

TOWN OF GENESEE PLAN COMMISSION MEETING

NOVEMBER 25, 2019

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

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

Discussion/Action – Number of Accessory Buildings for James and John Yatzeck, S54 W31500 S.T.H. 59, North Prairie, WI. (Tax Key GNT 1551-999)

Herrmann stated the ordinance allows for two accessory buildings. He inquired about the condition of the buildings, if he should take a look at them or if they need to be removed. Yatzeck said some are not in the best shape. Herrmann will view the buildings prior to the Town Board meeting on December 9, 2019.

Ross made a motion to recommend approval to the Town Board subject to the Planner reviewing the buildings on the premise prior to the Town Board's meeting. Christiansen seconded. Motion carried unanimously.

Discussion/Action – Request to grant waiver from Section 375-10(A)(11) of the Town of Genesee Code of Ordinances to show remnant parcel owned by James and John Yatzeck, S54 W31500 S.T.H. 59, North Prairie, WI. (Tax Key GNT 1551-999)

Ross said North Prairie's Village Board had approved this.

Ross made a motion to grant the waiver subject to the Town Board's approval. Toole seconded. Motion carried unanimously.

Discussion/Action – Certified Survey Map for James and John Yatzeck, S54 W31500 S.T.H. 59, North Prairie, WI. (Tax Key GNT 1551-999)

Yatzeck had several questions from the Planner's Report. Herrmann explained the Preliminary Site Evaluation and Wisconsin DOT approval of the one access. Statement referring to two single family residences should state that one is a duplex. Notes on the CSM should be added.

Ross made a motion for recommendation to the Town Board subject to conditions in the Planner's Report dated November 14, 2019. Christiansen seconded. Motion carried unanimously.

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

PROJECT NAME: Yatzeck CSM

TAX KEY NO.: GNT 1551.999

DATE: November 14, 2019

OWNERS: James & John Yatzeck
P.O Box 266
North Prairie, WI 53153

LOCATION: Part of SW ¼ of Section 28, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin at S54 W31500 S.T.H. 59.

TOWN GENESEE ZONING: A-5 Mini-Farm District.

LOT SIZE: Lot 1 - Approximately 5.52 acres.

REQUESTED USES: A Certified Survey Map (CSM) to create one (1) Lot.

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN -2035: The Town of Genesee Comprehensive Land Use Plan – 2035 designates property in the Mixed Use category allowing a mixture of business and residential development. Therefore, the proposed parcels comply with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

The property is located on the northwest side of S.T.H. 59, about 600 feet north of the intersection of C.T.H. ZZ and S.T.H. 59. The owner has applied and been approved for a Conditional Use Permit for a legal non-conforming Conditional Use Permit to allow two (2) homes on a five (5) acre parcel. The Conditional Use approval was subject to several conditions. Lot 1 consists of 5.52 acres and contains two (2) existing single-family residential structures, two (2) existing garages, a barn and three (3) accessory structures.

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 October 16, 2019, giving the Town Plan Commission until December 30, 2019 and the Town Board until January 14, 2019, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated October 11, 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 (10) All remnant parcels must be part of the CSM unless specifically waived by the Town Plan Commission and Governing Body.

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.

Section 375-48 (A) Since S.T.H. 59 is classified as a Collector Street, a planting strip at least 30 feet in depth shall be provided adjacent to S.T.H. 59. 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:

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 Wisconsin DOT 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. Written Documentation from the Wisconsin DOT shall be provided to the Town Planner that the Wisconsin DOT has approved the existing access to the site. All conditions imposed by the Wisconsin DOT shall be incorporated herein.
4. Documentation shall be provided to the Town Planner that Waukesha County Environmental Resource Division has conducted a preliminary site evaluation of the existing septic systems for the existing homes.
5. All conditions of the Conditional Use Permit for a Legal Nonconforming Conditional Use have been complied with and the Conditional Permit has been issued prior to the Town signing the final CSM.
6. 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.
7. 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.
8. All existing and proposed easements shall be shown.
9. Subject to the Developer satisfying all of the aforementioned conditions within one (1) year of the Town Board granting conditional final CSM approval.
10. 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.
11. 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
John Yatzeck
Terrance Pisarek
Village of North Prairie

Discussion/Action – Accessory Building exceeding 1,600 square feet for Robert Meyer, S36 W32313 Depot Hill Road, Waukesha, WI 53189. (Tax Key GNT 1508-006)

Meyer said the accessory building will be for personal storage. Herrmann explained a deed restriction will need to be filed stating that it's for personal storage.

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

Discussion/Action – Number of Accessory Buildings for Bleu Belle Farms Riding Arena, S31 W29419 Sunset Drive, Waukesha, WI 53189. (Tax Key GNT 1493-999)

This was on last month's agenda. They forgot to mention that the detached garage will be torn down and rebuilt. Christiansen made a motion to approve the rebuilding of the detached garage which will increase the number of accessory buildings by one. Lightfoot seconded. Motion carried unanimously.

Discussion/Action – Site Plan/Plan of Operation for TLM Company LLC, 206 Trefor Court, Waukesha, WI 53188. (Tax Key GNT 1458-997-001)

TLM's building will be approximately 12,000 square feet. Four family members will be managing TLM company. TLM will do general contracting and property management. There are no plans to sell or manufacture any products. They will store personal race cars there. In the future, they would like to build storage buildings. Herrmann referred to condition number 7 that states TLM will have to bring plans to the Planner and the buildings will have to be constructed within five years. Herrmann requested big set of lighting plans. Lightfoot made a motion to approve the Site Plan/Plan of Operation for TLM Company subject to Planner's Report and conditions. Seconded by Ross. Motion carried unanimously.

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

PROJECT NAME: TLM Company LLC

DATE: November 14, 2019

TAX KEY NUMBER: GNT 1458.997.003

PETITIONER: Mitch McGrath
d/b/a TLM Company LLC
206 Trefor Court
Waukesha, WI 53188

OWNER: Jones Road LLC
514 Wells Street, Suite 1-W
Delafield, WI 53018

LOCATION OF PROPERTY:
A part of the NW ¼ of Section 5, T6N, R18E, Town of Genesee, located on the south side of U.S.H. 18 and the Glacial Drumlin Trail, containing approximately 44.149 acres of land.

PRESENT ZONING:
M-1 Limited Industrial District.

PRESENT LAND USE:

Vacant.

PLANNER'S ANALYSIS:

The property is located on the south side of U.S.H. 18 and east of Jones Road. It is the former Bartolotta Fireworks property. The owner is in the process of constructing a business park, known as Lapham Corporate Park. The owner has submitted four (4) Certified Survey Maps (CSM's) to divide the original parcel. The first CSM contained four lots and dedicated Wales Creek Lane, an 80-foot wide public road. This CSM has been signed by the Town of Genesee and was recorded with Waukesha County. The second CSM was divided into one (1) lot and three (3) outlots. The third CSM was divided into four (4) lots. The fourth CSM was to further divide the property into two (2) lots. TLM Company LLC ("Petitioner") is proposing to purchase and locate on Lot 5 of the third CSM. This CSM has not been finalized and has not been signed by the Town of Genesee.

TLM Company LLC is proposing to purchase the property and operate a family owned business specializing in property management and general contracting. The building will consist of two (2) areas. The office area will be 38 feet x 60 feet and will contain six (6) offices, a lobby/reception area, conference area with a kitchenette, two (2) bathrooms, a shower area, and a file room. The remainder of the building will be used as warehouse space. The warehouse is 126 feet x 72 feet. Currently, TLM Company LLC manages commercial and residential properties and perform general contracting duties throughout southeastern Wisconsin. There are four (4) owners who are looking for office and warehouse space to store tools and equipment, and personal belongings. They do work on some small projects, but do not intend to manufacture any goods or perform any retail sales out of this building. The family is also into dirt track racing and will be maintaining their race cars in a small area of the warehouse.

The building will be constructed with hi rib steel siding, with a hi rib steel wainscoting along the bottom three (3) feet of the building. The building will also contain a steel roof with a 3.5/12 pitch. The front (south) elevation will contain an entry door and four (4) windows. The east and west elevations will contain two (2) overhead doors, an entry door and three (3) windows. The north elevation will be a solid wall.

The petitioners are also proposing four (4) future personal storage units. Three (3) of the buildings will be 91 feet x 40 feet and the fourth building will be 40 feet x 101 feet. A detail of the size of the units was not provided. The storage units will be surrounded by a gravel surface. No other plans were provided regarding the storage units.

The operation will employ four (4) full-time and two (2) part-time employees. The days and hours of operation will vary, but since this is an industrial zoned property, they could be open 24/7, 365 days a year. The site can accommodate a total of approximately twenty-six (26) parking stalls. Based on the proposed uses on the site, twelve (12) parking spaces are required for all office uses. No signage is proposed at this time. A landscaping plan and exterior lighting plan was not submitted with the application.

TOWN PLANNER RECOMMENDATION:

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

1. Subject to documentation being provided to the Town Planner that the CSM has been signed and recorded for this lot, prior to the Town issuing any permits.
2. A detailed exterior lighting plan, including cut-sheets for all fixtures, shall be submitted to the Town Planner for review and approval, prior to the issuance of any permits. All outside lighting shall be screened so as to avoid fugitive lighting shining upon the neighboring properties or Wales Creek Lane.

3. The colors and materials of the exterior of the building shall be presented to the Town Planner for review and approval prior to the issuance of any permits. All buildings shall contain similar building materials and colors.
4. All proposed signage will require the petitioner to submit detailed sign renderings, colors and locations of any and all proposed signs to the Town Plan Commission for review and approval prior to the issuance of any permits for said sign(s).
5. A detailed landscaping plan shall be reviewed and approved by the Town Planner, prior to the issuance of any permits. The landscaping plan shall include a vegetative buffer screen on the north side, east and west sides of the storage buildings. The minimum height of the vegetation in this area shall not be less than four (4) feet in initial height. The landscaping plan may require Town Plan Commission approval if required by the Town Planner.
6. Absolutely no "Outside Storage" of any kind shall be allowed on the property, unless specifically approved by the Town of Genesee Plan Commission.
7. The exact layout and style of proposed storage units, along with the exact size of the units, color of the buildings, height, or any other requirements of the Town Planner shall be submitted to the Town Planner for review and approval prior to issuance of any permits for the storage units. The Storage Units shall be constructed within five (5) years or a new Site Plan/Plan of Operation will need to be approved by the Town Plan Commission and will need to comply with all Federal, State, County and Local ordinances/regulations in place at the time of the new application.
8. According to Section 500-21 (C), in all districts the number of road accesses shall be limited to one unless approved by the Town Board. Since two (2) accesses are currently being proposed, a request should be submitted to the Town Board for said number of accesses.
9. All required Certified Survey Maps and restrictions shall be recorded with the Waukesha County Register of Deeds Office prior to the Town issuing said Plan of Operation/Use Permit.
10. Documentation shall be submitted to the Town Planner that the Waukesha County Environmental Health Division has reviewed and approved an acceptable septic system for the proposed uses on the property.
11. Documentation shall be submitted to the Town Planner that the Wales-Genesee Fire Department has inspected the proposed premises and all necessary fire codes are in compliance prior to the issuance of an occupancy permit. A Knox box, if required by the Fire Chief, shall be installed as part of the construction and prior to occupancy of the building.
12. Subject to the Town Building Inspector inspecting the premises and all applicable building codes and permits have been applied for and complied with prior to the issuance of a use permit. A copy of all state approved plans shall be submitted to the Town Planner and the Town Building Inspector. A copy of the state approved building plans shall be submitted to the Town Building Inspector, prior to the issuance of a building permit. All building code requirements shall be complied with and a final inspection conducted by the Town Building Inspector prior to issuance of an occupancy permit.
13. Documentation shall be submitted to the Town Planner that an Erosion Control and Stormwater Management Permit have been issued by Waukesha County Land Resources Division, prior to the issuance of a building permit.

14. The Town reserves the right to review any condition imposed as part of this Plan of Operation if said use becomes a problem in the area. The Town Plan Commission may modify, change, delete, add, etc. any conditions, which they feel may be reasonable in order to allow this use and insure it does not become detrimental to the surrounding area.
15. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
16. The applicant shall allow the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.
17. All activities on the subject property herein may not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor.
18. Professional fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this Plan of Operation, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
19. 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 Herrmann, AICP

Town Administrator/Planner

cc: Town of Genesee Clerk

Town of Genesee Building Inspector

Wales-Genesee Fire Department

Waukesha County Environmental Health Division, Skylar Behm

Waukesha County Land Resources Division, Alan Barrows

Discussion/Action – Approval of October 28, 2019 Plan Commission Minutes.

Christiansen made a motion to approve the October 28, 2019 minutes, seconded by Ross. Motion carried unanimously.

Review Pending

None.

Correspondence

None.

Ross made a motion to adjourn. Christiansen seconded. Meeting adjourned at 6:22 p.m.

Cindy Zignego, Deputy Clerk, January 15, 2020