approved by the Town of Genesee Plan Commission shall be kept up to date and on file with the Clerk for the Town of Genesee.
4. Subject to the Waukesha County Department of Parks and Land Use, Environmental Health Division, reviewing and approving the existing septic system and well for the proposed use prior to the issuance of a Conditional Use Permit.
5. Subject to the proposed use complying with all laws, rules, orders and codes of the Town of Genesee, Waukesha County, State and Federal Government.
6. Subject to the Conditional Use only being transferred to another lessee and/or future owner with the Town of Genesee Plan Commission Approval.
7. The terms and conditions of this Conditional Use Permit may be reviewed by the Plan Commission based upon a complaint received and at their discretion. Upon such review, additional reasonable terms and conditions may be imposed as are deemed necessary and appropriate by the Town of Genesee Plan Commission, so as to protect and promote the health, safety, welfare in the area and intent of the Zoning Code. If this Conditional Use Permit does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the Conditional Use Order and any subsequent approved amendments thereto may be terminated by action of the Town of Genesee Plan Commission, following referral to the Town of Genesee Plan Commission for Public Hearing thereon.
8. Subject to a letter from the owner and petitioner (if applicable) acknowledging and accepting all terms and conditions of this Conditional Use Permit being submitted to the Town of Genesee Clerk, prior to issuance of any permits.
9. Subject to the applicant allowing the premises to be available for inspection by all Town, County, State officials and agents at any reasonable time and for any proper purpose.
10. If any interior changes require a Zoning Permit and/or Building Permit, said permit(s) shall be applied for and issued in conjunction with the issuance of the Use Permits for the operation. If required, State Approved Building Plans shall be provided to the Town Building Inspector.
11. This site shall be inspected and licensed by the State of Wisconsin Department of Health and Family Services as a daycare center and will need to meet the requirements and conditions of a State License pursuant to statutes. Proof of all required licenses, including the State, shall be submitted to the Town Planner and Waukesha County Planning and Zoning Division Staff prior to permit issuance.
12. Any future playground equipment or modifications to the play area shall be reviewed and approved by the Town Planner.
13. Detailed colored sign rendering, location map and sign size shall be submitted to the Town Planner for review and approval of any and all signs, prior to the erection of any signs on the property.
14. A final Site Plan depicting the location of the parking/storage area for the bus, shall be submitted to the Town Planner for review and approval, prior to occupancy of the premises.
15. An updated Declaration of Restrictions shall be filed in the Waukesha County Register of Deed's office rescinding all previous Conditional Uses/Site Plan-Plan of Operations. The Declaration of

Restrictions shall be reviewed and approved by the Town Planner, prior to recording the Declaration of Restriction.

16. No outside storage is allowed.
17. A detailed safety measurement to prevent children from potentially running out onto Road DT shall be presented to the Town Planner for review and approval prior to issuance of an occupancy permit.
18. The subject parcel shall not be reduced in size as long as long as this Conditional Use is in effect and the use is legally existing on the site, and then only in conformance with the land division and zoning regulations in effect at the time of division.
19. Any expansion, change or modification to any part of the approved operation, including the construction of new buildings or changes to existing building, will require the approval of the Town of a revised Site Plan/Plan of Operation or Conditional Use and Site Plan/Plan of Operation, as determined by staff to be required by the Zoning Code, and satisfaction of all required conditions, prior to implementation. However, no exterior expansion of the existing building is allowed. Any expansion of the day care facility or any other modifications, which is/are considered to be minor by the Town Planner, shall only require an amendment to the Site Plan/Plan of Operation and not the Conditional Use Permit.
20. The Fire Chief shall inspect said premises to ensure that all fire codes are being 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.
21. 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.
22. Although not proposed, if meals are prepared onsite for the children, the facility is subject to further State and County approvals as required. The preparation and service of food shall be set forth in the approved Site Plan/Plan of Operation.
23. No additional exterior lighting is proposed or allowed.
24. 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.
25. Payment of Charges. Any unpaid bills owed to the Town by the Subject Property Owner or its 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.

Discussion/Action – Special Events request for Ella’s Public House, W325 S1777 Mickle Road, Delafield, WI 53018, on August 22, 2020 and September 19, 2020.

On August 3, 2020, Ella’s Public House requested events for August 22, 2020 and September 19, 2020. Herrmann stated Ella’s is allowed to have special events subject to Town Plan Commission approval 30 days prior to event. There were handouts for the August 22, 2020 Breast Cancer Ride. It will be held from 5:00 p.m. to 10:00 p.m. It will be held under a tent with live music and food service served outdoors. The second event will be held September 19, 2020 from 6:00 p.m. to midnight for KM Football Fundraiser. This will be under a tent with a DJ and food service served outdoors. Herrmann said Ella’s will need to amend liquor license with Town Board approval.

Engelking made a motion to approve the request subject to liquor license amendment being approved by the Town Board. Christiansen seconded the motion. Motion carried unanimously.

Herrmann referred to handouts for Legends at Brandybrook Estates. It will be on the August 24, 2020 agenda for approval of sign. Plan Commissioners did not have any objection to proposed sign.

Adjourn

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

Meeting adjourned at 5:52 p.m.

Cindy Zignego
Deputy Clerk
August 6, 2020