

**TOWN OF GENESEE TOWN BOARD AND TOWN OF GENESEE PLAN COMMISSION MEETING
MINUTES
JULY 27, 2020**

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

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

Leair announced that Agenda item no. 8 has been removed and tabled so there will be no discussion or action for Knuth Cement and Masonry.

Discussion/Action - Conditional Use Amendment request of Wolf Construction/Paving Co., Inc., 612 N. Sawyer Road, Oconomowoc, Wisconsin to amend their existing Conditional Use per Section 40 (B)(34) Quarrying of the Town of Genesee Zoning Code to reduce the size of the property covered by the conditional use permit. The property is located at W329 S1755 Jones Road. The property is part of the part of the E1/2 of the NW1/4 of Section 6; part of the W1/2 of the NW1/4 of Section 6; part of the NE1/4 of Section 6 and part of the NE1/4 and NW1/4 of Section 5, T6N R18E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located on the south side of USH 18 at W329 S1755 Jones Road, containing approximately 426.05 acres of land.

Leair mentioned that there was a joint Public Hearing on July 16, 2020 and discussion/action will be taken first by Plan Commission then the Town Board.

Christiansen made a motion to approve the request subject to the Planner's Recommendations dated July 20, 2020. Lightfoot seconded the motion. Motion carried unanimously.

Schmittinger moved to approve the request subject to the conditions in the Planner's Recommendations. Morris seconded the motion. Motion carried unanimously.

Schmittinger made a motion to adjourn the Town Board meeting. Houston seconded. Motion carried unanimously. Town Board meeting adjourned at 6:02 p.m.

Memorandum

To: Town of Genesee Plan Commission
From: Jeffrey C. Herrmann, Town Administrator/Planner
Date: 07/20/20
Re: Wolf Paving, Inc. – Amendment to Conditional Use.

On Thursday July 16, 2020, the Town of Genesee Plan Commission held a Joint Public Hearing with the Town of Genesee Town Board to consider the Conditional Use request of Wolf Construction Co. Inc., 612 N. Sawyer Road, Oconomowoc, Wisconsin to amend the existing boundary of the Conditional Use Permit for the quarry operation as it pertains to property owned by CMC-Beloit, LLC, PO Box 100, Marathon, Wisconsin. The property is located in the NW ¼, SW ¼, NE ¼, and SE ¼ of Section 6 and part of the SW ¼ of Section 5, in the Town of Genesee (see attached map).

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 recommend to the Town of Genesee Town Board to approve the proposed amendment to the exterior boundary of the Conditional Use as requested subject to the following conditions:

1. All previous conditions, as set forth in Waukesha County File No. CU-94G and noted in the declaration of Restrictions recorded in the register of Deeds on May 12, 2011, as Document Number 3833445, including Construction Materials Recycling Facility, shall remain in effect unless specifically modified by the Town of Genesee Plan Commission or as modified herein.
2. All conditions, as set forth in the conditional Use Permit imposed by the Town Genesee for County Materials Concrete Pipe/Product storage for those areas still covered under the Conditional Use Permit shall continue in effect. All conditions shall be complied with.
3. The only Area removed from the Conditional Use at this time is depicted in green on the attached map labeled CMC Updated CUP.
4. Any future adjustments or changes to the exterior boundary of the area covered by the Conditional Use Permit for Wolf Construction shall require a new public hearing and all requirements of the Town of Genesee Zoning Code shall apply.

NOTICE IS HEREBY GIVEN that a Public Hearing will be conducted by the Town of Genesee Plan Commission on Monday, July 27, 2020, beginning at 6:00 p.m. at the Town of Genesee Town Hall, S43W31391 Hwy 83, Genesee Depot, Wisconsin, to consider the Conditional Use request of 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.

Petitioner, Emily Rodriguez, was present.

Herrmann explained this building was previously used for Bright Ideas, which was a Montessori School. All the conditions are already set forth. It is zoned A-3 and therefore requires a Conditional Use for the property. No action will be taken at this meeting. Rodriguez stated the intended start date would be September 8, 2020. Lightfoot asked if Rodriguez will be owning the property and response was that she will be renting. Plan Commissioners had no further questions.

Lair opened up the discussion to the floor at 6:06 p.m.

Traci Fronk, 245 Somerset Glen, Wales, is the previous owner of Bright Ideas, and would love to see it continue to be a school.

Jeremy Polk, 20110 Settlers Hollow Lane, New Berlin, is the owner of the property and leasing it to Rodriguez. His children will attend school there and his wife will be a teacher there. He is very interested in this community. Al Schultz, S30W29455 Williams Way, would be very happy to have it as a Montessori School.

There were no further comments. Lair brought it back to the table at 6:09 p.m. There were no further questions or comments. Lair closed the Public Hearing at 6:09 p.m.

Herrmann inquired if the Plan Commissioners would be available for a special meeting on August 5, 2020 at 5:45 p.m. for discussion/action on this. All Commissioners stated they would be available.

Discussion/Action – Site Plan/Plan of Operation for County Materials, P. O. Box 100, Marathon, WI. The property is described as Lot 1 and 2 CSM #11877, Vol 120/52 being a part of the NW ¼ and the NE ¼ of Section 6, T6N R18E, Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is

located at S15 W33633 Wolf Road. (GNT 1462-990-002 and GNT 1458-997-004)

Herrmann explained the business for County Materials. They are going to construct a concrete pipe plant. It is going to be approximately 128,000 square feet. Jim Small represented County Materials and discussed the details of making concrete pipe and concrete structures for underground utilities. They are estimating 60 employees including truck drivers. There would be about 35 to 40 employees in the plant. They are trying to get the building up before it snows and having the interior done February 2021.

Christiansen made a motion to approve subject to the Planner's recommendations and conditions in Planner's Report dated July 20, 2020. Turzynski seconded the motion. Motion carried unanimously.

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

NAME: CMC-Concrete Plant

DATE: July 20, 2020

TAX KEY NUMBER: GNT 1462.990.002
GNT 1458.997.004

PETITIONER: Tim Sonnentag
d/b/a CMC Concrete Plant
PO Box 100
Marathon, WI 54448

OWNER: Tim Sonnentag
d/b/a CMC-Beloit LLC
PO Box 100
Marathon, WI 54448

LOCATION OF PROPERTY:

Lot 1 and 2 CSM #11877, Vol 120/52 being a part of the NW ¼ and the NE ¼ of Section 6, T6N R18E, Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at S15 W33633 Wolf Road.

ZONING CLASSIFICATION: M-2 General Industrial District.

PRESENT LAND USE: Former Quarry Site.

REQUESTED USES:

The property was recently split off of the Wolf Paving Company property and sold to County Materials. The property is approximately 65.67 acres and is currently vacant. The property is bordered on the west by the Waukesha County Gravel Pit; on the north by industrial businesses, including Herr Enterprises, Interstate Tree and Datasyst; on the south and west by Wolf Paving Company. The site has three potential accesses, including Jones Road, Wolf Road and Industrial Lane. No direct access is allowed to C.T.H. C at this time. Most of the truck traffic will use Jones Road that directly connects with USH 18. Lighter vehicles will be allowed to use any of the three (3) accesses. According to the application, the access points will be gated to prevent unauthorized entry during the time the site is unattended.

The petitioner/owner ("Owner") is proposing to construct a new 279 ft. x 468 ft. rectangular shaped building containing approximately 127,994 square feet and about 49 feet in height. The building will be used for concrete production, concrete processing, quality control laboratory, concrete pipe plant, warehouse/storage of products and

office use. The concrete production area will consume approximately 124,000 square feet of the building. There will be one cement silo outside the building with a height of 66 feet. The split silo will hold fly ash and cement. There will be one aggregate/sand silo that will be partly enclosed within the building, but will extend above the roof line to a total height of 86 feet. Each silo will have capture devices for dust. The proposed use will also include outside storage of pipe and other concrete products.

The interior of the building will contain numerous production lines as well as some minor storage, curing areas, cranes, and the silo. A 70 ft. x 71 ft. area of the northeast corner of the building will be for an office area consisting of a time clock, lunch room, dispatch area, quality control room, conference/training room, six (6) offices, and men's and women's restrooms/locker rooms. A mechanical area will be located above the office area and will be accessed via a stairway.

The exterior of the building will be comprised of split faced concrete masonry unit (CMU) from the finished grade up to the first eighteen (18) feet in height then the building will be constructed using a Varco Pruden Vee Rib metal wall system up to the roof line. The roof itself will consist of a Varco Pruden standing seam roof system.

The north and south elevations of the building will contain several overhead and service doors for access into the building. Then north elevation will contain five (5), twenty (20) foot overhead doors; one (1), sixteen (16) foot overhead door; two (2), fourteen (14) foot overhead doors; and one (1), ten (10) foot overhead door. The north elevation will also contain four (4) service doors. Lower windows will be installed near the office area and a series of higher windows thirty (30) feet from the finished grade will be installed along all elevations for adding natural light into the building. The south elevation will contain four (4), twenty (20) foot overhead doors; three (3), eighteen (18) foot overhead doors; two (2), twenty-four (24) foot overhead doors; and one (1), eighteen (18) foot overhead door. This elevation will also contain six (6) service doors and the higher windows for natural light.

The east and west elevations will be similar in looks with a series of higher windows to match the north/south elevations. The east elevation will also contain one (1), eighteen (18) foot overhead door and four (4) service doors. The west elevation will have one (1), twenty (20) foot overhead door and one (1) service door. Equipment on the site will consist of scales, dump trucks, water trucks, concrete trucks, conveyors, fork lifts, end loaders, lift trucks, skid steers, dozers and scrapers.

The business is in the production of concrete products and specializes in concrete pipe. The concrete products when cured, will be delivered to the yard storage area by forklift. Sold Concrete products will be hauled from the site by trucks, not to exceed 80,000 pounds, via Jones Road. Any solid waste generated onsite will be disposed of in a dumpster provided by a local licensed hauler. The business will employ 60 full-time employees. A septic system or holding tank will need to be installed to service the proposed uses. A new well will be provided on-site and constructed by a licensed water well driller. At this time, it is anticipated that a high capacity well will not be required.

Days & Hours of Operation

CMC Concrete Plant will be operating 24 hours a day, 365 days a year.

Landscaping Plan

The landscaping on the site will be located around the office area of the building for aesthetic purposes. A detailed Landscaping Plan was not submitted with the application. The landscaping proposed is for aesthetic purposes only.

Lighting

No lighting plan was submitted with the application. According to the application, outdoor lighting for the facility is planned to be limited to downward facing light fixtures located on building walls. At this time, no lighting is planned for the storage yard. A detailed lighting plan will need to be submitted to the Town Planner.

Parking Plan

Parking is shown along the northwest corner of the property and near the office area located in the northeast corner of the building; however, the plan does not delineate spaces for employees, ADA accessibility, truck parking, etc. According to the Town of Genesee Zoning Code, the property is required to have one (1) space for each employee or one (1) space for every 200 of gross area. Therefore, the proposed use is required to have sixty (60) employee parking spaces. Given the size of the overall parcel, parking should not be a problem, but an updated parking plan showing employee parking, guest parking and truck parking shall be submitted to the Town Planner for review and approval.

Signage

No signage is being proposed at this time, other than the County Materials Logo is planned to be painted on the side of the aggregate silo. A rendering was not submitted, but is available upon request.

PLANNER'S RECOMMENDATION:

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

1. The operation shall consist of concrete production, concrete processing, quality control laboratory, concrete pipe plant, warehouse/storage of products, office use and similar type activities.
2. Documentation shall be submitted to the Town Planner that an Erosion Control and Storm Water Management Permit have been issued by Waukesha County Land Resources Division, prior to the issuance of a building permit.
3. Petitioner shall submit documentation to the Town Planner, to show that the Environmental Health Division has reviewed the proposed request and has determined that the Holding Tank or private Septic System is required for the proposed uses, prior to the issuance of a Plan of Operation/Use Permit. In addition, if a holding tank is the only acceptable sanitary facility, the Town of Genesee Town Board shall review and approve a holding tank agreement for the proposed use prior to the issuance of any permits.
4. Petitioner shall submit documentation to the Town Planner, to show that the Wales-Genesee Fire Chief has reviewed and approved the proposed plans prior to the issuance of any permits. The Fire Department shall also 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 the issuance of an occupancy permit.
5. A final copy of the state approved building plans shall be submitted to the Town Building Inspector, prior to the issuance of a Building Permit.
6. All conditions, as set forth in the conditional Use Permit imposed by the Town Genesee for County Materials Concrete Pipe/Product storage for those areas still covered under the Conditional Use Permit shall continue in effect. All conditions shall be complied with until Conditional Use is terminated.
7. Lighting Plan: A detailed Lighting Plan along with cut sheets of the light fixtures and photometrics of the lighting to ensure all light stays on the property and does not adversely affect the adjacent neighbors or Wolf Road. Once the lighting plan is approved, no changes shall be made to the lighting, unless the petitioner submits to and receives approval from, the Town Planner, a revised lighting plan. Such plan shall be subject to compliance with all local requirements.
8. A Landscaping Plan for the proposed landscaping around the office area, shall be submitted to the Town Planner for review and approval prior to occupancy of the building.

9. Parking Plan: An updated parking plan, drawn to scale, showing all employee parking, guest parking, truck parking, etc. shall be submitted to the Town Planner for review and approval prior to the issuance of any permits.
10. Signage: A detailed sign rendering of the County Materials logo on the aggregate silo shall be submitted to the Town Planner. Any additional signage shall be reviewed and approved by the Town Plan Commission as a separate action item.
11. A copy of all required federal, state, county and local licenses shall be provided to the Town Planner prior to the issuance of any permits.
12. Subject to the owner submitting a letter to the Town Planner acknowledging and accepting all terms and conditions of the Site Plan/Plan of Operation approval.
13. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
14. An up-to- date Plan of Operation must be on file, at all times, with the Town of Genesee Plan Commission and Waukesha County.
15. 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.
16. Subject to 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. The Town reserves the right to review this Plan of Operation if said use becomes a problem in the area.
18. Standard Conditions:
 - A. Any use not specifically listed as permitted shall be considered to be prohibited except as may otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Plan Commission for determination.
 - B. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Town of Genesee Town Board, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Town Ordinance or other law.
 - C. This Use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission as being in compliance with all pertinent ordinances.
 - D. Should the permitted Plan of Operation be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Applicant be delinquent in payment of any monies due and owing to the Town, or should change in the character of the surrounding area or the use itself cause it to be no

longer compatible with the surround areas, or for similar cause based upon considerations of public health, safety or welfare, the Plan of Operation may be terminated by action of the Town Plan Commission and Waukesha County Park and Planning Commission after a Public Hearing thereon after giving notice to the applicant and giving the applicant an opportunity to be heard on the issue.

- E. Any change, addition, modification, alteration and/or amendment of any aspect of this Plan of Operation, including but not limited to a change in the use, subject property, lands or owners, other than as specifically authorized herein, shall require a new permit and all Town procedures in place at the time must be followed. This provision does not apply to requested changes, additional modification, alterations and/or amendments of any of the plans required pursuant to this Plan of Operation except that, at the discretion of the Plan Commission, any change in any plan that the Plan Commission for the Town of Genesee or Waukesha County feels, in its sole discretion, to be substantial will require a new permit and all Town procedures in place at the time must be followed.
 - F. Unless this Plan of Operation permit expressly states otherwise, plans that are specifically required by this Plan of Operation may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the Plan of Operation permit. Any change in any plan that the Plan Commission feels in its sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed
 - G. Should any paragraph or phrase of this Plan of Operation permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the Plan of Operation and the remainder shall continue in full force and effect.
 - H. If any aspect of this Plan of Operation permit or any aspect of any plan contemplated and approved under this Plan of Operation is in conflict with any other aspect of the Plan of Operation or any aspect of any plan of the Plan of Operation, the more restrictive provision shall be controlling as determined by the Plan Commission.
19. 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.
20. 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
Town Administrator/Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Wales-Genesee Fire Chief
John Marache, United Structures
Tim Sonnentag, County Materials
Jim Small, County Materials

Discussion/Action – Waiver for Silo height and any necessary mechanical appurtenances for County Materials, P. O. Box 100, Marathon, WI, per Section (17)(D) Height Exemptions. (GNT 1462-990-002 and GNT 1458-997-004)

The silo height is 80 feet and anything over 60 feet requires a waiver. Lightfoot made a motion to waive the silo height and any necessary mechanical appurtenances. Christiansen seconded the motion. Motion carried unanimously.

Discussion/Action – Land altering activities for Mark Pichler, W326 S4636 Bartell Road for an after-the-fact pond construction per Section 30 (E)(3) of the Town of Genesee Zoning Code. The property is described as Lot 12, Kettlefield Subdivision, being a part of the SW1/4 of Section 20, T6N R18E, in the Town of Genesee, Waukesha County, Wisconsin. (GNT 1519-012)

There was a public hearing on July 16, 2020 and comments and questions were solicited at that time. There was no action taken. Herrmann reviewed that the neighbors were concerned about the water, kids falling in the pond, and no fence. Pichler could have constructed the pond without Planning Commission approval if he had moved it further off the property lines. He received permits from the County in 2018. He got a storm water permit from the County which exempts Town of Genesee. County issues a storm water permit for any pond. Herrmann met with Chief Moon and Pichler at the property on July 27, 2020. The well pump has to be for a public benefit. If Pichler could provide a standpipe or some way for the Fire Department to utilize the water in case of an emergency, it would be for public benefit. Pichler will work with Chief Moon on this condition for the well. Turzynski was concerned about future owners. Lightfoot suggested placing a deed restriction on property. Pichler is working on safety shelf. Lightfoot made a motion to approve per Planner's Recommendations and conditions and issuing a deed restriction. Turzynski seconded. Motion carried unanimously.

Memorandum

To: Town of Genesee Plan Commission
From: Jeffrey C. Herrmann, Administrator-Planner
Date: July 22, 2020
Re: Pichler – Land Altering Activities (Pond Construction)

On July 16, 2020, the Town of Genesee Plan Commission held a public hearing to consider the request of Mark Pichler, W326 S4636 Bartell Road, Waukesha, Wisconsin to allow land altering activities in conjunction with the construction of an after-the-fact pond. The property is described as Lot 12, Kettlefield, being a part of the SW ¼ of Section 20, in the Town of Genesee. More specifically, the property is located at W326 S4636 Bartell Road. The details of the pond are as follows:
The Pond is:

- L-shaped – Roughly 170 ft. x 180 ft.
- Surface area: 15,464 sq. ft.
- Total Volume: 581,023 Gallons
- Total Land Disturbance: 50,288 sq. ft.
- Total Cubic Yards: 3,255
- Total Cut Area: 21,742 sq. ft
- Total Cut Volume: 3,255.18 cubic yards
- Total Fill Area: 28,546 sq. ft.
- Total Fill Volume: 1,487.82 cubic yds
- Spoilage: 1,767 dispersed on site
- Pond Depth: 11 feet

The pond is lined and a nearby well is used to keep the pond full. Ordinance prohibits groundwater pumping as a water source for any pond, unless a public benefit is determined by the Town Plan Commission. An opportunity for a public benefit would be a standpipe for the fire department to use the pond water during an emergency in the area. Other public benefits would need to be determined by the Town Plan Commission.

The Town of Genesee Zoning Code requires all land altering activities to comply with certain criteria. Ponds are specifically listed and are required to comply with the following:

- The water surface of any pond shall be twenty-five (25) feet or greater from any floodplain and no land altering activity is allowed within the floodplain, the finished grade around the entire pond shall be at least two (2) feet above the 100-year flood elevation.
- The water surface of any pond shall be twenty-five (25) feet or greater from any wetland, unless otherwise approved by Wisconsin Department of Natural Resources (WDNR) as a wetland enhancement.
- All ponds shall comply with applicable technical design standards published by the WDNR and the USDA-Natural Resources Conservation Service, including but not limited to soil investigations, safety shelf, berm design, compaction specifications, inlet/outlet design and erosion control.
- Groundwater pumping is a prohibited water source for any pond, unless a public benefit is determined by the Town Plan Commission.

Since the proposed pond is located within fifty (50) feet of a property boundary, a Land Altering Permit is required from the Town of Genesee Plan Commission. When determining whether to authorize any land altering or land development activity in the Town of Genesee, the Town Plan Commission shall consider, the aesthetic impact; the potential for adverse drainage; the potential impact upon neighboring properties; the potential impact upon environmentally sensitive areas; the potential impact upon existing lakes and streams; the potential impact on roadways and other infrastructure; public safety; how the proposed activity fits with the master grading plan (if applicable); proposed landscaping and screening; the materials used and source for fill, landscaping and, retaining walls; the total area of land disturbance; and the proposed pond size, use, location, design, landscaping, and water source.

After considerable discussion at the public hearing, the testimony of the petitioner and the neighbors, and comments made by the Town Plan Commission, the Town Planner recommends that the Town Plan Commission **approve** the proposed request for an after-the-fact pond subject to the following conditions:

1. Subject to documentation being submitted to the Town Planner that a Stormwater/ Erosion Control Permit has been reviewed and approved by the Waukesha County Department of Parks and Land Use, Land Resources Division, prior to the issuance of a Land Altering Permit.

2. Updated plans drawn to scale by a professional engineer showing a proposed safety shelf in compliance with all applicable technical design standards published by the WDNR and the USDA-Natural Resources Conservation Service shall be submitted to the Town Planner and Town Engineer for review and approval, prior to the issuance on any permits.
3. The applicant shall provide a standpipe for the Fire Department or some other public benefit in order to keep the existing well. If no public benefit can be provided, such as the standpipe, the well shall be abandoned, meeting all State, County and Local standards for abandoning a well no later than June 1, 2021.
4. The pond shall be properly maintained so as not to become an algae pond or have a negative impact on the neighborhood. If the pond is not properly maintained, the Town of Genesee has right to order the pond filled in, according to all regulations in place at the time of filling in the pond.
5. Subject to a restoration and landscaping plan (drawn to scale) for those areas of disturbance being submitted to the Town Planner for review and approval prior to the issuance of any permits. The plan should include, but not be limited to, how the outer edge of the pond will be stabilized, including the method and type of vegetation to be used.
6. Subject to all activities complying in all respects with any and all requirements of the Wisconsin Department of Natural Resources (DNR) chapter 30 Permit. In addition, documentation shall be submitted to the Town Planner from the DNR that all necessary Fish Stocking Permits have been obtained prior to stocking the pond with fish (if applicable).
7. Subject to all Land Altering Activities, excluding the standpipe, being completed and the site completely restored and vegetated no later than September 15, 2020, unless extended by the Town Planner.
8. 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.
9. Subject to all laws, ordinances, regulations and rules of the State, County, Town and USA.
10. The Town reserves the right to review any condition imposed as part of this Land Altering Permit if said use becomes a problem in the area. The Town Plan Commission may modify, change, delete, add, etc. any conditions, which they feel may be reasonable in order to allow this use and insure it does not become detrimental to the surrounding area without the necessity of having a public hearing. Any major change, as determined by the Town Planner may require a new public hearing following the requirements of the Town of Genesee Zoning Code.
11. Subject to a letter from the owner acknowledging and accepting all terms and conditions of this Land Altering Permit being submitted to the Town of Genesee Clerk, prior to issuance of any permits.
12. 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 Land Altering 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 Land Altering 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 Land Altering 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 Land Altering Permit, and such fees coming due following the issuance of the Land Altering Permit shall be paid within thirty (30) days of billing.
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.

Discussion/Action – Accessory Building exceeding 1,600 square feet for Jennifer Bronk and Kent Wieland, W339 S2698 County Road C, Oconomowoc, WI 53066. (GNT 1466-994-001)

Recertification will have to be completed because it's 31 feet off the property line. A deed restriction is required stating that building cannot be used for any commercial or industrial use. It is for personal storage only. Morris made a motion to approve subject to the deed restriction. Turzynski seconded the motion. Motion carried unanimously. The deed restriction papers were handed to Bronk and Wieland.

Discussion/Action – Site Plan/Plan of Operation for Always in the Game LLC, 508 Thomas Road, Wales, WI 53183. The property is described as part of Lot 2 of CSM No. 7207 and Outlot of CSM 7207, being a part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee. More specifically, the property is located on the northeast corner of Commercial Drive and S.T.H. 59 and contains approximately 4.36 acres of land. (GNT 1546-966)

Bud Simon was present for Always in the Game. It will be a training facility for youth athletes. Business would start September 1, 2020. Christiansen inquired about parking and enough spaces. Simon stated most of the kids get dropped off and picked up. There would be about 20 to 25 athletes. There would be 2 to 3 employees. Hours of operation would vary depending on the day and would be open 4 to 8 hours a day, seven days a week. Christiansen made a motion to approve subject to the Planner's Recommendations dated July 20, 2020 and allowing for operation 7 days a week. Lightfoot seconded the motion. Motion carried unanimously.

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

PROJECT NAME: Always in the Game

DATE: July 20, 2020

TAX KEY NUMBER: GNT 1546.966

NAME OF APPLICANT: Richard ("Bud") L Simon
d/b/a Always in the Game Inc.
508 Thomas Road
Wales, WI 53183

OWNER: Ralph Raush
d/b/a All One Self Storage, LLC
100 Wilmont Drive
Waukesha, WI 53189

LOCATION OF PROPERTY:

Part of Lot 2 of CSM No. 7207 and Outlot of CSM 7207, being a part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee. More specifically, the property is located on the northeast corner of Commercial Drive and S.T.H. 59 and contains approximately 4.36 acres of land.

PRESENT ZONING:

B-3 General Business District.

PRESENT LAND USE:

Multi-tenant building with a plumbing contractor, commercial kennel, vacant tenant space and outside storage.

PLANNER'S ANALYSIS:

The property is approximately 4.36 acres in size and contains a 121.9' x 200.6' multi-tenant building. The building is occupied by a plumbing contractor, commercial dog kennel, personal storage of the owner and vacant tenant space. The petitioner is proposing to utilize Suite C (approximately 3,787 square feet) to operate a personal training facility for students in physical training and specifically hockey training. The building contains a large interior space with glass window. A floor plan submitted with the application includes a stretching area, a skating treadmill, artificial turf and an equipment area for workout and cardio equipment. A new bathroom will be added in the unit. According to Vavra Design, the proposed area of the building is able to accommodate the proposed use (Training Facility), provided the maximum number of occupants at any one time does not exceed 49 occupants.

The exterior space can accommodate up to fifteen (15) parking spaces. There are three (3) parking spaces on the north side of the building, two (2) parking spaces in the front (south) portion of the building and ten (10) spaces adjacent to the building extending from north to south. Employee parking has not been delineated on the site plan. The total site has approximately forty-seven (47) parking stalls.

The business will employ two to three (2-3) full-time employees and two to three (2-3) seasonal employees. The hours of operation vary during the week and will be open on average 4-8 hours per day. Although the hours will vary day to day, the number of athletes at the facility will be limited to approximately 25 at any one time. Signage will consist of two (2) forty (40) square foot signs on the building. A detailed sign rendering was not included with the application. No dumpsters are being proposed at this time. No changes are proposed to the exterior lighting or landscaping at this time. A private on-site waste disposal system (holding tank) and private well serve the property.

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 previously imposed conditions on the property for Erspamer Plumbing, Hoover's House Dog Kennel and Ralph Raush (storage) shall remain in place and be adhered to, unless specifically amended herein.
2. A Zoning Permit and a Building Permit shall be obtained prior to adding the new bathroom and prior installation.
3. A detailed colored sign rendering, location map and sign size shall be reviewed and approved by the Town Planner prior to installation of any signs. No temporary signs, banner, flags, etc., unless approved by the Town Planner.
4. Prior to occupancy of the building for Always in the Game, an updated site plan showing the exact location of the parking to be used by Always in the Game shall be submitted to the Town Planner for review and approval.
5. 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.

6. A Town of Genesee Building Inspector shall inspect the interior of the building to ensure all applicable building codes are complied with and the proposed commercial use of the building complies with the architectural rating of the building. All compliance violations shall be corrected to the Building Inspector's satisfaction, prior to occupancy of the building.
7. Documentation shall be submitted to the Town Planner, that the Environmental Health Division has approved the existing on-site waste disposal system for the proposed use, prior to the issuance of any permits. If a new bathroom is installed, state approved plans will be required to be submitted to the Town Building Inspector prior to commencement of construction.
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 any way 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 conditions, 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
Waukesha County Department of Environmental Health
Ralph Raush
Fire Chief James Moon
Bud Simon

Discussion/Action – Site Plan/Plan of Operation for Knuth Cement and Masonry, S44 W32719 Rhapsody Lane, Waukesha, WI 53189. The property is described as Lot 2 Certified Survey Map No. 5170, being a part of the SW ¼ of Section 14, T6N, R17E, in the Town of Genesee, Waukesha, Wisconsin. More specifically, the property is located at W297 S3557 Boettcher Road. (GNT 1495-997-003)

This item has been tabled.

Discussion only for conceptual land division for Ryan Janssen, P. O. Box 480, Mukwonago, Wisconsin. The property is located at in part SW ¼, NW ¼ and SE ¼ Section 35, T6N, R18E. (GNT 1579-999)

Ryan Janssen and Mark Elena were present. Janssen is proposing 13 lots, one being a flag lot. The flag lot would be separated into 2 parcels with a separate CSM. Lots 3 – 13 would be done as a plat of survey. All lots are 3 acres. The whole back half of the parcel is Environmental Corridor. Waukesha County is not recommending a storm water pond, just scrapes throughout the lot. They could reduce lots 6 – 10 to three acres to meet the 2.5 to 1.0 depth to width ratio. That would cut some of the depth off. Herrmann stated that an outlot would need access to a public road. There was discussion about the flag lot. Leair asked if there could be another design since flag lots usually do not get approved. There is concern about emergency access with flag lots. Herrmann suggested sharing a driveway with the neighbor to the south then nothing gets disturbed. Herrmann would like a new layout before submitting a CSM. There is a Development Review team meeting scheduled with the County on August 6, 2020.

Memo

To: Ryan Janssen
From: Jeffrey Herrmann, Administrator-Planner
Date: July 20, 2020
Re: Saylesville Estates – Land Development Proposal

The purpose of this memo is to provide the Town of Genesee Plan Commission with information regarding the proposed development for Ryan Janssen, d/b/a Ryan's Buying LLC, PO Box 480, Mukwonago, Wisconsin. The property is described as part of the SW ¼, NW ¼ and the SE ¼ of Section 35, T6N, R18E, Town of Genesee and is located on the southeast corner of Saylesville Road (C.T.H X) and STH 83. The parcel contains about 105.47 acres and has approximately 2,000 lineal feet of frontage on Saylesville Road and about 175 feet of frontage on Genesee Pass. The parcel contains some remnants of an old barn and some other minor improvements per se. The improvements on the property have an assessed value of only \$23,000. The property is zoned A-2 Rural Home District, E-C Environmental Corridor District, C-1 Conservancy and A-E Exclusive Agricultural Conservancy District under the Town of Genesee Zoning Code. The petitioner is proposing to develop a total of thirteen (13) lots. The lots will range in size from 3.01 acres to 32.04 acres. This proposal will be completed using private wells and septic systems.

The owner is presenting this conceptual land division to the Planning Commission to get any comments or suggestions to help them decide on the feasibility and layout prior to making a formal submittal. The following are comments to be considered when reviewing the revised concept plan:

- The proposed Comprehensive Land Use Plan 2035 for the Town of Genesee identifies this property in the

Suburban II Density Residential allowing development at 3.0 to 4.9 acres of lot area per dwelling unit, primary environmental corridor category (density equal to 5.0 acres per dwelling unit) and other open lands to be preserved. The Comprehensive Land Use Plan 2035 for the Town of Genesee seeks to preserve and protect primary environmental corridors to the greatest extent possible. Under the plan, development within these corridors would be limited to that needed to accommodate required transportation and utility facilities, compatible outdoor recreation facilities, and, on a limited basis, carefully sited rural density residential use. The Developer has provided a layout whereby the environmental corridors and conservancy lands are protected.

- Some limited soil testing has not been provided for different areas of the proposed development. According to the soils classification, the soils are adequate for conventional and/or mound type septic systems. The soils classification for the buildable areas consists of the following soil types: Fox Loam (FoB), Hochheim Loam (HmB, HmD2 & HmC2), Pella Silt Loam (Ph), Casco Rodman (CrD & CrE). These soil types tend to be well drained and not hydric. Other soils on the site are not well drained and are considered hydric or have hydric inclusions.
- Approximately seventy (70) percent of the parcel is considered wetland and primary environmental corridor (PEC). The wetlands and the PEC area were identified in the field by Southeastern Wisconsin Regional Planning Commission (SEWRPC) on October 16, 2017. The Primary Environmental Corridor and wetlands will need to be surveyed and submitted to the SEWRPC for review and approval. A restriction shall be placed on the Subdivision Plat/Certified Survey Map prohibiting uses in the PEC and Wetlands. It is important to note proposed natural areas (NA-3) sites are located in the Development, which should be preserved to the greatest extent possible.
- The property does not abut a navigable waterway of the state.
- No portion of the property is located within the Waukesha County Shoreland and Floodland Jurisdictional limits.
- The property has rolling topography and drops in elevation from the west to the east. The elevation at the high point near C.T.H. X is 948 msl with the lowest elevation near the eastern property line 784 msl. The concept plan does not delineate slopes greater than twenty (20) percent. All parcels shall delineate slopes greater than (20) percent. These areas will need to be preserved in open space uses. A detailed analysis of the slopes and corridor will be required.
- Based on the concept plan submitted, it cannot be determined if all lots contain buildable areas large enough to accommodate normal residential development. In addition, all requirements of the Town of Genesee Zoning Code and Waukesha County Shoreland and Floodland Protection Ordinance in regards to offsets, setbacks, floor area ratio, etc. will need to be reviewed and approved.
- No storm water management facilities are shown on the concept plan. The petitioner's engineer should review the Waukesha County's Stormwater Ordinance. The Town requires all stormwater facilities to be shown on outlots. Waukesha County will need to review the proposed stormwater management facilities when the proposed concept plan is implemented (if applicable).
- The area of the property where the potential home sites are to be developed is currently zoned A-2 Rural Home District, requiring a minimum lot size of three (3) acres. For lots which lie partially within and partially outside of the environmental corridor district, any land altering activity and/or building envelopes shall be located outside of the environmental corridor district and appropriately restricted as such on the face of the certified survey map, subdivision plat or other document approved by the Town Plan Commission or the zoning administrator and recorded in the office of the register of deeds. The overall

goal of this requirement is to obtain a maximum density of building activity within the environmental corridor of not more than one dwelling unit for each five acres of environmental corridor land.

- The proposed land division shall comply in all respects to the Town of Genesee Land Division and Development Ordinance. Some issues of concern, although others may exist, are:
 - Several lots do not comply with the Depth to Width Ratio of 2.5 to 1.
 - Several lot lines are not at right angles to straight street lines or radial to curved street lines on which the lots face.
 - Minimum average width of a lot is 200 feet.
 - The Maximum Length of a cul-de-sac is 1,200 lineal feet.
 - The buildable area on Lot 3 is somewhat restricted since it abuts three (3) roads.
 - All roads shall be constructed to Town road standards.
 - Building envelopes may be required to eliminate confusion with steep slopes and environmental corridor.
 - Lot 1 is considered a flag lot and will need special approval in order to be incorporated into the final development. It does not meet the minimum average lot width requirements.
 - Each lot shall have at least 50 percent of its required area in the same zoning district as the zoning district where the building site is to be located.
 - Street grades for minor roads shall not exceed 10 percent.
- Any waivers or variances granted by the Town of Genesee and/or Waukesha County shall be placed on the face of the final CSM.
- Access to C.T.H. X will need to be approved by the Waukesha County Department of Public Works. Documentation regarding the above will need to be submitted to the Town Planner for review and approval prior to acting on the Certified Survey Map.
- The petitioner will not need to amend the zoning on the property for this particular layout.

Items to be discussed by the Town Plan Commission:

1. Should this development consist of a cluster type design with smaller lot sizes and more common open space with the secondary environmental corridor and wetlands being preserved on an Outlot or Outlots owned by the homeowners as an undividable fractional interest or owned by the Town?
2. Normally Flag Lots for new development are discouraged. Since the steep slopes are located along the south property line, a flag lot in this vicinity is not desirable. In addition, the proposed driveway is in excess of 1,800 feet long and cuts through the environmental corridor.
3. With new residential lots, a waiver for side lot lines not being at right angles is usually not recommended for approval.
4. No lot dimensions are provided, so it is difficult to make any type of measurements to determine lot sizes, lot widths, lot depths, etc.

5. Is the Town comfortable with excessive long and narrow lots or should the lots be redesigned to meet or more closely meet the 2.5 to 1 depth to width ratio as required in the Ordinance?
6. The proposed natural area: Saylesville Road Fen (NA-3 Site) is a site that is designated as having local significance and should be protected in private or public ownership and should not be part of an individual lot. This area should be protected to the greatest extent possible. It should be part of an outlot that is preserved and protected.
7. The street grades will need to be reviewed by the Town Engineer. Is the Town willing to allow a development that has roads that exceed the 10 percent requirement?

Discussion/Action – Approval of June 22, 2020 Plan Commission Minutes.

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

Review Pending

All members present will be able to attend the August 5, 2020 meeting.

Correspondence

On July 15, 2020, Herrmann sent letters to Tengler and Pichler regarding their berms.

Adjourn

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

Meeting adjourned at 7:31 p.m.

Cindy Zignego
Deputy Clerk
July 30, 2020