Enrolled 156-32

~~PROPOSED~~ ORDINANCE ~~156-30~~

AMEND THE TOWN OF GENESEE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 27, T6N, R18E, TOWN OF GENESEE, FROM THE R-2 RESIDENTIAL AND B-3 GENERAL BUSINESS DISTRICTS TO THE B-2 LOCAL BUSINESS AND B-3 GENERAL BUSINESS DISTRICTS

(SVZ-1379B)

WHEREAS the subject matter of this ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environment Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.69 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Town of Genesee Zoning Map of the Waukesha County Zoning Code, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on October 27, 1959, is hereby amended to conditionally rezone certain lands from the R-2 Residential and B-3 General Business Districts to the B-2 Local Business and B-3 General Business Districts, a part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee, and more specifically described in the "Staff Report/Staff Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this ordinance by reference (CZ-1379B) subject to the following conditions:

1. The following uses from Section 15.01 of the Zoning Code shall not be allowed in the B-3 areas:

   (1)(B) 2. Theaters, dance halls, arcades, video games parlors and other amusement places.
   3. Used Car lots.
   4. Dry cleaning and dying establishments.
   5. New and used automobile sales rooms and lots, sales of snowmobiles, personal watercraft, boats and marina equipment along with repair and service shops for such equipment, storage yards and garages for said equipment, vehicles and supplies, and contractor yards, but not including the storage and/or sale of junked or wrecked equipment or parts.
   6. Printing and publishing houses.
   7. Dairies and bottling plants.
   8. Laundries.
   9. Locker and cold storage plants.

2. Any business use of the B-1 zoned area shall be limited to one direct access point on Old Village Road and no direct access to Hwy. 83.

3. Subject to the petitioner making payments in full to the Town of Genesee, all costs and assessments, including reimbursement for professional fees, due and owning to the Town of Genesee, prior to the zoning amendment becoming valid.

4. On all lands abutting R-2 residential zoned land, a suitable landscape screen consisting of three (3) shade trees (2 inches in diameter) or three (3) ornamental trees (6 feet minimum height, ball and

burlap) or three (3) evergreen trees (minimum 4 feet initial height) and twenty (20) shrubs (24 inches planting height) that are a minimum 4 feet at mature height, for every 100 feet. Said Landscape screen shall be maintained in good condition to present a healthy, neat and orderly appearance. A landscape plan in accordance with the above shall be submitted to the Town of Genesee Plan Commission and the Waukesha County Parks and Land Use staff for review and approval prior to any development occurring on the property zoned for business.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Genesee.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE TOWN OF GENESEE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 27, T6N, R18E, TOWN OF GENESEE, FROM THE R-2 RESIDENTIAL AND B-3 GENERAL BUSINESS DISTRICTS TO THE B-2 LOCAL BUSINESS AND B-3 GENERAL BUSINESS DISTRICTS

(SVZ-1379B)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environment Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.69 of the Wisconsin State Statutes.

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   7. Dairies and bottling plants.
   8. Laundries.
   9. Locker and cold storage plants.

2. Any business use of the B-1 zoned area shall be limited to one direct access point on Old Village Road and no direct access to Hwy. 83.

3. Subject to the petitioner making payments in full to the Town of Genesee, all costs and assessments, including reimbursement for professional fees, due and owning to the Town of Genesee, prior to the zoning amendment becoming valid.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Genesee.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Referred on: 07/26/01	File Number: 156-O-031	Referred to: LU

AMEND TOWN OF GENESEE DISTRICT ZONING MAP OF WAUKESHA COUNTY ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW 1/4 OF SECTION 27, T6N, R18E, TOWN OF GENESEE, FROM R-2 RESIDENTIAL AND B-3 GENERAL BUSINESS DISTRICTS TO B-2 LOCAL BUSINESS AND B-3 GENERAL BUSINESS DISTRICTS

(SVZ-1379B)

The foregoing legislation was referred from committee, as amended, and adopted by the County Board of Supervisors of Waukesha County, Wisconsin, and presented to the County Executive on:

Date: August 31 ,2001.

Patricia E. Madden

Patricia E. Madden, County Clerk

The foregoing legislation as amended in committee and adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: ✓

Vetoed: _____

Date: 9-4 , 2001

Daniel M. Finley

Daniel M. Finley, County Executive

AMEND THE TOWN OF GENESEE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 27, T6N, R18E, TOWN OF GENESEE, FROM THE R-2 RESIDENTIAL AND B-3 GENERAL BUSINESS DISTRICTS TO THE B-2 LOCAL BUSINESS AND B-3 GENERAL BUSINESS DISTRICTS
(SVZ-1379B)

Presented by:
Land Use, Parks, and Environment Committee

Paul G. Vrakas, Chair

Pauline T. Jaske

James Jeskewitz

Walter L. Kolb

Karen J. McNelly

Daniel F. Meissner

Ronald V. Rydberg

The foregoing legislation was referred to committee on August 14, 2001. ~~adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:~~

Date: August 17, 2001, Patricia E. Madden
Patricia E. Madden, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:
Approved: _____
Vetoed: _____
Date: _____, _____
Daniel M. Finley, County Executive

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

FILE NO: CZ-1379B

TAX KEY NUMBERS: GNT 1546.982 and 1546.983

DATE: July 12, 2001

NAME OF PETITIONER: Joseph T. Donovan
d/b/a Dynamic Investments
16935 West Greenfield Avenue
New Berlin, WI 53151

LOCATION OF PROPERTY:
Part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee. More specifically, the property is located at the northwest corner of S.T.H. 83 and Old Village Road, containing approximately seventeen (17) acres of land.

PRESENT ZONING:
R-2 Residential District and B-3 General Business District.

PRESENT LAND USE:
The property contains a heating and air conditioning business and a single-family residence (rental).

PROPOSED ZONING:
B-2 Local Business District and B-3 General Business District.

PROPOSED LAND USE:
A small business park development with retail and office type uses.

PUBLIC HEARING DATE:
April 23, 2001.

PUBLIC REACTION:
Several neighbors voiced concern with respect to access onto Old Village Road, water concerns (run-off), increased business type uses, poor soils in the area, properties not being taken care of and if the request is to be approved, the neighbors would like a buffer between the residential area and the businesses. Two (2) neighbors spoke in favor of the proposed request, while 10 neighbors spoke in opposition. A petition against the proposed Zoning Amendment was submitted to the Town of Genesee, which was signed by several of the neighbors in the area.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

The Town of Genesee Plan Commission on May 21, 2001, recommended to the Town of Genesee Board to approve the zoning amendment request as recommended by the Town Planner. The Town of Genesee Board (by Resolution) on June 11, 2001, recommended to the Waukesha County Park and Planning Commission to approve the request as conditioned by the Town Plan Commission (Exhibit "A").

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The Waukesha County Development Plan was recently amended (May 8, 2001) as it pertains to these parcels of land. The Development Plan for the subject property was conditionally amended from the Suburban II Density Residential (SDRII) (3 to 4.9 acres p/du) category and the Low-Density Residential (LDR) category to the Commercial category subject to the following:

1. The southwesterly portion of the property (300' from the west boundary line easterly) and 300' northerly be used for restrictive office type uses while the rest of the premises could be utilized for the future business park development as proposed by the Town and property owner.

2. The property owner is encouraged to consider saving the southeast corner of the site where the good soils exist as a possible group waste disposal facility for the users of this business park so it could function as a "group type" on-site waste disposal facility to avoid the utilization of holding tanks in the less desirable soils on the property and consider a utility district for long-term maintenance and operation.

3. The Town and developer should attempt to develop a Joint Access Agreement to S.T.H. 83 with the Citgo property to the north.

The proposed rezoning is consistent with the intent of the County Development Plan.

OTHER CONSIDERATIONS:

The site consists of 3.15 acres of land containing a single-family residence on the west side of the property which is located in the R-2 Residential District and an existing commercial building located near S.T.H. 83, which houses the heating and air-conditioning business, which is in the B-3 General Business District. The petitioner is proposing to amend the existing zoning to allow the creation of a small business park development on the property. The existing zoning district boundary splits the property in half, allowing B-3 uses along S.T.H. 83 and residential uses along S.T.H. 59. The proposed zoning amendment will restrict the B-3 uses and move them along S.T.H. 59, adjacent to the existing B-3 uses and allow B-2 uses along S.T.H. 83 and in the center of the property and will restrict the area immediately adjacent to the existing residential from B-3 to B-1 business uses.

The Wisconsin Department of Transportation has confirmed (with the Town of Genesee) verbally that the access to the property will be limited to one public access road on S.T.H. 83 and no access will be allowed on S.T.H. 59. The exact location of the public road access will be determined when the petitioner applies for a highway access permit.

The petitioner has worked with the Town and County staff on the future development of this property and has agreed to limit the allowed B-3 uses and restrict uses near the existing residential areas to allow for a more compatible use of the property with the neighboring properties.

STAFF RECOMMENDATION:

It is the opinion of the staff that this request be **approved** subject to the conditions imposed by the Town of Genesee Board. The proposed amendment will allow the petitioner to develop business uses on the property, with restricted uses near the adjacent residential areas and on Old Village Road. The change will allow compatible uses on the property and will conform to the requirements of the recently amended Waukesha County Development Plan.

Respectfully submitted,

Jeffrey C. Herrmann /sm

Jeffrey C. Herrmann
Senior Planner

JCH:kab

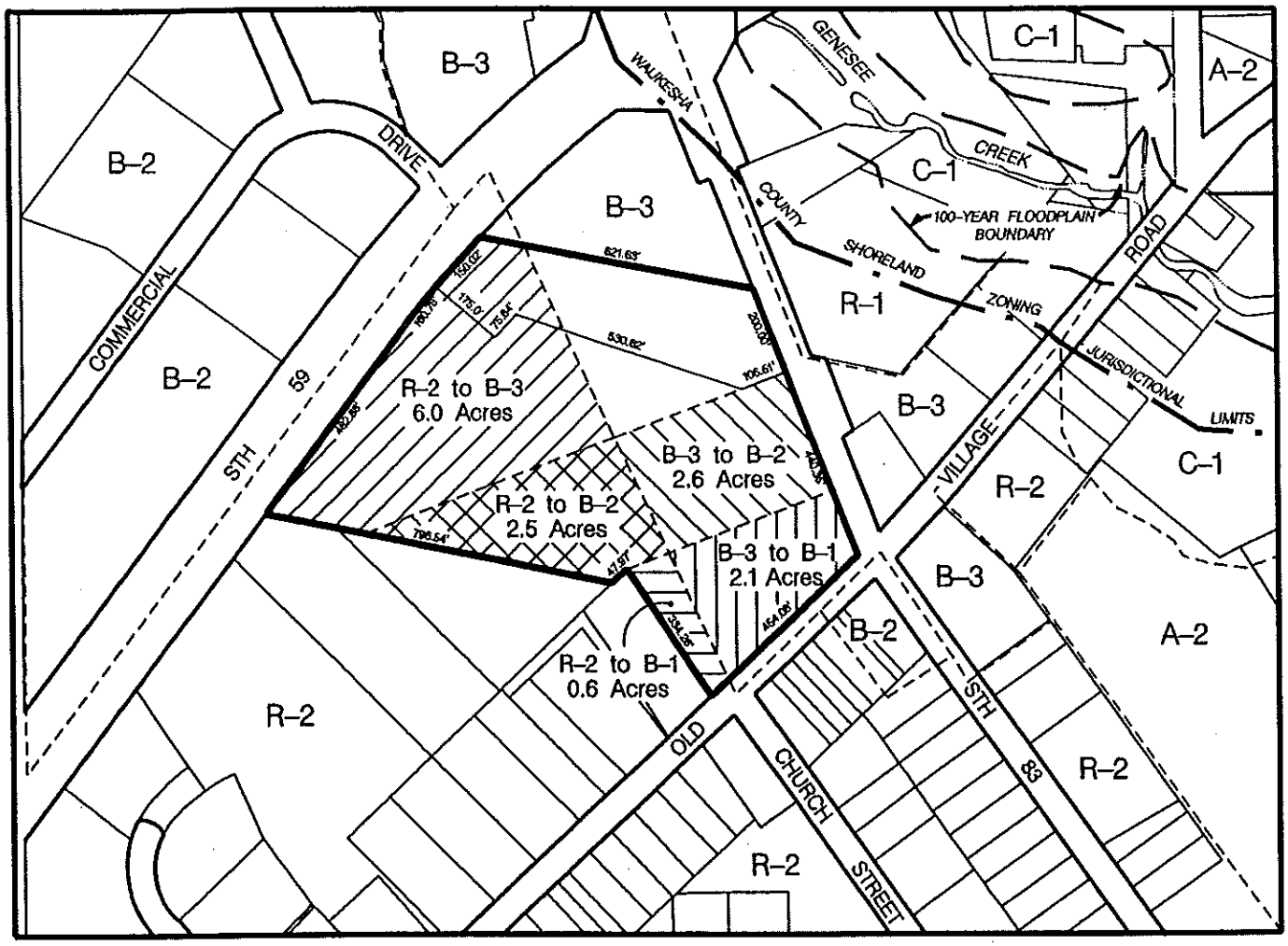
Attachment

N:\PLU New File System (In-Progress)\Planning & Zoning\Rezones (RZ)\Staff Reports\1379B_gnt (Dynamics Investments).doc

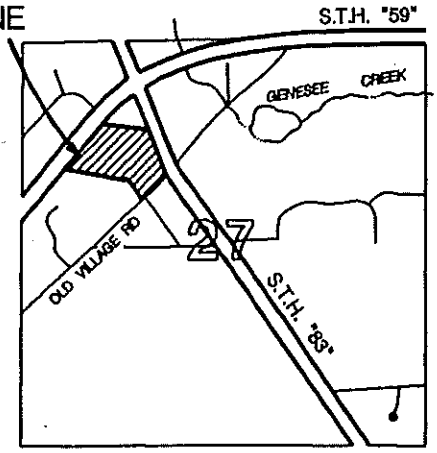
ZONING CHANGE

PART OF THE NW 1/4 OF SECTION 27

TOWN OF GENESEE



PROPOSED REZONE



LOCATION MAP
T6N R18E SECTION 27

FILE.....CZ-1379B

DRAWN.....7-12-01

SCALE.....1" = 400'

AREA OF CHANGE.....13.8 ACRES

0 400 800
GRAPHIC SCALE IN FEET

NORTH

PREPARED BY THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

156-0-031

EXHIBIT "A"

JUN 12 2001
PARKS & LAND USE DEPT

CERTIFICATION

This is to certify that the

attached is a true and accurate copy

of Resolution 01-8R,

Barbara A Whitmore
Barbara A. Whitmore, Clerk
Town of Genesee

Subscribed and sworn to before me
this 12th day of June, 2001.

Notary Public, State of Wisconsin
My commission expires on: 2-6-2005

156-0-031

RESOLUTION 01-8R

TOWN BOARD OF THE TOWN OF GENESEE

A Municipal Corporation

WHEREAS, a rezoning request was filed by Dynamic Investments, to amend the District Zoning Map of the Waukesha County Zoning code for the Town of Genesee from R-2 Residential District and B-3 General Business District to B-2 Local Business District and B-3 General Business District, on the property described as follows:

Part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee, located at the NW corner of Hwy. "83" and Old Village Road

and,

WHEREAS, A Joint Public Hearing was held by the Town of Genesee Plan Commission and the Waukesha County Parks and Plan Commission on May 21, 2001 at 7:00 p.m. at the Genesee Town Hall located at S43 W31391 Highway 83, Genesee Depot, Wisconsin to consider said request: and

WHEREAS, the Town of Genesee Plan Commission held a public meeting to discuss said request. After discussion in regards to said request, by motion, properly made and seconded, the Genesee Town Plan Commission voted to recommend to the Town Board an approval of the request.

WHEREAS, the Genesee Town Board held a public meeting on Monday June 11, 2001 to discuss said request. BASED UPON THE SAME:

IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF GENESEE, it being the town affected by said proposed zoning amendment,

THAT, the request for the petitioner be approved based upon the following conditions:

1. The existing zoning districts shall be amended in accordance with the attached map, designating the areas to be B-3, B-2 and B-1

2. The following uses from Section 15.01 of the Zoning Code shall not be allowed in the B-3 areas:

   (1)(B) 2. Theaters, dance halls, arcades, video game parlors and other amusement places.
   3 Used Car lots
   4 Dry Cleaning and dying establishments
   5 New and used automobile sales rooms and lots, sales of snowmobiles, personal watercraft, boats and marina equipment along with repair and

156-0-031

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service shops for such equipment, storage yards and garages for said equipment, vehicles and supplies, and contractor yards, but not including the storage and/or sale of junked or wrecked equipment or parts

6 Printing and publishing houses
7 Dairies and bottling plants
8 Laundries
9 Locker and cold storage plants

3. Any business use of the B-1 Zoned area shall be limited to one direct access point on Old Village Road and no direct access to Hwy. 83.

4. Subject to the petitioner making payments in full to the Town of Genesee, all costs and assessments, including reimbursement for professional fees, due and owing to the Town of Genesee, prior to the zoning amendment becoming valid.

AND FURTHER BE IT RESOLVED;

BY THE TOWN BOARD OF THE TOWN OF GENESEE, that the Town of Genesee does hereby give notice to the County that it conditionally approved the proposed zoning amendment request by Dynamic Investments.

Dated this 11th day of June, 2001

TOWN OF GENESEE

Sharon L. Leair

Sharon L. Leair, Town Chairman

ATTEST;

Barbara A. Whitmore

Barbara A. Whitmore, Town Clerk

Posted this 12th day of June, 2001

156-0-031

COMMISSION ACTION

The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends **approval** of (CZ-1379B Dynamics Investment) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION **July 12, 2001**

Betty Willert, Chairperson

Vy Janusonis

Absent
Mareth Kipp

Ellen Gennrich

Walter Kolb

Joseph LaPorte

Walter Baade

156-0-031

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WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/28/01 (ORD) NUMBER-1560031

1 K. HERRO.....AYE	2 C. WILSON.....AYE
3 D. STAMSTA.....AYE	4 D. MEISSNER.....AYE
5 J. MARCHESE.....AYE	6 D. BROESCH.....
7 J. JESKEWITZ.....AYE	8 J. DWYER.....AYE
9 S. WOLFF.....AYE	10 P. HAUKOHL.....AYE
11 B. TESMER.....AYE	12 J. WILLIAMS.....AYE
13 E. LA MONTE.....AYE	14 J. LA PORTE.....
15 D. SWAN.....AYE	16 R. MANKE.....AYE
17 J. BEHREND.....AYE	18 J. ARNDT.....AYE
19 C. SEITZ.....AYE	20 M. KIPP.....AYE
21 W. KOLB.....AYE	22 G. BRUCE.....AYE
23 E. KRAUS.....AYE	24 R. RYDBERG.....AYE
25 K. CUMMINGS.....AYE	26 P. VRAKAS.....AYE
27 D. PAULSON.....AYE	28 P. JASKE.....AYE
29 J. MAAS.....AYE	30 M. THOMAS.....AYE
31 V. STROUD.....AYE	32 C. WICHGERS.....AYE
33 P. GUNDRUM.....AYE	34 R. SINGERT.....NAY
35 K. McNELLY.....AYE	

TOTAL AYES-32 TOTAL NAYS-01

CARRIED_____ DEFEATED_____

UNANIMOUS_____ TOTAL VOTES-33