

Enrolled 157-58
PROPOSED ORDINANCE 157-59

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 24, T6N, R18E, TOWN OF GENESEE, FROM THE A-2 RURAL HOME DISTRICT TO THE A-5 MINI-FARM DISTRICT (CZ-1455)

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 Environmental 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 District Zoning Map of the Waukesha County Zoning Code, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on February 26, 1959, is hereby amended to conditionally rezone certain lands located in part of the NE ¼ of Section 24, T6N, R18E, Town of Genesee, from the A-2 Rural Home District to the A-5 Mini-Farm District, and 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 (CZ-1455), subject to the following conditions:

1. Subject to no more than two dwelling units in the form of one duplex being constructed on the 10-acre parcel.
2. Subject to the petitioner placing a Deed Restriction on the property in a form approved by the Town Planner stating that the subject parcel cannot be reduced in size from 10 acres without removal or conversion of the duplex to a single-family residence.
3. Subject to the removal of the accessory structure, which is fallen down. The owner of the property will need to submit to the Town Clerk and receive approval as to a form from the Town Attorney and as to amount from the Town Planner, a Letter of Credit or cash to guarantee the removal of said structure.
4. Subject to the applicants making payments in full to the Town of Genesee of all costs and assessments, including reimbursements for professional fees, due and owing to the Town of Genesee, prior to the rezoning being effective.
5. Subject to the petitioners applying for and receiving all necessary Variances for the remodeling of the farmhouse into a duplex.
6. Subject to a Conditional Use Permit being applied for and receiving approval of the same from the Town of Genesee Plan Commission and the Waukesha County Park and Planning Commission and all conditions of the same being satisfied. The Conditional Use request shall comply with all requirements of Section 3.08(7)(n) of the Waukesha County Zoning Code.
7. Subject to a Site Plan/Plan of Operation in compliance Section 3.08(7)(n) of the Waukesha County Zoning Code being approved by the Town of Genesee Plan Commission and the Waukesha County Park and Planning Commission.
8. Subject the petitioners transferring lands to the subject parcel in order that the subject parcel become a minimum of 10 acres in a form satisfactory to the Town Planner.

9. Subject to the petitioners providing a new legal description of the proposed 10-acre parcel to the Town Planner for review and approval, prior to the rezoning being effective.
10. Subject to the petitioners providing documentation to the Town Planner, that the Waukesha County Environmental Health Division has approved the existing septic system for the proposed use or a new Sanitary Permit has been issued for the installation of a new septic system.
11. Subject to the petitioner cleaning up the property by May 1, 2003, to a condition which is acceptable to the Town Planner and the Waukesha County Department of Parks and Land Use Staff.

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

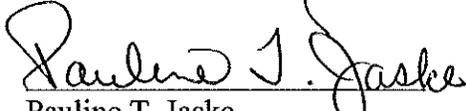
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

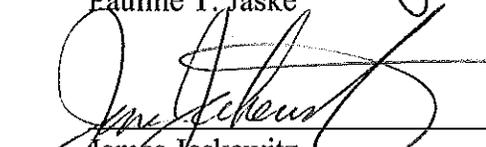
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

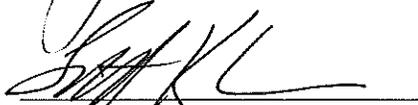
AMEND THE TOWN OF GENESEE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF GENESEE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 24, T6N, R18E, TOWN OF GENESEE, FROM THE A-2 RURAL HOME DISTRICT TO THE A-5 MINI-FARM DISTRICT (CZ-1455)

Presented by:
Land Use, Parks, and Environment Committee

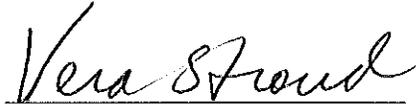

Walter L. Kolb, Chair


Pauline T. Jaske


James Jeskewitz

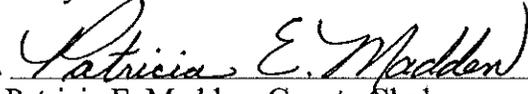

Scott J. Klein


Daniel Pavelko


Vera Stroud


Matt Thomas

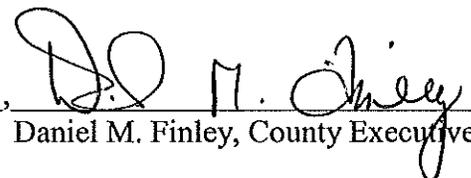
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: October 11, 2002, 
Patricia E. Madden, County Clerk

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

Approved:

Vetoed:

Date: 10-18-02, 
Daniel M. Finley, County Executive

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

FILE NO.: CZ-1455

DATE: September 5, 2002

PETITIONER/OWNERS: John Galt, LLC
100 Bank Street
Waukesha, WI 53188

Ty Taylor
S40 W28091 Genesee Road
Waukesha, WI 53089

TAX KEY NO.: GNT 1533.994 and Part of GNT 1533.998

LOCATION:

All that part of Lot 2 recorded in Volume 51 of Certified Survey Map No. 6271, being a part of the NE ¼ and SE ¼ of the NE ¼ of Section 24, T6N, R18E, Town of Genesee. More specifically, the property is located at S40 W28021 Genesee Road (S.T.H. 59), Town of Genesee, containing 10 acres.

PRESENT ZONING:

A-2 Rural Home.

PRESENT LAND USE:

Single-family residential - rental property.

PROPOSED ZONING:

Conditional R-3 Residential District (amended to the A-5 Mini-Farm District by the Town of Genesee).

PROPOSED LAND USE:

Two-family rental property conditioned on the limitation of a maximum two units on 10 acres.

PUBLIC HEARING DATE:

July 22, 2002.

PUBLIC REACTION:

Several residents within the area voiced their opposition to the proposed rezoning. The residents felt that lands within the Primary Environmental Corridor should not be rezoned to an R-3 Residential District, the creation of a multi-family unit will have a negative impact on land values and allow for more in the future, the property currently is not well maintained as a rental unit, the current residence cannot be converted to a duplex, this would be considered spot zoning, it would have an adverse impact on wells, there may not be adequate soils to support the septic system and the conversion may push sewer lines to be extended to the area. Two residents within the area did send letters in support of the proposed rezoning.

157-0-062

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

The Town of Genesee Plan Commission, at their meeting of August 6, 2002, recommended approval of the request to the A-5 Mini-Farm District rather than the requested R-3 Residential subject to the following conditions:

1. Subject to no more than two dwelling units in the form of one duplex being constructed on the 10-acre parcel.
2. Subject to the petitioner placing a Deed Restriction on the property in a form approved by the Town Planner stating that the subject parcel cannot be reduced in size from 10 acres without removal or conversion of the duplex to a single-family residence.
3. Subject to the removal of the accessory structure which is fallen down. The owner of the property will need to submit to the Town Clerk and receive approval as to a form from the Town Attorney and as to amount from the Town Planner, a Letter of Credit or cash to guarantee the removal of said structure.
4. Subject to the applicants making payments in full to the Town of Genesee of all costs and assessments, including reimbursements for professional fees, due and owing to the Town of Genesee, prior to the rezoning being effective.
5. Subject to the petitioners applying for and receiving all necessary Variances for the remodeling of the farmhouse into a duplex.
6. Subject to a Conditional Use Permit being applied for and receiving approval of the same from the Town of Genesee Plan Commission and the Waukesha County Park and Planning Commission and all conditions of the same being satisfied. The Conditional Use request shall comply with all requirements of Section 3.08(7)(n) of the Waukesha County Zoning Code.
7. Subject to a Site Plan/Plan of Operation in compliance Section 3.08(7)(n) of the Waukesha County Zoning Code being approved by the Town of Genesee Plan Commission and the Waukesha County Park and Planning Commission.
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10. Subject to the petitioners providing documentation to the Town Planner, that the Waukesha County Environmental Health Division has approved the existing septic system for the proposed use or a new Sanitary Permit has been issued for the installation of a new septic system.
11. Subject to the petitioner cleaning up the property to a condition which is acceptable to the Town Planner.

157-0-062

5.

The Town of Genesee Board, at their meeting of August 12, 2002, voted to approve the rezoning request subject to the conditions listed above.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The Waukesha County Development Plan designates the property in the Rural Density Residential, Other Agricultural and Open Lands category and the Primary Environmental Corridor category, both requiring a minimum of five (5) acres of land per dwelling unit. The proposal, as recommended by the Town Plan Commission and Town Board, complies with the County Development Plan.

OTHER CONSIDERATIONS:

The applicant has proposed to rezone ten (10) acres of land in the Town of Genesee from the A-2 Rural Home District to the R-3 Residential District. The purpose of the rezoning is to allow an existing farmhouse to be converted to a duplex. The A-2 Rural Home District does not allow duplexes. The petitioner has requested the R-3 Residential District since the proposal would be consistent with the County Development Plan (one unit per five acres) and since the R-3 Residential District allows duplexes by right, subject to standards spelled out within the Zoning Code regarding multiple family units. The Town Planner and Town of Genesee Plan Commission questioned whether the property could be rezoned to another Agricultural District, specifically the A-5 Mini-farm District. Based on the regulations within the A-5 Mini-Farm District, the Planning Staff indicated the A-5 Mini-farm District would allow the conversion of an existing farmhouse to a duplex subject to the farmhouse being in existence on the date of adoption of the Ordinance (February 26, 1959) and subject to the applicant receiving a Conditional Use Permit. It should be noted that if the structure were removed, burned down or destroyed, the applicant would not be allowed to rebuild a duplex unless the property was rezoned to another appropriate district unless specifically authorized by specific grant in the Conditional Use Permit issued for the duplex conversion.

STAFF RECOMMENDATION:

It is the opinion of the Planning Staff this request be approved subject to the Town of Genesee conditions being met. The proposed duplex, as approved by the Town, will result in a land use consistent with the purpose and intent of the Waukesha County Zoning Code and County Land Use Plan.

Respectfully submitted,



Brian Depies
Senior Land Use Specialist

BD:smv

Attachments: Map

N:\PLU NEW FILE SYSTEM (IN-PROGRESS)\PLANNING & ZONING\REZONES (RZ)\STAFF REPORTS\1455_GNT\JOHN GALT LLC AND TY TAYLOR.DOC

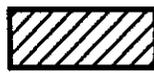
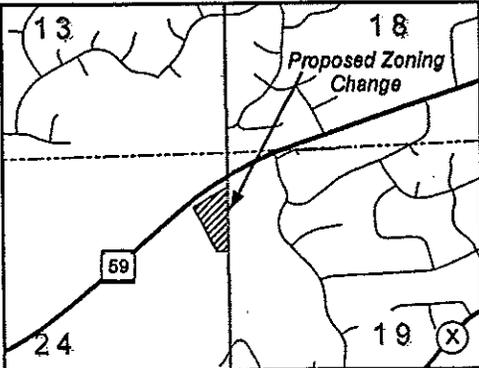
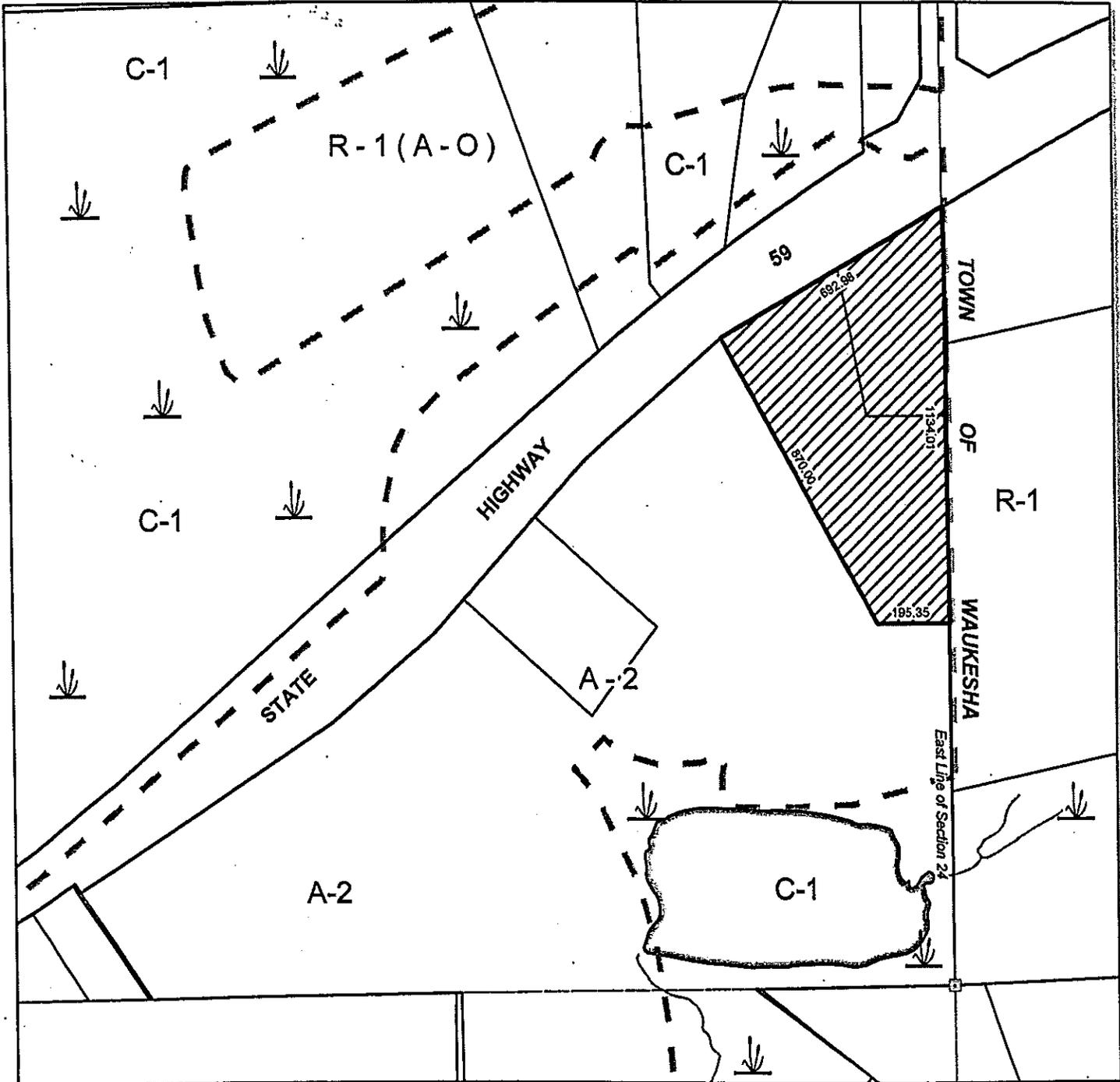
157-0-062

6.

ZONING MAP AMENDMENT

PART OF THE NORTHEAST 1/4 OF SECTION 24

TOWN OF GENESEE



CONDITIONAL ZONING CHANGE FROM A-2 (RURAL HOME DISTRICT) TO A-5 (MINI-FARM DISTRICT)

FILE.....ZT-1455

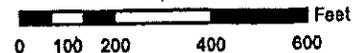
DATE.....9-5-02

AREA OF CHANGE.....10.03 ACRES

TAX KEY NUMBER.....GNT 1533.994



1 inch equals 400 feet



Prepared by the Waukesha County Department of Parks and Land Use

157-0-062

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/22/02

(ORD) NUMBER-1570062

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

- 2 R. THELEN.....NAY
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....NAY
- 16 R. MANKE.....AYE
- 18 D. FANFELLE.....NAY
- 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.....NAY
- 34 R. SINGERT.....NAY

TOTAL AYES-22

TOTAL NAYS-11

CARRIED_____

DEFEATED X
(needed 24)

UNANIMOUS_____

TOTAL VOTES-33