

**TOWN OF GENESEE PLAN COMMISSION MEETING
MINUTES
JUNE 28, 2021**

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

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

Lear read the Public Hearing notice.

NOTICE IS HEREBY GIVEN that a Public Hearing will be conducted by the Town of Genesee Plan Commission on Monday, June 28, 2021, beginning at 6:00 p.m. at the Town of Genesee Town Hall, S43 W31391 Hwy 83, Genesee Depot, Wisconsin, to consider the Conditional Use request of Emily Rodriguez, d/b/a Adeline Montessori School LLC, S31 W29553 Sunset Drive, 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 Lot 1 Certified Survey Map No. 7928, being a part of the NE ¼ of Section 13, T6N, R18E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located on the south side of C.T.H. D, approximately 1,100 feet west of the intersection of C.T.H. D and Townline Road and contains approximately 10.03 acres of land.

Herrmann gave review of the property location. Access is via C.T.H. D. Town of Genesee Zoning Code permits schools in R-1 with Conditional Use. They have to submit a Site Plan/Plan of Operation for review and approval. Parking required is one space for each employee plus one space for every student over 16 years of age.

Petitioner Emily Rodriguez is founder of Montessori school located on Sunset Drive for one year. The beginning of the year there were 27 students and at the end 48 students. Charter contract was acquired which would allow students to attend tuition free. There are 152 students on school's application list which is reason for expansion. Jennifer Blair of Scherrer Construction gave a slide show presentation of the building plans. The school will be approximately 52,000 square feet. Tracy Brown of JSD is the civil engineer and presented plans for site work. Blair discussed the lighting, landscaping and floor plans. The classrooms will be for pre-K through grade 12.

Leair asked Plan Commissioners if they had questions. Schmittinger asked how many students can school accommodate. Rodriguez said maximum would be 325 students with grades pre-K through grade 8 at this point. Christiansen asked how many pole mounted light fixtures are planned. Blair said 2 hooded. Schmittinger asked how the majority of the students arrive and go home. Rodriguez said 100% parent drop-off. Schmittinger asked about traffic control off Hwy. D. Blair said a traffic study is being done with Waukesha County. They are proposing one way entrance with a circle drive and one way exit. Lightfoot asked about release times. Rodriguez said there are staggered drop-off times with 15 minute increment times. Turzynski asked about evening events. Rodriguez there are not regular events; there is after school care until 5:00 p.m.

Leair opened up the floor for comment.

Marcy Flanagan, S32 W28153 Wern Way, has several concerns: traffic, light pollution, and zoning – what happens next to properties nearby.

Pat Flanagan, S32 W28153 Wern Way, what was selling price of property. Herrmann said that is not a concern of the Town, you can ask the petitioners after the meeting. Concerned about drainage. Is building a school on R-1 compatible? Herrmann responded the stormwater will go into a swale and directed toward the west side of the property. There should be no drainage to the east. Waukesha County will make sure all the drainage stays

on their property through Waukesha County Stormwater Ordinance. It is zoned R-1 residential which allows schools via a Conditional Use. With a Conditional Use, certain criteria have to be met and the Plan Commission will make a decision based on that.

Roberta Bowen, W280 S3461 Townline Road, how far back on the property will school be from Hwy. D. Dennis Nowak, S33W28256 Wern Way, lives across the street from proposed school. He is concerned about traffic, opposed to lighting, and thinks it will lower the value of his home.

Al Tinnes, Waukesha, if Conditional Use is approved, does school submit a plan for other activities outside school hours? Herrmann said typically when it is approved there are conditions that have to be met that address parking and hours of operation.

Tinnes stated an easement that could be on his mother's property is not there and would prefer easement from Chukar to continue through to the back of her property. Would like to keep that if the school opens. Maybe the school would like another entrance there if the traffic is too much on Wern Way. Could there be a Plan B possibly if the County doesn't approve the traffic plan now.

Dennis Klemm, W281 S3475 Chukar Lane, he borders south end of the property. He is shocked at size of building. Not in favor of adding easement. Devastated at what school would do to his property value. Playground is close to his property. Concerned about swale for drainage and septic system.

There were no more comments from the floor. Leair brought it back to Plan Commission for comments.

Leair said the lights would be hooded and would need approval to be least obtrusive to the neighbors.

There was discussion about building setbacks and dimensions. Herrmann said building is 170 feet from the right of way. Leair asked what the measurement was from the front to back of building. How far back is it from lot line in the back? There was no measurement because it is far away. What is the distance from the building to the east side of the property? It is 60 feet. Herrmann said there is no full survey provided.

Nowak requested a set of plans for the neighbors to review. Herrmann handed out copies of the presentation.

Leair asked if petitioners had any more comments or questions, and there were no more. Schmittinger commented that there are several existing schools in the Town and there have not been any noise complaints.

Property values have not declined with schools being in the area. Bowen asked if the schools are in quiet neighborhoods. Leair responded that Magee is in residential area. Lightfoot asked if there have been any complaints about the current Montessori School and there have not been any.

Leair opened up the floor one more time. Marcy Flanagan has more concerns now than before meeting. It feels like an invasion.

Leair brought discussion back to the table. Herrmann asked the Plan Commissioners if they have enough information to take action on this at the next meeting, July 26, 2021. Lightfoot said he doesn't have enough information. Concerns addressed from residents need to be answered. Schmittinger wants Waukesha County's traffic control report when kids are dropped off and picked up. Leair asked for a motion to adjourn Public Hearing to July 26, 2021 at 6:00 p.m. Lightfoot made a motion to adjourn and Schmittinger seconded. Motion carried unanimously. Public Hearing adjourned at 6:45 p.m.

Discussion/Action - Amendment to the Town of Genesee Zoning Map to rezone property owned by TKS Corporation, 2310 Woodfield Circle, Waukesha, Wisconsin from the A-2 Rural Home District to R-1 Residential District in order to develop the property into single-family home sites. The property is described as part of the SW ¼ of the NW ¼ and the SE ¼ of Section 35, T6N, R18E, Town of Genesee, containing approximately 105 acres. More specifically, the property is located on the southeast corner of Genesee Pass and C.T.H. X.

Herrmann said the zoning is in compliance with the Land Use Plan. Several conditions have been placed which restricts the number of lots to 16. It has to be in compliance with Waukesha County Development Plan and Town's Land Division Ordinance. The subdivision has to be reviewed by Plan Commission, Town Board, Waukesha County and State of Wisconsin. Stormwater requirements for Waukesha County have to be met. Necessary improvements have to be made at intersection C.T.H. X. Private Conservation organization shall have an easement over the environmental sensitive areas including the wetlands and fen.

Ryan Janssen had no comments.

Christiansen made a motion to recommend approval to the Town Board based on Planner's Report dated

June 21, 2021. Lightfoot seconded the motion. Motion carried unanimously. This will go to the Town Board on July 12, 2021 at 6:00 p.m. meeting.

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

PROJECT NAME: TKS Corporation (Janssen Development)

TAX KEY NUMBER: GNT 1579.999

DATE: June 21, 2021

NAME OF OWNER: TKS Corporation
2310 Woodfield Circle
Waukesha, WI 53188

LOCATION OF PROPERTY:

A part of the SW ¼, NW ¼, & the SE ¼ of Section 35, T6N, R18E, Town of Genesee. More specifically, the property is located on the southeast corner of Genesee Pass and C.T.H. X, containing approximately 105 acres.

PRESENT ZONING:

A-2 Rural Home District.
A-E Exclusive Agricultural Conservancy District.
E-C Environmental Corridor District.
C-1 Conservancy District

PROPOSED ZONING:

R-1 Residential District.
A-2 Rural Home District.
A-E Exclusive Agricultural Conservancy District.
E-C Environmental Corridor District.
C-1 Conservancy District.

PRESENT LAND USE:

Vacant.

PROPOSED LAND USE:

Single-Family Residential Development.

PUBLIC HEARING DATE:

May 24, 2021

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

The Town of Genesee Land Use Plan - 2035 designates the area being rezoned in the Suburban I Density Residential category allowing development of 1.5 acres to 2.9 acres per dwelling unit. The proposed development of 16 units on 25.02 acres of non-corridor upland areas and on 105 overall acres complies with the Town of Genesee Land Use Plan - 2035.

OTHER CONSIDERATIONS:

The parcel contains about 105 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. The proposed amendment only intends to rezone those lands designated in the A-2 Rural Home District (3-acre minimum) to the R-1 Residential District (1-acre minimum). No zoning changes are proposed to the E-C Environmental Corridor District, C-1 Conservancy District or the A-E Exclusive Agricultural Conservancy District.

The purpose of the rezone is to allow the parcel to be divided into sixteen (16) lots, while maintaining an overall density of one (1) dwelling unit for every 6.56 acres of gross land area. The development will be completed using a conventional subdivision design. The latest plan calls for 16 lots varying in size from 1.04 acres to 33.48 acres in size. The lots will be served by private wells and septic systems. All of the lots, except a 4.55 acre parcel located on Genesee Pass, will be accessed via two (2) new Town roads constructed by the developer. Both roads will share a common access onto C.T.H. X (Saylesville Road).

All roads are proposed to be built to standards accepted by the Town of Genesee. The common area is about 16.26 acres in size and contains wetlands and most of the Environmental Corridor. The proposed development will provide all stormwater management on outlots to be owned as an undivided fractional interest of all property owners. Other lands (approximately 16.26 acres) will be used as common open space for all lot owners in the development and will contain a natural resource area known as a Fen. It is important that this fen be protected to the greatest extent possible. The petitioner has indicated that a conservation easement will be established with a private conservation firm to protect the Fen Area to the greatest extent.

Neighbors and landowners in the area spoke for and against the proposed development. The neighbors were concerned about traffic, number of lots, conservation of the environmentally sensitive lands, and then location of the access to the development.

PLANNER'S RECOMMENDATION:

It is the opinion of the Town Planner that the Town Plan Commission recommend to the Town Board to **approve** this request subject to the following conditions:

1. There shall be a maximum of sixteen (16) Single-Family Residential Lots.
2. Compliance with the Waukesha County Development Plan.
3. Compliance with all the requirements of the Town of Genesee Land Division and Development Ordinance.
4. The subdivision plat shall be reviewed and approved by the Town of Genesee Plan Commission, Town Board and Waukesha County.
5. The development shall comply in all respects, with the Waukesha County Stormwater Management and Sediment and Erosion Control Ordinance.
6. The petitioner shall comply with all requirements of Waukesha County Department of Public Works regarding all necessary improvements to the intersection of the proposed access road and Saylesville Road (C.T.H. X).
7. A private conservation organization or local municipality shall own or have an easement over all of the environmentally sensitive areas, including all of the wetlands and the fen, but not including all of the Environmental Corridor area. A copy of the Easement shall be reviewed and approved by the Town Attorney and Town Planner and presented to the Town Board for final approval, prior to signing the final plat.

Respectfully submitted,

Jeffrey C. Herrmann
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Waukesha County Department of Parks and Land Use
Ellena Engineering
Attorney Donald Murn

Discussion/Action - Certified Survey Map for Jason and Deborah White, being a part of the NW ¼ and the SW ¼ of Section 8, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. (Tax Key GNT 1470-987 and GNT 1470-998)

Herrmann reviewed White's are creating two larger lots – Lot 1 is 8.6 acres and Lot 2 is 8.79 acres. They are going to improve existing drive. They are limited to 32,000 buildable square feet that they have to stay within due to environmental corridor. The buildable area is of concern because of the deep slopes. The trade-off in developing would be to preserve larger trees. There is a lot to the north of the property that is land locked. Deed Restriction would be required so that lot could only be sold to adjacent property line. The shed will have to be removed. Mike Bickler has made changes to the CSM to make it compliant. Bickler stated the driveway was not counted in the 32,000 square feet that is allowed to be disturbed on Lot 1 but is included on Lot 2. Bickler will work with Herrmann and Attorney John Macy to allow for a circle drive on top of the hill. There will be a remaining parcel of about 75 acres that the White's would like to create a driveway for road access. Bickler asked for permission to proceed with that. Herrmann said that driveway will go through part of the Environmental Corridor up to an open area. Both Herrmann and Will Gibson have been out to the entrance and there are some sight/vision problems as you look to the east. If some trees are cut down, it shouldn't be a problem. Bickler wants to have a legal access to that parcel. Schmittinger made a motion to recommend approval to the Town Board subject to the conditions in Herrmann's report dated June 21, 2021. Toole seconded the motion. Motion carried unanimously. This will go to the Town Board on July 12, 2021 at 6:00 p.m. meeting.

Discussion/Action - Waiver from Section 375-12 (6) Slopes in excess of 12 percent being maintained as open space for Certified Survey Map for Jason and Deborah White, being a part of the NW ¼ and the SW ¼ of Section 8, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. (Tax Key GNT 1470-987 and GNT 1470-998)

Lightfoot made a motion to recommend approval to the Town Board. Schmittinger seconded the motion. Motion carried unanimously. This will go to the Town Board on July 12, 2021 at 6:00 p.m. meeting.

TOWN OF GENESEE PLAN COMMISSION & TOWN BOARD

**PLANNER'S REPORT AND RECOMMENDATION
CERTIFIED SURVEY MAP – Dated June 1, 2021**

PROJECT NAME: White CSM
TAX KEY NO.: GNT 1470.987
DATE: DRAFT

OWNER: 3LAKLLC
Attn: Jason White
4623 Hewitts Point Road
Oconomowoc, WI 53066

LOCATION: Being a part of the NW ¼ and the SW ¼ of Section 8, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin.

TOWN ZONING: A-5 Mini-Farm District.
EC Environmental Corridor District.
C-1 Conservancy District.

WAUKESHA COUNTY ZONING: A-5 Mini-Farm District.
HG High Groundwater District.
EC Environmental Corridor Overlay District.

PARCEL SIZE: Approximately 89.66 acres.

REQUESTED USES: A Certified Survey Map (CSM) to create two (2) 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 Five Acre Density Residential allowing 5.0 acres of lot area per dwelling unit and Primary Environmental Corridor category. Therefore, the proposed parcels comply with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

On February 22, 2021, the Town of Genesee Plan Commission reviewed a conceptual land division for Jason & Deborah White (3LAKLLC), 4623 Hewitts Point Road, Oconomowoc, Wisconsin. The property is located on the northeast corner of CTH G and Morris Road. The White’s actually own three (3) parcels of land in this vicinity. The larger parcel is approximately 89.66 acres in area and has about 1,500 feet of frontage on CTH G and about 1,700 feet of frontage on Morris Road. This parcel contains a small 12 ft. x 16 ft. shed. A smaller parcel, which is located adjacent to this parcel, is landlocked. It contains approximately 4.62 acres in area and during the concept review; the owners indicated that they would file a deed restriction limiting the sale of the parcel to only an adjacent property owner.

The Owners are proposing to create two (2) new parcels. Lot 1 will be 8.66 acres in size and contains the 12 ft. x 16 ft. shed. Almost the entire parcel is located within the Primary Environmental Corridor (PEC). A small portion of the property, where the driveway is proposed is located outside the PEC. According to the Zoning Code: For parcels which lie partially within and partially outside of the Environmental Corridor Zoning District, the area of disturbance shall be limited to that area outside the Environmental Corridor District unless otherwise permitted by a building envelope on a certified survey map or other document, or unless the developable area of a parcel (that area that is not constrained by zoning district setback and offset requirements and that is located outside of the Environmental Corridor District) is less than 15,000 square feet or is less than the area that is equal to fifteen (15) percent of the Environmental Corridor area of a parcel, up to a maximum of 32,670 square feet. The Owners have shown disturbance areas on the plan that do not exceed the 32,670 square foot threshold; however, this area should also contain the area zoned A-5 Mini-Farm District and may change the buildable area of the Lot. This Lot also shows a buildable area that is partly located within the area exceeding 12 percent slopes, which are required to be preserved as open space. The Town Plan Commission and Town Board will need to approve a waiver from this requirement or the buildable area will need to be modified.

Lot 2 is 8.80 acres in size and is located entirely within the PEC. This parcel is currently vacant, but contains the location for where a previous home was proposed. The driveway has already been constructed for this home site. A disturbance area of 32,670 square feet has been delineated on this parcel. This proposal will be completed using private wells and septic systems. No additional roads are being proposed at this time.

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 June 2, 2021, giving the Town Plan Commission until August 16, 2021 and the Town Board until September 1, 2021, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated June 1, 2021, I have found the following items must be complied with, added to the map, modified or waived by the Town of Genesee Plan Commission and Town Board and are deemed conditions that must be satisfied in order to comply with the Town's Land Division Ordinance:

Section 375-12(A)(10) Remnants. All remnant parcels must be part of the CSM, unless specifically waived by the Plan Commission and Town Board. This requirement has been waived by the Town Plan Commission and Town Board.

Section 375-12 (6) All slopes in excess of 12 percent shall be maintained as open space.

Section 375-22(C) The general location sketch shown on sheet 1 of 9, shall be oriented on the sheet in the same direction as the main drawing.

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

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

Section 375-48 (A) Since C.T.H. G is classified as a major highway, a planting strip at least 30 feet in depth shall be provided adjacent to C.T.H. G. This strip shall be a part of the CSM lot, but shall have the following restriction lettered on the face of the CSM: "This strip reserved for the planting of trees and shrubs, the building of structures hereon is prohibited."

Section 375-73 The owner shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in the public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such Flora are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered. The Plan Commission and/or governing body may require mapping, as deemed necessary, of the existing flora.

PLANNER'S RECOMMENDATION:

Based on the above information, the Town Planner recommends that the Town Plan Commission recommend to the Town Board to **approve** the CSM subject to the aforementioned conditions being satisfied prior to Town signing the final CSM and subject to the following:

1. Subject to the Owner satisfying all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including but not limited to the Wisconsin State Statute's per Chapter 236; Comm. 85, Wisconsin Administrative Code; and the Village of Wales 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. On Sheet 6 of 9, the Primary Environmental Corridor Restriction shall be amended as follows:

Note No. 3: All references to “Waukesha County Department of Parks and Land Use Planning and Zoning Division”, shall be changed to “Town of Genesee Town Planner”.

Note No. 7: The reference to “Waukesha County Department of Parks and Land Use” shall be changed to “Town of Genesee Town Board”. Also, the reference to “building envelopes” shall be changed to “buildable area” as indicated on the CSM.

4. Since the CSM references a buildable area, the 50 ft. and 35 ft. building setback lines should be removed from the CSM.
5. Waukesha County Department of Parks and Land Use does not have to review the CSM, therefore, their signature line on Sheet 9 of 9 shall be removed.
6. The area zoned A-5 Mini-Farm District on Lot one shall be included in the 32,670 sq. ft. buildable area.
7. Written documentation from Waukesha County Department of Public Works (DPW) indicating the approved access points and if shared driveways are required shall be provided to the Town Planner. The County DPW shall also indicate if any notes shall be added to the CSM regarding the proposed accesses as well as if the restricted access shall be shown on the CSM.
8. A note shall be added to the face of the CSM indicating that there shall be no commercial or business use on any lot, except as specifically permitted pursuant to the applicable Zoning Code.
9. Documentation shall be provided to the Town Planner, that a deed restriction has been recorded restricting the sale of the landlocked parcel to the north of the subject CSM to an adjacent property owner.
10. Any conditions imposed by the Town Engineer shall be complied with prior to the Town signing the final CSM.
11. 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.
12. A note shall be placed on the face of the final CSM stating, no lot or outlot shall be further divided absent the express written approval of the Town Board of the Town of Genesee. No new lots or outlots shall be created absent the express written approval of the Town Board of the Town of Genesee. No lot line or outlot line shall be adjusted or reconfigured in any way absent the express written approval of the Town Board of the Town of Genesee or unless otherwise expressly authorized by law.
13. All existing and proposed easements shall be shown.
14. Subject to the Developer satisfying all of the aforementioned conditions within one (1) year of the Town Board granting conditional final CSM approval.
15. 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.

16. 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 Public Works
Village of Wales
Michael Bickler
Jason & Deborah White
John Konopacki

Discussion/Action – Site Plan/Plan of Operation, Brayden Pozorski, for Eagle Exterior Contractors LLC, S57 W31998 State Road 59, North Prairie, WI. (Tax Key GNT 1565-996)

Brayden Pozorski gave overview of business. It is landscaping, lawn care and snow removal. Summer, Spring and Fall operations would be during the day. Winter would be as needed with snow. There will be no products on site. Schmittinger asked if there will be any top soil, sand or gravel stored there. Pozorski said no and there will not be any salt stored there. There will be bags stored inside.

Schmittinger made a motion to approve subject to conditions in Herrmann's June 21, 2021 report. Christiansen seconded the motion. Motion carried unanimously.

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

NAME: Eagle Exterior Contractors
DATE: June 21, 2021
TAX KEY NUMBER: GNT 1565.996
PETITIONER: Braydon Pozorski
d/b/a Eagle Exterior Contractors
W350 S9935 Sprague Road
Eagle, WI 53119

OWNER:

Wilcox Investments LLC
S57 W31994 S.T.H. 59
North Prairie, WI 53153

LOCATION OF PROPERTY:

Part of the NE ¼ of Section 32 and part of the NW ¼ of Section 33, T6N R18E, Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at S57 W31994 S.T.H. 59.

ZONING CLASSIFICATION: M-1 Limited Industrial District.

PRESENT LAND USE: Truck Accessory Business.

REQUESTED USES:

The property encompasses approximately 1.5 acres and contains a 7,520-square foot industrial building constructed in about 1998 and a single-family residence. The property was rezoned from B-3 General Business District to M-1 Limited Industrial District in 1998. The current uses include a truck accessory business in about half the building and the other half is currently vacant.

Eagle Exterior Contractors will utilize the western portion of the building (68 ft. x 40 ft. area) for a family-owned lawn care, landscaping and snow removal services. According to the application, they have a handful of trucks and trailers that will be stored outside throughout the year. The interior of the building consists of an office, restroom, and a large open space area. No alterations are proposed to the interior of the structure.

The operation will employ one (1) full-time employee, one (1) part-time employee and two (2) seasonal employees. The days and hours of operation will vary Monday through Friday and could be 24 hours a day. Saturday and Sunday are by appointment only. However, during the winter season with snowplowing, trucks may be deployed at any time. The site can accommodate a total of approximately twenty (20) parking stalls. Based on the proposed use on the site, three (3) parking spaces are required for this business use. A small sign is being proposed on the front of the building with their logo and phone number. A rendering was not submitted with the application. No changes to the landscaping or lighting are proposed at this time.

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 only consist of lawn care, landscaping and snow removal services.
2. Petitioner shall submit documentation to the Town Planner that the Environmental Health Division has reviewed and approved the existing septic system for the proposed uses, prior to the issuance of a Plan of Operation/Use Permit.
3. A revised parking plan, drawn to scale, showing all existing and proposed parking spaces, including any outdoor parking spaces and the exact types of vehicles and equipment that will be stored outside shall be provided to the Town Planner prior to the issuance of a Plan of Operation/Use Permit. All outdoor parking shall be in the rear of the building.
4. A revised Site Plan shall be submitted to the Town Planner for review and approval prior to issuance of a Plan of Operation/Use Permit showing the location of any outside storage areas for materials and the exact types of materials to be stored outside. Any outside storage of materials shall not reduce the number of parking spaces with all storage to take place behind the building only. Only materials specifically stated and approved by the Town Planner shall be allowed to be stored on site.

5. Absolutely no outside storage of salt or fertilizer on the property.
6. A detailed colored sign rendering, location map and sign size of any proposed signs shall be submitted to the Town Planner for review and approval.
7. Petitioner shall submit documentation to the Town Planner, to show that the Lake Country Fire and Rescue 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.
8. The Town Building Inspector shall complete an inspection of the building to ensure all applicable building codes are being complied with. Any requirements of the Town Building Inspector shall be complied with prior to the issuance of an occupancy permit.
9. 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.
10. 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.
11. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
12. An up-to- date Plan of Operation must be on file, at all times, with the Town of Genesee Plan Commission and Waukesha County.
13. 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.
14. 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.
15. The Town reserves the right to review this Plan of Operation if said use becomes a problem in the area.
16. 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.
17. 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
Waukesha County Department of Parks and Land Use
Lake Country Fire and Rescue Fire Chief
Steve Wilcox
Braydon Pozorski

Discussion/Action – Certified Survey Map for Aces Court, Scott Allen, being a part of unplatted lands located in the NW ¼ of the SW ¼ of Section 35, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. (Tax Key GNT 1579-998)

Herrmann was concerned about stormwater management. Lot owners 1, 2, 3 and 4 will have rain gardens with natural prairies that they have to maintain. The Town has the right to require it or go in and manage it and charge back to the property owners. Allen stated it is little under 4 acres that will be the prairie area. Out of 10 acres, 4 acres are natural prairies. The stormwater management plan and restrictions will require owners maintain the prairie areas.

Christiansen made a motion to recommend approval to the Town Board subject to Herrmann’s report dated June 21, 2021. Toole seconded the motion. Lightfoot abstained. Motion carried with one abstention. This will go to the Town Board on July 12, 2021 at 6:00 p.m. meeting.

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

<u>PROJECT NAME:</u>	Allen CSM
<u>TAX KEY NO.:</u>	GNT 1579.998
<u>DATE:</u>	June 21, 2021
<u>OWNERS:</u>	Scott & Angila Allen 13680 W. Capitol Drive Brookfield, WI 53055
<u>LOCATION:</u>	Being a part of the SW ¼ of the NW ¼ of Section 35, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin.
<u>TOWN ZONING:</u>	R-1 Residential District.
<u>LOT SIZE:</u>	Approximately 10.01 acres.
<u>REQUESTED USES:</u>	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 Low-Density Residential category allowing 20,000 square feet to 1.4 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:

On May 24, 2021, the Town of Genesee Plan Commission reviewed a conceptual land division for Scott and Angila Allen, 13680 W. Capitol Drive, Brookfield, Wisconsin. The property is located on the northeast corner of S.T.H. 83 and C.T.H. X. The property consists of approximately 10.01 acres and contains no structures or buildings. The petitioner is proposing to divide the property to create four (4) parcels on a short cul de sac. The lots will range in size from 1.80 acres to 2.80 acres. Lot 1 will be 2.80 acres (121,883 square feet) in size, Lot 2 will be 2.80 acres (121,939 square feet) in size, Lot 3 will be 1.80 acres (78,607 square feet) in size. Lot 4 will be 1.82 acres (79,323 square feet) in size. The Petitioner is proposing to have a native vegetation preservation and maintenance area, which will also act as a Stormwater Management area.

In addition to the creation of four (4) lots, additional land will be dedicated to the Town of Genesee along with the construction of new cul de sac. Stormwater management has been provided on the CSM on the individual lots. The exact language and easement documentation shall be determined by the Waukesha County Land Resources Division, the Town Planner, Town Engineer and Town Attorney.

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 June 17, 2021, giving the Town Plan Commission until August 31, 2021 and the Town Board until September 15, 2021, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated June 8, 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 375-9 (A) The proposed cul de sac shall be dedicated by the owner to the Town of Genesee in the locations and dimensions indicated on said CSM. In addition, the cul de sacs shall be constructed to Town road standards.

- Section 375-13 If the proposed development will have any covenants and restrictions, the Town Planner and Town Attorney shall review said restrictions prior to the Town signing the Final CSM.

- Section 375-22(E) On Sheet 1 of 8, the address for the owner has the wrong zip code. It should be “53005” and not “53055”. Also, the site address should be changed from “Genesee”, WI 53189 to “Waukesha”, WI 53189.

- Section 375-23(Q) Location of soil borings are shown on the CSM; however, the boring data needs to 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 375-40 (C) Whenever a public improvement is necessitated by the certified survey map, the developer must satisfy the following additional requirements:
 - (1)** The developer must submit, subject to approval of the Town Attorney, Town Planner and Town Engineer, a developer's agreement and must enter the approved agreement with the Town, prior to commencing any construction of said improvements.

(2) The developer must submit, subject to approval of the Town Attorney, Town Planner and Town Engineer, a letter of credit or cash to guarantee full and timely completion of the improvements, prior to commencing any construction of said improvements.

(3) The developer must submit any plans or other documents relative to the construction of said improvements, as required in this chapter or as required by the Town Planner and/or Town Engineer.

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

Section 375-69 No construction or installation of improvements shall commence in a proposed division or development until the CSM has been approved and all pertinent conditions of said approval have been satisfied, a developer's agreement has been entered into between the developer and the Town to the satisfaction of the Town Attorney and the Town Engineer, and the Town Engineer has given written authorization to commence construction.

PLANNER'S RECOMMENDATION:

Based on the above information, the Town Planner recommends that the Town Plan Commission recommend to the Town Board to **approve** the CSM subject to the aforementioned conditions being satisfied prior to Town signing the final CSM and subject to the following:

1. Subject to the Owner satisfying all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including but not limited to the Wisconsin State Statute's per Chapter 236; Comm. 85, Wisconsin Administrative Code; and the Village of North Prairie in regard to the CSM, prior to the Town signing the final CSM.
2. The Village of North Prairie shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by the Village of North Prairie shall be incorporated herein.
3. The developer shall provide proper notification to each property owner and/or builder about the Site and Native Vegetation Preservation and Maintenance Easement. The notification shall include the purpose of the Site and Native Vegetation Preservation and Maintenance Easement and how to properly maintain that area. It shall also include who is responsible for maintenance. This notification shall be provided by the developer and reviewed and approved by the Town Planner and Town Attorney.
4. Waukesha County does not need to approve the proposed CSM, therefore the signature for Waukesha County shall be removed from sheet 6 of 8.
5. On Sheet 6 of 8, the Town of Genesee signatures for Town Plan Commission shall be identified as Sharon Leair, Town Chairperson and Cynthia Zignego, Secretary.
6. On Sheet 6 of 8, the Town of Genesee signatures for Town Board shall be identified as Sharon Leair, Town Chairperson and Meri Majeskie, Clerk.
7. All issues concerning erosion control and stormwater management shall be reviewed and approved by the Town Planner and Town Engineer, prior to the Town signing the final CSM.
8. Any conditions imposed by the Town Engineer shall be complied with prior to the Town signing the final CSM.

9. 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.
10. All existing and proposed easements shall be shown.
11. Subject to the Developer satisfying all of the aforementioned conditions within one (1) year of the Town Board granting conditional final CSM approval.
12. Professional fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this 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.
13. Payment of Charges. Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

Respectfully submitted,

Jeffrey C. Herrmann, AICP
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Waukesha County Land Resources Division
Scott and Angila Allen
Village of North Prairie

Discussion/Action – Approval of May 24, 2021 and June 14, 2021 Plan Commission Minutes.

Christiansen made a motion to approve the May 24, 2021 Minutes. Lightfoot seconded the motion. Schmittinger abstained. Motion carried with one abstention.

Lightfoot made a motion to approve the June 14, 2021 Minutes. Toole seconded the motion. Turzynski abstained. Motion carried with one abstention.

Review Pending

There were violation letters sent.

Correspondence

None.

Adjourn

Lightfoot made a motion to adjourn. Schmittinger seconded the motion. Motion carried unanimously. Meeting adjourned at 7:13 p.m.

Cindy Zignego
Deputy Clerk
July 9, 2021