

ENROLLED ORDINANCE 176-38

YEAR 2021 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (4A – JANSSEN_TKS CORP, SECTION 35, T6N, R18E, TOWN OF GENESEE)

WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and

WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual update and amendment procedures; and

WHEREAS, on May 20, 2021, the Waukesha County Park and Planning Commission held a Public Hearing to receive testimony on proposed changes to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated June 17, 2021, a summary of the Public Hearing comments and a Staff Recommendation for the proposed change to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on June 17, 2021, and a recommendation was reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required in the Comprehensive Development Plan for Waukesha County.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following amendment is hereby approved to the Year 2035 Comprehensive Development Plan for Waukesha County.

4. In the Town of Genesee, the following request is being made:
 - A. **Ryan Janssen**, P.O. Box 486 Mukwonago, WI 53194, representing property owned by TKS Corporation, 2310 Woodfield Circle, Waukesha, WI 53188, requests property located in part of the SW ¼, NW ¼ and SE ¼ of Section 35, T6N, R18E, Town of Genesee (Tax Key No. 1579.999), be amended from the Suburban II Density Residential (3.0 to 4.9 acres of area per dwelling unit) and the Rural Density and Other Agricultural Land (5.0 to 34.9 acres of area per dwelling unit or equivalent density) categories to the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit), in order to allow for a residential subdivision.

The request is approved subject to the following conditions:

1. The maximum number of lots shall be 16 and the layout shall substantially conform to the layout attached as Exhibit B.

2. The entire fen that is identified on Exhibit A shall be conserved on an outlot to be owned by a conservancy organization. If no local conservancy organization is prepared to receive the dedication of the outlot, the outlot shall be subject to a conservation easement with the beneficiary of the easement being a local conservancy organization or public entity. The conservancy easement document shall be reviewed and approved by the Waukesha County Planning and Zoning Division.
3. The wetlands on proposed Lots 10 and 11 shall be placed in conservation easement. The beneficiary of the easement shall be a local land conservancy organization or public entity. The conservancy easement document shall be reviewed and approved by the Waukesha County Planning and Zoning Division.
4. An open space/natural areas management plan shall be prepared and reviewed and approved by the town and Waukesha County Planning and Zoning Division prior to approval of a preliminary plat. The plan shall include a requirement that future lot owners share in costs to maintain the natural resources on site with a deed restriction to be recorded against lots to make all lot owners aware of said obligations.
5. Building envelopes shall be provided on the plat to exclude areas of Secondary Environmental Corridor from the buildable area and to ensure preservation of said areas.

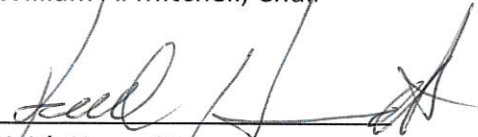
BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

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

YEAR 2021 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (4A – JANSSEN_TKS CORP, SECTION 35, T6N, R18E, TOWN OF GENESEE)


Presented by:
Land Use, Parks, and Environment Committee


William A. Mitchell, Chair


Keith Hammitt


Thomas A. Michalski


Chris Mommaerts



Richard Morris


Thomas J. Schellinger

Absent

Steve Whittow

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

Date: July 30 2021, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed:

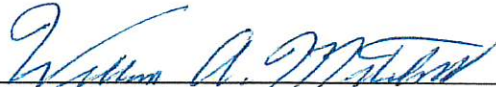
Date: 7/30/2021, 
Paul Farrow, County Executive

COMMISSION ACTION

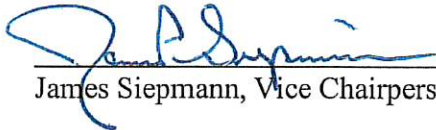
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2021 Amendment to the Comprehensive Development Plan for Waukesha County, (4A – Janssen_TKS Corp.), Section 35, T6N, R18E, Town of Genesee) hereby recommends **approval**.

PARK AND PLANNING COMMISSION

June 17, 2021



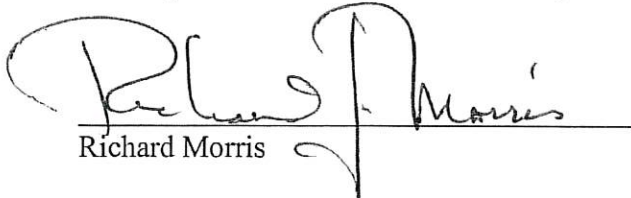
William Mitchell, Chairperson



James Siepmann, Vice Chairperson



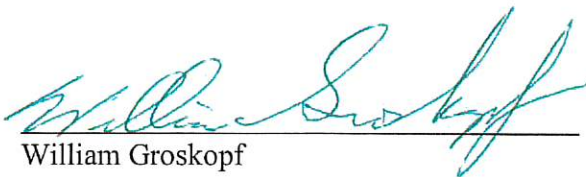
Robert Peregrine



Richard Morris

Absent

Thomas Michalski



William Groskopf

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2021 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
4(A) JANSSEN/TKS CORPORATION, TOWN OF GENESEE

DATE: June 17, 2021

PUBLIC HEARING DATE:
Thursday, May 20, 2021, 1:00 p.m.

REQUEST:
4(A) Year 2021 Out of Sequence Amendment to the Comprehensive Development Plan.

Ryan Janssen, P.O. Box 486 Mukwonago, WI 53194, representing property owned by TKS Corporation, 2310 Woodfield Circle, Waukesha, WI 53188, requests property located in part of the SW ¼, NW ¼ and SE ¼ of Section 35, T6N, R18E, Town of Genesee (Tax Key No. 1579.999), be amended from the Suburban II Density Residential (3.0 to 4.9 acres of area per dwelling unit) and the Rural Density and Other Agricultural Land (5.0 to 34.9 acres of area per dwelling unit or equivalent density) categories to the Suburban I Density Residential category (1.5 to 2.9 acres of area per dwelling unit), in order to allow for a residential subdivision.

EXISTING LAND USE CATEGORY:
Suburban II Density Residential, Rural Density and Other Agricultural Land categories, Other Open Lands to be Preserved and Secondary Environmental Corridor.

PROPOSED LAND USE CATEGORY:
Suburban I Density Residential (Other Open Lands to be Preserved and Secondary Environmental Corridor to remain).

PUBLIC REACTION:
Correspondence was received from a nearby neighbor to the northeast. He expressed that both he and his neighbors have concern about the proposal changing from nine three-acre lots to 16 one-acre lots. He stated that he moved to his current property for the rural setting and noted that Saylesville Road is hilly and dangerous and expressed site distance concerns. He also noted that the details of the conservation easement are important in protecting the sensitive natural areas.

TOWN ACTION:
The Town of Genesee approved an amendment to the Town Plan to amend the property to the Suburban I Density Residential category.

STAFF ANALYSIS:
The subject property contains numerous natural resources. The Southeastern Wisconsin Regional Planning Commission delineated natural features on the property and identified a fen, which is a rare type of wetland that is groundwater fed (See Exhibit A) in the area of proposed Outlot 1. The fen has been designated as a proposed Natural Area (Saylesville Road Fen) and will become part of the regional natural areas and critical species habitat plan. The site also contains areas of steep slopes, a prairie remnant and upland woods. Most of the natural resources are part of the large area of Secondary Environmental Corridor (SEC) on the property. There are approximately 56 acres of wetlands and 20.8 acres of upland SEC on the 106 acre property.

The north one-half of the property is currently planned in the Suburban Density II Residential category which allows for a maximum of one dwelling unit per three acres. The south part of the

property is planned in the Rural Density and Other Agricultural Land category which allows for a maximum of one dwelling unit per five acres. As currently designated, a maximum of approximately 12 lots would be available. County and regional plans recommend conservation design in planned rural use areas. A change to SDRI (one dwelling unit per 1.5 acres) with consideration of the Secondary Environmental Corridor would yield approximately 22 lots.

The neighborhood setting includes suburban type development to the northwest and west and rural uses to the south and east. The request is being brought forward to accommodate a residential subdivision. The submitted concept plan shows a total of 16 lots, 15 of which would be served by an internal road system that would access C.T.H. X immediately aligned with Loraine Dr. The County Department of Public Works has reviewed the proposed CTH X (Saylesville Rd.) access location opposite Loraine Dr. and finds the location to be acceptable for site distance. Lot 16 would be accessed by Genesee Pass.

Outlot 1 would contain the fen, other areas of wetland and much of the most mature woodland on the property. Lots 10 and 11 would be much larger than the other lots and contain extensive areas of wetland that extend to the east property boundary. The developer has been in discussions with the Waukesha County Land Conservancy regarding a conservation easement across most of the sensitive areas of the two proposed large lots.

The petitioner has submitted multiple concept plans to the town and county over the past number of months. At the Development Review Team meeting for the project, town and county staff recommended conservation design and the elimination of the large lots encroaching into the vast wetlands on the site. The petitioner expressed that he feels that the two large lots are important to make the project financially viable. He wishes to be able to market those two lots as having potential for hunting. He did express willingness to conserve the fen on an outlot. The most recently revised concept plan (see Exhibit B) shows an adjustment to the Outlot 1, Lot 9 and Lot 10 boundaries which now places the entirety of the fen area on Outlot 1 and keeps Lot 9 from encroaching upon the wetland, as recommended by county staff.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following conditions:

1. The maximum number of lots shall be 16 and the layout shall substantially conform to the layout attached as Exhibit B.
2. The entire fen that is identified on Exhibit A shall be conserved on an outlot to be owned by a conservancy organization. If no local conservancy organization is prepared to receive the dedication of the outlot, the outlot shall be subject to a conservation easement with the beneficiary of the easement being a local conservancy organization or public entity. The conservancy easement document shall be reviewed and approved by the Waukesha County Planning and Zoning Division.
3. The wetlands on proposed Lots 10 and 11 shall be placed in conservation easement. The beneficiary of the easement shall be a local land conservancy organization or public entity. The conservancy easement document shall be reviewed and approved by the Waukesha County Planning and Zoning Division.

4. An open space/natural areas management plan shall be prepared and reviewed and approved by the town and Waukesha County Planning and Zoning Division prior to approval of a preliminary plat. The plan shall include a requirement that future lot owners share in costs to maintain the natural resources on site with a deed restriction to be recorded against lots to make all lot owners aware of said obligations.
5. Building envelopes shall be provided on the plat to exclude areas of Secondary Environmental Corridor from the buildable area and to ensure preservation of said areas.

As conditioned, the property can be developed in a hybrid conservation/conventional subdivision design. The most significant natural resources, including the fen and natural area and much of the mature woods would be conserved in perpetual open space. Wetland areas on Lots 10 and 11 would be protected via a conservation easement. Conditions within the vast wetlands on the site and the upland areas of the Secondary Environmental Corridor may improve over time with the required management plan and funding structure provided for in Condition No. 4. Staff feels that while a full conservation design may have been preferable, this hybrid plan also brings forward significant gains for the natural environment. Ownership of the fen outlot by a local conservancy organization and conservation easements across other privately owned wetlands will ensure the preservation of the best natural features on the site. The increase in density allows the petitioner to be able to create the outlot with the significant natural features.

Respectfully submitted,

Jason Fruth

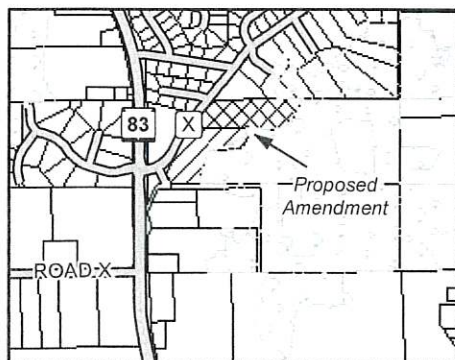
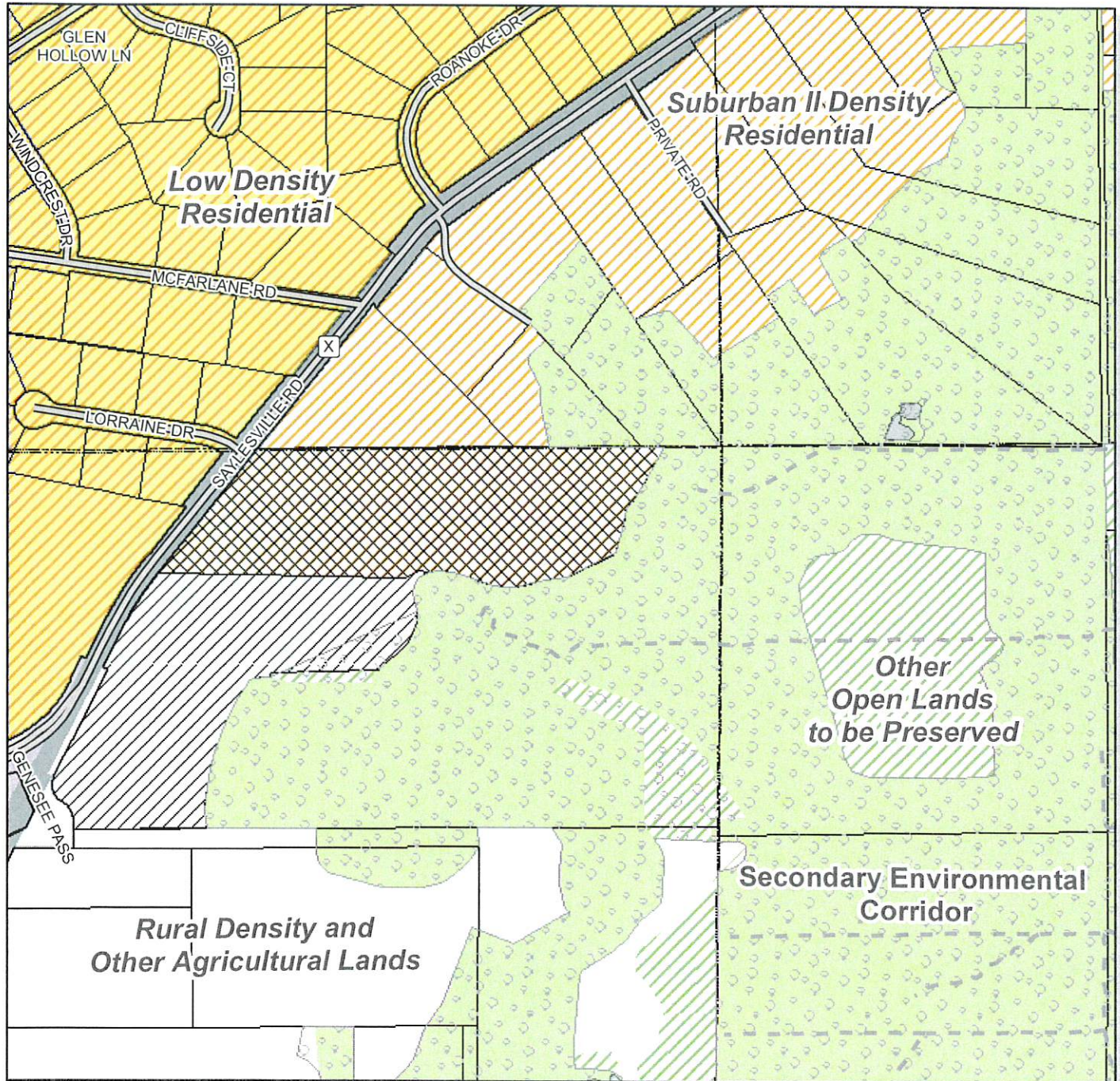
Jason Fruth
Planning Manager



Attachment: Map
Exhibits A and B

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION\2021\4A Janssen_TKS Corp gnt.doc

DEVELOPMENT PLAN AMENDMENT

PART OF SECTION 35,
TOWN OF GENESEE



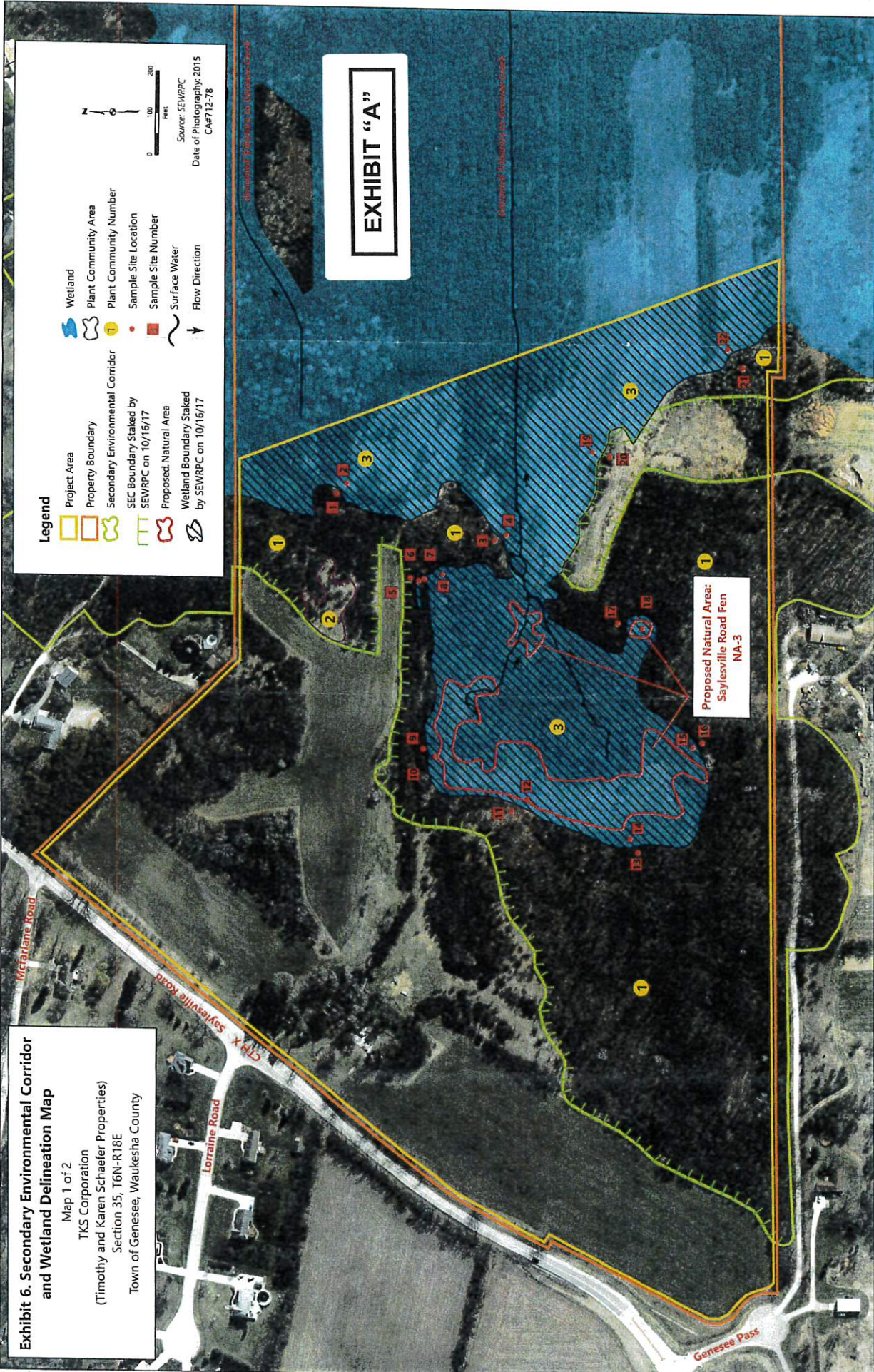
-  COUNTY DEVELOPMENT PLAN AMENDMENT FROM SUBURBAN II DENSITY RESIDENTIAL TO SUBURBAN I DENSITY RESIDENTIAL
-  COUNTY DEVELOPMENT PLAN AMENDMENT FROM RURAL DENSITY AND OTHER AGRICULTURAL LANDS TO SUBURBAN I DENSITY RESIDENTIAL

PETITIONER.....Ryan Janssen
 DATE OF PUBLIC HEARING.....06/17/21
 AREA OF CHANGE.....28 ACRES



Prepared by the Waukesha County Department of Parks and Land Use

Exhibit 6. Secondary Environmental Corridor and Wetland Delineation Map
 Map 1 of 2
 TKS Corporation
 (Timothy and Karen Schaefer Properties)
 Section 35, T6N-R18E
 Town of Genesee, Waukesha County



Legend

- Project Area
- Property Boundary
- Secondary Environmental Corridor
- SEC Boundary Staked by SEWRPC on 10/16/17
- Proposed Natural Area
- Wetland Boundary Staked by SEWRPC on 10/16/17
- Wetland
- Plant Community Area
- Plant Community Number
- Sample Site Location
- Sample Site Number
- Surface Water
- Flow Direction

Source: SEWRPC
 Date of Photography: 2015
 CAP712-78

EXHIBIT "A"


Proposed Natural Area:
 Saylesville Road Fen
 NA-3

VOTING RESULTS

AYE 23 NAY 0 ABSTAIN 0 ABSENT 2

Ordinance 176-O-039

Ordinance 176-O-039: Year 2021 Amendment to the C...

 **Passed By Majority Vote**

D1 - Foti	AYE	D14 - Mommaerts	AYE
D2 - Zimmermann	AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - LaFontain	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	ABSENT	D24 - Whittow	ABSENT
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

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