

ENROLLED ORDINANCE 169-53

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF GENESEE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ AND THE NE ¼ OF SECTION 27, T6N, R18E, TOWN OF GENESEE, WAUKESHA COUNTY, WISCONSIN, FROM THE R-2 RESIDENTIAL DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SCZ-1786)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Genesee Town Board on July 14, 2014, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the Town of Genesee, Waukesha County, Wisconsin, and the Waukesha County Zoning Code adopted by the Waukesha County Board of Supervisors, on February 26, 1959, are hereby amended to rezone certain lands located in part of the NW ¼ and the NE ¼ of Section 27, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin from the R-2 Residential District to the R-3 Residential 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 SCZ-1786, is hereby approved.

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.

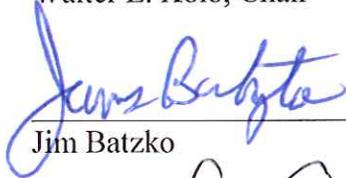
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

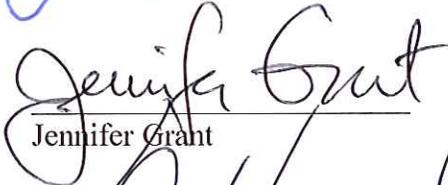
AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF GENESEE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ AND THE NE ¼ OF SECTION 27, T6N, R18E, TOWN OF GENESEE, WAUKESHA COUNTY, WISCONSIN, FROM THE R-2 RESIDENTIAL DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SCZ-1786)

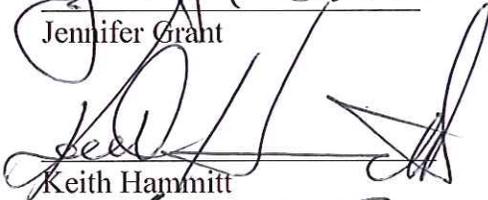
Presented by:
Land Use, Parks, and Environment Committee

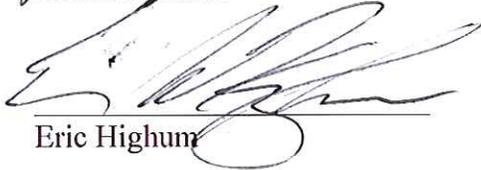
<ABSENT>

Walter L. Kolb, Chair


Jim Batzko


Jennifer Grant


Keith Hammitt


Eric Highum

<ABSENT>

Pauline T. Jaske


Thomas J. Schellinger

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

Date: _____, 
Kathleen Novack, County Clerk

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

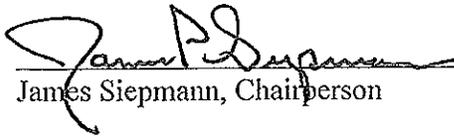
Approved: _____
Vetoed: _____
Date: 9-25-14, 
Daniel P. Vrakas, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, hereby recommends approval of (SCZ-1786 Town of Genesee) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

August 21, 2014

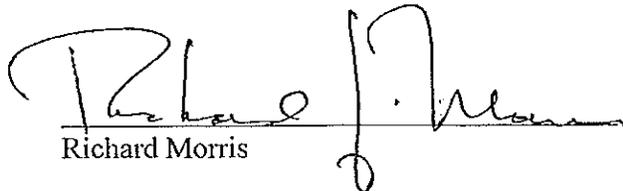

James Siepmann, Chairperson


Walter Kolb, Vice Chairperson


Robert Peregrine


Gary Goodchild


William Mitchell


Richard Morris

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

FILE NO.: SCZ-1786

DATE: August 21, 2014

APPLICANT: Town of Genesee
S43 W31391 S.T.H. "83"
Genesee Depot, WI 53127

TAX KEY NO.: Area Wide - Several tax key numbers are affected by the proposed request.

LOCATION:
Part of the NW ¼ and NE ¼ of Section 27, T6N, R18E, Town of Genesee. The properties are generally located south of Old Village Road, north of Walnut Street, extending approximately 200 ft. east of S.T.H. 83, except those properties currently zoned business. The total area to be rezoned consists of approximately 21.46 acres.

EXISTING ZONING:
R-2 Residential District (requires a minimum lot size of 30,000 sq. ft. and a minimum width of 120 ft.).

PROPOSED ZONING:
R-3 Residential District (requires a minimum lot size of 20,000 sq. ft. and a minimum width of 120 ft.)

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

The Town and County Plans identify a majority of the properties as low density residential, requiring a minimum of 20,000 sq. ft. per unit. The plans designate the existing church property (W306 S5075 Church St., GNT 1546.009.001) as Governmental Institutional and two (2) properties along Old Village Road (S49 W30673 Old Village Rd., GNT 1546.003 and GNT 1546.004 with an unknown address) as Commercial and Office Park. Both plans recommend that properties be zoned as used. The properties planned for commercial use are currently residential in nature and the church has a Conditional Use Permit to operate in a residential neighborhood. A developed portion of the property located at W305 S5106 S.T.H 83, GNT 1545.991 is included in the rezone request and is designated as Rural Density and Other Agricultural Land, which requires a minimum of 5 acres per unit, and Suburban II Residential, which requires a minimum of 3 to 4.9 acres per unit on the County's Plan and Suburban II Residential on the Town's Plan. The proposed request complies with both the Comprehensive Development Plan for Waukesha County and the Town of Genesee Comprehensive Development Plan, because all lands will be zoned as used.

PUBLIC HEARING DATE:
June 23, 2014.

PUBLIC REACTION:
One affected property owner mentioned that some of the duplexes in the area have existed for 60 to 80 years. Another affected property owner asked if there would be less open space as a result of the rezone. (The requirements would not change since a legal nonconforming lot that does not meet the minimum lot size or width requirements is allowed to utilize the open space requirements of the R-3 Residential District). Another affected property owner questioned whether the entire township was being rezoned. (The area in question is identified on the attached map). Lastly, a property owner wanted to know if the rezone would follow lot lines or cut through a property. (The rezone will follow lot lines, with one exception).

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On June 23, 2013, the Town of Genesee Plan Commission recommended that the Town Board approve the proposed rezone as requested. On July 14, 2014, the Town Board approved the rezone as requested. The Town's Resolution (14-8R) is attached as Exhibit "A".

EXISTING LAND USES:

There are several single-family residential properties, a few multi-family residential properties, and a church.

PROPOSAL AND STAFF ANALYSIS:

The Town of Genesee is proposing to amend the zoning on 44 properties generally located south of Old Village Road, north of Walnut Street, extending approximately 200 ft. east of S.T.H. 83, with the exception of those properties currently zoned business. A map of the proposed rezone request is attached to this report. All of the properties subject to the request are lots or parts of lots located within the Genesee Subdivision Plat recorded in 1890. The surrounding lands are primarily residential with a few properties zoned business at the corner of Old Village Road and S.T.H. 83. The Town is making the request after identifying that a majority of the properties within the area of proposed change do not comply with the minimum lot size requirement of the existing R-2 Residential District of the Waukesha County Zoning Code and Waukesha County Shoreland and Floodland Protection Ordinance. The R-2 Residential District requires a minimum lot size of 30,000 sq. ft. Therefore, the Town is requesting a rezone to the R-3 Residential District, which requires a minimum lot size of 20,000 sq. ft. Both zoning districts require a minimum width of 120 ft. Some of the lots will continue to be nonconforming to the minimum lot size of the R-3 Residential District, but they will be in more conformance than if zoned R-2 Residential. The R-3 Residential District also allows multi-family uses provided a Conditional Use Permit is obtained, whereas the R-2 Residential District does not allow multi-family uses. There are minimum standards outlined within the County Zoning Codes that must be met in order to obtain a Conditional Use Permit for multi-family use. There is a Conditional Use application currently pending for one such Conditional Use request that would legalize one of the existing duplexes within the subject area.

STAFF RECOMMENDATION:

Based upon the above information, the Planning and Zoning Division Staff recommends **approval** of the Town's request to rezone the properties from the R-2 Residential Zoning District to the R-3 Residential Zoning District. The lots pre-date zoning regulations and the affected parcels are consistent with the lot size requirements of the R-3 Residential District. The proposed zoning district is compatible with the surrounding land uses and the applicable land use plans.

Respectfully submitted,

Amy Barrows

Amy Barrows
Senior Land Use Specialist

Attachments: Exhibit "A" (including the Town's Exhibit "A") and Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1786 Town of Genesee gnt.doc

RESOLUTION 14-8R

TOWN BOARD OF THE TOWN OF GENESEE

A Municipal Corporation

WHEREAS, a Zoning Amendment request was filed by the Town of Genesee to amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code as it pertains to Several properties located in part of the NW ¼ of the NE ¼ of Section 27, T6N, R18E, in the Town of Genesee.

WHEREAS, the Town of Genesee is proposing to amend the zoning district map from the R-2 Residential District to the R-3 Residential District.

WHEREAS, A Joint Public Hearing was held by the Town of Genesee Plan Commission and the Waukesha County Department of Parks and Land Use on June 23, 2014 at the Genesee Town Hall located at S43 W31391 Highway 83 Genesee Depot, Wisconsin to consider said request: and

WHEREAS, the Town of Genesee Plan Commission held a public meeting to discuss said request. After discussion in regards to said request, by motion, properly made and seconded, the Genesee Town Plan Commission voted to recommend to the Town Board an approval of the request.

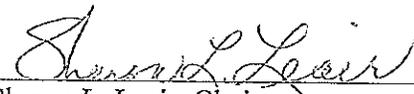
WHEREAS, the Genesee Town Board held a public meeting on Monday, July 14, 2014 to discuss said request. BASED UPON THE SAME:

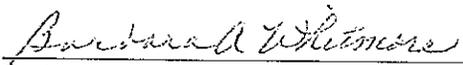
IT IS HEREBY RESOLVED BY THE TOWN BOARD OF THE TOWN OF GENESEE, it being the Town affected by said proposed zoning amendment, THAT, the request for the petitioner be approved as requested

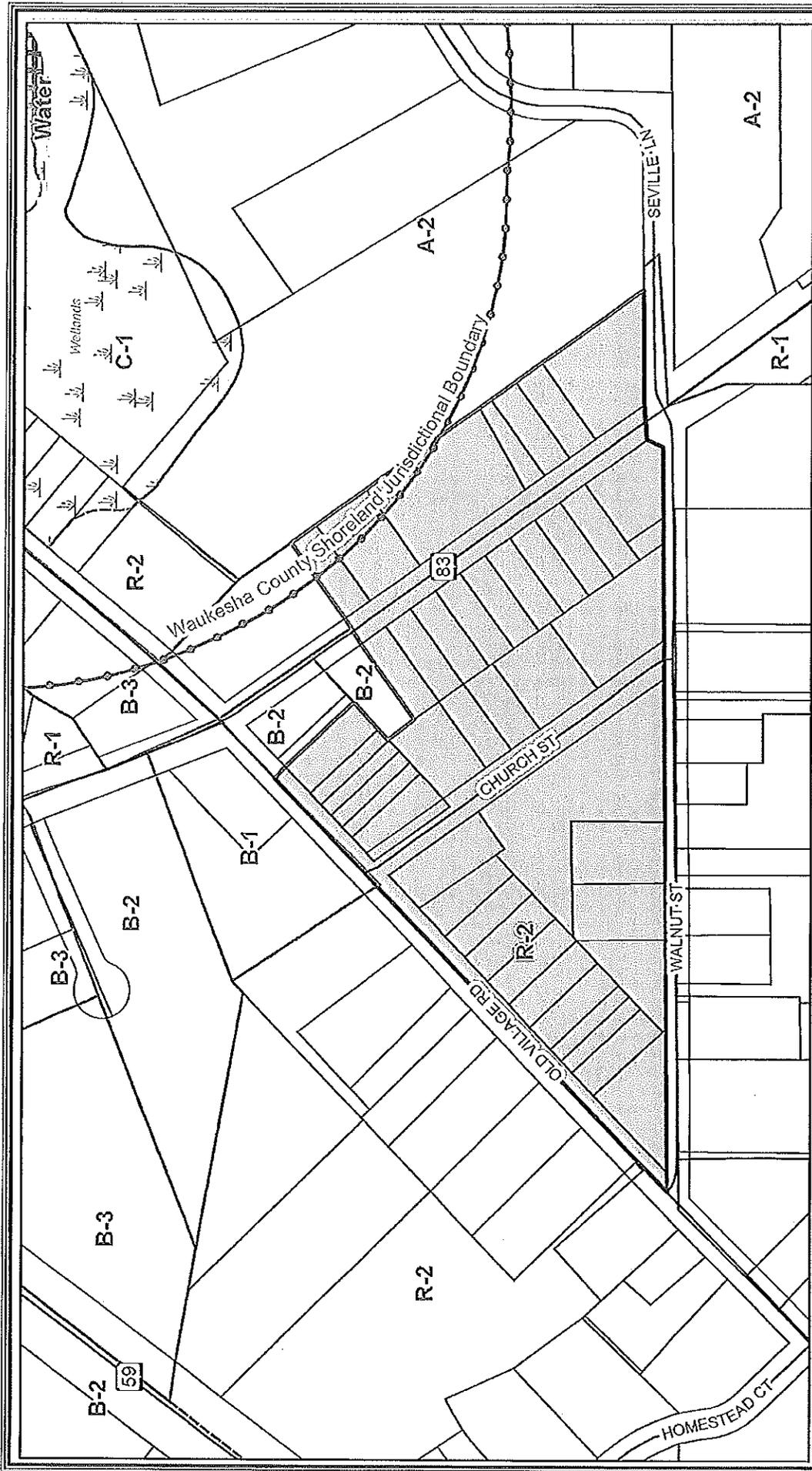
AND FURTHER BE IT RESOLVED that this recommendation is based upon the rezoning applying only to the area as indicated on Exhibit A attached hereto.

AND FURTHER BE IT RESOLVED;
BY THE TOWN BOARD OF THE TOWN OF GENESEE, that the Town of Genesee does hereby give notice to the County that it approves the zoning amendment request of the Town of Genesee.

Dated this 14th day of July, 2014


Sharon L. Leair, Chairman


Barbara A. Whitmore, Clerk



 SHORELAND AND COUNTY ZONING CHANGE FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT (21.46 AC)

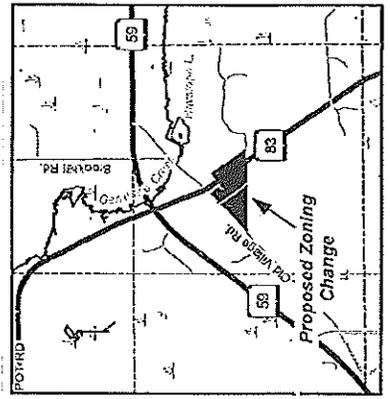
FILE.....SCZ-1786
 DATE.....08-21-14
 AREA OF CHANGE.....21.40 ACRES
 TAX KEY NUMBERS.....Multiple

ZONING MAP AMENDMENT

PART OF THE NW & NE 1/4 OF SECTION 27 TOWN OF GENESEE



Prepared by the Waukesha County Department of Parks and Land Use



WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/23/14

(ORD) NUMBER-1690054

1 R. KOLB.....AYE	2 D. Zimmermann.....AYE
3 R. MORRIS.....	4 J. BATZKO.....AYE
5 J. BRANDTJEN.....AYE	6 J. WALZ.....AYE
7 J. GRANT.....AYE	8 E. HIGHUM.....AYE
9 J. HEINRICH.....AYE	10 D. SWAN.....AYE
11 C. HOWARD.....AYE	12 P. WOLFF.....AYE
13 P. DECKER.....AYE	14 C. PETTIS.....AYE
15 W. KOLB.....	16 M. CROWLEY.....AYE
17 D. PAULSON.....AYE	18 L. NELSON.....AYE
19 K. CUMMINGS.....AYE	20 T. SCHELLINGER....AYE
21 W. ZABOROWSKI.....AYE	22 P. JASKE.....AYE
23 K. HAMMITT.....AYE	24 S. WHITTOW.....AYE
25 G. YERKE.....AYE	

TOTAL AYES-23

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-23