

TOWN OF GENESEE PLAN COMMISSION MEETING MINTUES

April 24, 2023

6:00 P.M.

Chairman Leair called the meeting to order at 6:00 p.m. Present were Chairman Leair, Plan Commission members Christiansen, Ross, Lightfoot, Engelking, Toole, and Turzynski. Also present were Planner Herrmann and Plan Commission secretary Workman.

1. **Discussion/Action – Site Plan/Plan of Operation for Tola’s Cocina. Property is described as Lot 2 CSM #7232, being a part of the NW ¼ of Section 27, T6N, R18E in the Town of Genesee, Waukesha County. More specifically, the property is located at W309 S4837 Commercial Drive (GNT 1546.982.005).** Kirk Gardner was present representing Tola’s Cocina. This Plan of Operation is a name change from The Hot Corner to Tola’s Cocina. Ross made a motion to approve the Plan of Operation subject to Planner Herrmann’s recommendations in his April 19th, 2023 Memorandum. The motion was seconded by Engelking. The motion was approved unanimously.

To: Town of Genesee Plan Commission
From: Jeffrey C. Herrmann, Administrator-Planner
Date: April 19, 2023
Re: Tola’s Cocina – Plan of Operation

The property contains a multi-tenant building with different uses including Friends of Nature, Sideliners Pub and Grill, and The Hot Corner. In 2022, the Town of Genesee Plan commission approved a Site Plan/Plan of Operation for Kirk Gardner to operate “The Hot Corner” Pub and Grill, which is currently operating out of Unit C. The owner has decided to change the name of the business from “The Hot Corner” to “Tola’s Cocina”. Tola’s Cocina will continue as a restaurant and tavern business with possibly different food and menu items, no other changes, other than replacing the existing sign face with a new sign face of the same size, are proposed at this time.

Based on the minor change of ownership and business name, the Town Planner recommends that the Town of Genesee Plan Commission approved the proposed request subject to all previous conditions as modified herein and stated as follows:

1. All previous conditions for the other businesses on the proposed property shall remain in effect unless specifically amended herein.
2. Documentation shall be submitted to the Town Planner, that the Environmental Health Division has reviewed the proposed request and indicate whether the existing holding tank is adequate for the proposed uses, prior to the issuance of a Use Permit.
3. A detailed location map, sign size and colored sign rendering for all signs shall be submitted to the Town Planner prior to the Town Building Inspector issuing a zoning permit and/or building permit for said sign(s).
4. No outside amplified music or service announcements are allowed, except during the special events.

5. Eight (8) “Special Events”, which are defined as any event in which space outside the restaurant (excluding the three tables) is utilized for patrons and that is not normally used for patron use during normal business hours. A detailed description of the event, including but not limited to, type of event, location of parking, sanitary facilities, number of persons, length of time, etc. shall be submitted to the Town Board for their review and approval. In addition, the Sheriff and Fire Chief shall be notified of the event and the number of patrons. The Town Board and the Plan Commission shall approve all Special Events at least thirty (30) days prior to said event taking place.
6. Absolutely no outside storage shall be allowed.
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 ensure it does not become detrimental to the surrounding area.
8. Subject to the property complying 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 and Waukesha County.
10. A restaurant license and prerequisite inspection shall be completed and documentation of said inspection and compliance shall be submitted to the Town Planner prior to issuance of an occupancy permit.
11. Documentation shall be submitted to the Town Planner that the Town of Genesee Town Board has issued a Liquor License for the exact premise of the proposed operation, prior to the sale of any alcoholic beverages. All conditions imposed on the Liquor license by the Town Board shall be complied with and adhered to.
12. Subject to the applicant allowing the premises to be available for inspection by the Town of Genesee officials at any reasonable time and upon reasonable notice.
13. Subject to 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. Subject to the petitioner’s being required to appear before the Town Plan Commission to answer complaints upon written notification by the Town Planner.
15. Subject to a letter from the owner and applicant of “Tola’s Cocina” acknowledging and accepting all terms and conditions of this Site Plan/Plan of Operation being submitted to the Town Planner, prior to issuance of a Use Permit.
16. A violation of any condition established above or if the activities on the property become a nuisance to the

surrounding neighborhood, the Town Plan Commission has the authority to revoke or terminate their approval of the Site Plan and Plan of Operation.

17. Documentation shall be submitted to the Town Planner that the local Fire Inspector has inspected the building for compliance with all local fire codes.
18. Documentation shall be submitted to the Town Planner that the Town Building Inspector has inspected the building for compliance with all applicable building codes.
19. Documentation shall be submitted to the Town Planner that all required Federal, State, County, or local licenses and permits have been obtained, including a new liquor license approved by the Town Board.
20. 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.
21. 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.
2. **Discussion/Action- Certified Survey Map for Frank and Ashleigh Schimpf. Property is described as Lots 1 and 2 of CSM #11480, being a part of the SW ¼ and the SE ¼ of Section 27, T6N, R18E, in the Town of Genesee. More specifically, the properties are located at W304 S5225 Hwy 83, Mukwonago, Waukesha County (GNT 1547.999.001 & GNT 1547.999.002)** Frank and Ashleigh Schimpf present. Planner Herrmann presented the CSM as an amendment to the existing CSM, which is taking 100x250 square feet from Lot 1 and moving it to Lot 2 so they are able to build an outbuilding on the new portion of the property so it will meet proper setbacks. Engelking made a motion to recommend approval to the Town Board based on Planner Herrmann's recommendations. The motion was seconded by Christiansen. The motion was approved unanimously.

PLANNER'S REPORT AND RECOMMENDATION
CERTIFIED SURVEY MAP (Dated March 17, 2023)

PROJECT NAME: FS Land-Schimpf CSM

DATE: April 19, 2023

OWNER: FS Land LLC

S52 W31029 Old Village Road
Waukesha, WI 53149

OWNER: Frank & Ashleigh Schimpf
W304 S5225 STH 83
Mukwonago, WI 53149

SURVEYOR: Kettle Moraine Surveying
P.O. Box 357
Eagle, WI 53119

TAX KEY NO.: GNT 1547.999.001
GNT 1547.999.002

LOCATION Lots 1 & 2 Certified Survey Map No. 11480, being a part of the NE ¼ and the SE ¼ of the SW ¼ and the NW ¼ of the SE ¼ of Section 27, T6N R18E, Town of Genesee, Waukesha County, Wisconsin.

ZONING CLASSIFICATION: A-5 Mini-Farm District.
C-1 Conservancy District.
A-E Exclusive Agricultural Conservancy District.
E-C Environmental Corridor District.
R-1 Residential District.

LOT SIZE: Approximately 39.93 acres.

REQUESTED USES: A Two (2) Lot Certified Survey Map (CSM).

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

The Town of Genesee Comprehensive Land Use Plan – 2035 designates the southern portion of this property in the Primary Environmental Corridor Category, which recognizes that certain development may be accommodated in such areas without jeopardizing their overall integrity. The Plan also recognizes that wherever possible the plan preserves and protects Environmental Corridors to the greatest extent possible. The northern portion of the property is designated as 5-acre Residential allowing development at 5.0 acres of lot area per dwelling unit. This CSM proposes to protect the environmental corridor and restricting the development to the northeastern portion of the property. Therefore, the proposed land division complies with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

Although the properties are listed with different owners, both properties are owned by the same family. Presently, Lot 1 is 11.01 acres and is currently vacant. Lot 2 is 28.92 acres with 100 feet of frontage on STH 83. This parcel contains a single-family home with an attached garage. The owner of Lot 2 CSM 11480 is proposing to acquire a 100 ft. x 250 ft. (approximately 25,000 square feet) parcel of land from the owner of Lot 1 CSM 11480. This will result in Lot 1 being reduced from 11.01 acres to 10.44 acres in size. Lot 2 will increase in size from 28.92 acres to 29.49 acres. There no changes to the road access easement or the number of Lots. Both parcels will comply with the Town of Genesee Comprehensive Land Use Plan – 2035 as well as the Waukesha County Development Plan.

This submittal is a CSM, which gives the Town Plan Commission 75 days and the Town Board 90 days to take action. The CSM was filed with the Town of Genesee on March 24, 2023, giving the Town Plan Commission until June 7, 2023, and the Town Board until June 22, 2023, to take action, unless the Developer grants an extension in writing.

PLANNER'S RECOMMENDATION:

In performing a detailed review of the CSM dated March 24, 2023, 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 375-23 (M) Existing Zoning on and adjacent to the proposed CSM shall be shown on the CSM.

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.**

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

1. 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 North Prairie, and Waukesha County in regard to the CSM, prior to the Town signing the final CSM.
2. The Village of North Prairie and Waukesha County shall review, approve, and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by the Village of North Prairie and Waukesha County shall be incorporated herein.

3. On sheet 4 of 5, under the Town of Genesee Signature for Town Clerk “Mert” is misspelled and should be changed to “Meri”. “Town Clerk” should be changed to “Town Clerk-Treasurer”.
4. 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.
5. All existing and proposed easements shall be shown.
6. The Town Planner shall review the final CSM prior to the Town Officials signing the final CSM.
7. Subject to, **prior to the Town signing the final CSM, all other required signatures must be inscribed on the final CSM.**
8. Subject to the Owner satisfying all of the aforementioned conditions within **one (1) year** of the Town Board granting conditional final CSM approval.
9. 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.
10. 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 C. Herrmann, AICP

Administrator-Planner

3. **Discussion/Action- Frank and Ashleigh Schimpf to allow an Accessory Building in excess of 1,600 square feet. Property is described as Lot 2 CSM #11480, being a part of the SW ¼ and the SE ¼ of Section 27, T6N, R18E, in the Town of Genesee. More specifically, the property is located at W304 S5225 Hwy 83, Mukwonago, Waukesha County (GNT 1547.999.002)** Frank and Ashleigh Schimpf present. Planner Herrmann recommends approval subject to a deed restriction stating the building will not be used for any commercial purpose. Engelking made a motion to approve the

accessory building in excess of 1,600 square feet subject to the filing of the recommended deed restriction. The motion was seconded by Ross. The motion was approved unanimously.

4. **Discussion/Action- Special Event for Sideliners Pub and Grill parking lot on June 9th and June 10th 2023 W309 S4837 Commercial Drive, Genesee Depot, WI. (Tax Key GNT 1546.982.005)** Kirk Gardner present representing Sideliners. The special event will be taking place in the parking lot of Sideliners Pub and Grill. Planner Herrmann verified that they will be bringing in (6) portable toilets and that the music stage will be towards HWY 59. Ross made a motion to approve the special event. The motion was seconded by Engelking. The motion was approved unanimously. The special event will now go to the Town Board for approval on May 8th, 2023
5. **Discussion on Future Amendments to the Town of Genesee Zoning Code.** Planner Herrmann presented to the Plan Commission proposed amendments to the Town of Genesee Zoning Code regarding the zoning for Accessory buildings. Planner Herrmann provided examples from Waukesha County, Village of Waukesha, Village of Vernon, and Town of Mukwonago in comparison to the current Town of Genesee Zoning Code. Many of these municipalities base size of accessory structures on acres of land owned. Planner Herrmann stated that in the past the Town had issues with people using larger buildings for unauthorized commercial use, but Planner Herrmann thinks that will no longer be an issue because he will require every large accessory structure to file a deed restriction with the county stating that said building will not be used for commercial use. Planner Herrmann would like the Plan Commission to give feedback before he writes an amendment to the Zoning Code.
6. **Discussion/Action -Approval of February 27, 2023 Public Hearing Minutes.** Engelking made a motion to approve minutes. The motion was seconded by Christiansen. The motion was approved 6-0 with Ross abstaining as he was not on Plan Commission at that time.
7. **Discussion/Action- Approval of March 27, 2023 Plan Commission Meeting Minutes.** Christiansen made a motion to approve minutes. The motion was seconded by Lightfoot. The motion was approved 4-0 with 3 abstaining due to absence at March 27, 2023 meeting.
8. **Review Pending** None
9. **Correspondence** None
10. **Adjourn** Christiansen made a motion to adjourn the meeting. The motion was seconded by Engelking. The motion was approved unanimously. The meeting was adjourned at 6:18 p.m.

Respectfully Submitted,

Rachel Workman

Deputy Clerk
April 20, 2023

Notice - It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Town Office at 968-3656.