

ENROLLED ORDINANCE 180-43

APPROVE TOWN OF GENESEE ORDINANCE NO. 25-07 WHICH AMENDS THE
DISTRICT ZONING MAP OF THE TOWN OF GENESEE
ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN
PART OF THE SE ¼ OF SECTION 28, T6N, R18E, TOWN OF GENESEE, WAUKESHA
COUNTY, WISCONSIN, FROM THE A-5 MINI FARM DISTRICT TO THE
B-3 GENERAL BUSINESS DISTRICT
(RZ164)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Genesee Town Board on June 23, 2025; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Town of Genesee Ordinance No. 25-07 which amends the District Zoning Map for the Town of Genesee Zoning Code, adopted by the Town of Genesee on June 13, 2022, to conditionally rezone from the A-5 Mini Farm District to the B-3 General Business District, certain lands located in part of the SE ¼ of Section 28, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin, as more specifically described in the “Staff Report and 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, is hereby approved, subject to the following conditions:

1. Use of the property shall be limited to the specific following uses as specified in the Genesee Zoning Code, Section 74(A)(2): Items (a),(f), & (g), except as described in No. 2 below.
2. Use of the property for uses permitted in the B-3 General Business District, other than those specified in No. 1 above, may be approved after a public hearing by the Town Plan Commission and Town Board.
3. The Zoning Map amendment is conditionally approved subject to the Comprehensive Plan Land Use being amended to Commercial.

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

APPROVE TOWN OF GENESEE ORDINANCE NO. 25-07 WHICH AMENDS THE DISTRICT ZONING
MAP OF THE TOWN OF GENESEE ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS
LOCATED IN PART OF THE SE ¼ OF SECTION 28, T6N, R18E, TOWN OF GENESEE, WAUKESHA
COUNTY, WISCONSIN, FROM THE A-5 MINI FARM DISTRICT TO THE B-3 GENERAL BUSINESS
DISTRICT (RZ164)

Presented by:
Land Use, Parks, and Environment Committee


Christine M. Howard, Chair

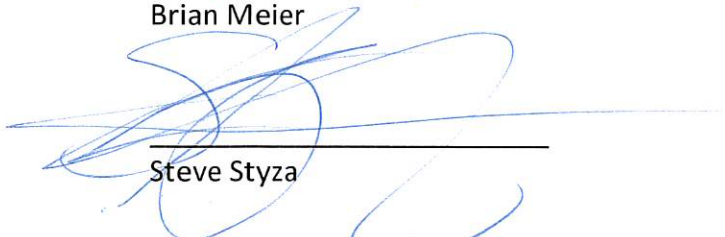

Wayne Euclide


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: _____

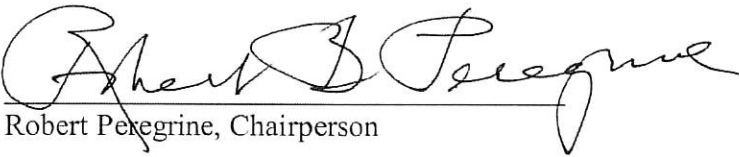
Date: 11/3/2025 
Paul Farrow, County Executive

COMMISSION ACTION

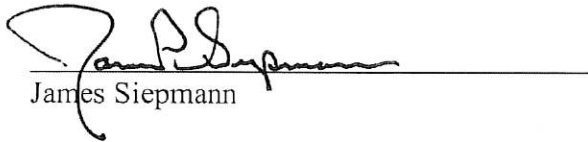
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the District Zoning Map of the Town of Genesee Zoning Code, hereby recommends approval of **RZ164 (Ross and Jana Roman)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

September 18, 2025



Robert Peregrine, Chairperson



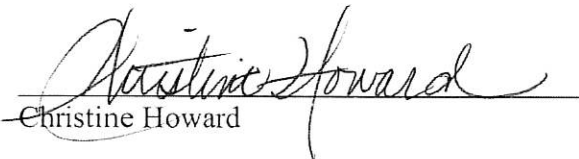
James Siepmann

Absent

William Groskopf



Gary Szpara



Christine Howard

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

FILE NO: RZ164

DATE: September 18, 2025

TAX KEY NO.: GNT 1547.973

OWNERS: Ross and Jana Roman
S44 W32531 Rhapsody Lane
Waukesha, WI 53189

LOCATION:

Part of the SE ¼ of Section 28, T6N, R18E, Town of Genesee. More specifically, the part of the property proposed to be rezoned is located at S53 W31165 Old Village Road, containing approximately 2.9 acres.

EXISTING ZONING:

A-5 Mini Farm District (Town).

PROPOSED ZONING:

B-3 General Business District (Town).

EXISTING LAND USE:

Light Industrial with office

PROPOSED LAND USE:

Light Industrial with office

PUBLIC HEARING DATES:

May 27, 2025 and June 23, 2025

PUBLIC REACTION:

A resident stated that he would like to see a "fail safe" put into place in case the HVAC business fails and goes out of business. He didn't want just any business to be able to come in there with noise and traffic. Another resident stated that she thinks the business plan for Genesee Heating and Air Conditioning is a good one, however, she expressed concerns about the possible growth of the business. She didn't want it to become a problem like other HVAC businesses have become in the town. She did not agree with the zoning change and thought that any trucks should not be allowed to go down Old Village Road and should have to go around to exit. Two other residents, one of which also stated opposition to the rezoning, expressed concerns about the amount of traffic that the business will bring to the road and that it was a safety hazard, and that the road is already dangerous and more vehicles will make it even worse.

Three letters were submitted with some noting that this new business is acceptable but that they preferred a Conditional Use process to keep business accountability or that zoning should revert to residential should the HVAC business leave in the future. Another person noted ongoing problems with speeding and safety on this roadway.

TOWN PLANNING COMMISSION/TOWN BOARD ACTION:

On June 23, 2025, the Town of Genesee Plan Commission unanimously recommended to the Town Board, approval of the rezone with conditions.

On July 14, 2025, the Town of Genesee Board unanimously approved the rezone with conditions recommended by the Town Plan Commission as amended (see conditions in the Staff Recommendation section of this report).

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE DEVELOPMENT PLAN AND THE WAUKESHA COUNTY COMPREHENSIVE DEVELOPMENT PLAN:
STAFF ANALYSIS:

The Town of Genesee Land Use Plan was recently amended to place the property in the Commercial category. A request to amend the County Development Plan designation from the Rural Density and Other Agricultural Land category to the Commercial and Office Park category is pending and will be considered prior to action on this rezoning.

STAFF ANALYSIS:

The 2.9 acres to be rezoned 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 to be rezoned. 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 property is subject to the Town of Genesee Zoning Code. 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, nor were those uses available in the residential zoning category that applied to the property prior to the town's adoption of their own zoning ordinance.

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 rezone process also offers 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 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 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 rezoning 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:

Based on the above analysis, the Planning and Zoning Division staff recommends **approval** of the request subject to the following conditions that were imposed by the town:

1. Use of the property shall be limited to the specific following uses as specified in the Genesee Zoning Code, Section 74(A)(2): Items (a),(f), & (g), except as described in No. 2 below.
2. Use of the property for uses permitted in the B-3 General Business District, other than those specified in No. 1 above, may be approved after a public hearing by the Town Plan Commission and Town Board.
3. The Zoning Map amendment is conditionally approved subject to the Comprehensive Plan Land Use being amended to Commercial.

The rezoning will allow for a property with a long commercial/industrial history to continue to be occupied for that use while ensuring that future use types are narrowly limited to ensure neighborhood harmony. While there is no similar zoning in the immediate vicinity, the town feels that the change in plan designation and zoning will place nearby residents and future residents on notice that limited commercial activities should be expected from this long-standing business property. The current proposed heating and cooling business is a low-impact type business that

should fit the neighborhood, consistent with the sentiments that were offered by the nearby residents during the public hearing. If the site changes hands over time, the Town will need to carefully review each business' operational plans during the site plan review process to ensure that trucking and hours of operation are appropriate in the rural residential setting.

Respectfully submitted,

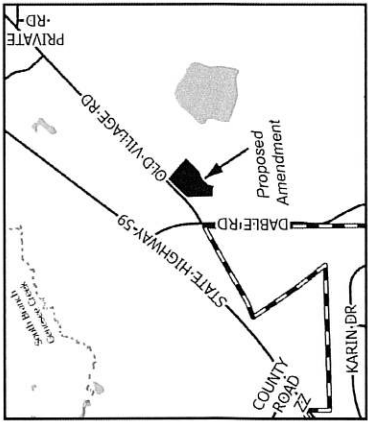
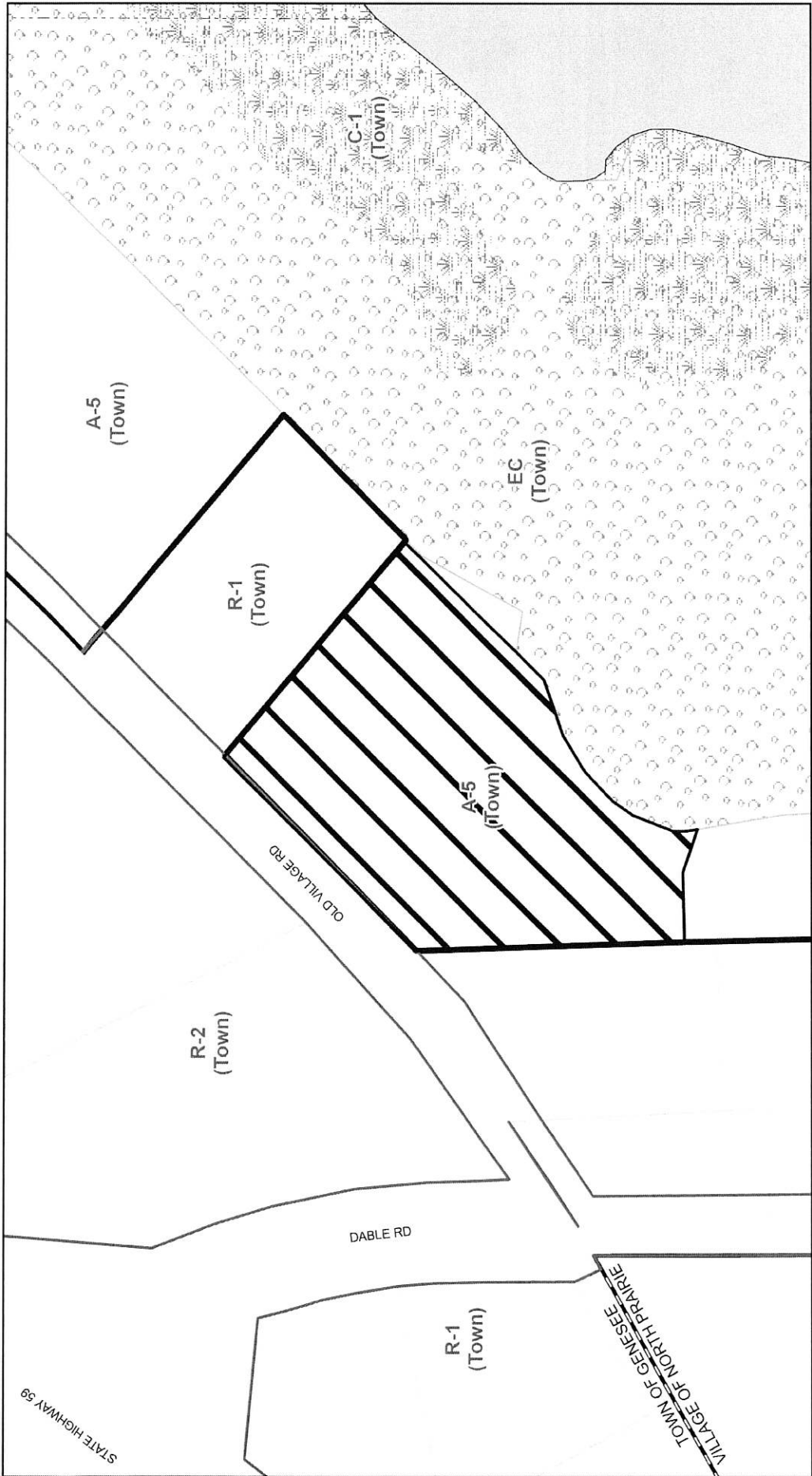
Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachment: Rezone Map
 Town Ordinance No. 25-07
 Exhibit A

JF/kb

N:\PRKANDLU\Planning and Zoning\Rezoning\PROJECT FILES\Genesee\RZ164 Messenger\Staff Report_Exhibits_Decision Letter\RZ164
Messenger_Roman Staff Report.doc



CONDITIONAL TOWN ZONING CHANGE FROM A-5 MINI-FARM DISTRICT TO B-3 GENERAL BUSINESS DISTRICT EC Environmental Corridor District C-1 Conservancy District	
FILE.....	RZ164
DATE OF PLAN COMMISSION.....	09/18/25
AREA OF CHANGE.....	2.9 ACRES
TAX KEY NUMBER.....	GNT 1547973

ZONING AMENDMENT

PART OF SE1/4 SEC 28 T6N R18E,
TOWN OF GENESEE

0

2,000

4,000

Feet

STATE OF WISCONSIN

TOWN OF GENESEE

WAUKESHA COUNTY

ORDINANCE 25-07

An Ordinance to conditionally amend the Zoning Map of the Town of Genesee from A-5 Mini Farm District to B-3 General Business District on lands located in SW ¼ Section 27 and part of the SE ¼ Section 28, T6N, R18E, Town of Genesee, Waukesha County Wisconsin

WHEREAS, a petition has been filed by Scott and Sandra Messinger, ("Petitioner") the owner of certain lands in the Town of Genesee, to rezone certain property located generally at S53 W31165 Old Village Road, as further described as Lot 2 CSM 4468 as previously recorded, SW ¼ Section 27 and part of the SE ¼ Section 28, T6N, R18E, Town of Genesee, hereto and incorporated herein ("Subject Property"); and

WHEREAS, said rezoning petition was submitted to rezone the Subject Property from A-5 Mini Farm District to B-3 General Business District; and

WHEREAS, the Petitioner has supplied all required data pursuant to the Town of Genesee Zoning Code, and the Town Clerk properly referred the matter to the Town of Genesee Plan Commission pursuant to the Town of Genesee Zoning Code; and

WHEREAS, a public hearing was conducted by the Town Board of the Town of Genesee on May 27, 2025 and June 23, 2025 as required by the Town of Genesee Zoning Code, upon due notice as required by the Town of Genesee Zoning Code; and

WHEREAS, the Town Board of the Town of Genesee having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the rezoning will not violate the spirit or intent of the Zoning Code for the Town of Genesee will not be contrary to the public health, safety or general welfare of the Town of Genesee, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same and the rezoning is consistent with the Town of Genesee Comprehensive Plan.

NOW, THEREFORE, the Town Board of the Town of Genesee, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1:

The Subject Property is hereby conditionally rezoned to B-3 General Business District, and the Zoning Map of the Town of Genesee is hereby conditionally amended to change the zoning of the Subject Property from A-5 Mini Farm District to the B-3 General Business District, if the conditions stated in Section 2 of this ordinance are complied with.

Section 2:

RECEIVED

JUL 30 2025

DEPT OF PARKS & LAND USE

The above rezoning and Zoning Map amendment is conditioned upon the following conditions, which must be complied with or this ordinance is null and void:

1. Use of the property shall be limited to the specific following uses as specified in Section 74(A)(2): Items (a),(f), & (g), except as described in No. 2 below.
2. Use of the property for uses permitted in the B-3 General Business District, other than those specified in No. 1 above, may be approved after a public hearing by the Town Plan Commission and Town Board.
3. The Zoning Map amendment is conditionally approved subject to the Comprehensive Plan Land Use being amended to Commercial.

Section 3:

The subject property owner is hereby put on notice that the Town of Genese may rezone the lands or portions thereof subject to this conditional rezoning ordinance to A-5 Mini Farm District if the conditions of this ordinance are not fully complied with.

Section 4: Severability.

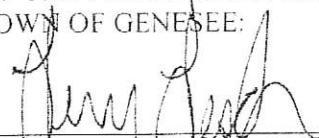
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision,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

Section 5: Effective Date.

This ordinance shall be in full force and effect from and after its passage and publication upon approval of the Waukesha County Board subject to the conditions stated in Section 2, and this ordinance is null and void and original district zoning shall be in effect with no further notice if said conditions are not complied with on the terms and conditions stated herein.

Passed and adopted this 14 day of July, 2025

BY THE TOWN BOARD OF THE
TOWN OF GENESEE:


Terry Tesch, Town Chairman

ATTEST:


Meri Majeskie, Town Clerk

CERTIFIED SURVEY

MAP NO. _____

A redivision of Lot 2 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.

Owner: CSBC Inc.
PO Box 275
Genesee Depot, WI 53127

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

(REC. AS N01°06'E PER C.S.M. 2440)
(REC. AS S01°27'W PER C.S.M. 4899)

LOT 1
AREA
217,800 S.F.
5.0000 Acres

EXISTING DWELLING
EXISTING GARAGE
EXISTING PUMP HOUSES

LOT 2
AREA
2,597,931 S.F.
64.6403 Acres

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

CONC. MON. BRASS CAP
SE COR. OF SW 1/4
SEC. 27, T6N, R18E.

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

CONC. MON. BRASS CAP
SE COR. OF SW 1/4
SEC. 27, T6N, R18E.

CHAPUT
LAND SURVEYS

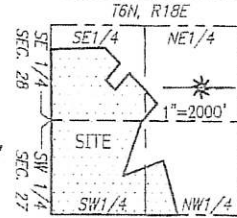
214 W. Florida Street
P.O. Box 5300
114-220-3,63
Waukesha, WI 53101

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

EXHIBIT A

VICINITY MAP



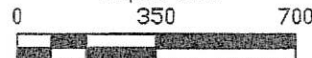
LEGEND:

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

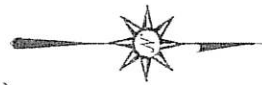
LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N45°19'19"E	298.04'
L2	S50°01'54"E	305.47'
REC. AS	N48°59'43"E	305.43'
L3	N45°19'19"E	190.85'
REC. AS	S46°21'30"W	
L4	N49°35'41"W	338.38'
REC. AS	S48°33'30"E	
L5	N45°19'19"E	575.37'

Graphic Scale



1" = 350'



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



Date: April 4, 2024

Survey No. 5533.00-lpm

Sheet 1 of 6 Sheets

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		

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15 as required by Section 60.62, Wis. Stats.
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