

Enrolled Ordinance 171-089

YEAR 2017 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (IA- WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, SECTION 35, T6N, RISE, 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 February 23, 2017, 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 March 16, 2017, a summary of the Public Hearing, comments and Staff Recommendations 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 March 16, 2017, 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.

1. In the Town of Genesee, the following request is being made:

- A. *The Waukesha County Department of Parks and Land Use*, 515 W. Moreland Blvd., Waukesha, WI 53188, requests property owned by Survivors Trust U/Alex & Sadie Roitblat Trust, Marna Stein Et Al, P.O. Box 1750, Santa Ynez, CA 93460, located in part of the SW V4 of Section 35, T6N, R1 8E, Town of Genesee (Tax Key No. GNT 1579.998), be amended from the Transportation, Communication and Utilities category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to recognize that these lands are not needed for future transportation uses.

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.

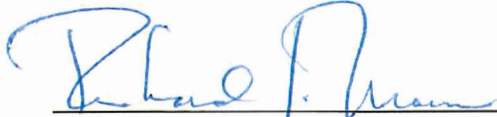
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Genesee.

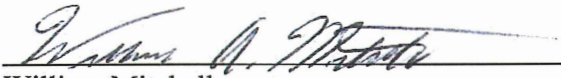
**COMMISSION ACTION**


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2017 Approval of Amendment to the Comprehensive Development Plan for Waukesha County, (1A – Waukesha County Department of Parks and Land Use, Section 35, T6N, R18E, Town of Genesee) hereby recommends **approval**.

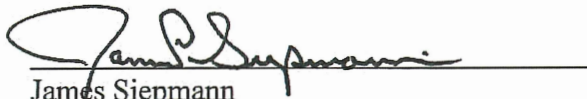
**PARK AND PLANNING COMMISSION**

**March 16, 2017**

  
Richard Morris, Chairperson

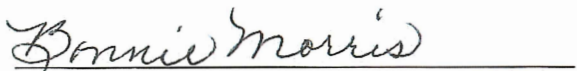
  
William Mitchell

  
Robert Peregrine

  
James Siepmann

Absent  
Keith Hammit

Absent  
William Maslowski

  
Bonnie Morris

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION FOR A**  
**YEAR 2017 AMENDMENT TO THE COMPREHENSIVE**  
**DEVELOPMENT PLAN FOR WAUKESHA COUNTY**  
**(1A – WAUKESHA COUNTY DEPARTMENT OF**  
**PARKS AND LAND USE, TOWN OF GENESEE)**

**DATE:** March 16, 2017

**PUBLIC HEARING DATE:**

Thursday, February 23, 2017, 1:00 p.m.

A copy of the Public Hearing Minutes associated with the request is included herein as an attachment (see Exhibit "A").

**REQUEST:**

Year 2017 amendment to the Comprehensive Development Plan for Waukesha County pursuant to the procedures outlined in the Plan.

1. In the Town of Genesee, the following request is being made:

- A. *The Waukesha County Department of Parks and Land Use*, 515 W. Moreland Blvd., Waukesha, WI 53188, requests property owned by Survivors Trust U/Alex & Sadie Roitblat Trust, Marna Stein Et Al, P.O. Box 1750, Santa Ynez, CA 93460, located in part of the SW ¼ of Section 35, T6N, R18E, Town of Genesee (Tax Key No. GNT 1579.998), be amended from the Transportation, Communication and Utilities category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to recognize that these lands are not needed for future transportation uses.

**EXISTING LAND USE CATEGORY**

Transportation, Communication and Utilities.

**PROPOSED LAND USE CATEGORY**

Low Density Residential (20,000 sq. ft. to 1.4 acres per dwelling unit).

**PUBLIC REACTION**

None.

**TOWN PLAN COMMISSION ACTION**

At their meeting on November 29, 2016, the Town of Genesee Plan Commission made a recommendation to the Town Board for approval of the request to amend the Town of Genesee Comprehensive Plan – 2013 from the Transportation, Communication and Utilities land use category to the Low Density Residential land use category (Resolution 16-8R).

**TOWN BOARD ACTION**

The Town of Genesee Board unanimously approved the Town plan amendment at their January 9, 2017 meeting (Ordinance 17-1).

**STAFF ANALYSIS:**

The subject property is 12 acres in size. The property is located between S.T.H. “83” and C.T.H. “X”. The property is currently being used for agricultural purposes. The property is designated in the Transportation, Communication and Utilities category because it was anticipated that the subject lands may be needed for S.T.H. “83” reconfiguration and widening. State Highway “83” was recently reconfigured in the area of the subject property and a new roundabout was installed at the intersection of S.T.H. “83” and C.T.H. “X”. Therefore, there is no need for additional lands to accommodate the highway systems.

The Waukesha County Department of Parks and Land Use agreed to advance the proposed amendment on behalf of the property owner because of the unique Plan designation that was previously applied for public benefit. The proposal is to amend the land use designation to the Low Density Residential land use category, which requires a minimum density of 20,000 sq. ft. to 1.4 acres per dwelling unit. The proposed designation matches the adjacent lands to the north, which comprises mostly of one-acre single-family residential lots. The subject property is currently zoned R-1 Residential by the Town of Genesee, which requires a minimum lot size of one acre. The petitioner’s request would align with the Town’s current zoning designation for the lands.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The request will remove the transportation, communication, and utilities designation, which is no longer appropriate for the property. The request will allow for future residential use, consistent with the surrounding neighborhood. The proposed request complies with the objectives and standards of the Comprehensive Development Plan for Waukesha County. There are no environmentally sensitive areas impacted. The agricultural land is minimal in size (12 acres) and disconnected from adjacent agriculturally productive land by two (2) highways.

Respectfully submitted,

*Amy Barrows*

Amy Barrows  
Senior Planner

Attachment: Exhibit “A” (Public Hearing Minutes)  
Map



**EXHIBIT "A"**

**SCHEDULED MATTER**

- 1:05 p.m. Public Hearing for the 2017 Amendments to the Comprehensive Development Plan for Waukesha County.

Ms. Barrows, described the annual amendment process. She indicated that after the Public Hearing, the Waukesha County Department of Parks and Land Use Staff will have a recommendation prepared for the requests and on March 16, 2017, the Park and Planning Commission will meet and vote on the requests. The Land Use, Parks and Environment Committee will consider the amendments on April 18, 2017. The Waukesha County Board of Supervisors will consider the same at their meeting of April 25, 2017. After the Waukesha County Board's action, the appropriate changes are made a part of the permanent record and the Comprehensive Development Plan for Waukesha County is amended as approved by the Waukesha County Board.

At 1:05 p.m. Ms. Barrows read the Notice of Public Hearing into the record.



1. In the Town of Genesee, the following request is being made:
  - A. *The Waukesha County Department of Parks and Land Use*, 515 W. Moreland Blvd., Waukesha, WI 53188, requests property owned by Survivors Trust U/Alex & Sadie Roitblat Trust, Marna Stein Et Al, P.O. Box 1750, Santa Ynez, CA 93460, located in part of the SW ¼ of Section 35, T6N, R18E, Town of Genesee (Tax Key No. GNT 1579.998), be amended from the Transportation, Communication and Utilities category to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to recognize that these lands are not needed for future transportation uses.

Ms. Barrows indicated the property is located at the corner of S.T.H. 83 and C.T.H. "X" containing approximately 12 acres. The property is currently being utilized for agricultural purposes. At this time, the current property owners have no intentions of selling the property. The Transportation, Communication and Utilities category was intended to preserve the land for future transportation uses. The Town of Genesee and Waukesha County do not feel there is any reason to keep the property in that category since S.T.H. 83 has recently been reconfigured with a new roundabout at the intersection of S.T.H. 83 and C.T.H. "X". The Waukesha County Department of Parks and Land Use agreed to be the applicant for this amendment and is proposing to amend the category to the Low Density Residential category. Adjacent properties include a residential subdivision containing one (1) acre lots to the north also in the Low Density Residential category.

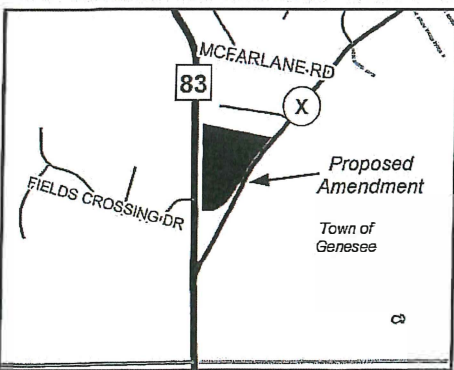
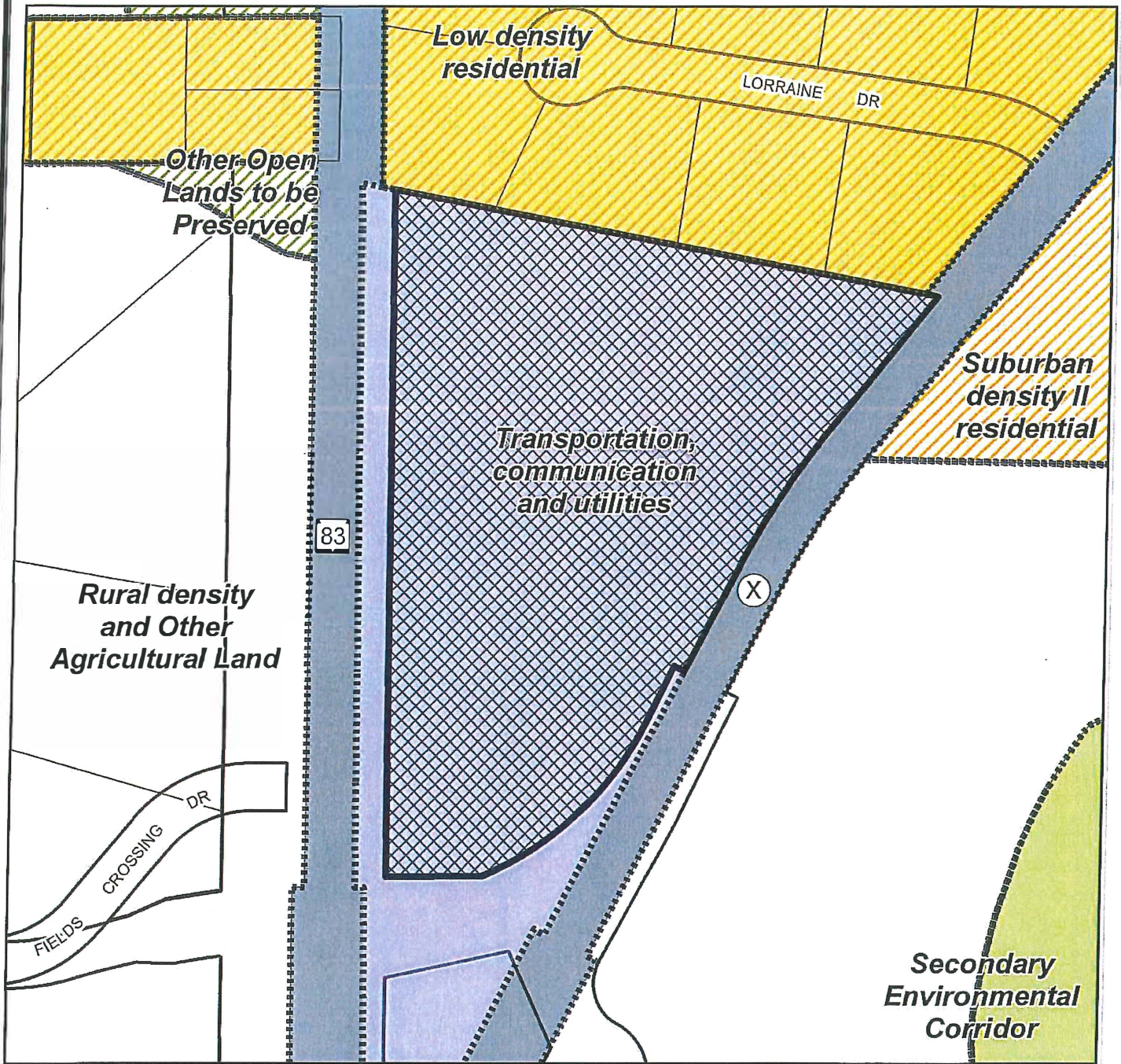
Chairperson Morris asked if there were any other comments from the audience, Committee or Commission, there being none, he moved on to the next item on the agenda.


2. In the Town of Mukwonago, the following request is being made:
  - A. *Bradley Rozanski, Milestone Development Partners LLC*, 3215 Golf Road Suite 132, Delafield, WI 53018-2157, requests property located at W327 S8040 Highway EE, in part of the NW ¼ of Section 17, T5N, R18E, Town of Mukwonago (Tax Key No. MUKT 1938.999), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres of area per dwelling unit) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres of area per dwelling unit), to allow for a single-family residential subdivision.




# DEVELOPMENT PLAN AMENDMENT

PART OF THE SW 1/4 OF SECTION 35  
TOWN OF GENESEE



 COUNTY DEVELOPMENT PLAN AMENDMENT FROM TRANSPORTATION, COMMUNICATION & UTILITIES TO LOW DENSITY RESIDENTIAL

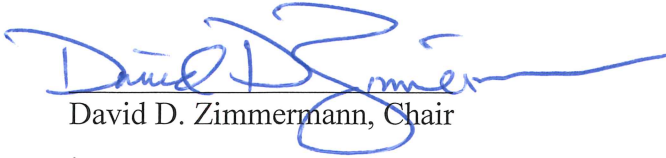
PETITIONER.....WAUKESHA COUNTY (1A)  
 DATE OF PLAN COMM. CONSIDERATION.....02/23/17  
 AREA OF CHANGE.....10.02 ACRES  
 TAX KEY NUMBER.....GNT 1579.998

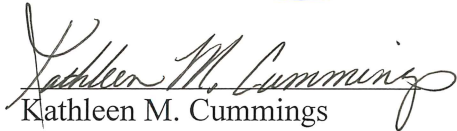
1 inch = 200 feet  
  
 0 100 200 Feet

Prepared by the Waukesha County Department of Parks and Land Use

YEAR 2017 APPROVAL OF AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT  
PLAN FOR WAUKESHA COUNTY (1A – WAUKESHA COUNTY DEPARTMENT OF  
PARKS AND LAND USE, SECTION 35, T6N, R18E, TOWN OF GENESEE)

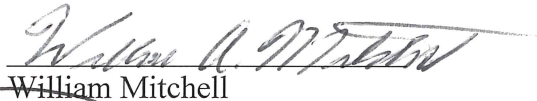
Presented by:  
Land Use, Parks, and Environment Committee

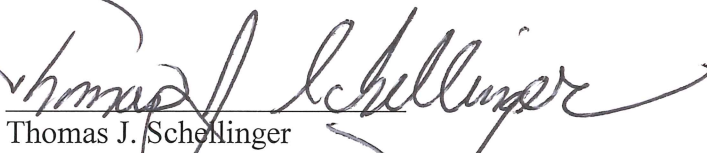
  
David D. Zimmermann, Chair

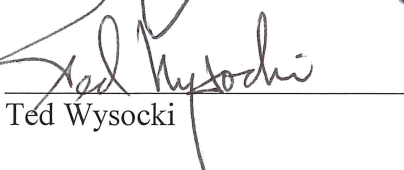
  
Kathleen M. Cummings

(ABSENT)  
Keith Hammitt

  
Robert L. Kolb

  
William Mitchell


  
Thomas J. Schellinger

  
Ted Wysocki

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

Date: 4/25/17,   
Kathleen Novack, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 5/4/17,   
Paul Farrow, County Executive



<b>D1 - Kolb</b>	<b>AYE</b>	<b>D14 - Wood</b>	<b>AYE</b>
<b>D2 - Zimmermann</b>	<b>(M) AYE</b>	<b>D15 - Mitchell</b>	<b>AYE</b>
<b>D3 - Morris</b>	<b>(2) AYE</b>	<b>D16 - Crowley</b>	<b>AYE</b>
<b>D4 - Batzko</b>	<b>AYE</b>	<b>D17 - Paulson</b>	<b>AYE</b>
<b>D5 - Dondlinger</b>	<b>AYE</b>	<b>D18 - Nelson</b>	<b>AYE</b>
<b>D6 - Walz</b>	<b>AYE</b>	<b>D19 - Cummings</b>	<b>AYE</b>
<b>D7 - Grant</b>	<b>AYE</b>	<b>D20 - Schellinger</b>	<b>AYE</b>
<b>D8 - Michalski</b>	<b>AYE</b>	<b>D21 - Zaborowski</b>	<b>AYE</b>
<b>D9 - Heinrich</b>	<b>AYE</b>	<b>D22 - Wysocki</b>	<b>AYE</b>
<b>D10 - Swan</b>	<b>AYE</b>	<b>D23 - Hammitt</b>	<b>AYE</b>
<b>D11 - Howard</b>	<b>AYE</b>	<b>D24 - Whittow</b>	<b>AYE</b>
<b>D12 - Wolff</b>	<b>AYE</b>	<b>D25 - Johnson</b>	<b>AYE</b>
<b>D13 - Decker</b>	<b>AYE</b>		

171-0-090

Passed (25 Y - 0 N - 0 Absent)

Majority Vote