

TOWN OF GENESEE PLAN COMMISSION MEETING

At Town Hall and via Zoom

February 27, 2023

Chairman Leair called the meeting to order at 6:09 p.m. Present were Chairman Leair, Plan Commission members Toole, Turzynski, Lightfoot, Christiansen and Engelking. Also present was Plan Commission member Houston via Zoom. Also present was Town Planner Herrmann and Plan Commission secretary Workman

1. **Discussion/Action – Name Change from Rare Vision Books LLC to Whistle-Stop Rare Books LLC while keeping Rare Vision Books LLC as online business, S42W31260 State Road 83. More specifically, Lot 1 Certified Survey Map No. 11491, being a part of the NE 1/4 of Section 21, T6N, R18E, Town of Genesee. (GNT 1521.972.003)** Engelking made a motion to approve the name change request. Seconded by Toole. The motion passed unanimously.
2. **Discussion/Action- Laura Gralton to permit more than 2 accessory Buildings on the property, W287S3238 Bethesda Church Rd. More Specifically, Lot 2 CSM #6264 being a part of NW1/4 of section 13, T6N, R18E.** Laura Gralton present via Zoom. Engelking made a motion to approve request for more than 2 accessory buildings. Seconded by Christensen. Clarification that this approval allows Gralton to have three accessory buildings, any three accessory buildings. The motion passed unanimously.
3. **Discussion/Action- Site Plan/ Plan of Operation for Yoder’s Heating and Cooling LLC, S34W29937 Little John Dr Building 2, Unit 3. More specifically, Lot 6 Certified Survey Map No. 9660, being a part of the NW ¼ and the SW ¼ of Section 14, T6N, R17E, in the Town of Genesee, Waukesha County, Wisconsin. (GNT 1494.997.025)** Thomas Yoder here for Yoder. Yoder made request to be allowed additional dumpster, one for trash and one for recycling. Engelking made a motion to approved Plan of Operation for Yoders Heating and Cooling LLC subject to Planner Herrmann conditions dated February 20th, 2023 with the addition of the two dumpsters and subject to the correction of Building 2 Unit 3. Seconded by Toole. The motion passed unanimously.

PLANNER’S REPORT & RECOMMENDATION
SITE PLAN/PLAN OF OPERATION

NAME: Yoder’s Heating & Cooling LLC

DATE: February 20, 2023

TAX KEY NO.: GNT 1494.997.025

OWNER: Wincrest Farms LLC
860 Brinsmere Dr.
Elm Grove, WI 53122-2101

PETITIONER: Thomas Yoder
d/b/a Yoder’s Heating & Cooling LLC
213 State Street
Dousman, WI 53118

LOCATION OF PROPERTY: Lot 6 Certified Survey Map No. 9660, being a part of the NW ¼ and the SW ¼ of Section 14, T6N, R17E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at S34 W29937 Little John Drive.

ZONING CLASSIFICATION: M-1 Limited Industrial District.

PROPOSED REQUEST:

The property is approximately 3.25 acres. In 2020, the Town Plan Commission approved a request by the petitioner to construct two (2) Commercial Condominium buildings. Each building will contain six (6) units with each unit (40' x 60') consisting of 2,400 square feet and one (1) toilet, one (1) sink and one (1) floor drain. Each unit will be individually owned/leased with the Condominium Association owning and controlling the common areas of the site. The Condominium Association will be responsible for maintenance of the common areas and shared well. Each unit will contain an individual holding tank and a shared private well. The owner has received approval from the Town of Genesee Town Board for the holding tanks.

The building has a steel frame interior and the outside consists of steel siding and roof with a three (3) foot high decorative wainscot fascia along all elevations of the building. The walls are an ash gray color with the roof and wainscoting being a terratone color. The petitioner is proposing to utilize Unit 3 in Building 2. The petitioners are proposing to use this space to store HVAC equipment and parts (i.e., furnaces, air conditioners, etc.), which will be delivered to residential sites for installations and repairs. This site will not be used for the general public. It is not intended that vehicles will be parked outside on the site, however there may be a rare occasion where a vehicle would be parked outside overnight. Employees will meet at the site in the morning to pick up equipment and supplies for the day, go to the job site and then return at the end of the day to drop off extra equipment and supplies not needed.

The business will employ three (3) full-time employees. The days and hours of operation will be Monday thru Friday from 7:30 a.m. to 4:30 p.m. The site contains thirty-nine (39) standard parking stalls and two (2) handicap stalls. Based on this proposed use, three (3) parking spaces are required, therefore adequate parking is available on site. The petitioner is not proposing any signage at this time.

No changes to the landscaping or lighting are proposed at this time. Lastly, no proposed refuse disposal has been provided. Each individual tenant is responsible for the disposal of his/her refuse and waste.

PLANNER'S RECOMMENDATIONS:

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

1. This approval is for Yoder's Heating & Cooling to occupy one (1) tenant space in the north building as proposed for an HVAC storage business/contractor's 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. All previously imposed conditions by the Town of Genesee for the construction of the buildings shall be adhered to and complied with, unless specifically modified by the Town Plan Commission.
3. A detailed colored sign rendering shall be submitted to the Town Plan Commission for review and approval prior to erecting any signs. A Zoning Permit and/or Building Permit will be required for said signage (if applicable).

4. Outside overnight storage shall be limited to one (1) vehicle/truck on an occasional basis. Any additional overnight storage shall only be allowed with specific approval by the Town of Genesee Plan Commission.
5. Waukesha County Environmental Health Division shall inspect and approve the existing holding tanks for the proposed use of the spaces occupied by the proposed use.
6. A waste disposal plan for the removal of all waste shall be provided to the Town Planner for review and approval prior to the issuance of any permits
7. 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.
8. The Town of Genesee Building Inspector shall inspect the tenant space of the building to determine compliance with all applicable building codes. All compliance violations shall be corrected to the Building Inspector's satisfaction.
9. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
10. 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.
11. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
12. An up-to-date Plan of Operation must be on file at all times with the Town of Genesee Plan Commission.
13. 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.
14. 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.
15. 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.
16. 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.

4. **Discussion/Action- Site Plan/ Plan of Operation for Hubley Landscaping, S34W29937 Little John Dr Building 2, Units 4, 5 and 6. More specifically, Lot 6 Certified Survey Map No. 9660, being a part of the NW ¼ and the SW ¼ of Section 14, T6N, R17E, in the Town of Genesee, Waukesha County, Wisconsin. (GNT 1494.997.025)** Ty Hubley present for Hubley Landscaping. Planner Herrmann made clear that there will be no storage of harmful chemicals, salt, fertilizers etc. Engelking made a motion to approve Plan of Operation for Hubley Landscaping subject to Planner Herrmann's conditions dated February 20th, 2023 and the correction of Building 2 Units 4, 5, and 6. Seconded by Christiansen. The motion passed unanimously

PLANNER'S REPORT & RECOMMENDATION
SITE PLAN/PLAN OF OPERATION

NAME: Hubley Landscaping

DATE: February 20, 2023

TAX KEY NO.: GNT 1494.997.025

OWNER: Wincrest Farms LLC
860 Brinsmere Dr.
Elm Grove, WI 53122-2101

PETITIONER: Ty Hubley
d/b/a Hubley Landscaping
903 Cedarwood Court
Waukesha, WI 53188

LOCATION OF PROPERTY: Lot 6 Certified Survey Map No. 9660, being a part of the NW ¼ and the SW ¼ of Section 14, T6N, R17E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at S34 W29937 Little John Drive.

ZONING CLASSIFICATION: M-1 Limited Industrial District.

PROPOSED REQUEST:

The property is approximately 3.25 acres. In 2020, the Town Plan Commission approved a request by the petitioner to construct two (2) Commercial Condominium buildings. Each building will contain six (6) units with each unit (40' x 60') consisting of 2,400 square feet and one (1) toilet, one (1) sink and one (1) floor drain. Each unit will be individually owned with the Condominium Association owning and controlling the common areas of the site. The Condominium Association will be responsible for maintenance of the common areas and shared well. Each unit will contain an individual holding tank and a shared private well. The owner has received approval from the Town of Genesee Town Board for the holding tanks.

The building has a steel frame interior and the outside consists of steel siding and roof with a three (3) foot high decorative wainscot fascia along all elevations of the building. The walls are an ash gray color with the roof and wainscoting being a terratone color. The petitioner is proposing to utilize Units 4, 5, & 6 of Building 2 (south building). The petitioner is proposing to use this space for a landscaping business that includes: commercial mowing and maintenance; mulch or rock installation, tree/bush trimming,

grading, and seeding; and concrete patios, paver patios, and/or retaining walls. All crews will arrive at this location at 8:00 a.m. and return around 5:00 p.m. The building will be used to store equipment and will serve as a meeting place for the crews in the morning. In the winter months, Hubley Landscaping provides snowplowing services. The interior of the building contains trailer and truck storage, equipment storage, a bathroom, small workbench, and an office area. All vehicles, equipment and trailers will be stored inside overnight. The only material that will be stored inside is bagged seed and bagged hay. No overnight outside storage is being proposed at this time.

The business will employ four (4) full-time and two (2) part-time employees. The days and hours of operation will be Monday thru Saturday from 8:00 a.m. to 5:00 p.m. The site contains thirty-nine (39) standard parking stalls and two (2) handicap stalls. Based on this proposed use, six (6) parking spaces are required, therefore adequate parking is available on site. The petitioner is not proposing to add any signage at this time. No changes to the landscaping or lighting are proposed at this time. Lastly, the petitioner indicates that a refuse dumpster will be located along the back wall of the building. Each individual tenant is responsible for the disposal of his/her refuse and waste.

PLANNER'S RECOMMENDATIONS:

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

1. This approval is for Hubley Landscaping to occupy three (3) tenant spaces (Units 4, 5, & 6) in Building 2 (south building) for storage of landscaping equipment (trailers, mowers, truck, & supplies) 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. All previously imposed conditions by the Town of Genesee for the construction of the buildings shall be adhered to and complied with, unless specifically modified by the Town Plan Commission.
3. No outside storage shall be allowed unless specifically approved by the Town of Genesee Plan Commission.
4. A revised interior layout (drawn to scale) shall be provided to the Town Planner prior to the issuance of an occupancy permit for the proposed units of the building.
5. Waukesha County Environmental Health Division shall inspect and approve the existing holding tanks for the proposed use of the spaces occupied for the proposed use.
6. A waste disposal plan for the removal of all waste shall be provided to the Town Planner for review and approval prior to the issuance of any permits.
7. Absolutely no storage of fertilizer products or Toxic Chemicals on the property.
8. Absolutely no storage of unbagged (bulk) salt.
9. Absolutely no other outside storage of equipment shall be allowed, unless specifically approved by the Town Planner or Town Plan Commission. All questions about what equipment can be stored outside shall be referred to the Town Planner for a decision.
10. 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.

11. The Town of Genesee Building Inspector shall inspect the tenant space of the building to determine compliance with all applicable building codes. All compliance violations shall be corrected to the Building Inspector's satisfaction. If state approved building plans are required, the petitioner shall provide the Town Building Inspector and Town Planner a copy of the state approved plans.
12. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
13. 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.
14. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
15. An up-to-date Plan of Operation must be on file at all times with the Town of Genesee Plan Commission.
16. 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.
17. 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.
18. 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.
19. 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.

5. **Discussion/Action- Site Plan/ Plan of Operation for Fly'N Frog Fabrication and Performance, S34 W29939 Little John Drive Building 1, Units 1, 2 and 3. More Specifically, Lot 6 Certified Survey Map No. 9660, being a part of the NW ¼ and the SW ¼ of Section 14, T6N, R17E, in the Town of Genesee, Waukesha County, Wisconsin. (GNT 1494.997.025)** Devin Donovan present for Fly'n Frog Fabrication. Planner Herrmann made clear that state approved plans will be needed before any occupancy permit will be issued. The business sign was chosen and will be placed on back door of their unit. Engelking made a motion to approve Plan of Operation for Fly'n Frog Fabrication subject to Planner Herrmann's conditions dated February 20th, 2023 and the correction of Building 1 Units 1, 2, and 3. Seconded by Christiansen. The motion passed unanimously.

PLANNER'S REPORT & RECOMMENDATION
SITE PLAN/PLAN OF OPERATION

NAME: Fly'n Frog Fabrication & Performance

DATE: February 20, 2023

TAX KEY NO.: GNT 1494.997.025

OWNER: Wincrest Farms LLC
860 Brinsmere Dr.
Elm Grove, WI 53122-2101

PETITIONER: Devin Donovan
d/b/a Fly'n Frog Fabrication & Performance
3682 S. 81st Street
Milwaukee, WI 53220

LOCATION OF PROPERTY: Lot 6 Certified Survey Map No. 9660, being a part of the NW ¼ and the SW ¼ of Section 14, T6N, R17E, in the Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located at S34 W29939 Little John Drive.

ZONING CLASSIFICATION: M-1 Limited Industrial District.

PROPOSED REQUEST:

The property is approximately 3.25 acres. In 2020, the Town Plan Commission approved a request by the petitioner to construct two (2) Commercial Condominium buildings. Each building will contain six (6) units with each unit (40' x 60') consisting of 2,400 square feet and one (1) toilet, one (1) sink and one (1) floor drain. Each unit will be individually owned/leased with the Condominium Association owning and controlling the common areas of the site. The Condominium Association will be responsible for maintenance of the common areas and shared well. Each unit will contain an individual holding tank and a shared private well. The owner has received approval from the Town of Genesee Town Board for the holding tanks.

The building has a steel frame interior and the outside consists of steel siding and roof with a three (3) foot high decorative wainscot fascia along all elevations of the building. The walls are an ash gray color with the roof and wainscoting being a terratone color. The petitioner is proposing to utilize Units 1, 2, & 3 of Building 1 (north building). The petitioner is proposing to use this space for a custom fabrication shop using metal materials. The business specializes in high-end automotive mufflers for high performance cars and trucks as well as modifying suspensions on similar type vehicles. They use a CNC water-based plasma table to cut 4 ft. x 8 ft. sheets of stainless steel to size. Then the pieces are bent and welded to certain specifications.

They do not service regular cars and vehicles. This service is only available on high-end performance vehicles. Fly'n Frog also provides powder coating of customer supplied parts as well as their parts and products made in house. Items include metal framed furniture and custom plasma cut home and office décor.

The interior of the building contains a machining area with drill presses, welding area and a tig table; A mobile lift storage area; powder coating area and oven; large work space with saw rack and plasma table; restrooms; and a large storage area.

The business will employ four (4) part-time employees. The days and hours of operation will be Monday thru Saturday from 8:00 a.m. to 5:00 p.m. The site contains thirty-nine (39) standard parking stalls and two (2) handicap stalls. Based on this proposed use (4 employee spaces and 4 customer spaces), eight (8) parking spaces are required, therefore adequate parking is available on site. The petitioner is proposing to add signage advertising the name of the business. Several renderings were submitted with the application, but no dimensions were provided and the exact location of the sign placement is unknown.

No changes to the landscaping or lighting are proposed at this time. Lastly, no proposed refuse disposal has been provided. Each individual tenant is responsible for the disposal of his/her refuse and waste.

PLANNER'S RECOMMENDATIONS:

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

1. This approval is for Fly'n Frog to occupy three (3) tenant spaces (Units 1, 2, & 3) in Building 1 (north building) as proposed for a custom metal fabrication and performance business 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. All previously imposed conditions by the Town of Genesee for the construction of the buildings shall adhered to and complied with, unless specifically modified by the Town Plan Commission.
3. A detailed colored sign rendering, sign size and location map shall be submitted to the Town Planner for review and approval prior to erecting any signs. A Zoning Permit and/or Building Permit shall be required for said signage.
4. No outside storage shall be allowed unless specifically approved by the Town of Genesee Plan Commission.
5. Waukesha County Environmental Health Division shall inspect and approve the existing holding tanks for the proposed use of the spaces occupied for the proposed use.
6. A waste disposal plan for the removal of all waste shall be provided to the Town Planner for review and approval prior to the issuance of any permits.
7. The proposed use for a custom fabrication shop using metal materials shall require a total of eight (8) parking stalls to accommodate the parking needs of employees and patrons.
8. A revised interior layout (drawn to scale) shall be provided to the Town Planner prior to the issuance of an occupancy permit for the proposed units of the building.
9. 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.
10. The Town of Genesee Building Inspector shall inspect the tenant space of the building to determine compliance with all applicable building codes. All compliance violations shall be corrected to the Building Inspector's satisfaction. If state approve building plans are required, the petitioner shall provide the Town Building Inspector and Town Planner a copy of the state approved plans. All changes, modification and requirements by the State of Wisconsin shall be completed and installed, prior to the petitioner occupying the building.

11. This Plan of Operation shall automatically terminate 12 months from the date of approval of the Town Plan Commission, if said building units for this operation are not completed and occupancy not given by the Town Building Inspector. Prior to the 12 month termination date stated above, the petitioner may apply for a extension of said approval.
 12. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
 13. 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.
 14. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
 15. An up-to-date Plan of Operation must be on file at all times with the Town of Genesee Plan Commission.
 16. 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.
 17. 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.
 18. 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.
 19. 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.
6. **Discussion/Action- Site Plan/ Plan of Operation for Midwest Industries, W292S4498 Hillside Road. More specifically, Lot 1, CSM No. 11401, being a part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee. (GNT 1546.971.006)** Wendy Abts and Troy Storch present for Midwest Industries. They state that this will just be a warehouse for product as they are keeping their other building for all other business related dealings. Christiansen asked if they were comfortable with the number of parking spaces required. Wendy and Troy stated that they were comfortable with parking requirement. Christiansen made a motion to approve Plan of Operation for Midwest Industries subject to Planner Herrmann's conditions dated February 20th, 2023. Seconded by Engelking. The motion passed unanimously.

PLANNER'S REPORT & RECOMMENDATION

SITE PLAN/PLAN OF OPERATION

NAME: Midwest Industries, Inc.

DATE: February 20, 2023

TAX KEY NO.: GNT 1546.971.006

OWNER: MI Real Estate
W309 S4777 Executive Drive
North Prairie, WI 53153

PETITIONER: Wendy Abts/Troy Storch
d/b/a Midwest Industries, Inc.
W292 S4498 Hillside Road
Waukesha, WI 53189

LOCATION OF PROPERTY: Lot 1, CSM No. 11401, being a part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee.

ZONING CLASSIFICATION: B-3 General Business District (Conditional).

PROPOSED REQUEST:

In July 2022, the Town of Genesee Town Plan Commission and Town Board approved a request to rezone the subject property from B-2 Local Business District to B-3 General Business District for the proposed use which involves warehousing and distribution of tactical weapons and accessories. This approval was subject to several conditions that will need to be complied with prior to the business operating from the proposed site.

The property consists of approximately 2.21 acres and is located on the northwest corner of Commercial Drive and Executive Drive. The property is bordered on the west by Thelen Funeral Home and on the north by vacant land. The property drops in elevation from 898 msl (northwest corner) to 880 msl (southeast corner).

The petitioners are proposing to construct a 78 ft. x 153 ft. commercial building for the warehousing and distribution of tactical weapons and accessory. The front (east side) of the building will contain a small office, utility room and bathroom. The remainder of the building will be used as a warehouse and contains various shelving units.

The building will be constructed with a steel frame structure. The exterior walls will consist of a prefinished vertical insulated metal wall panel. The roof system will be a standing seam roof with prefinished metal gutters and fascia. The color of the exterior of the building was not shown on the plans. The front (north) elevation contains two (2) large (12 ft. x 14 ft.) overhead doors, an entrance door, and a window with a metal awning above it. There will also be a service door on the west end of the building. The east elevation will contain a window with an awning above it and a service door. The south and west elevation will not contain any overhead doors, windows or service door.

The site plan shows an access onto Executive Drive with access leading to a 10 ft. x 18 ft. concrete dumpster enclosure and employee parking area. The dumpster will contain a 6 ft. high solid cedar fence, which will be stained to match the building and a five (5) foot high chain link gate with slats. The dumpster area will also contain an 8 ft. x 18 ft. concrete slab in front of the enclosed dumpster area. A rain garden is proposed in the front of the building and will be planted with native prairie seed mix in

accordance with Waukesha County and DNR requirements. The rain garden will help with runoff from the parking area. A 6 ft. x 6 ft. concrete electrical transformer pad is proposed near the northeast corner of the building.

Midwest Industries indicates that the hours of operation will be from 7:00 a.m. to 6:00 p.m., Monday - Friday. The business will employ six (6) part-time employees. The site has four (4) regular parking spaces and one (1) handicap space for a total of five (5) parking spaces. Based on the uses of the property, the number of parking spaces does not comply with the requirements of the ordinance. The ordinance requires one (1) parking space per employee therefore, six (6) parking spaces are required, if all employees are working at the same time. The Site Plan shows room for additional parking spaces on the north side of the building to the west of the proposed parking lot. No signage is being proposed at this time.

The landscaping plan, excluding the rain garden, will consist of Acacia and Burning Bushes along the east side of the property. The south and east property lines will contain a mixture of Colorado Spruce and Red Maple. The site will be served by a holding tank and private well, which is located on the east side of the building. A detailed lighting plan was not provided with the application.

PLANNER'S RECOMMENDATIONS:

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

1. This approval is for Midwest Industries, Inc. to occupy the entire building. Any other use shall require the petitioner/tenant apply for a new Site Plan/Plan of Operation to be reviewed and approved by the Town of Genesee Plan Commission.
2. All requirements of the zoning amendment from B-2 Local Business District to B-3 General Business District shall be complied with prior to issuance of any permits.
3. Any proposed signage will require a detailed colored sign rendering, sign size and location map being submitted to the Town Plan Commission for review and approval prior to erecting said sign. A Zoning Permit and/or Building Permit may also be required for said signage.
4. A detailed outdoor lighting plan showing the location of all fixtures, including cut-sheets and photometrics shall be provided to the Town Planner for review and approval prior to issuance of any permits.
5. A revised parking plan shall be submitted to the Town Planner showing at least enough parking for at least six (6) employees on the site. Any additional employees or change in use may require additional parking spaces. The petitioner should consider future development of the property prior to submitting the final parking plan.
6. An updated Site Plan showing any modifications or changes shall be submitted to the Town Planner for review and approval prior to the issuance of any permits.
7. Written documentation shall be provided to the Town Planner that the Waukesha County Environmental Health Division has approved the installation of a Holding Tank for the proposed use. In addition, the Town Board shall approve a holding tank agreement and all required deposits and fees shall be paid to the Town Clerk for said holding tank. The holding tank agreement shall be recorded in the Waukesha County Register of Deeds Office.

8. The Fire Chief shall review the Site Plan and the interior of the building 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.
9. A copy of State Approved building plans shall be submitted to the Town Administrator and Town of Genesee Building Inspector prior to the issuance of any permits. The Town of Genesee Building Inspector shall inspect the interior of the building to determine compliance with all applicable building codes. All compliance violations shall be corrected to the Building Inspector's satisfaction prior to the issuance of an occupancy permit.
10. Written documentation shall be provided to the Town Planner that Waukesha County Land Resources Division has approved of the proposed grading and stormwater management plans.
11. Documentation shall be submitted to the Town Planner that the Town Engineer has reviewed and approved the grading plans.
12. The petitioner shall apply for a zoning permit with the Town of Genesee, all applicable fees for said zoning permits shall be paid.
13. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained.
14. 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.
15. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.
16. An up-to-date Plan of Operation must be on file at all times with the Town of Genesee Plan Commission.
17. 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.
18. 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.
19. 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.
20. 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.

7. **Discussion/Action- Site Plan/ Plan of Operation for TEKS Enterprises, S34W29942 Little John Dr STE 2. More specifically, Lot 8, Certified Survey Map No. 9685, being a part of the NW ¼ of Section 14, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. (GNT 1494.997.028)**

Todd Szada present for TEKS Enterprises. The petitioner questioned if he could have a dumpster delivered to the property as of February 28th, 2023 after Plan Commission Approval. His request was approved for the dumpster. Engelking made a motion to approve Plan of Operation based on Planner Herrmann’s conditions dated February 20th, 2023. Seconded by Toole. The motion passed unanimously.

PLANNER’S REPORT & RECOMMENDATION
SITE PLAN/PLAN OF OPERATION

PROJECT NAME: TEKS Enterprises Inc.

DATE: February 20,2023

TAX KEY NO.: GNT 1494.997.028

PETITIONER/OWNER: Todd & Kristina Szada
d/b/a TEKS Enterprises Inc.
S34 W29942 Little John Drive
Waukesha, WI 53189

LOCATION OF PROPERTY: Lot 8, Certified Survey Map No. 9685, being a part of the NW ¼ of Section 14, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin. More specifically, the property is located S34 W29942 Little John Drive.

ZONING CLASSIFICATION: M-1 Limited Industrial District

PRESENT LAND USE: 60’ x 160’ Multi-Tenant Building

PROPOSED REQUEST:

The property consists of approximately 1.51 acres and contains a 60’ x 160’ multi-tenant building. The building contains four (4) tenant units (spaces) and one (1) smaller storage unit (space) for personal storage of the owner of the property. Each tenant space contains a solid service door on the east (rear) side of the building and a 14’ x 14’ overhead door on the west (front) side of the building. Each tenant space is approximately 36 ft. x 60 ft. with the end unit having a size of 16 ft. x 36 ft. Each unit, except the smaller unit, contains one (1) unisex bathroom.

The petitioners/owners recently purchased the property and do not plan to make any improvements at this time. There are currently three separate tenants in the building, which they inherited from the previous owner. They plan on continuing to lease to the current tenants. The tenants include, Chem Dry and two (2) units used for personal storage. The new owner/petitioner is proposing to operate their current business

out of Unit 2. The unit is approximately 36 ft. x 60 ft. in size. The petitioners/owners are proposing to operate a restoration business specializing in asbestos abatement. The proposed use requires a 40-yard enclosed dumpster onsite for debris. The dumpster is required to be enclosed on all sides and locked by the door. This will ensure that no asbestos debris will get out of the dumpster, and no one will enter who is not a certified asbestos worker. They are also required to hang a sign on the door of the dumpster that indicates asbestos containing material. The Dumpster will be located on the east side of the south parking area. The business will include the storage of equipment (such as power tools and scrubbers) as well as a box truck and a pick-up truck used in the business.

The business will operate Monday – Friday from 7:00 a.m. to 5:00 p.m. The Business will employ five (5) full-time employees. The proposed use requires five (5) parking spaces for their tenant space. Currently, the site can accommodate twelve (12) parking stalls. Based on the current uses of the property, the site has adequate parking for the existing and proposed uses on the property. All garbage and waste will need to be disposed of properly. The only signage being requested will be a vinyl window sign on the glass entrance door. No other signage is proposed. In addition, no changes to the lighting, landscaping or the exterior of the building are being proposed at this time. The property is served by a private on-site waste disposal system and well.

PLANNER’S RECOMMENDATIONS:

The Town Planner recommends approval of this request subject to the following conditions:

1. The uses approved shall include an asbestos abatement business, along with the three (3) previously approved tenants. All previously imposed conditions on the site by the Town of Genesee Plan Commission shall remain in effect unless specifically amended herein.
2. Any changes to the lighting and/or landscaping shall be reviewed and approved by the Town Plan Commission prior to any changes taking place.
3. No outside storage shall be allowed, except one trailer for an existing tenant and the enclosed dumpster for the asbestos abatement, unless specifically approved by the Town of Genesee Plan Commission.
4. An up-to-date Plan of Operation must be on file at all times with the Town of Genesee Plan Commission and Waukesha County.
5. Any use other than inside personal storage 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.
6. The Fire Chief shall inspect said premises 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. All compliance violations shall be corrected to the Fire Chiefs satisfaction, prior to the issuance of a Plan of Operation/Use Permit (if applicable).
7. 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, prior to the issuance of a Plan of Operation/Use Permit (if applicable).
8. 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 insure it does not become detrimental to the surrounding area.

9. Documentation shall be submitted to the Town Planner that all required local, county, state and federal licenses and permits have been obtained. This includes a copy of the asbestos abatement certification from the State of Wisconsin. The petitioner shall maintain a current asbestos abatement certification from the State of Wisconsin and provide a copy of said certification to the Town Clerk.
10. The petitioner/owner shall provide the Town of Genesee with proof of insurance coverage with the Town of Genesee listed as an additional insured.
11. The petitioner/owner shall provide to the Town Planner a picture or rendering of the enclosed dumpster.
12. 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.
13. 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.
14. Professional fees. Petitioner 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.
15. 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.

8. **Discussion/Action- Certified Survey Map for William Brennan, S15W32158 High Meadow Cir Delafield, WI. More specifically, a combination of part of Lots 6 and 7 Block 1 High Meadow, being part of the NE¼ of Section 5, Town 6 North, Range 18 East, Town of Genesee, Waukesha County, Wisconsin. (GNT 1457.006)** Engelking made a motion to approve CSM for William Brennan subject to Planner Herrmann's conditions dated February 20th, 2023. Seconded by Christiansen. The motion passed unanimously.
9. **Discussion/Action- on waiver from Section 375-12(A) (6) showing slopes in excess of 12% on CSM for William Brennan S15W32158 High Meadow Cir Delafield, WI. More specifically, a combination of part of Lots 6 and 7 Block 1 High Meadow, being part of the ¼ of Section 5, Town 6 North, Range 18 East, Town of Genesee, Waukesha County, Wisconsin. (GNT 1457.006)** Engelking made a motion to approve the waiver from Section 375-12(A) (6). Seconded by Christiansen. The motion passed unanimously. CSM will go to Town Board for final approval on March 13th, 2023

PLANNER'S REPORT AND RECOMMENDATION
CERTIFIED SURVEY MAP (Dated May 18, 2022)

PROJECT NAME: Brennan

TAX KEY NO.: GNT 1457.006

DATE: February 20, 2023

OWNER: William Brennan
S15 W32158 High Meadow Circle
Delafield, WI 53018

LOCATION: Parts of Lot 6 & 7, Block 1, High Meadow, being a part of the NE ¼ of Section 5, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin.

TOWN ZONING: R-1 Residential District.
E-C Environmental Corridor

PARCEL SIZE: Approximately 1.12 acres.

REQUESTED USES: A Certified Survey Map (CSM) to combine two (2) parcels of land into one (1) lot served by a private septic system and a private well.

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN - 2035: The Town of Genesee Comprehensive Land Use Plan – 2035 designates property in the Low-Density Residential category allowing 20,000 square feet to 1.4 acres of lot area per dwelling unit. Therefore, the proposed combination complies with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:
The owner is proposing to combine two (2) parcels into one (1) new Lot. The combined area of the existing parcels is approximately 1.12 acres. The property is located on the north side of High Meadow Circle and has 152.7 feet of frontage on High Meadow Circle. The property contains an existing single-family residence with an attached garage and above ground pool/deck. The petitioner has indicated that he is combining the properties in order to construct a new detached garage.

This submittal is a Certified Survey Map, which gives the Town Plan Commission 75 days and the Town Board 90 days to take action. The Certified Survey Map was filed with the Town of Genesee on January 30, 2023, giving the Town Plan Commission until April 15, 2023 and the Town Board until April 30, 2023, to take action, unless the Developer grants an extension in writing.

PLANNER'S RECOMMENDATION:
In performing a detailed review of the CSM dated May 18, 2022, the Town Planner has found the following items must be complied with, added to the map, modified or waived by the Town of Genesee Plan Commission and Town Board and are deemed conditions that must be satisfied in order to comply with the Town's Land Division Ordinance:

Section 375-12(A)(5) Steep slopes shall be shown on the CSM as follows:

1. Any lot, regardless of size, in which a portion of the lot contains a primary environmental corridor as identified by the Southeast Wisconsin Regional Planning Commission shall identify slopes 12 percent or greater. Steep slopes inside an environmental corridor do not need to be shown on the CSM.

In addition, if there are slopes meeting the above criteria, a note shall be added to the CSM stating, any portion of the lot area with slopes in excess of the limit set forth above, is to be maintained as open space.

Section 375-22 (C) The general location sketch shown on sheet 4 of 6, shall include the location of High Meadow Circle in the NE ¼ of the NE ¼ of Section 5.

Section 375-23 (M) Existing Zoning on and adjacent to the proposed CSM shall be shown on the CSM.

Section 375-23(W) Additional information as requested by the Town Plan Commission or Governing Body:

2. Subject to the Owner satisfying all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including but not limited to the Wisconsin State Statute's per Chapter 236; Comm. 85, Wisconsin Administrative Code; and the Village of Wales in regard to the CSM, prior to the Town signing the final CSM.
3. The Village of Wales shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by the Village of Wales shall be incorporated herein.
4. On sheet 5 of 6, under the Town of Genesee Signature for Town Plan Commission Secretary "Cynthia Zignego" shall be changed to "Rachel Workman".
5. On several sheets dates are labeled as "2022" and should be changed to "2023".
6. The following Primary Environmental Corridor preservation restriction shall be added to the CSM: Those areas identified as Primary Environmental Corridor on this Certified Survey Map CSM shall be subject to the following restrictions:
 - A. Grading and filling are prohibited, unless specifically authorized by the Town of Genesee and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
 - B. The removal of topsoil or other earthen materials is prohibited, unless specifically authorized by the Town of Genesee and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
 - C. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, with the exception that dead, diseased, or dying vegetation may be removed, at the discretion of the landowner and with approval of the Town of Genesee. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the Town of Genesee, shall also be permitted. The removal of any vegetative cover that is necessitated to provide access or service to an approved building or structure, shall be permitted only when the access or service cannot be located outside of the Primary Environmental Corridor and only with approval from the Town of Genesee.
 - D. Grazing by domesticated animals, i.e., horses, cows, etc., is discouraged to the greatest extent possible within the Primary Environmental Corridor.
 - E. The introduction of plant material not indigenous to the existing environment of the Primary Environmental Corridor is prohibited, unless specifically authorized by the Town of Genesee

and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.

F. Ponds may be permitted subject to the approval of the Town of Genesee and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.

G. The construction of buildings is prohibited.

7. Any and all waivers reviewed and approved by the Town Plan Commission and Town Board shall be noted on the final CSM. The Town Planner shall approve the language of the notes.
8. All existing and proposed easements shall be shown.
9. The Town Planner shall review the final CSM prior to the Town Officials signing the final CSM.
10. Subject to, **prior to the Town signing the final CSM, all other required signatures must be inscribed on the final CSM.**
11. Subject to the Owner satisfying all of the aforementioned conditions within **one (1) year** of the Town Board granting conditional final CSM approval.
12. Professional fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, 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.

Section 375-29 (E) All Utility and/or Drainage Easements shall be shown on the final CSM.

Section 375-44 Duplicate CSM to be Filed; An identical reproducible copy (on stable drafting film at least 4 mils thick) along with the recording data shall be placed on file with the Town Clerk. This can take place as a another original CSM or a mylar copy of the original CSM. Signatures shall be placed on both copies of the CSM.

10. **Discussion/Action -Approval of November 28th, 2022 Plan Commission Minutes.** Engelking made a motion to approve November 28th, 2022 minutes. Seconded by Christiansen. The motion passed 6-0. Houston abstained.
11. **Review Pending** None
12. **Correspondence** None

13. **Adjourn** Engelking made a motion to adjourn meeting. Seconded by Christiansen. The motion passed unanimously. Meeting was adjourned at 6:43 p.m.

Respectfully Submitted,

Rachel Workman
Deputy Clerk