

**TOWN OF GENESEE PLAN COMMISSION MEETING
MINUTES
JANUARY 25, 2021
6:00 P.M., VIA ZOOM**

Video/Telephone Conferencing Meeting

Due to COVID-19 pandemic, including Federal, State, and County emergency orders limiting crowds, this meeting was held via video/teleconference through Zoom.

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

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

Lear read the adjourned public hearing notice.

Adjourned Public Hearing, a public hearing will be conducted by the Town of Genesee Plan Commission to consider the Conditional Use request of Matthew Weber, S44 W32522 Rhapsody Lane, Waukesha, Wisconsin for the operation of an Auto Repair Business per Section 40 (B)(7) of the Town of Genesee Zoning Code. The property is described as Lot 3 CSM 10591, being a part of the NW1/4 of Section 27, T6N R18E, in the Town of Genesee, Waukesha County, Wisconsin.

Herrmann said he received the Site Plan, Lighting and Building Plans. Lear asked if there were any questions from the commissioners and there were no comments. Lear opened up the floor at 6:03 p.m. for any comments of those attending the meeting. There were no comments.

Petitioner, Matt Weber, S44 W32522 Rhapsody Lane, Waukesha, WI 53189, stated revised plans of structure were submitted to Planner.

Lear asked commissioners or anyone else to speak to this issue. There were no comments.

Hearing closed at 6:06 p.m. Action will be taken at the next Plan Commission meeting on February 22, 2021 at 6:00 p.m.

Discussion/Action - Conditional Use/Plan of Operation request of Jessica Kupser, 530 Windstone Drive #201, Hartland, Wisconsin, to operate a Commercial Horse Boarding Operation covered under the Conditional Use as required per Section 40 (B)(12) of the Town of Genesee Zoning Code. The property is described as Certified Survey Map 2631, being a part of the SW ¼ of Section 17, T6N, R18E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located on northwest corner of CTH D and CTH E and at W328 S3850 Mesa Trail. (Tax Key GNT 1507-994)

Lear stated there was a January 7, 2021 public hearing for this Conditional Use/Plan of Operation and it is on the Agenda tonight for Action. Petitioner, Jessica Kupser, stated she read the Planner's Report and Recommendations dated January 18, 2021. Kupser would like to have 100 participants versus 50 listed in the report. The Henze Conditional Use had 100 participants. The Manure Management Plan was submitted to Waukesha County but will not be completed until the Spring of 2021 due to frozen ground. The number of horses may have to be adjusted based on the results. Engelking wanted to clarify that Kupser is allowed to have events with 100 participants. Kupser and Herrmann discussed having the sign reviewed and approved by the Planner at a later date.

Engelking made a motion to approve and allow operation to go forward subject to: conditions in Planner's Memorandum dated January 18, 2021; change condition number 8 to allow number of participants to 100 from 50; and Manure Management Plan completed in Spring 2021 that could possibly reduce the number of horses allowed and possibly change the conditions as needed to accommodate the Manure Management Plan.

Turzynski seconded the motion. Motion carried unanimously.

Memoandum

To: Town of Genesee Plan Commission
From: Jeffrey C. Herrmann, Administrator-Planner
Date: January 18, 2021
Re: Foremost Stables – Conditional Use (Commercial Horse Boarding) & Plan of Operation

On January 7, 2021, the Town of Genesee Plan Commission conducted a Public Hearing to consider the Conditional Use request of Jessica Kupser, 530 Windstone Drive #201, Hartland, Wisconsin to operate a Commercial Horse Boarding Operation covered under the Conditional Use as required per Section 40 (B)(12) of the Town of Genesee Zoning Code. The property is described as Certified Survey Map No. 2631, being a part of the SW ¼ of Section 17, T6N R18E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located on northwest corner of C.T.H. D and C.T.H. E and at W325 S3793 C.T.H. E.

According to the Town of Genesee Zoning Code, the following items are required to be complied with in order for the Town of Genesee Plan Commission to approve the proposed use:

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

After reviewing the Applicant's request, comments made at the public hearing, the requirements of the Town Zoning Code, the Town Planner recommends the Town of Genesee Plan Commission to **approve** the proposed request subject to the following conditions:

1. Subject to the Operation being limited to the activities necessary for boarding, training, lessons, rehabbing and stabling up to a maximum of 38 horses that are owned or not owned by the Applicant, on the property, unless otherwise limited by the Waukesha County Environmental Health Division.
2. Subject to all horses being boarded in the existing barn facility only, no other buildings shall be used for boarding purposes.
3. Activities on the subject property herein shall not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor. Notwithstanding the foregoing, operation of a horse boarding facility pursuant to ordinary and generally accepted customs and practices, and as further restricted by this Conditional Use Permit, shall not constitute a nuisance as contemplated by this paragraph.

4. The Applicant shall file with the Town Clerk a detailed Site Plan/Plan of Operation, which shall be subject to the approval of the Town Planner prior to the issuance of the Conditional Use Permit, and shall include all of the following plans:
 - A. Parking Plan
 - B. Lighting Plan
 - C. Storage Plan
 - D. Sanitary Facilities Plan
 - E. Signage Plan
 - F. Fencing Plan

The Applicant is required and must have all plans current, approved by the Town Planner for the Town of Genesee and on file with the Town Clerk for the Town of Genesee. The Applicant shall be entitled to amend or change any plan contemplated herein subject to the aforementioned conditions and subject to the approval of the Town of Genesee Plan Commission, without a public hearing, if such amendment and/or change is not a substantial change from the original plan as approved and as allowed herein. Any amendment or change in any plan contemplated herein that the Town Planner of the Town of Genesee feel, in their sole discretion, to be substantial will require Town Plan Commission review and action or possible an Amended Conditional Use Permit and all procedures in place at the time must be followed.

5. Subject to the Waukesha County Land Resources Division approving a Manure Waste Disposal Plan, prior to the issuance of any permits.
6. Subject to the Applicant recording a Declaration of Restrictions indicating a Conditional Use Permit exists on the property and all conditions that shall be followed as part of the operation. The Town Planner shall prepare said Declaration subject to the approval of the Town Attorney. The Declaration shall be signed by the property owner and recorded at the Waukesha County Register of Deeds office prior to the issuance of any permits.
7. The Conditional Use Permit shall be subject to an annual review beginning February 1, 2022, and continuing each February 1, thereafter, until the Town Plan Commission feels it is no longer necessary to complete an annual review. In the event that the use of the property is not in substantial compliance with all terms of this Conditional Use Permit or the conditions of the neighborhood change, then, in that event, the Plan Commission for the Town of Genesee, may add additional conditions or modify the conditions stated herein, in order to obtain compliance with said conditions. If said property remains in noncompliance for a substantial period of time, as determined by the Town Plan Commission, then the Town of Genesee may proceed with termination of the Conditional Use Permit as set forth in the Town of Genesee Zoning Code.
8. No temporary use, clinic, horse show, special activity or event where more than 50 people are invited to participate or are on said premises at any one time ("special event") shall be permitted, except in compliance with all applicable requirements of the Town of Genesee Zoning Code and all other applicable Federal, State, Waukesha County and Town of Genesee codes, statutes, Ordinances, rules, orders and other laws, and also subject to the prior approval of the Town Planner. No public hearing shall be required for consideration of a special event, unless the Town Planner determines it would constitute a substantial change from the requirements of the Conditional Use Permit. As part of the review of a special event, the Town Planner may impose special conditions or restrictions on the property for that specific special event.
9. No more than twelve (12) clinics, horse shows, special activities or events (as defined in Condition No. 8) may be allowed within any given calendar year.
10. Subject to access onto C.T.H. E being approved by the Waukesha County Department of Public Works. Any required improvements shall be constructed in compliance with all conditions imposed by Waukesha County (if applicable).

11. There shall be no use of a PA system, loudspeakers, or other amplified sound system at any time without prior Town Plan Commission approval.
12. A 4 ft. x 2 ft. double-sided sign is being proposed near the access on C.T.H. E. The Applicant shall submit a location map and detailed renderings of the proposed sign to the Town Planner for review and approval, prior to issuance of any permits for said sign. Any approved signs must be located in conformance with the requirements set forth in the Town of Genesee Sign Ordinance, prior to issuance of permits for any signs. A Zoning Permit will be required prior to obtaining a Building Permit for said sign.
13. All lights shall be for security purposes only and there shall be no lighting of the outdoor riding areas without issuance of a new Conditional Use Permit, following a new Conditional Use Application and Public Hearing in accordance with all then existing procedures. The Lighting Plan described in paragraph 4(B) above is also subject to the approval of the Town Engineer (if deemed necessary by the Town Planner).
14. Subject to the Applicant maintaining his/her primary place of residency on the property, unless a new Conditional Use Permit is approved by the Town of Genesee Plan Commission in accordance with all then existing Conditional Use procedures.
15. The Conditional Use Permit shall automatically expire and terminate on the sale of the property or its transfer to a non-occupant of the property.
16. The Applicant shall be required to appear before the Town Plan Commission to answer complaints upon notification by the Town Plan Commission.
17. Adequate public restrooms shall be provided in accordance with the Wisconsin Administrative Code.
18. Subject to no new accessory buildings being approved without the issuance of a new Site Plan/Plan of Operation, upon approval by the Town Plan Commission.
19. No more than five (5) horse trailers shall be parked overnight on the property. All horse trailers shall be screened from view from Mesa Trail and/or C.T.H. E. The Town of Genesee Plan Commission may authorize additional trailer parking and/or overnight parking for special events.
20. Subject to fencing adequate to contain horses on the property being installed and/or maintained by the Applicant.
21. Subject to Applicant being responsible for containing all horses on his property.
22. Subject to all laws, ordinances, regulations and rules of the Federal, State, County and Town.
23. Subject to documentation being submitted to the Town Planner that Waukesha County Environmental Health Division has approved a Preliminary Site Evaluation for the proposed uses on the property prior to the issuance of any permit.
24. The Applicant shall keep the exterior condition of the Premises in a neat and orderly condition at all times so that the Premises will not detract from neighboring Premises. There shall be no outside storage of junk, debris, or other refuse materials and all such materials shall be disposed of promptly.
25. Subject to the applicant allowing the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.
26. The Owner shall keep the Town advised at all times as to the name, address and telephone number(s) of the contact person.
27. The Owner/Applicant shall state in writing that he/she hereby accepts and agrees to abide by all terms and conditions of the Conditional Use Permit.
28. Subject to standard conditions as described herein below:

- A. Any use not specifically listed as permitted shall be considered to be prohibited except as may be 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 the Town of Genesee for determination.
 - B. No use is hereby authorized unless that 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 of any law, ordinance, order or rule of either the Town of Genesee, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority. This order shall not be deemed to constitute a Building Permit, nor shall this order constitute any other license or permit required by law or by Town Ordinance or other law.
 - C. This Conditional Use hereby authorized shall be confined to the subject property described, without extension or expansion, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission for the Town of Genesee as being in compliance with all pertinent ordinances.
 - D. Should the permitted Conditional Use 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 surrounding areas, or for similar cause based upon considerations of public health, safety or welfare, the Conditional Use may be terminated by action of the Town Plan Commission after a Public Hearing thereon.
 - E. Any change, addition, modification, alteration and/or amendment of any aspect of this Conditional Use, including but not limited to a change in the use, subject property, lands or owners, other than as specifically authorized herein, shall require a review by the Town Planner and a possibly 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 Conditional Use except that, at the discretion of the Plan Commission, any change in any plan that the Plan Commission for the Town of Genesee 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. Should any paragraph or phrase of the Conditional Use Permit be determined by a court of competent jurisdiction to be unlawful, invalid, unenforceable, illegal or unconstitutional, said determination shall apply only to the specific paragraph or phrase therein directly specified in the determination, shall not void the rest of the Conditional Use, and shall not affect the validity of any other provision, section or portion thereof of this order. The remainder of the order shall continue in full force and effect.
 - G. This Conditional Use Permit shall be effective for an indefinite duration, subject, however, to the following:
 - 1) When the changing character of the surrounding area causes the original Conditional Use or subsequent approved amendments thereto to no longer be compatible with the surrounding area, or for similar cause, based upon consideration for the public welfare, the Conditional Use order and any subsequent approved amendments or changes may be terminated by action of the Town of Genesee Plan Commission following a Public Hearing.
 - 2) When this permitted Conditional Use does not continue in conformity with the conditions of the original approval or subsequent approved amendments or changes, the Conditional Use order any subsequent approved amendments thereto may be terminated by action of the Town of Genesee Plan Commission.
 - 3) This Conditional Use may be reviewed by the Plan Commission for the Town of Genesee at any time upon complaint or upon Plan Commission initiative.
29. The Applicant shall, on demand, reimburse the Town of Genesee for all costs and expenses of any type that the Town incurs in connection with this Conditional Use Permit, including the cost of professional services incurred by the Town of Genesee (including engineering, legal, planning and other consulting fees) and for the review and preparation

of the Conditional Use Permit or attendance at meetings or related professional services for this application, as well as for any actions that the Town of Genesee is required to take to enforce the conditions in this Conditional Use Permit due to a violation of these conditions. All fees due and owing at the time shall be paid prior to the issuance of the Conditional Use Permit, and such fees coming due following the issuance of the Conditional Use Permit shall be paid within thirty (30) days of billing.

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Fire Chief Matt Fennig
Waukesha County Environmental Health Division
Jessica Kupser

Discussion/Action – Certified Survey Map for Casey Masterson, N5W31720 Twin Oaks Drive, Delafield, WI 53018, Lot #3, CSM 10821, Esser Drive. (Tax Key GNT 1505-996-007)

Herrmann explained the outlot has been transferred to Mr. Hardin and the cul de sac is completed. Masterson is requesting to develop two additional lots for a total of three lots. Lot 1 will be for himself and include entire wetland area. Lots 2, 3 and 4 will range in size from 3 acres to 3.1 acres. Masterson replied he wants to redivide the northern section. The cul de sac and ditches have been put in and final lift will be completed when weather permits. Herrmann stated Masterson submitted soil borings recently and they look good. In Planner's Report, condition no. 4 states previous lot lines shall be shown as a dashed or faded line. SEH does not like old lot lines shown. All Plan Commissioners and Supervisor Morris were asked if they want old lot lines shown and all concurred, they do not want them shown on new CSM. Engelking recommended eliminating condition no. 4 in Planner's Report. Engelking made a motion to recommend approval to the Town Board on February 8, 2021 subject to Planner's Report and eliminating condition no. 4. Morris seconded the motion. Motion carried unanimously.

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

PROJECT NAME: Masterson CSM

TAX KEY NO.: GNT 1505.996.009
GNT 1505.996.010

DATE: January 18, 2021

OWNERS: Casey Masterson
36638 Clover Lane
Oconomowoc, WI 53066

LOCATION: Lots 1 and 2 Certified Survey Map No. 12054, being a part of the SE ¼ of the NE ¼ of Section 17, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin.

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

LOT SIZE: Lot 1 - Approximately 14.60 acres.
Lot 2 – Approximately 10.58 acres.

REQUESTED USES: A Certified Survey Map (CSM) to create four (4) Lots.

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN -2035: The Town of Genesee Comprehensive Land Use Plan – 2035 designates property in the Suburban II Density Residential allowing 3.0 – 4.9 acres of lot area per dwelling unit. Therefore, the proposed parcels comply with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

In March of 2020, the Town of Genesee Town Board approved a Certified Survey Map for two (2) lots and one (1) outlot. Lot 1 was 14.60 acres in size and Lot 2 is 10.58 acres in size. Both Lots are currently vacant. Outlot 1 is 7,675.27 square feet in size. Outlot 1 was transferred to an adjacent property owner. In addition to the creation of two (2) lots and one (1) outlot, additional land was dedicated to the Town of Genesee along with the construction of two (2) new cul de sacs. Prior to approving said Certified Survey Map, the Town of Genesee Plan Commission reviewed a couple different concept plans, where future development of the property was considered. The Owners said he was not interested in developing those additional lots and just wanted a lot for his own personal use and another lot for a friend. Since that time, plans have changed and now the owner would like to create additional lots.

The owner is proposing to re-divide Lots 1 and 2 of CSM 12054, into four (4) Lots. Lot 1 will be 15.985 acres in size, is currently vacant and will have access to South Esser Drive. This lot will contain the entire wetland area. Lot 2 will be 3.74 acres in size, Lot 3 will be 3.135 acres in size and Lot 4 will be 3.002 acres in size. All three (3) lots are currently vacant and will access Esser Drive on the north.

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 January 15, 2021, giving the Town Plan Commission until March 31, 2021 and the Town Board until April 15, 2021, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated January 13, 2021, 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 375-22(E) The Owners address on the CSM is different than the address on file with the Waukesha County Register of Deeds Office. The correct name and address shall be shown on the face of the CSM.
- Section 375-23(Q) Location of soil borings are shown on the CSM for Lots 1 and 2. Additional soil borings shall be shown for Lots 3 and 4. The soil boring data shall be submitted to the Town Planner prior to the Town signing the final CSM.
- Section 375-29 (E) All Utility and/or Drainage Easements shall be shown on the final CSM.
- Section 375-44 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.

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 along with the following conditions, prior to Town signing the final CSM:**

1. Subject to the Owner satisfying all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including but not limited to the Wisconsin State Statute's per Chapter 236; Comm. 85, Wisconsin Administrative Code; the Village of Wales and Waukesha County in regard to the CSM, prior to the Town signing the final CSM.
2. The Village of Wales shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by the Village of Wales shall be incorporated herein.
3. Since this CSM is located almost entirely within the Waukesha County Shoreland and Floodland Protection Ordinance, Waukesha County shall approve the CSM and shall sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by Waukesha County shall be incorporated herein.
4. The previous lot lines shall be shown as a dashed or faded line and identified on the CSM.
5. The lot line on Lot 4 should be adjusted to eliminate the indent on the south side.

6. The dimension on the west lot line of Lot 2 needs to be corrected. The dimension reads 415.31 feet, but is actually only about 341.11 feet in length.
7. Any conditions imposed by the Town Engineer shall be complied with prior to the Town signing the final CSM.
8. Any and all waivers reviewed and approved by the Town Plan Commission and Town Board shall be noted on the final CSM. The Town Planner shall approve the language of the notes.
9. All existing and proposed easements shall be shown.
10. Subject to the Developer satisfying all of the aforementioned conditions within one (1) year of the Town Board granting conditional final CSM approval.
11. 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.
12. Payment of Charges. Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

Respectfully submitted,

Jeffrey C. Herrmann, AICP
Administrator-Planner

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

Discussion only for conceptual land division for Ryan Janssen (Genesee Preserve), part of the SW ¼ NW ¼ and SE ¼ of Section 35, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. (Tax Key GNT 1579-999)

Herrmann referred to his Memorandum dated January 18, 2021 and made a correction that the corridors are secondary not primary. However, in the Land Use Plan they are treated identical, the difference is the size. There are no navigable streams on this site. The slopes are 20% which is adequate for secondary corridor. The proposed development is now a two acre minimum lot size which will have to be rezoned. The 2.5 to 1 depth to width ratio is a concern for several lots. Lot lines 5 – 9 need to be cleaned up. There is concern about the long driveway on Lot 1. Herrmann showed the Site Plan and GIS map of the property. Herrmann suggested sharing an existing driveway with Bill Johns. Janssen said he approached Johns and Johns is not interested in sharing a driveway.

Engelking referred to Lot 2 as not desirable and not much room on building pad to build a home and it is close to the highway. Engelking said there was enough buildable area at the front of Lot 1 to avoid building long driveway.

There was extensive discussion about items 1 thru 6 in Herrmann's January 18, 2021 memorandum.

Engelking was not in favor of driveway in excess of 2,500 feet long and lots cutting into the wetland area. The Land Development Ordinance states that if there are buildable areas outside the corridor, you are not allowed to build within the corridor. Laird polled the Plan Commissioners for their opinion of the Flag Lot. Turzynski

agreed that there is a buildable area in the front of the lot and thinks the corridor should be preserved. Morris agreed. Christiansen concurred with Engelking's assessment and agreed with Turzynski to preserve the corridor and keep development in the front of the lot. Toole deferred decision to Leair and Plan Commission for their experience. Lightfoot concurred with rest of the Commissioners. Leair suggested Janssen revise plan and propose plan that meets the concerns of the Plan Commission.

Memoandum

To: Town of Genesee Plan Commission
From: Jeffrey Herrmann, Administrator-Planner
Date: January 18, 2021
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 486, 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 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.

In July and August 2020, the Town Plan Commission reviewed a conceptual land division for the petitioner. At that time, the petitioner was proposing to develop a total of thirteen (13) lots. The lots ranged in size from 3.01 acres to 32.04 acres (Exhibit A). The lots were to be served by private wells and septic systems.

The petitioner is now presenting a revised conceptual land division to the Planning Commission to get comments or suggestions prior to submitting a preliminary plat for review and action. The revised plan includes a total of 15 lots. The first two (2) lots would be created via a Certified Survey Map (CSM) and the rest of the development would be completed via a subdivision plat.

Lot 1 of the CSM is 58.47 acres in size; however, the petitioner has indicated that this lot may include the land abutting Holiday Road and would total approximately 98.47 acres. This lot would be accessed via Genesee Pass and contains two (2) potential building sites. One site would be near Genesee Pass. The second potential building site, which the petitioner is requesting, is located approximately 2,000 feet as the crow flies. The actual distance of the road would actually be at least 500 feet longer, given the rolling topography. Another issue with this particular building site is that you need to traverse a secondary environmental corridor. Typically, the Town Plan Commission would restrict the development to outside the corridor as much as possible and actually restrict any type of land altering or vegetation removal within the corridor. Allowing a long drive would be amending that change of thought. The Fire Chief will need to be consulted regarding getting emergency vehicles to the potential home site. This is a major area of concern and the Town Plan Commission should thoroughly consider the challenges of this driveway and what potential impacts it will have on the environmental corridor. Lot 2 of the CSM would be only 2.00 acres and have access to Genesee Pass. The buildable area of this lot would be outside the Environmental Corridor. No major concerns with this lot.

The additional 13 lots would be created via a subdivision plat. The proposed lot lines are not clearly depicted on the plan. In addition, the lot dimensions are not provided, however the lots sizes are given for all the lots. The lots will range in size from 2.00 acres to 3.87 acres.

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 may not be protected to the greatest extent possible with a proposed driveway traversing the environmental corridor.

- 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 regard to offsets, setbacks, floor area ratio, etc. will need to be reviewed and approved.
- Storm water management facilities are shown on the concept plan. The petitioner's engineer is proposing to install a retention pond on Outlot 1. The Town requires all stormwater facilities to be shown on outlots and owned in common by all lot owners. Waukesha County will need to review the proposed stormwater management facilities to determine if the erosion control and the stormwater management facilities comply with the Waukesha County Stormwater Ordinance.
- 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. Therefore, the petitioner will need to amend the zoning on the property to a two (2) acre minimum, such as A-3 Suburban Estate District. 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 are:
 - Several lots may not comply with the Depth to Width Ratio of 2.5 to 1.
 - The actual lot lines along the rear of Lots 5-9 need to be cleaned up.
 - All lines shall be 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 1 and 13 will be restricted since they abut three (3) roads.
 - The buildable area on Lot 2 is also severely restricted given the depth of the lot and abutting two (2) public roads.

- All roads shall be constructed to Town road standards.
- Building envelopes will be required to eliminate confusion with steep slopes and environmental corridor.
- Lot 1 of the CSM is considered a flag lot and will need special approval in order to be incorporated into the final development. It does not appear to 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 need to amend the zoning** on the property for this particular layout.

Items to be discussed by the Town Plan Commission:

1. 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 2,500 feet long and cuts through the environmental corridor. This lot and its effect of the corridor needs to be thoroughly discussed by the Town Plan Commission.
2. With new residential lots, a waiver for side lot lines not being at right angles is usually not recommended for approval.
3. No lot dimensions are provided, so it is difficult to make any type of measurements to determine lot sizes, lot widths, lot depths, etc.
4. 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?
5. 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.
6. 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 November 23, 2020 and January 7, 2021 Plan Commission Minutes.

Turzynski made a motion to approve the November 23, 2020 Minutes. Christiansen seconded the motion. Engelking and Lightfoot abstained. Motion carried.

Engelking made a motion to approve the January 7, 2021 Minutes. Christiansen seconded the motion. Motion carried unanimously.

Adjourn

Turzynski made a motion to adjourn. Engelking seconded the motion. Motion carried unanimously. Meeting adjourned at 7:40 p.m.

Cindy Zignego
Deputy Clerk
January 28, 2021