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2
3 AMEND THE TOWN OF GENESEE DISTRICT ZONING MAP OF THE WAUKESHA
4 COUNTY ZONING CODE FOR THE TOWN OF GENESEE BY CONDITIONALLY
5 REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 22 AND
6 THE SE ¼ OF SECTION 15, T7N, R18E, TOWN OF GENESEE, FROM THE
7 A-2 RURAL HOME DISTRICT TO THE R-1 RESIDENTIAL
8 AND EC ENVIRONMENTAL CORRIDOR DISTRICTS
9 (CZ-1498)
10
11

12 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by
13 the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of
14 requisite notice of said hearing, and a recommendation for approval thereon reported to the Land
15 Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors,
16 Waukesha County, Wisconsin, as required by Section 59.69 of the Wisconsin State Statutes.
17

18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
19 ORDAIN that the Town of Genesee District Zoning Map of the Waukesha County Zoning Code,
20 Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on
21 February 26, 1959, is hereby amended to conditionally rezone certain lands located in part of the
22 NE ¼ of Section 22, and the SE ¼ of Section 15, T7N, R18E, Town of Genesee, from the A-2
23 Rural Home District to the R-1 Residential and EC Environmental Corridor Districts, and more
24 specifically described in the "Staff Report and Recommendation" and map on file in the office of
25 the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by
26 reference (CZ-1498), subject to the following conditions:
27

- 28 1. All of the lands currently zoned C-1 Conservancy shall remain zoned C-1 Conservancy.
- 29 2. All upland Primary Environmental Corridors must be zoned E-C Environmental Corridor
30 District.
- 31 3. A Deed Restriction be placed on the subdivision plat and on the individual parcels stating
32 that no additional development is allowed without the Waukesha County Development
33 Plan being amended and the property being rezoned.
- 34 4. The development being limited to a maximum of eleven, new single-family lots and the
35 two existing lots with onsite sewage disposal systems and private wells. The
36 development shall be accomplished with a cluster type development and no new lots shall
37 exceed 1½ acres in size.
- 38 5. Subject to documentation being presented to the Town Planner and the Waukesha County
39 Department of Parks and Land Use, that the Town Engineer has approved the access onto
40 Brookhill Road prior to the submittal of the Preliminary Plat.
- 41 6. Subject to the Waukesha County Department of Parks and Land Use, Land Resources
42 Division, approving an Erosion Control and Stormwater Management Plan for the
43 proposed use prior to the submittal of the Final Plat and commencement of any earth
44 altering activities on the site.
- 45 7. Subject to the noise notification regarding the Wern Valley Sportsman's Club being
46 placed on the Final Subdivision Plat.
- 47 8. Subject to any land division resulting in a combination of Mr. Geniesse's parcel known
48 as Tax Key No. GNT 1525.999.003 and the ten-acre area leased by Mr. Geniesse to Wern
49 Valley Sportsman's Club being joined together as one lot. The leased land shall be
50 shown on any land division document.
- 51 9. The petitioner or property owner shall accept the terms and conditions of this conditional

52 rezoning in writing.

53

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

56

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

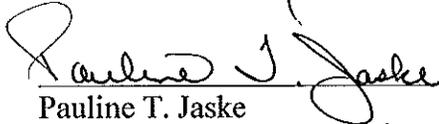
59

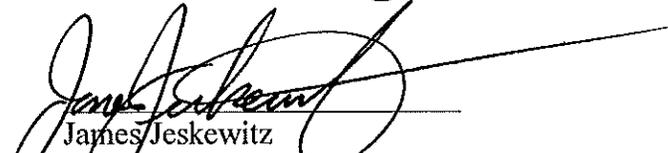
60 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the
61 provisions of this Ordinance are hereby repealed.

AMEND THE TOWN OF GENESEE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF GENESEE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 22 AND THE SE ¼ OF SECTION 15, T7N, R18E, TOWN OF GENESEE, FROM THE A-2 RURAL HOME DISTRICT TO THE R-1 RESIDENTIAL AND EC ENVIRONMENTAL CORRIDOR DISTRICTS (CZ-1498)

Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair

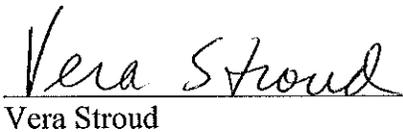

Pauline T. Jaske


James Jeskewitz

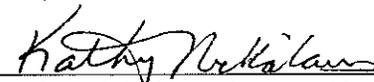

Scott J. Klein


William A. Mitchell

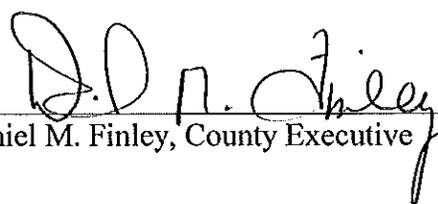

Daniel Pavelko


Vera Stroud

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: November 26, 2003, 
Kathy Nicklaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:
Vetoed:
Date: 11-26-03, 
Daniel M. Finley, County Executive

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11 the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of
12 requisite notice of said hearing, and a recommendation for approval thereon reported to the Land
13 Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors,
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53 this Ordinance with the Town Clerk of Genesee.

54
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56 approval and publication.

57
58 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the
59 provisions of this Ordinance are hereby repealed.

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-1498 Mark Geniesse) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

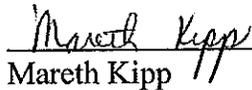
October 23, 2003



Betty Willert, Chairperson



Vy Janusonis



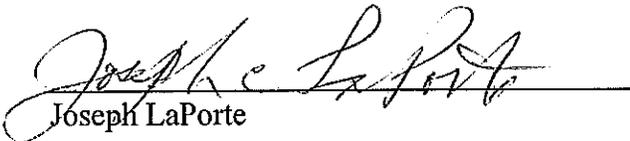
Mareth Kipp

Absent

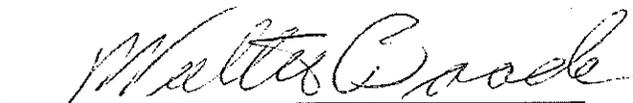
Ellen Gennrich



Walter Kolb



Joseph LaPorte



Walter Baade

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

FILE NO.: CZ-1498

DATE: October 23, 2003

PETITIONER: Mark Geniesse
W305 S3974 Brookhill Road
Waukesha, WI 53189

TAX KEY NO.: GNT 1525.999.002, GNT 1525.999.003 and GNT 1525.999.004

LOCATION:
Lot 2 of Certified Survey Map No. 8280, Parcel 2 of Certified Survey Map No. 5540 and part of the NE ¼ of Section 22 and the SE ¼ of Section 15, Town of Genesee. More specifically, the parcel is located on the east side of Brookhill Road, south of C.T.H. "D", containing approximately 55 acres.

PRESENT ZONING:
A-2 Rural Home District (allowing development of three acre minimum lot sizes).

PRESENT LAND USE:
Two residential structures, accessory buildings and farmland. A portion of the property is also under lease by the Wern Valley Sportsman's Club.

PROPOSED ZONING:
Conditional R-1 Residential District (allowing one acre minimum lot sizes) and EC Environmental Corridor.

PROPOSED LAND USE:
A thirteen-lot development.

PUBLIC HEARING DATE:
September 22, 2003.

PUBLIC REACTION:
Some residents in the area wanted the three acre zoning to remain so that lots in this development would be three acres in size and others felt that it was appropriate to have a one-acre cluster type development so there would be a buffer from the Wern Valley Sportsman's Club. In addition, they also felt it was important to preserve the open space and environmental corridor on the subject property and promote the retention of the Sportsman's Club in the Town of Genesee.

TOWN PLAN COMMISSION ACTION
The Town of Genesee Plan Commission, on September 22, 2003, voted to recommend conditional rezoning of the property to the R-1 Residential District, subject to the conditions outlined in Exhibit "A".

TOWN BOARD ACTION:

The Town of Genesee Board, at their meeting of October 13, 2003, voted to concur with the Town Plan Commission's recommendation in accordance with Exhibit "A".

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The Waukesha County Development Plan designates the property in the Rural Residential and Other Agricultural and Open Lands category, which allows development at a density of one unit per five acres. In the analysis of Chart No. 139 of the Waukesha County Development Plan, which is revised on a yearly basis, it has been determined that the existing zoning in the Town of Genesee is consistent with the Waukesha County Development Plan of an overall density of the undeveloped lands of one unit per five acres. Therefore, the rezoning of the subject property, as conditioned, is consistent with the Waukesha County Development Plan as it retains a density of one unit per 4.3 acres, which exceeds the current one unit per three-acre zoning.

OTHER CONSIDERATIONS:

The property in question consists of three parcels having a total of 55 acres, containing two, single-family residential structures, one, on a three-acre lot and the other on a larger parcel which contains two large outbuildings with a significant amount of wetland and upland corridor. The applicant is proposing to create a thirteen-lot development, with eleven of the lots being located on a short cul-de-sac on the southwest corner of the property. The lots are approximately 1.2 acres in size with one being 15 acres and which contains Primary Environmental Corridor on its east end including wetlands. The remaining portion of the property, which is proposed to be conditionally rezoned, will continue to be one (1), three-acre lot which contains a single-family residence and a detached building and the existing 30-acre parcel, which contains two large accessory structures and a single-family home. This parcel contains Primary Environmental Corridor and a large area of wetlands. In addition, the large 30-acre parcel includes an area, which is leased to the Wern Valley Sportsman's Club as part of their hunting club operation and provides a buffer from the one-acre subdivision lots to the west. According to the USDA Soils Map, it appears that the soils for the areas which are proposed to be developed for new single-family residential are adequate to accommodate onsite sewage disposal systems. No common open space is involved with this development.

STAFF RECOMMENDATION:

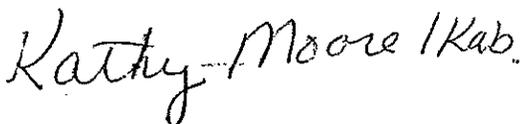
It is the opinion of the Planning and Zoning Division Staff this request be approved subject to the following conditions:

1. All of the lands currently zoned C-1 Conservancy shall remain zoned C-1 Conservancy.
2. All upland Primary Environmental Corridors must be zoned E-C Environmental Corridor District.
3. A Deed Restriction be placed on the subdivision plat and on the individual parcels stating that no additional development is allowed without the Waukesha County Development Plan being amended and the property being rezoned.
4. The development being limited to a maximum of eleven, new single-family lots and the two existing lots with onsite sewage disposal systems and private wells. The development shall be accomplished with a cluster type development and no new lots shall exceed 1½ acres in size.

5. Subject to documentation being presented to the Town Planner and the Waukesha County Department of Parks and Land Use, that the Town Engineer has approved the access onto Brookhill Road prior to the submittal of the Preliminary Plat.
6. Subject to the Waukesha County Department of Parks and Land Use, Land Resources Division, approving an Erosion Control and Stormwater Management Plan for the proposed use prior to the submittal of the Final Plat and commencement of any earth altering activities on the site.
7. Subject to the noise notification regarding the Wern Valley Sportsman's Club being placed on the Final Subdivision Plat.
8. Subject to any land division resulting in a combination of Mr. Geniesse's parcel known as Tax Key No. GNT 1525.999.003 and the ten-acre area leased by Mr. Geniesse to Wern Valley Sportsman's Club being joined together as one lot. The leased land shall be shown on any land division document.
9. The petitioner or property owner shall accept the terms and conditions of this conditional rezoning in writing.

As recommended for approval and conditioned, it is felt the petitioner will be allowed a reasonable use of the property in the form of a cluster development, which will have minimal impact and conflict with the Wern Valley Sportsman's Club, while preserving the wetlands and Primary Environmental Corridor on a large parcel. The proposed division is consistent with the Waukesha County Development Plan as it has been determined that the existing zoning is consistent with the one unit per five-acre density overall in the rural areas of the Town of Genesee.

Respectfully submitted,



Kathy Moore
Senior Planner

KM:kb

Attachments: Exhibit "A" and Map

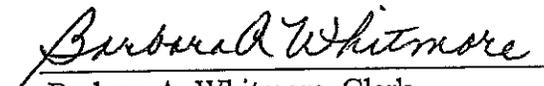
N:\PLU FILES\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1498 (MARK GENIESSE)_GNT.DOC

EXHIBIT "A"

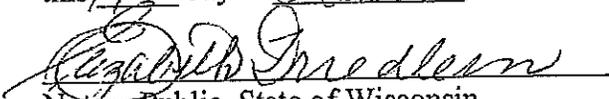
CERTIFICATION

This is to certify that the
attached is a true and accurate copy
of Resolution 03-10R
Resolution to Approve the Rezoning Request
of Mark Geniesse

approved October 13, 2003


Barbara A. Whitmore, Clerk
Town of Genesee

Subscribed and sworn to before me
this 14th day of October, 2003


Notary Public, State of Wisconsin

My commission expires on: 2-6-2005

158-0-099

7

RESOLUTION 03-10R

TOWN BOARD OF THE TOWN OF GENESEE

A Municipal Corporation

WHEREAS, a rezoning request was filed by Mark Geniesee to amend the Town of Genesee District Zoning Map of the Waukesha County Zoning Code from A-2, Rural Home District to R-1, Residential District, on the property described as follows:

Lot 2 of Certified Survey Map #8280 and Parcel 2 of Certified Survey Map #5540, Part of NE ¼ of Section 22 and SE ¼ of Section 15, T6N, R18E, Town of Genesee. More specifically, the property is all that portion of Tax Key No. GNT 1525.999.004 and GNT 1525.999.003, located on the east side of Brookhill Road

and,

WHEREAS, A Joint Public Hearing was held by the Town of Genesee Plan Commission and the Waukesha County Department of Parks and Land Use on September 22, 2003 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 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, October 13, 2003 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,

158-0-099

8

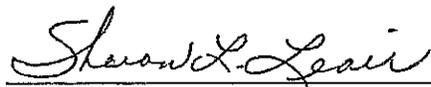
THAT, the request for the petitioner be approved based upon the following reasons:

1. All lands currently zoned C-1 Conservancy shall remain zoned C-1 Conservancy.
2. Subject to the development being limited to a maximum of 11 single-family lots and two (2) existing lots with on-site private waste disposal systems and private wells. The development shall be accomplished with a cluster-type of development. No new lots shall exceed 1 1/2 acres in size
3. Subject to documentation being submitted to the Town Planner that the Town Engineer has approved access onto Brookhill Road.
4. Subject to Waukesha County Department of Parks and Land Use approving an Erosion Control and Storm Water Management Plan for the proposed use.
5. Subject to a noise notification (regarding the Wern Valley Sportsman Club) being placed on any land division.
6. Subject to any land division resulting in a combination of Mr. Genesee's parcel, known as Tax Key Number 1525.999.003, and the 10+/- acre area leased by Mr. Genesee to Wern Valley Sportsman Club being jointed together as one lot. The leased area shall be shown on any land division document.
7. The Petitioner and the Property Owner shall accept the terms and conditions of this conditional rezoning approval in writing.

AND FURTHER BE IT RESOLVED;

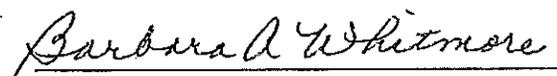
BY THE TOWN BOARD OF THE TOWN OF GENESEE, that the Town of Genesee does hereby give notice to the County that it approves the zoning amendment request of Mark Genesee.

Dated this 13th day of October, 2003



Sharon L. Leair, Town Chairman

ATTEST:

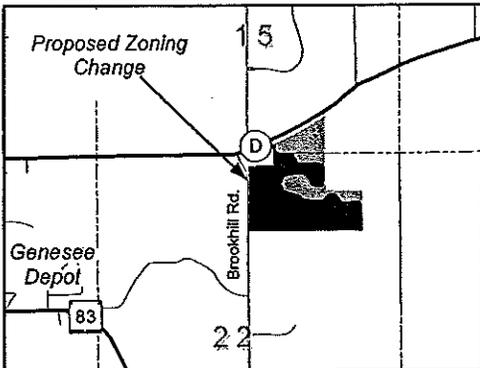
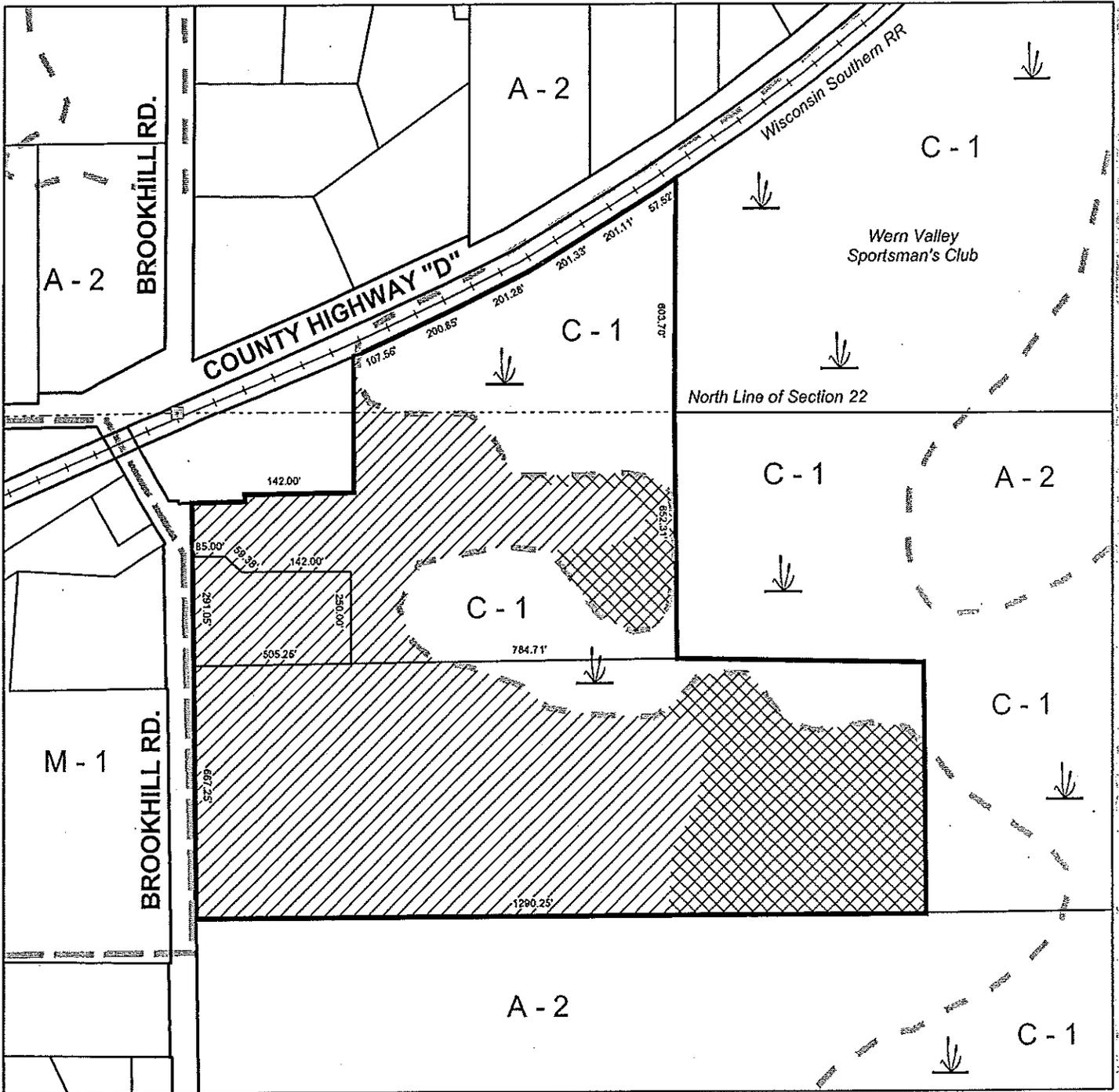


Barbara A. Whitmore, Town Clerk

158-0-099

ZONING MAP AMENDMENT

PART OF THE NE 1/4 OF SECTION 22 & THE SE 1/4 OF SECTION 15 T6N R18E (GENESEE)



 CONDITIONAL ZONING CHANGE FROM A-2 TO R-1 (29.0 AC)

 CONDITIONAL ZONING CHANGE FROM A-2 TO EC (9.7 AC)

FILE.....CZ-1498

DATE.....10-23-03

AREA OF CHANGE.....38.7 ACRES

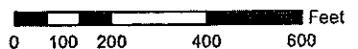
TAX KEY NUMBER.....GNT 1525.999.002

GNT 1525.999.003, GNT 1525.999.004

Prepared by the Waukesha County Department of Parks and Land Use



1 inch equals 400 feet



158-0-099

V

DATE-11/25/03

(ORD) NUMBER-1580099

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....NAY
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-31

TOTAL NAYS-01

CARRIED V

DEFEATED

UNANIMOUS

TOTAL VOTES-32