

**TOWN OF GENESEE PLAN COMMISSION MEETING  
MINUTES  
OCTOBER 26, 2020**

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

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

Leair read the public hearing notice.

**Public Hearing** will be held by the Town of Genesee Plan Commission on October 26, 2020 at 6:00 p.m. at the Town of Genesee Town Hall, S43 W31391 S.T.H. 83, Genesee Depot, Wisconsin 53127 to consider the request of Carol A. Selzer, PO Box 153, Genesee Depot, Wisconsin to operate a Hobby Kennel with a maximum of five (5) dogs for the purpose of personal pets at W311 S4267 Longacre Road. The property is legally described as Lots 8 & 9 Spring Meadows, being a part of the NE ¼ of Section 21, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin.

Carol Selzer was present. Leair explained a hobby kennel is not a commercial kennel. Selzer has 3 dogs now and wants to apply for Hobby Kennel permit for five dogs. There have been no complaints.

Leair opened up the floor for comments. Dave Wildman, S42W31216 Hwy. 83, Genesee Depot, 531217, is concerned about barking with additional dogs on property. If he walks in his yard and the dogs are out, they bark. Selzer stated her dogs are inside dogs except for about 10 – 15 minutes. There were no other comments.

Leair brought discussion back to the table. Turzynski asked if yard is fenced in and how long Selzer has lived there. Selzer replied yard was fenced and she has lived there since 2018. There was discussion about number of dogs allowed. Selzer will be aware of dogs barking. There were no other comments.

Leair closed the hearing at 6:09 p.m.

**Discussion/Action – Hobby Kennel request for 5 dogs for Carol Selzer, W322S4267 Longacre Road, P.O. Box 153, Genesee Depot, WI 53127. (Tax Key GNT 1521-008)**

There was discussion about fostering dogs and if a hobby kennel license was necessary. Morris stated that if there is a problem with three or five dogs, it would come back to the Plan Commission. Christiansen was concerned about fostering dogs that are not trained.

Morris made a motion to approve the request for five dogs subject to the standard conditions for a Hobby Kennel. Engelking seconded the motion. Motion was approved 6 to 1, with Christiansen opposing.

1. Subject to the applicant obtaining all appropriate licenses from the Town prior to housing more than two dogs at the property.
2. Subject to the applicant paying all required fees to the Town prior to housing more than two dogs on the property.
3. Subject to the applicant providing to the Town, proof of all required vaccinations prior to housing more than two dogs on the property.
4. Subject to the Town being granted by the applicant, the right to inspect the exterior premises at any reasonable time for any proper purpose related to the hobby kennel approval, and application for and

receipt of a hobby kennel approval shall be deemed to so authorize the Town to inspect as described herein.

5. Subject to the Town Plan Commission reserving the right to rescind its approval of the hobby kennel based upon the finding that the use is incompatible and a nuisance to surrounding uses, that the use is not in the public interest, or that the use adversely affects the use of adjacent lands, provided the applicant is given an opportunity to be heard on the matter, and if so rescinded the applicant shall immediately be subject to the Town of Genesee Zoning Code requirements regarding the number of dogs on the property, as though there were no hobby kennel authorization granted.
6. Subject to the hobby kennel and dogs on the property not being used for commercial purpose in any manner, as operation of a commercial kennel requires approval of a conditional use permit by the Town of Genesee Plan Commission per the Town of Genesee Zoning Code.
7. Subject to the hobby kennel use being accessory to the principle use of the property.
8. Subject to no more than two litters of puppies being born on the property per year, and any such dogs being sold or otherwise removed from the property within six months of their birth.
9. Subject to such other conditions as the Plan Commission may deem to be appropriate upon review of each specific request, which shall be stated along with these conditions in the minutes of the Plan Commission in their approval of the hobby kennel.
10. Subject to this hobby kennel permit being issued for no more than five (5) dogs.

**Discussion/Action - Rezoning request (RZ67) of Lawrence and Joy Meyers, W304 S4732 Old Mill Road, Waukesha, WI 53189, to amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance from the A-2 Rural Home District to the R-2 Residential District to reconfigure parcel boundaries to accommodate new private septic (mound) systems. (Tax Keys GNT 1545-992, 1545-993 and 1545-994)**

There was a public hearing on September 28, 2020. Lawrence and Joy Meyers were present at this meeting. Herrmann did not put any conditions on this rezone and it meets the requirements of the Land Use Plan.

Engelking made a motion to recommend approval to the Town Board and subject to the Planner's Report dated October 19, 2020. Lightfoot seconded and motion carried unanimously. It will be on the Town Board's agenda for November 9, 2020 at 6:00 p.m.

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

**PROJECT NAME:** Meyers – Zoning Amendment

**TAX KEY NUMBER:** GNT 1545.992  
GNT 1545.993  
GNT 1545.994

**DATE:** October 19, 2020

**NAME OF PETITIONER/OWNER:** Lawrence & Joy Meyers  
W304 S4732 Old Mill Road  
Waukesha, WI 53189

**LOCATION OF PROPERTY:**

The three (3) parcels are part of the NW ¼ of the NE ¼ of Section 27, T6N, R18E, in the Town of Genesee. More specifically, the properties are located on the northeast corner of Old Village Road and Old Mill Road, containing approximately 6.28 acres.

**PRESENT ZONING:**

A-2 Rural Home District.

**PROPOSED ZONING:**

R-2 Residential District.

**PRESENT LAND USE:**

Three (3) Single-Family Residences.

**PROPOSED LAND USE:**

Three (3) Single-Family Residences.

**PUBLIC HEARING DATE:**

September 28, 2020.

**COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:**

The Waukesha County Development Plan designates these properties in the Low-Density Residential category allowing development at 20,000 square feet to 1.4 acres of lot area per dwelling unit. The proposed development complies with the density requirement of the Waukesha County Development Plan.

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

The Comprehensive Land Use Plan 2035 for the Town of Genesee identifies these properties in the Low-Density Residential category allowing development at 20,000 square feet to 1.4 acres of lot area per dwelling unit. The proposed development complies with the density requirement of the Town of Genesee Comprehensive Land Use Plan - 2035.

**OTHER CONSIDERATIONS:**

The properties are located on the northeast corner of Old Village Road and Old Mill Road. The three parcels contain a total of 6.28 acres of land. All three (3) parcels contain single family residences and are made up of a 4.55 acre parcel, a 34,630 square foot parcel, and a 40,641 square foot parcel. Although the property is located within the Waukesha County Shoreland and Floodland Protection Ordinance, no portion of the property is located within a floodplain and no portion of the property abuts a body of water. The property gradually slopes from the northwest to the southeast with an elevation at the high point near the northwest corner of the property of 890 msl and the lowest elevation near the southeastern corner of the property of 850 msl.

The petitioner is proposing to rezone the entirety of all three (3) properties from A-2 Rural Home District, requiring three (3) acre minimum lot sizes, to R-2 Residential District, requiring 30,000 square foot minimum lot size. The purpose of the rezone is to modify the lot lines so that each lot will contain its own private on-site waste disposal system. Two (2) of the lots have access onto Old Village Road and the larger lot on the north will maintain its access onto Old Mill Road.

**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 as proposed. Two (2) of the existing/proposed parcels will go from nonconforming parcels to conforming parcels. The proposed zoning is consistent with the purpose and intent of the Waukesha County Development Plan and the Town of Genesee Comprehensive Land Use Plan – 2035.

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  
Lawrence & Joy Meyers

**Discussion/Action – Certified Survey Map for Lawrence and Joy Meyers, W304 S4732 Old Mill Road, Waukesha, WI 53189. (Tax Keys GNT 1545-992, 1545-993 and 1545-994)**

The CSM will go to Town Board for approval and the rezone will go to Waukesha County. Waukesha County has to approve all rezones.

Engelking made a motion to recommend approval to the Town Board and subject to conditions in Planner's Report dated October 19, 2020 and subject to Town Board and Waukesha County approval of rezone. Christiansen seconded the motion. Motion carried unanimously. This will be on the Town Board Agenda for November 9, 2020 at 6:00 p.m.

**TOWN OF GENESEE PLAN COMMISSION & TOWN BOARD**

**PLANNER'S REPORT AND RECOMMENDATION**  
**CERTIFIED SURVEY MAP**

**PROJECT NAME:** Meyers CSM

**DATE:** October 19, 2020

**OWNERS:** Lawrence & Joy Meyers  
W304 S4732 Old Mill Road  
Waukesha, WI 53189

**TAX KEY NO.:** GNT 1545.992  
GNT 1545.993  
GNT 1545.994

**LOCATION:** All three (3) properties are located in the NE ¼ of Section 27, T6N, R18E, in the Town of Genesee. More specifically, the properties are located at S47 W30480 Old Village Road, S47 W30460 Old Village Road and W304 S4732 Old Mill Road, containing a combined total of approximately 6.28 acres.

**ZONING CLASSIFICATION:** A-2 Residential District.

**LOT SIZE:** Approximately 5.35 acres.

**REQUESTED USES:** A Three (3) Lot Certified Survey Map (CSM).

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

The Comprehensive Land Use Plan 2035 for the Town of Genesee identifies this property in the Low-Density Residential category allowing development at 20,000 square feet to 1.4 acres of lot area per dwelling unit. The proposed CSM complies with the density requirement of the Town of Genesee Comprehensive Land Use Plan - 2035.

**OTHER CONSIDERATIONS:**

The properties are located on the northeast corner of Old Village Road and Old Mill Road. The three (3) parcels

contain a total of 6.28 acres of land. All three (3) parcels contain single family residences and are made up of a 4.55 acre parcel, a 34,630 square foot parcel, and a 40,641 square foot parcel. The property gradually slopes from the northwest to the southeast with an elevation at the high point near the northwest corner of the property of 890 msl and the lowest elevation near the southeastern corner of the property of 850 msl.

The petitioner is in the process of rezoning the entirety of all three (3) properties from A-2 Rural Home District, requiring three (3) acre minimum lot sizes, to R-2 Residential District, requiring 30,000 square foot minimum lot size. The purpose of the rezone is to modify the lot lines so that each lot will contain its own private on-site waste disposal system.

The proposed CSM will not create any new parcels and will only modify the existing lot lines. The three (3) new parcels created will result in all three (3) parcels complying with the proposed zoning. Lot 1 will consist of approximately 3.81 acres and will contain an existing single-family residence, and a large outbuilding. Lot 2 will consist of 36,518 square feet and will contain an existing single-family residence and small shed. Lot 3 will consist of 30,100 square feet and contains an existing single-family residence and two (2) detached accessory buildings. Two (2) of the lots have access to Old Village Road and the larger lot on the north will maintain its access onto Old Mill Road.

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 September 28, 2020, giving the Town Plan Commission until December 12, 2020 and the Town Board until December 27, 2020, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated Revised June 11<sup>th</sup>, 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 375-12(A)(5) Steep slopes shall be shown on the CSM as follows:

- Lots in excess of two (2) acres - Slopes 20 percent or greater.
- Lots less than one (1) acre - Slopes 12 percent or greater.

In addition, if there are slopes meeting the above criteria, a note shall be added to the CSM stating, any portion of the lot area with slopes in excess of the limit set forth above, is to be maintained as open space.

Section 375-23(E) Any additional right of way being dedicated for public road purposes shall be clearly identified on the CSM.

Section 375-23(G) Owners of record of abutting unplatted land shall be shown on the CSM.

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

Section 375-44 Duplicate CSM to be Filed: An identical reproducible copy (on stable drafting film at least 4 mils thick) along with the recording data shall be placed on file with the Town Clerk.

Section 375-48(A) Since S.T.H. 59 is classified as a major highway, 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; Waukesha County Department of Parks and Land Use and the Village of North Prairie 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. The existing septic systems shall be inspected by Waukesha County Environmental Health Division prior to the Town signing the final CSM. A copy of the septic evaluation shall be presented to the Town Planner.
4. A note shall be placed on the face of the final CSM stating, "No lot shall be further divided absent the express written approval of the Town Board of the Town of Genesee. No new lots or outlots shall be created absent the express written approval of the Town Board of the Town of Genesee. No lot line shall be adjusted or reconfigured in any way absent the express written approval of the Town Board of the Town of Genesee or unless otherwise expressly authorized by law."
5. Any and all waivers reviewed and approved by the Town Plan Commission and Town Board shall be noted on the final CSM. The Town Planner shall approve the language of the note.
6. All existing and proposed easements shall be shown.
7. The Town Planner shall review the final CSM prior to the Town Officials signing the final CSM.
8. Subject to, **prior to the Town signing the final CSM, all other required signatures must be inscribed on the final CSM.**
9. Subject to the Owner 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  
Village of North Prairie  
Lawrence & Joy Meyers  
Jahnke & Jahnke

**Discussion/Action – Accessory Building exceeding 1,600 square feet for Joshua Trawitzki, W324 S4010 Bartell Court, Waukesha, WI 53189. (Tax Key GNT 1517-998-010)**

Erika Trawitzki was present. Herrmann explained that a permit was issued July 8, 2020 for a 36 ft. by 40 ft. building, which was under 1,600 square feet. The building inspector found a second floor office which added square footage over 1,600 square feet. Herrmann asked what was the purpose of the second floor office. Trawitzki responded that since they are working from home, additional space was needed. Herrmann stated that commercial business cannot be conducted in the building. Trawitzki has office building in Milwaukee that he uses for contracting work. The space in building will be a home office. Herrmann informed that a Deed Restriction will be required with restriction that building cannot be used for a commercial business.

Engelking made a motion to approve the request subject to the condition it is not used for commercial purposes. Christiansen seconded the motion. Motion carried unanimously. Deed restriction needs to be filed with Waukesha County and copy of receipt returned to Town of Genesee.

**Discussion/Action – Addition to Accessory Building exceeding 1,600 square feet for Brandon Ellenson, S40 W32858 Llanfair Court, Dousman, WI 53118. (Tax Key GNT 1518-006)**

Ellenson was present. He is adding a 9 ft. x 24 ft. addition. Engelking made a motion to approve. Toole seconded the motion. Motion carried unanimously. Deed restriction needs to be filed with Waukesha County and copy of receipt returned to Town of Genesee.

**Discussion/Action – Site Plan/Plan of Operation for All the Crumbs, S42 W31370 Hwy. 83, Unit 5, Genesee Depot, WI 53127. (Tax Key GNT 1521-046-001)**

Eli and Alia Darling were present. They want to open November 14, 2020. Engelking made a motion to approve subject to conditions in Planner's Report dated October 19, 2020. Lightfoot seconded the motion. Motion carried unanimously.

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

<b><u>PROJECT NAME:</u></b>	All the Crumbs
<b><u>DATE:</u></b>	October 19, 2020
<b><u>TAX KEY NUMBER:</u></b>	GNT 1521.046.001
<b><u>PETITIONER:</u></b>	Eli & Alia Darling d/b/a All the Crumbs S47 W30460 Old Village Road Waukesha, WI 53189

**OWNER:**

Gary Reichert  
W358 S2521 Hunters Lake Road  
Dousman, WI 53118

**LOCATION OF PROPERTY:**

Lot 1 of CSM 9789, being a part of the NE 1/4 of Section 21, T6N, R18E, Town of Genesee, located at S42 W31370 Hwy 83 – Unit #5.

**PRESENT ZONING:**

B-2 Local Business District.

**ZONING COMPLIANCE:**

Permitted per Section 72 (A)(2)(c) Bakery.

**PRESENT LAND USE:**

A Massage Business, Beauty Salon, Bakery and a Lingerie Resale Store.

**PLANNER'S ANALYSIS:**

The property contains a multi-tenant building with different uses including a massage therapy business, beauty salon, a small bakery and a lingerie resale store. The petitioner is proposing to take over the space (15 ft. x 25 ft.) previously occupied by Molly's Photography Studio and operate a cookie company. This is a family business that got its name because the cookies are so good, you'll want to eat "all the crumbs". The business started by making cookies as Christmas presents for friends and family and were encouraged to start selling the cookies, which they did starting in 2016 from their home. The business has been very successful and has grown into needing more area to make the cookies and services more customers. This space will allow the business to continue making their cookies while allowing the cookies to be sold locally, to businesses, as well as shipping the cookies. The cookies are gourmet decorated sugar cookies as well as Keto desserts and hot chocolate bombs. In addition to selling cookies, the owners are proposing to offer classes on decorating cookies in the future.

The interior space will include a display case, register, shipping area, a large baking area and sinks.

The business will employ two (2) full-time employees and one (1) part-time employee. The hours of operation will be Monday through Friday from 9:00 a.m. to 8:00 p.m. and on Saturday and Sunday from 8:00 a.m. to 7:00 p.m. The proposed use requires three (3) parking spaces. Currently, most of the parking, which is extremely limited, is located in the rear of the building. However, there is parking located along S.T.H. 83 and a municipal parking lot is available at the Genesee Town Hall located on the south side of S.T.H. 83. A sign will be installed on the front of the building, to the left of the awning and will be a circular design. The actual sign size is roughly 3 ft. x 5 ft. All garbage and waste will need to be disposed of properly. No changes to the lighting, landscaping or the exterior of the building are being proposed at this time. The property is served by a private on-site waste disposal system and well.

**PLANNER'S RECOMMENDATION:**

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

1. All conditions previously imposed for each individual unit are not affected by this use and shall remain in effect and adhered to.
2. No outside storage shall be allowed, unless specifically approved by the Town Genesee Plan Commission.
3. All class sizes shall be limited based on the fire/building capacity of the area where the classes are to be conducted. In addition, no class size shall be larger than ten (10) students.



4. Documentation shall be submitted to the Town Planner, that the Environmental Health Division has approved the existing onsite waste disposal system for the proposed use **and** approved and issued a restaurant license for the proposed use (if applicable), prior to the issuance of an occupancy permit.
5. 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.
6. 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.
7. A Building/Electrical Permit shall be obtained from the Town Building inspector for any proposed changes to the interior of the building and for the sign (if applicable).
8. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
9. An up to date Plan of Operation must be on file, at all times, with the Town of Genesee Plan Commission and Waukesha County.
10. 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.
11. Subject to 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.
12. 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 condition of the Plan of Operation, which they feel may be reasonable in order to allow this use and insure it does not become detrimental to the surrounding area.
13. 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.
14. 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  
Chief James Moon  
Eli & Alia Darling  
Gary Reichert

**Discussion/Action – Site Plan/Plan of Operation for Wincrest Farms, S34 W29939 Little John Drive, Waukesha, WI 53189. (Tax Key GNT 1494-997-025)**

Andrew Falci and Warren Weiland were present. Herrmann explained in 2007 Brad Wincrest received approval from the Plan Commission for these two proposed buildings. Nothing has changed from 2007. The buildings were purchased from Wincrest and are going to be split into commercial condominiums. They will come back to Plan Commission with each tenant's Plan of Operation. Weiland is working with Waukesha County regarding storm water. Herrmann said the Town Board did approve four holding tanks on the property. They are requesting approval for the Plan of Operation for the construction of the two buildings. Engelking made a motion to approve the request for the Plan of Operation subject to Planner's Report dated October 19, 2020. Christiansen seconded the motion. Motion carried unanimously.

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

**NAME:** Wincrest Farms

**DATE:** October 19, 2020

**TAX KEY NO.:** GNT 1494.997.025

**NAME OF PETITIONER:** Andrew Falci  
860 Brinsmere Drive  
Elm Grove, WI 53122

**NAME OF OWNER:** Wincrest Farms LLC  
N23W28210 Beach Park Circle  
Pewaukee, WI 53072

**LOCATION OF PROPERTY:** Lot 6, Certified Survey Map No. 9660, being a part of the NW ¼ and SW ¼ of Section 14, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located S34 W29939 Little John Drive.

**ZONING CLASSIFICATION:** M-1 Limited Industrial District.

**PRESENT LAND USE:** Vacant Land.

**PROPOSED REQUEST:**

The property is currently vacant and contains approximately 3.25 acres. In 2007, the Town Plan Commission approved a request by Brad Winquist, to construct two (2) Commercial Condominium buildings. Those buildings, for whatever reason, were never constructed. The applicant, who is purchasing the property, is proposing to follow the exact same site plan and construct the same commercial condominium buildings as proposed in the 2007. Each

building will contain six (6) units with each unit (40' x 60') consisting of 2,400 square feet and may have one (1) toilet, one (1) sink and one (1) floor drain. Each unit may be individually owned with the Condominium Association owning and controlling the common areas of the site. The Condominium Association will be responsible for maintenance of the common areas and shared well. Approximately 4 holding tanks will be installed for the units, which will be owned and maintained by the Condominium Association.

The buildings will be constructed with a steel frame interior and the outside will consist of steel siding and roof with a three (3) foot high decorative wainscot fascia along all elevations of the building. The walls will be an ash gray color with the roof and wainscoting being a terratone color. All units will contain a three (3) foot wide door and three (3) windows in front of the building. The rear of the building will contain a 12' x 14' overhead door and a service door.

The end units will contain an additional overhead door facing Little John Drive. The petitioner has not provided a landscaping plan or any proposed signage.

The days and hours of operation, signage, etc. for each tenant unit will be determined by the tenant and approved by the Town Plan Commission as part of the individual Plan of Operation/Conditional Use. The petitioner is proposing a total of thirty-nine (39) parking spaces, which is approximately 3.25 parking spaces per unit. The parking stalls are 9' x 25' with 15 feet between opposite facing parking stalls. According to the Town of Genesee Zoning code, parking stalls shall be 9' x 20' with 18 feet between opposite facing stalls. Therefore, enough area is available to comply with the parking requirements of the Town of Genesee Zoning Code. The number of parking spaces required for each unit is determined by the use of each individual tenant as part of the proposed use of the unit space. Depending on the type of uses the site may or may not contain adequate parking. It appears the site could accommodate additional parking, if necessary.

The site will be served by four (4) shared holding tanks and a common private well. The petitioner should contact Waukesha County Environmental Health Division regarding the exact location and area needed for the holding tanks. The applicant has received approval from the Town of Genesee Town Board for the holding tanks.

The lighting shown on the plan consists only of exterior down casting wall mounted lights near the entrance doors and overhead doors. All lighting shown is located on the proposed buildings. No additional lighting being proposed at this time. Lastly, no proposed refuse disposal has been provided. Each individual tenant will be responsible for the disposal of his/her refuse and waste.

#### **PLANNER'S RECOMMENDATIONS:**

The Town Planner recommends **approval** of this request subject to the following conditions:

1. The Condominium Plat shall be reviewed and approved by the Town Plan Commission and Town Board, prior to occupancy of the buildings.
2. The Condominium Documents shall be reviewed and approved by the Town Attorney and Town Planner, prior to occupancy of the buildings.
3. This Plan of Operation is for the construction of the two (2) buildings only and no tenants have been approved at this time.
4. Subject to a detailed parking plan identifying and associating certain parking spaces with each condominium unit. Each unit shall have a certain number of parking spaces assigned to the unit and said parking spaces and to which unit they are assigned shall be clearly identified on the parking plan.

5. Documentation shall be submitted to the Town Planner, that the Environmental Health Division has reviewed and approved a Sanitary Permit for the proposed Holding Tanks for the buildings.
6. All outside lighting shall be screened so as to avoid fugitive lighting shining upon the neighboring properties. A copy of the final lighting plan shall be submitted to the Town Clerk, prior to the issuance of building permit.
7. Detailed sign renderings, colors and locations of any and all proposed signs shall be reviewed and approved by the Town Plan Commission, prior to the issuance of a building permit for said sign(s).
8. A detailed landscaping plan shall be reviewed and approved by the Town Planner, prior to the issuance of a building permit.
9. Each individual tenant owner shall submit a detailed site plan/plan of operation and/or conditional use for review and approval, prior to occupying the tenant space.
10. No outside storage shall be allowed unless specifically approved by the Town of Genesee Plan Commission.
11. A copy of the state approved building plans (if required) shall be submitted to the Town Building Inspector, prior to the issuance of a building permit.
12. 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 (if applicable), prior to the issuance of a building permit.
13. 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.
14. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
15. 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.
16. 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.
17. 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.
18. 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  
Waukesha County Land Resources Division  
Waukesha County Environmental Health Division  
Brad Winquist  
Warren Weiland  
Andrew Falci

**Discussion/Action – Site Plan/Plan of Operation for House of Horsepower, S34 W29890 Little John Drive, Waukesha, WI 53188. (Tax Key GNT 1494-997-030)**

John Themmes was present. Herrmann stated everything meets the zoning criteria. Need to work with Building Inspector to make sure architectural standards are met for that building. It's an industrial area and he wants to operate a high-end classic car sales. There will be some engine repair and storage. Lightfoot made a motion to approve subject to conditions in the Planner's Report dated October 19, 2020 and State approval of the building. Engelking seconded the motion. Motion carried unanimously.

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

**PROJECT NAME:** House of Horsepower

**DATE:** October 19, 2020

**TAX KEY NUMBER:** GNT 1494.997.030

**NAME OF APPLICANT:** John Themmes  
d/b/a House of Horsepower  
3782 S. 17<sup>th</sup> Street  
Milwaukee, WI 53221

**NAME OF OWNER:** AMS Building Management  
S29 W30813 Wild Berry Lane  
Waukesha, WI 53188

**LOCATION OF PROPERTY:**

Lot 10 of CSM 9685, being a part of the NW ¼ of Section 14, T6N, R18E, Town of Genesee, located at S34 W29890 Little John Drive.

**PRESENT ZONING:**

M-1 Limited Industrial District.

**ZONING COMPLIANCE:**

Permitted per Section 74 (A)(2)(e) - New and used automobile sales rooms and lots, sale of snowmobiles, personal watercraft, boats and marina equipment along with repair and service shops for such equipment, storage yards and garages for said equipment, vehicles and supplies, but not including the storage and/or sale of junked or wrecked equipment or parts.

**PRESENT LAND USE:**

Office, Showroom, Storage

**PLANNER'S ANALYSIS:**

The property is approximately 2.30 acres and contains a 68 ft. x 62 ft. warehouse/storage building with a 20 ft. x 35 ft. office addition. The main portion of the building (68 ft. x 62 ft. area) was used for the operation of a Tool and Die Manufacturing business. The petitioner is now proposing to operate a business specializing in specialty automotive sales and indoor heated vehicle storage. According to the application, the primary method of advertising is web based and they sell 80-85 percent of their vehicles to customers outside the local market. Most purchases are done remotely and the buyers don't see their vehicle until delivery. They cater to an upper level clientele and plan to keep expanding that high-quality customer base. The applicant does indicate that one enclosed trailer and dually pick-up truck may be parked overnight on the property.

An interior floor plan was not provided with the application. However, the building contains an approximately 4,216 square feet of open floor space and a 700 square foot office and restroom area.

The business will employ one (1) full-time employee (the operator) and possibly one (1) additional part-time employee and will be open for business Monday through Saturday from 8:00 a.m. to 5:00 p.m. and closed on Sundays. This business use requires three (3) parking spaces. According to the original site plan submitted in August 2007, the site can accommodate four (4) parking spaces. No additional lighting or Landscaping is proposed at this time. The existing signage will be used and the sign face will be changed to represent the new business.

**PLANNER'S RECOMMENDATION:**

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

1. The proposed operation shall consist of high-end specialty car sales and minor automotive repair.
2. Absolutely no outside storage of vehicles, except for one enclosed trailer and dually pick-up truck requested, or parts shall be allowed. Any junk or wrecked vehicles and/or parts shall be stored inside the building at all times.
3. 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.
4. 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.
5. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
6. Absolutely no disposal of hazardous materials on site. All waste (hazardous or otherwise) shall be disposed of properly.
7. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes,

rules and regulations.

8. An up to date Plan of Operation must be on file, at all times, with the Town of Genesee Plan Commission and Waukesha County.
9. 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.
10. Subject to 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.
11. The Town reserves the right to review any condition imposed as part of this Plan of Operation if said use becomes a problem in the area. The Town Plan Commission may modify, change, delete, add, etc. any conditions, which they feel may be reasonable in order to allow this use and insure it does not become detrimental to the surrounding area.
12. 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.
13. 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  
Chief James Moon  
John Themmes  
AMS Building Management

**Discussion/Action – Condominium Plat of Forest Hills Lot 30, Unit 1, S16W32575 and Unit 2, S16W32579 Luterbach Court, Delafield, WI 53018. (Tax Key GNT 1458-033)**

Herrmann stated the building is owned by Michael and Marna Rauh for over 20 years. They want to divide the ownership into a condominium. The declaration of restrictions will be reviewed by the Town Attorney. Engelking made a motion to approve subject to the conditions in Planner's Memorandum dated October 19, 2020. Christiansen seconded the motion. Motion carried unanimously. It will have to be approved by the Town Board and will be on the November 9, 2020 Agenda at 6:00 p.m.

## Memorandum

**To:** Town of Genesee Plan Commission  
**From:** Jeffrey C. Herrmann, Administrator-Planner  
**Date:** October 19, 2020  
**Re:** Forest Hills Lot 30 Condominium

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The property owners, Michael & Marna Rauh, 1044 Dartford Drive, Tarpon Springs, Florida, who have owned the subject property for over twenty (20) years, have decided to divide the ownership of their property through the use of a condominium. The proposed condominium will divide the ownership of the duplex, while maintaining common ownership of the property. The actual property description will not change. The subject property is described as Lot 30 Forest Hills Estates Addition No. 1, being a part of the NW ¼ of Section 5, T6N, R18E, in the Town of Genesee, Waukesha County, Wisconsin. The proposed condominium plat will contain two (2) units.

According to Section 375-8 of the Town of Genesee's Land Division and Development Ordinance, "...no such subdivision, minor land division, condominium plat or assessor's plat or replat shall be entitled to recording; and, no public street shall be laid out or public improvements made to land without compliance with all requirements of this Chapter..." Therefore, it is suggested that the Town Plan Commission and Town Board review and approve the Corporate Condominium documents for compliance with Chapter 703 of the Wisconsin State Statutes.

The proposal is to create two (2) units through a condominium. The units will be the same exact size (1,944 square feet) According to the Condominium Plat, the limited common elements will consist of the outside decks, walks, patios, porches, stoops and drives, if any, and windows, garage door, patio doors or entry door immediately adjacent and appurtenant to each unit to which it has access by door from the unit and the driveway immediately adjacent and appurtenant to the garage door of each unit.

The Town Planner has reviewed the Condominium Plat as submitted by the petitioner for compliance with Chapter 703 of the Wisconsin State Statutes and it appears to be in compliance with Chapter 703. The review authority of the Town of Genesee is limited in this situation.

The Town Planner recommends to the Town Plan Commission to recommend to the Town Board to **approve** the proposed Condominium Plat subject to the above corrections and subject to the following conditions:

1. Subject to the Developer submitting to and receiving from the Town Planner and Town Attorney, approval of the Condominium Documents/Covenants & Restrictions, prior to recording the final condominium plat.
2. 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.
3. 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.

**Discussion/Action – Approval of September 28, 2020 Plan Commission Minutes.**

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

**Review Pending**

The Plan Commission reviewed plans for Retzer Nature Center to construct new trails and tree cutting. Engelking will not be at November 23, 2020 meeting.

**Correspondence**

A violation letter was sent to Carlos Balderas.

**Adjourn**

Engelking made a motion to adjourn. Morris seconded the motion. Motion carried unanimously. Meeting adjourned at 6:49 p.m.

Cindy Zignego  
Deputy Clerk  
October 29, 2020