

ENROLLED ORDINANCE 180-42

YEAR 2025 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(2A – MESSINGER/ROMAN, TOWN OF GENESEE)

WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and

WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual update and amendment procedures; and

WHEREAS, on September 18, 2025, the Waukesha County Park and Planning Commission held a Public Hearing to receive testimony on proposed changes to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated September 18, 2025, a summary of the town public hearing comments and a Staff Recommendation for the proposed change to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on September 18, 2025, and a recommendation was reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required in the Comprehensive Development Plan for Waukesha County.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following amendment is hereby **conditionally approved** to the Year 2035 Comprehensive Development Plan for Waukesha County.

2. In the Town of Genesee, the following request is being made:

- A. ***Ross Roman***, S44 W32531 Rhapsody Lane, Waukesha, WI 53189, requests property owned by Scott and Sandra Messinger, S53 W31165 Old Village Road, Genesee Depot, WI 53127-0275, located in part of the SW ¼ of Section 27 and part of the SE ¼ of Section 28, T6N, R18E, Town of Genesee (part of Tax Key No. GNT 1547.973), be amended from the Rural Density and Other Agricultural Land category to the Commercial and Office Park category, to allow a heating and cooling business.

The request is approved subject to the following conditions:

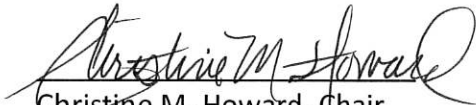
1. No retail sales shall be conducted from the premises.
2. Business operations, except for 24-hour emergency service, shall cease on the premises by the hours specified in the Town’s Site Plan/Plan of Operation but shall conclude no later than 6:00 pm.
3. Truck traffic shall be limited in accordance with the Town’s Site Plan/Plan of Operation for any business operation and no regular semi-truck traffic shall be permitted without a public hearing conducted by the Town of Genesee, consistent with the process identified in county rezone file RZ164.

BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

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

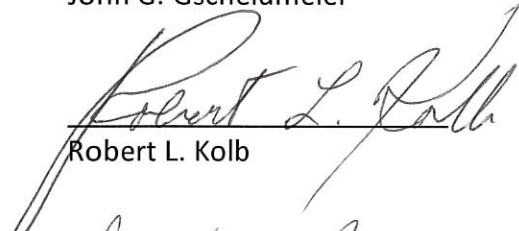
YEAR 2025 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN
FOR WAUKESHA COUNTY (2A – MESSINGER/ROMAN, TOWN OF GENESEE)

Presented by:
Land Use, Parks, and Environment Committee


Christine M. Howard, Chair

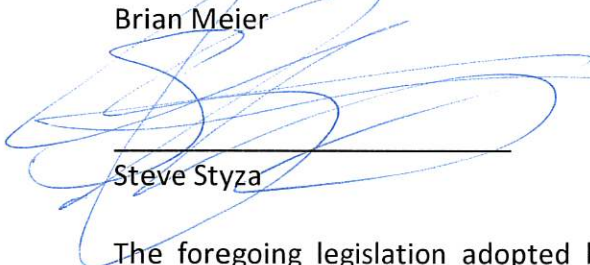

Wayne Euclide


John G. Gscheidmeier


Robert L. Kolb


Johnny Koremenos

Absent
Brian Meier


Steve Styza

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

Date: 10-31-2025, 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____

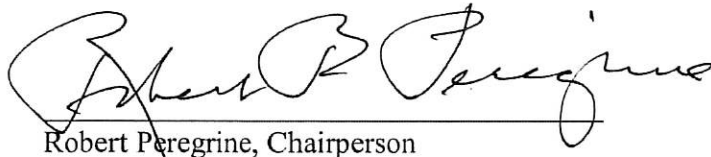
Date: 11/3/2025, 
Paul Farrow, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2025 Amendment to the Comprehensive Development Plan for Waukesha County, (2A – Messinger/Roman) hereby recommends **approval**.

PARK AND PLANNING COMMISSION

September 18, 2025


Robert Peregrine, Chairperson


James Siepmann

Absent
William Groskopf


Gary Szpara


Christine Howard

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2025 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
2(A), TOWN OF GENESEE

DATE: September 18, 2025

PUBLIC HEARING DATE:
Thursday, September 18, 2025, 1:00 p.m.

REQUEST:

2. In the Town of Genesee, the following request is being made:

- A. ***Ross Roman***, S44 W32531 Rhapsody Lane, Waukesha, WI 53189, requests property at S53 W31165 Old Village Road, Genesee Depot, WI 53127-0275, located in part of the SW ¼ of Section 27 and part of the SE ¼ of Section 28, T6N, R18E, Town of Genesee (part of Tax Key No. GNT 1547.973), be amended from the Rural Density and Other Agricultural Land category to the Commercial and Office Park category, to allow a heating and cooling business.

EXISTING LAND USE CATEGORY:
Rural Density and Other Agricultural Land.

PROPOSED LAND USE CATEGORY
Commercial and Office Park.

PUBLIC REACTION:
Public comments from the September 18, 2025 hearing will be summarized verbally.

TOWN ACTION:
On June 23, 2025, the Town of Genesee Plan Commission unanimously recommended approval of the parallel request to amend the Town Plan designation.

On July 14, 2025, the Town of Genesee Board unanimously approved the parallel town plan amendment request to amend the designation from 5-Acre Density to Commercial category.

STAFF ANALYSIS:
The 2.9 acres to be amended was recently divided as part of a new five-acre parcel along the south side of Old Village Road in the Town of Genesee (see Lot 1 on Exhibit A). The parent parcel was 70-acres that included a former bottling plant in the area of the property that is proposed to be amended. A rezoning application for the same lands is also pending (see RZ164). The balance of the 70 acres is largely environmental corridor with a pond and wetlands in the central part of the property. Another buyer is acquiring the balance of the 70 acres. The neighborhood setting is rural residential and rural, with these lands being the lone commercial type property in the area. There are homes to the north, east and west.

The subject 2.9-acre portion of the property formerly housed a bottling plant and related improvements; the plant closed fairly recently. Century Springs Bottling Company operated the facility for spring water filtering, bottling and distribution and also distributed other instant beverage supplies, including coffee and tea products. The plant operated as a legal non-

conforming use; the use existed prior to the establishment of zoning on the property in 1959. In 1969, the use obtained a Legal Nonconforming Use Conditional Use (CU) authorization to allow for office space expansion. The CU permit was amended a number of times, most recently in 2000. Light industrial buildings and commercial buildings are not permitted by right in the town's A-5 Mini Farm District, which is the property's current zoning designation. Nor were commercial uses available in the residential zoning category that applied to the property prior to the town's adoption of their own zoning ordinance. The town and county land use plans were prepared long after the business use of the site began and presumably called for rural type uses anticipating that perhaps someday the commercial use would terminate.

The existing principal building footprint is approximately 9,000 square feet in area. There is a large, paved parking and circulation area on the north and west sides of the building improvements. Even though Conditional Use status would allow for the use to continue as a Conditional Use into the future, the new owner and the town expressed a preference to amend the land use plan and zoning designations to recognize that, because of the existing investment on the property, it is likely to continue as some form of commercial/light industrial use for the foreseeable future. The plan amendment and rezone process also offer the owner more options to be able to sell the property for another closely related use type in the future. The owner did recently receive Conditional Use approval to be able to close on the sale of the property while waiting for the finalization of the plan amendment and rezoning processes.

The owners intend to operate Genesee Heating and Air Conditioning from the premises. They are planning to utilize the existing building largely as-is. The building will primarily accommodate storage of heating and cooling equipment and office space. Unlike the prior use, this business will not receive semi-trucks and will be a low traffic generator. The business currently has eight service employees but two drive personal vehicles directly to job sites and another two take their work vans home at night, meaning that there are only four service vans coming and going daily.

The business hours of operation are 7:00 am to 5:00 pm, Monday-Friday with some 24-hour service needs expected. To protect the surrounding residential and rural residential uses from incompatible future use types, the town has conditioned their action on the related pending rezoning (RZ164) to allow for a relatively narrow range of commercial/light industrial enterprises: wholesalers and distributors, printing and publishing houses and dairies and bottling plants. The B-3 District allows for other more traffic intensive uses, but those use-types will not be available by right as conditioned by the town. All other uses can only be authorized after a public hearing by the Town Plan Commission and Board.

The town will have review authority of all operational matters for any new use in the future via their Site Plan/Plan of Operation process. There will be no direct customer sales. The parking lot will be used as-is; they intend to improve landscaping and paint the building to be more aesthetically pleasing.

STAFF RECOMMENDATION:

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

1. No retail sales shall be conducted from the premises.

2. Business operations, except for 24-hour emergency service, shall cease on the premises by the hours specified in the Town's Site Plan/Plan of Operation but shall conclude no later than 6:00 pm.
3. Truck traffic shall be limited in accordance with the Town's Site Plan/Plan of Operation for any business operation and no regular semi-truck traffic shall be permitted without a public hearing conducted by the Town of Genesee, consistent with the process identified in county rezone file RZ164.

The change to a commercial designation will allow for a long-standing commercial property with substantial improvements to continue to be used in a manner that will be compatible with the surrounding rural residential neighborhood. The change in plan designation will allow for the owners to continue to pursue their related pending rezoning request which will make subsequent sale to another owner easier in the future. The change in plan designation will put nearby property owners on notice that limited business activities should continue to be expected in the area going forward. The recommended conditions of approval will ensure that the continued use of the property for business purposes will not negatively impact neighbors.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Exhibit A
Map
Town Ordinance No. 25-6

N:\PRKANDLU\Planning and Zoning\Comprehensive Development Plan\PROJECT FILES\2025\2A Messenger\Staff Report and Exhibits\2A Messenger Staff Report.docx

A redivision of Lot and Outlot 1 Certified Survey Map No. 4468 recorded in Volume 35 Pages 307-309 as Doc. No. 1243787, and unplatted lands, all being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 28, Township 6 North, Range 18 East and part of the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 27, Township 6 North, Range 18 East, in the Town of Genesee, Waukesha County, Wisconsin.

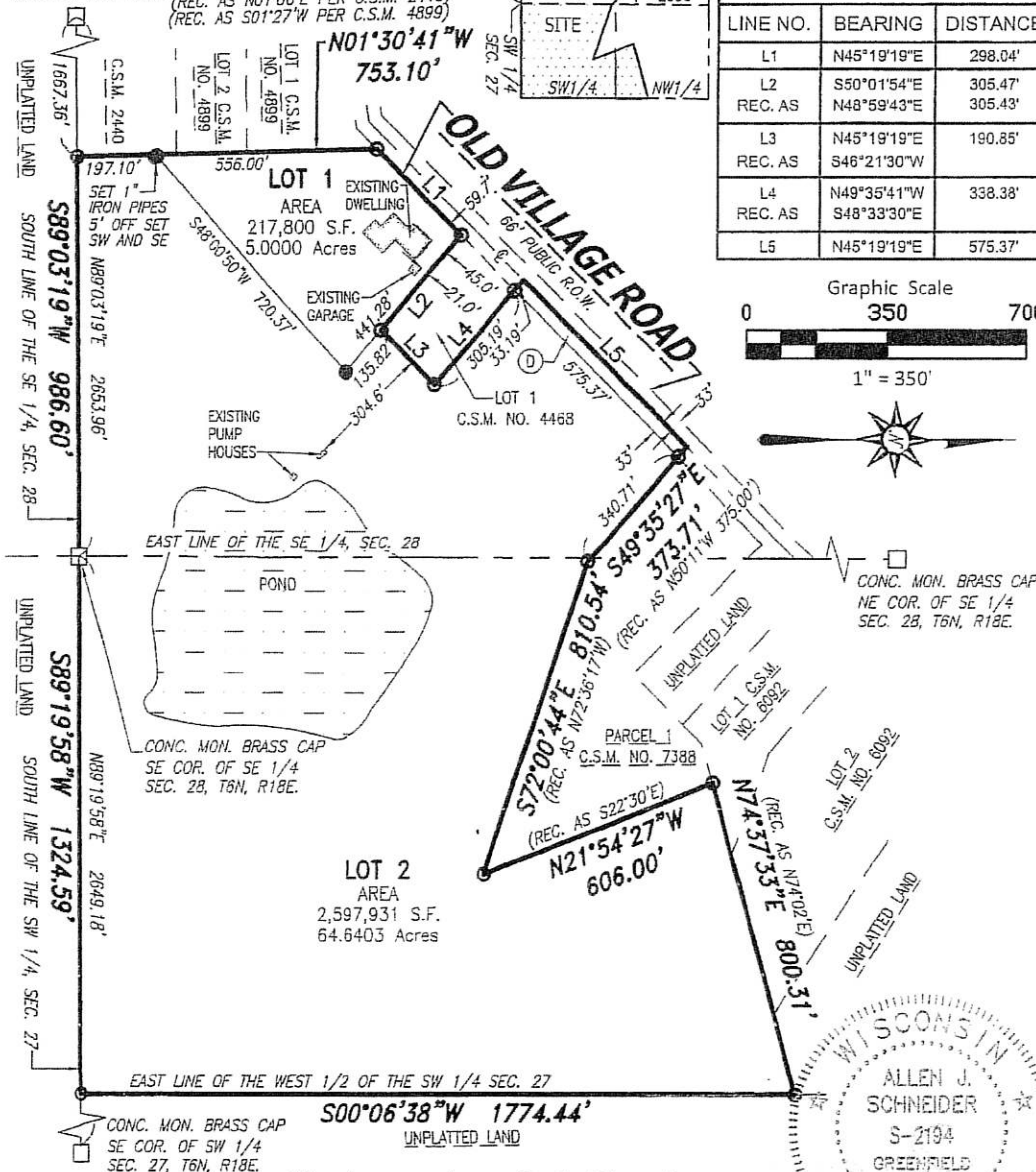
CONC. MON. BRASS CAP
SW COR. OF SE 1/4
SEC. 28, T6N, R18E. /RE

- - Denotes Found 1" Iron Pipe
- - Denotes Set 1" X 18" Iron pipe, 1.5 LBS./FT.
- ⓓ - Dedicated to the public for roadway purposes

Graphic Scale

0 350 700

1" = 350'

A compass rose with eight points. The top point is labeled 'N'. A line with an arrowhead points towards the North-Northwest direction, between the North and North-Northwest points.

CHAPUT
LAND & SURVEYS

724 W. Florida Street
Chicago, Ill. 60610

All bearings are referenced to the Wisconsin
Coordinate System, (NAD83/2011) in which the South
line of the SE 1/4, Sec. 28, bears N89°03'19"E.

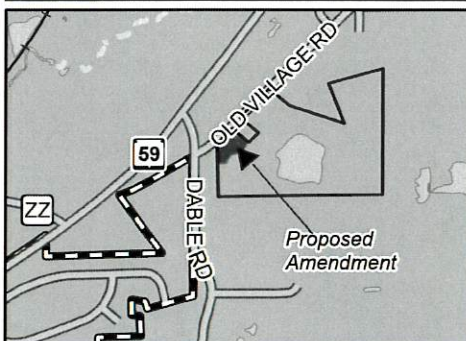
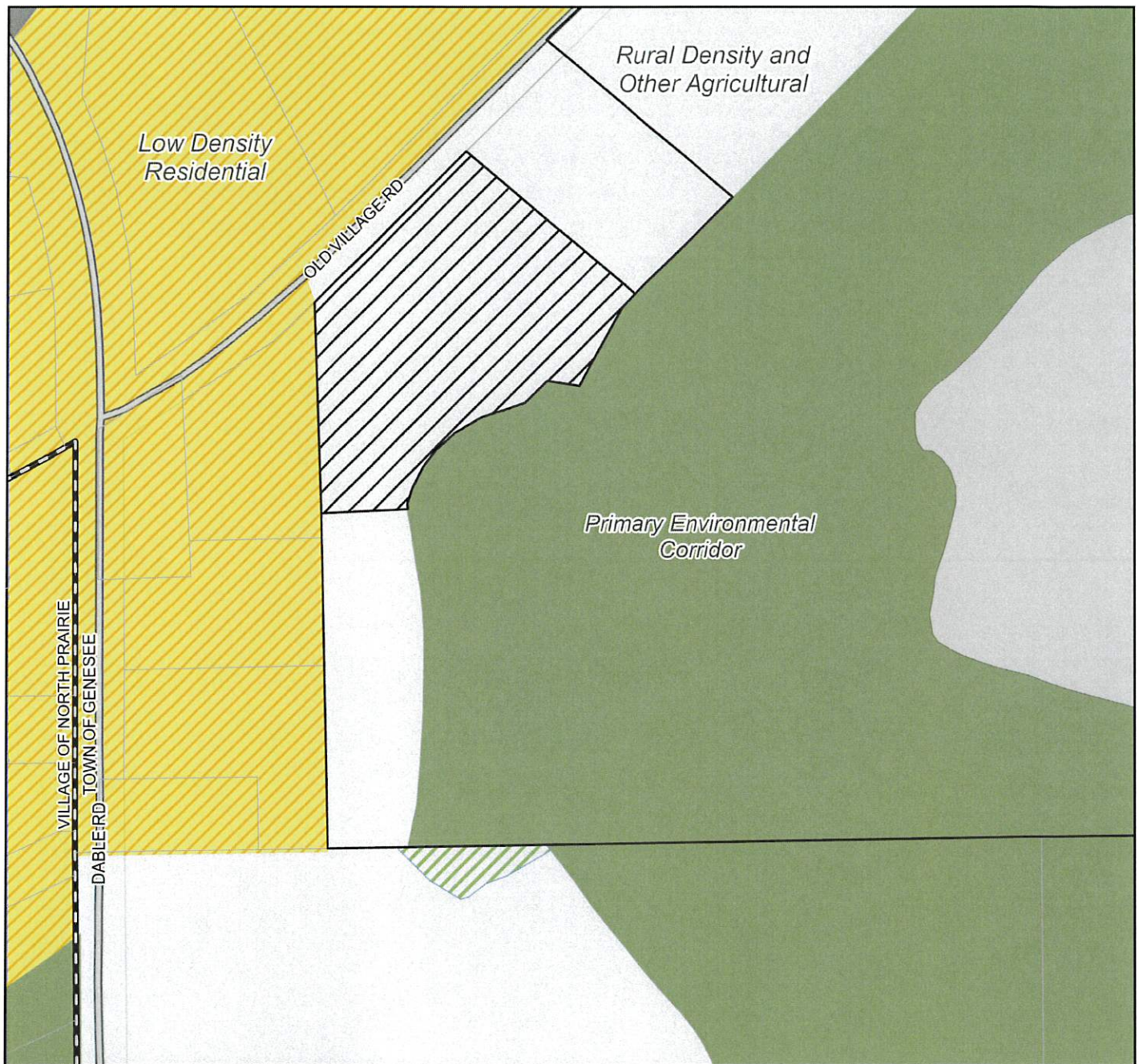
This instrument was drafted by Allen J. Schneider
Professional Land Surveyor S-2194

31'  

Date: April 4, 2024
Survey No. 5533.00-lpm
Sheet 1 of 6 Sheets

DEVELOPMENT PLAN AMENDMENT

PART OF SECTION 28,
TOWN OF GENESEE



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM RURAL DENSITY AND OTHER AGRICULTURAL LAND TO COMMERCIAL AND OFFICE PARK

PETITIONER.....Ross Roman
DATE OF PUBLIC HEARING.....09/18/25
AREA OF CHANGE.....2.9 ACRES

0 2,500 5,000
US Feet

Prepared by the Waukesha Department of Parks and Land Use



ORDINANCE NO. 25-6

AN ORDINANCE TO AMEND THE TOWN OF
GENESEE COMPREHENSIVE LAND USE PLAN – 2035

WHEREAS, in 1999 the Wisconsin Legislature enacted a comprehensive planning law, which is §66.1001, Wis. Stats., also known as the Comprehensive Planning (Smart Growth) Law, which requires that comprehensive plans be completed and adopted by local governing bodies by January 1, 2010, in order for counties, cities, villages and towns to enforce land use regulatory ordinances; and

WHEREAS, the Town of Genesee Comprehensive Land Use Plan – 2035 has been completed and adopted and complies with all of the elements of the comprehensive planning law (§66.1001, Wis. Stats.); and

WHEREAS, the Wisconsin Department of Administration has reviewed and accepted the Town of Genesee Comprehensive Land Use Plan – 2035 as meeting the comprehensive plan requirements of §66.1001, Wis. Stats.; and

WHEREAS, §66.1001, Wis. Stats., provides that the Plan Commission may recommend the adoption of an amendment to the comprehensive land use plan by adopting a resolution by a majority vote of the entire Plan Commission, which resolution shall refer to maps and other descriptive materials that relate to one or more elements of a comprehensive plan; and

WHEREAS, an application was made to amend the Town of Genesee Comprehensive Land Use Plan – 2035 to reclassify the land use on land described as Lot 2 CSM 4468 as previously recorded, being a part of the SW1/4 SEC 27 & PTSE1/4 SEC 28 T6N R18E., in the Town of Genesee, from "5-Acre Density" classification to "Commercial" category to allow for the development of the subject property into HVAC business; and

WHEREAS, the Town Board has adopted written procedures designed to foster public participation in every stage of the preparation of amendments to the Comprehensive Plan for the Town of Genesee, and that process has been followed to provide an opportunity for oral and written comments to be received from the public in this matter; and

RECEIVED

JUL 30 2025

DEPT OF PARKS & LAND

WHEREAS, the Town of Genesee Plan Commission considered the aforementioned application for amendment of the Town of Genesee Comprehensive Land Use Plan – 2035 and accompanying Map Q at a regularly scheduled and noticed Plan Commission meeting held on June 23, 2025; and

WHEREAS, the Town of Genesee Plan Commission, by a majority vote of the entire Plan Commission, adopted a resolution on June 23, 2025, recommending that the Town Board of the Town of Genesee adopt an ordinance under §66.1001, Wis. Stats., to amend the Town of Genesee Comprehensive Land Use Plan – 2035 and accompanying Map Q, to reclassify the land use of the land described as being a part of the SW1/4 SEC 27 & PTSE1/4 SEC 28 T6N R18E, in the Town of Genesee and located at Lot 2 CSM 4468 as previously recorded, from "5-Acre Density" classification to "Commercial" category; and

WHEREAS, pursuant to §66.1001, Wis. Stats., no amendment to a comprehensive plan may take effect until the Town Board enacts an ordinance that adopts the amendment; and

WHEREAS, a public hearing for which notice was duly given under, §66.1001, Wis. Stats. was conducted by the Town Board on May 27, 2025 and June 23, 2025, concerning the proposed amendment to amend the Town of Genesee Comprehensive Land Use Plan - 2035 and Map Q thereof to reclassify the lands identified as Lot 2 CSM 4468 as previously recorded, which are part of the SW1/4 SEC 27 & PTSE1/4 SEC 28 T6N R18E, from "5-Acre Density" classification to "Commercial" category; and

WHEREAS, following input from the public, the Town Board finds that the requested amendment to "Commercial" meets the intent of the Town of Genesee Comprehensive Land Use Plan – 2035 as outlined in Chapter 9, the Land Use Element, and the Town Board further finds that all procedural requirements required as a precursor to the adoption of this Ordinance have been satisfied, including all applicable aspects of the public participation plan.

NOW THEREFORE, THE TOWN BOARD OF THE TOWN OF GENESEE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The Town of Genesee Comprehensive Land Use Plan – 2035 and Map Q thereof is hereby amended to reclassify the land use of land described as Lot 2 CSM 4468 as previously recorded, being part of the SW1/4 SEC 27 & PTSE1/4 SEC 28 T6N R18E., in the Town of Genesee, from its current, "5-Acre Density" classification to "Commercial".

SECTION 2: A copy of this Ordinance and related amendment to the Town of Genesee Comprehensive Land Use Plan – 2035 shall be sent to all of the following:

1. Every governmental body that is located in whole or in part within the boundaries of the Town of Genesee.
2. The clerk of every local governmental unit that is adjacent to the Town of Genesee.
3. The Department of Administration.
4. The Southeastern Wisconsin Regional Planning Commission.
5. The public library that serves the area in which the Town of Genesee is located.

SECTION 3: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or enforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of this ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance having terms in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall be effective upon passage, posting and publication as required by law.

DATED: July 14, 2025

TOWN OF GENESEE
By: Terry Tesch
Terry Tesch, Chairman

ATTEST:

Meri Majeskie
Meri Majeskie, Clerk

Date Adopted: July 14, 2025
Effective Date: _____

VOTE RESULTS

Consent Agenda

23 AYE 0 NAY 0 ABSTAIN 2 ABSENT

17 Yes Votes Needed

 **Passed**

D1 - Styza	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Euclide	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Gscheidmeier	AYE	D12 - Wolff	S AYE	D21 - Gaughan	AYE
D4 - Batzko	M AYE	D13 - Leisemann	AYE	D22 - Szpara	AYE
D5 - Dondlinger	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Schroeder	ABSENT
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	ABSENT		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

YEAR 2025 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(2A – MESSINGER/ROMAN, TOWN OF GENESEE)

1 WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled
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5 update and amendment procedures; and
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9 Plan for Waukesha County; and
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12 18, 2025, a summary of the town public hearing comments and a Staff Recommendation for the
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14

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18 of Supervisors as required in the Comprehensive Development Plan for Waukesha County.
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
21 that the following amendment is hereby **conditionally approved** to the Year 2035
22 Comprehensive Development Plan for Waukesha County.
23

24 2. In the Town of Genesee, the following request is being made:
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