

**TOWN OF GENESEE PLAN COMMISSION MEETING  
MINUTES  
MAY 23, 2022**

Chairman Leair called the meeting to order at 6:00 p.m.

Present were: Town Chairman Sharon Leair and Supervisor Buck Houston. Also present were Plan Commissioner Members Bob Christiansen, Jeff Lightfoot, Mike Toole, and Joe Turzynski. Absent was Brett Engelking. Also present was Planner Jeff Herrmann.

**Discussion/Action - Consider an amendment to the Town of Genesee Zoning Map to rezone property owned by Kristilynn Smukowski, S30 W29856 Sunset Drive, Waukesha, Wisconsin from the R-3 Residential District to R-2 Residential District in order to construct a larger accessory structure on the property. The property is described as Lot 1 CSM 10438, being a part of the SW ¼ of the SW ¼ of Section 11, T6N, R18E, Town of Genesee, containing approximately 42,113.80 square feet (0.9668 acres). More specifically, the property is located on the north side of Sunset Drive. (Tax Key GNT 1483.997.001)**

There was a Public Hearing on April 25, 2022 regarding the rezone. Herrmann recommended approval of the zoning change with no conditions. It will go to the Town Board for approval on June 13, 2022.

Houston made a motion to approve the rezone subject to Herrmann's report dated May 16, 2022. Lightfoot seconded the motion. Motion carried unanimously.

**TOWN OF GENESEE PLAN COMMISSION AND TOWN BOARD  
PLANNER'S REPORT & RECOMMENDATION  
ZONING MAP AMENDMENT**

|                               |   |
|-------------------------------|---|
| <b><u>PROJECT NAME:</u></b>   | Smukowski   |
| <b><u>TAX KEY NUMBER:</u></b> | GNT 1483.997.001  |
| <b><u>DATE:</u></b>           | May 16, 2022  |
| <b><u>NAME OF OWNER:</u></b>  | Kristilynn Smukowski<br>S30 W29856 Sunset Drive<br>Waukesha, WI 53189 |

**LOCATION OF PROPERTY:**

Lot 1 CSM 10438, being a part of the SW ¼ of the SW ¼ of Section 11, T6N, R18E, Town of Genesee. More specifically, the property is located on the north side of Sunset Drive, containing approximately 42,113.80 square feet.

**PRESENT ZONING:**

R-3 Residential District.

**PROPOSED ZONING:**

R-2 Residential District.

**PRESENT LAND USE:**

Single-Family Residential.

**PROPOSED LAND USE:**

Single-Family Residential – with Detached Garage.

**PUBLIC HEARING DATE:**

April 25, 2022

**COMPLIANCE WITH THE TOWN OF GENESEE LAND USE PLAN - 2035:**

The Town of Genesee Land Use Plan - 2035 designates the area being rezoned in the Low-Density Residential category allowing development of 20,000 square feet to 1.4 acres per dwelling unit. The property complies with the Town of Genesee Land Use Plan - 2035. Waukesha County also has the property located within the Low-Density Residential Category.

**OTHER CONSIDERATIONS:**

The parcel contains approximately 42,112 square feet and has about 150 feet of frontage on Sunset Drive (CTH DE). The property is currently zoned R-3 Residential District (20,000 square foot minimum lot size) under the Town of Genesee Zoning Code. The proposed amendment only intends to rezone the property to the R-2 residential category (30,000 square foot minimum lot size).

In 2006, the adjacent property owner to the east owned both parcels as one larger lot. The adjacent property owner decided to rezone the larger parcel from R-1 residential (1 acre minimum) to R-3 residential (20,000 square foot minimum), so the owner of the property could obtain a conditional use for an existing duplex, which was not allowed in the R-1 residential category, as well as create another parcel, hence the subject property.

The purpose of this zoning amendment is for the owner to construct a larger detached accessory building on the property. Under the current zoning, the owner is only allowed to construct a 500 square foot accessory building. Rezoning the property to a R-2 Residential District would allow the owner to construct a 900 square foot detached accessory structure. No new lots are being created and no lot lines are being adjusted. The surrounding properties are currently zoned R-1 Residential, which allows for a homeowner to construct a 1,000 square foot detached accessory structure.

It should be noted that the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners is not generally an acceptable planning practice. However, the proposed zoning change to a different residential zoning district does not afford a change in the use of the property. The use of the property will still be residential with similar setbacks and offset as the adjacent properties. In addition, the zoning being proposed is consistent with the Town of Genesee Comprehensive Land Use Plan – 2035.

There were no public comments at the public hearing.

**PLANNER'S RECOMMENDATION:**

It is the opinion of the Town Planner that the Town Plan Commission recommend to the Town Board to **approve** this request as proposed. The proposed zoning amendment is in compliance with the Town of Genesee Comprehensive Land Use Plan – 2035 and the Waukesha County Development Plan. The proposed zoning amendment is not intended to rezone the property to a significantly different use from those allowed on adjacent parcels to favor the owner of the subject property.

Respectfully submitted,

Jeffrey C. Herrmann  
Administrator-Planner

cc: Town of Genesee Clerk  
Town of Genesee Building Inspector  
Waukesha County Department of Parks and Land Use  
Kristilynn Smukowski

**Discussion/Action - Site Plan/Plan of Operation for Law Office of Jane L. Walker, W309 S4860 Commercial Drive, North Prairie, WI 53153. (Tax Key GNT 1546-971-002)**

Herrmann handed out copies of the Law Office sign. The sign is already there, just the name is changing. Walker also operates a business for rental properties from the law office. There is a new holding tank agreement for this property, which is Lot 2 of CSM 10591. Walker is planning to move into office on June 3 or June 4, 2022. If they decide to do their own snow plowing, there will be a plow parked by dumpster. A trailer will also be parked in the lot. Walker will work with Tony from the Fire Department regarding the Knox Box.

Lightfoot made a motion to approve the Site Plan/Plan of Operation subject to Herrmann's recommendations in report dated May 16, 2022. This includes the proposed signage, the rental property business, parking the trailer, and the snow plow by dumpster. Christiansen seconded the motion. Motion carried unanimously.

**TOWN OF GENESEE PLAN COMMISSION**  
**PLANNER'S REPORT & RECOMMENDATION**  
**SITE PLAN/PLAN OF OPERATION**

**NAME:** Law Office of Jane Walker

**DATE:** May 16, 2022

**TAX KEY NO.:** GNT 1546.971.002

**OWNER:** CEB Inc.  
PO Box 206  
North Prairie, WI 53153-0206

**PETITIONER:** Jane L. Walker

100 E. Sunset Drive, Suite 2  
Waukesha, WI 53189

**LOCATION OF PROPERTY:** Lot 2 Certified Survey Map No. 10591, being a part of the NW ¼ of Section 27, T6N, R17E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at W309 S4860 Commercial Drive.

**ZONING CLASSIFICATION:** B-2 Local Business District.

**PROPOSED REQUEST:**

The property encompasses approximately 1.13 acres and contains a 70 ft. x 100 ft. three-unit commercial building, consisting of a large office space and two (2) smaller retail spaces. Most recently, the larger office space was occupied by an engineering firm and the two smaller retail spaces were combined into one (1) space and occupied a chiropractic office. The petitioner is proposing to purchase the building and operate a Law Practice and manage some rental properties. The Chiropractic office will remain as is. The interior space consists several offices, restrooms, shower room, library, conference room, exercise room, break room, general office area, and a lobby area. No physical changes are proposed to the interior of the building.

The proposed law office will employ ten (10) full-time employees and three (3) part-time employees. The days and hours of operation will Monday thru Friday from 9:00 a.m. to 5:00 p.m. However, there will be employees working hours outside of the normal business hours and sometimes it may be up to 24 hours in a day. The site contains twenty-seven (27) standard parking stalls and two (2) handicap stalls. Based on the proposed uses, adequate parking is available on site. The petitioner is proposing to install a sign on the entrance door as well as utilizing 2/3 of the space on the existing monument sign. Detailed sign renderings were not included with the application.

No changes to the landscaping or lighting are proposed at this time.

**PLANNER'S RECOMMENDATIONS:**

Based on the information provided, the Town Planner recommends **approval** of this request subject to the following conditions:

1. The proposed building shall be used for a Law Practice and a Chiropractic Office only. Any other use shall require the petitioner apply for a new Site Plan/Plan of Operation to be reviewed and approved by the Town of Genesee Plan Commission.
2. A detailed colored sign rendering shall be submitted to the Town Planner for review and approval prior to erecting any signs. Two (2) signs are proposed, one on the entrance door and one on the monument sign. A Zoning Permit and/or Building Permit will be required for said signage.
3. No outside storage shall be allowed unless specifically approved by the Town of Genesee Plan Commission.
4. The Fire Chief shall review the building plans to ensure that all fire codes are being complied with and that a Knox Box has been installed in conformance with the Town of Genesee Knox Box Ordinance.
5. The Town of Genesee Building Inspector shall inspect the entire building to determine compliance with all applicable building codes. All compliance violations shall be corrected to the Building Inspector's satisfaction.
6. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
7. The Town reserves the right to review any condition imposed as part of this Plan of Operation, if said use becomes a problem in the area. The Town Plan Commission may modify, change, delete, add, etc. any conditions, which they feel may be reasonable in order to allow this use, and to ensure that it does not become detrimental to the surrounding area.

8. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
9. An up-to-date Plan of Operation must be on file at all times with the Town of Genesee Plan Commission.
10. The applicant shall allow the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.
11. All activities on the subject property herein may not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor.
12. Professional fees. Applicant shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this Plan of Operation, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
13. Payment of Charges. Any unpaid bills owed to the Town by the subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

Respectfully submitted,

Jeffrey Herrmann, AICP  
Administrator-Planner

cc: Town of Genesee Clerk  
Town of Genesee Building Inspector  
LCFR Fire Chief  
Attorney Jane Walker

**Discussion/Action – Site Plan/Plan of Operation for Summer Fun Marine, S18 W32784 Wales Creek Lane, Delafield WI 53018 for allowing buildings to encroach into 30 feet planting strip. (Tax Key GNT 1458-997-017)**

Herrmann handed out copies of overall aerial photo and pictures of the buildings next to the tree line. There are two buildings that encroach into planting strip. Herrmann has been working with the Title Company and Town Attorney, John Macy. The Title Company wants a letter from the Plan Commission and Town Board stating the encroachments have been approved. Title Company also wants a copy of the Minutes. The encroachments are both about eight feet and are 20 feet away from the property line.

Houston made a motion to approve both encroachments. Christiansen seconded the motion. Motion carried unanimously.

## Memorandum

**To:** Town of Genesee Plan Commission  
**From:** Jeffrey C. Herrmann, Administrator-Planner  
**Date:** May 16, 2022  
**Re:** Summer Fun Marine – CSM Waiver

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In 2019, the Town Plan Commission and Town Board approved a series of CSM's for Jones Road LLC, c/o Devin Wolf, 514 Wells Street, Suite 1-W, Delafield, Wisconsin. The CSM's were part of a larger development known as Lapham Corporate Park. Schultz Family Properties purchased Lot 5 CSM 11944, being a part of the NW ¼ of Section 5, in the Town of Genesee. The property is located on the south side of USH 18 and east of Jones Road. More specifically, the property is located at S17 W32784 Wales Creek Lane. It is the former Bartolotta Fireworks property. The Schultz Family of properties were granted approval on April 26, 2021, to operate a "Boat Storage Facility" on the property. The property is currently zoned M-2 for industrial type uses and the boat storage was a permitted use by right.

Under the M-2 category, the proposed boat storage building could be located as close as ten (10) feet to the north property, which abuts the Glacial Drumlin Trail; However, there is a twenty (20) foot utility easement that runs the length of the north lot line. In addition, the Town required a thirty (30) foot planting strip easement along the same north property line and a restriction was placed on the CSM indicating this strip reserved for the planting of trees and shrubs, the building of structures hereon is prohibited. Two (2) of the buildings have slight encroachments into the planting strip (see attached). The first building, located in the northwest corner of the property, encroaches slightly into the planting strip. The building is angled so the far northwest corner of the building is located 7.6 feet into the planting strip and the northeast corner of the building is actually located 3 feet outside of the planting strip. The building located in the north east corner of the property is located approximately 8.2 feet into the planting strip. The purpose of a planting strip is to allow a property owner to install a landscape buffer between a residence and/or accessory structure and a major collector or arterial highway. In this case the Glacial Drumlin Trail is located on the north side of the property and provides a buffer between the subject property and USH 18. The Glacial Drumlin trail is approximately one hundred-ten (110) feet wide with the trail itself (8-10 feet wide) running down the center. The south side of the trail contains an approximately forty-five (45) foot tree lined buffer along the entire length of the north property line. Therefore, allowing a minor encroachment into the thirty (30) foot planting strip in this situation is not adversely impacting the public health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Genesee or the purpose and intent of the Land Division and Development Ordinance.

The Town staff will need to work with the Title company and determine the best solution to resolving this matter. It could be as simple as a letter from the Town of Genesee indicating said approval, an Affidavit of Correction, a new CSM, or some other means. This matter will also need action by the Town of Genesee Town Board.

### **Discussion/Action – New owner Ella's Public House LLC Jeff Scholz**

Herrmann stated Scholz sent a letter stating he is the new owner of Ella's Public House. There will be no changes. Scholz was previously a part owner. He will have to get a liquor license through the Town Board.

Christiansen made a motion to approve the change in ownership subject to liquor license being approved by the Town Board. Toole seconded the motion. Motion carried unanimously.

**Discussion/Action – Approval of April 25, 2022 Plan Commission Minutes.**

Christiansen made a motion to approve the April 25, 2022 minutes. Turzynski seconded the motion. Motion carried unanimously.

**Review Pending**

There were numerous violations that Herrmann will be checking on.

**Correspondence**

None.

**Adjourn**

Houston made a motion to adjourn. Toole seconded the motion. Motion carried unanimously. Meeting adjourned at 6:20 p.m.

Cindy Zignego  
Deputy Clerk  
June 1, 2022