

ENROLLED ORDINANCE 178-88

APPROVE TOWN OF GENESEE ORDINANCE NO. 23-6 WHICH AMENDS THE
DISTRICT ZONING MAP OF THE TOWN OF GENESEE
ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART
OF THE NW ¼ OF SECTION 27, T6N, R18E, TOWN OF GENESEE,
WAUKESHA COUNTY, WISCONSIN, FROM THE B-2 LOCAL BUSINESS DISTRICT
TO THE B-3 GENERAL BUSINESS DISTRICT
(RZ137)

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 November 13, 2023; 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 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Town of Genesee Ordinance No. 23-6 which amends the District Zoning Map for the Town of Genesee Zoning Code, adopted by the Town of Genesee on June 13, 2022, to rezone from the B-2 Local Business District to the B-3 General Business District, certain lands located in part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin, 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 RZ137, is hereby approved.

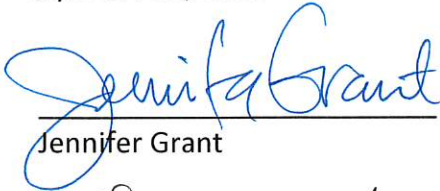
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Genesee.

APPROVE TOWN OF GENESEE ORDINANCE NO. 23-6 WHICH AMENDS THE DISTRICT ZONING MAP OF THE TOWN OF GENESEE ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 27, T6N, R18E, TOWN OF GENESEE, WAUKESHA COUNTY, WISCONSIN, FROM THE B-2 LOCAL BUSINESS DISTRICT TO THE B-3 GENERAL BUSINESS DISTRICT (RZ137)

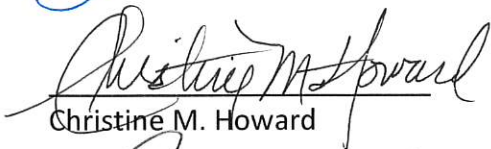
Presented by:
Land Use, Parks, and Environment Committee



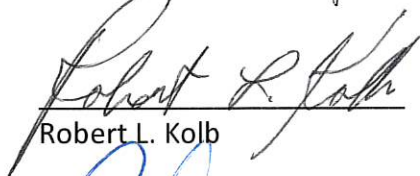
Tyler J. Foti, Chair



Jennifer Grant



Christine M. Howard



Robert L. Kolb



Brian Meier



Chris Mommaerts



Gary J. Szpara

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

Date: 3/1/2024, Margaret Wartman

Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 3/4/2024, Paul Farrow

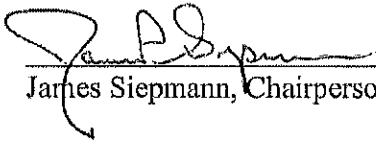
Paul Farrow, County Executive

COMMISSION ACTION

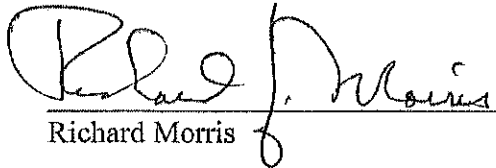
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Genesee Zoning Code, hereby recommends approval of **RZ137 (Crown Development and Advisors, LLC_Bendler)** in accordance with the attached "Staff Report and Recommendation".

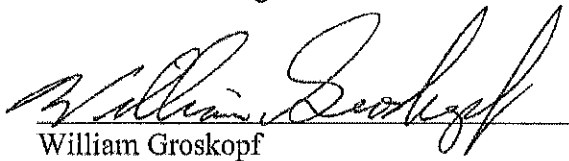
PARK AND PLANNING COMMISSION

January 18, 2024


James Siepmann, Chairperson

absent
Robert Peregrine


Richard Morris


William Groskopf


Gary Szpara

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

DATE: January 18, 2024

FILE NO.: RZ137

TAX KEY NO.: GNT 1546.982.011

OWNER: Crown Development and Advisors, LLC
P.O. Box 33
Brookfield, WI 53008

PETITIONER: Ryan Bendler
100 N. Oakridge Drive
North Prairie, WI 53153

LOCATION:
Lot 2, Certified Survey Map No. 9649, part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee. More specifically, the property is located at the end of Commercial Drive on the south side of the road, containing approximately 2.78 acres.

EXISTING ZONING:
B-2 Local Business District.

PROPOSED ZONING:
B-3 General Business District.

EXISTING LAND USE:
Vacant.

PROPOSED LAND USE:
Automotive sales and service repair business.

PUBLIC HEARING DATE:
September 25, 2023

PUBLIC REACTION:
Marleene Bloom, W305S5035 Homestead Ct., states that she is worried about it becoming a junk yard if they are fixing trucks. She also worries that there may be noise from the operation. She verified that there will be no access from STH 59 to this new business.

Mr. Bendler states that this is his business, and he wants to keep it clean. He also states that most newer diesel engines are as quiet as gasoline engines. He states that what he works on will be no louder than the vehicles that travel on STH 59. He also stated that he does not work on larger vehicles such as dump trucks.

TOWN PLAN COMMISSION:
On October 25, 2023, the Town Plan Commission unanimously recommended approval of the rezoning request.

TOWN BOARD ACTION:

On November 13, 2023, the Town Board unanimously approved the rezoning request.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN (CDP) AND THE TOWN OF GENESEE LAND USE PLAN (LUP):

The Town of Genesee Land Use Plan designates the subject parcel in the Commercial category and the County CDP designates the subject parcel in the Commercial and Office Park category. The proposed rezone will comply with both plans.

STAFF ANALYSIS:

The subject parcel contains approximately 2.78 acres of land and has approximately 204 feet of frontage on Commercial Drive. The parcel is in the Genesee business area which has a mixture of B-2 Local Business District and B-3 General Business District zoning. The lands immediately adjacent to the west and north are zoned B-3 General Business District. Other businesses on the street include a swimming pool supply store, professional offices, a funeral home and Sidelines Pub and Grill. Commercial Drive has a sixty-six (66) foot wide right-of-way and a physical road width of approximately twenty-five (25) feet. There is a residentially zoned area to the south across STH 59 with single family homes with frontage off Old Village Road. The subject property contains no wetlands or environmental corridors.

The petitioner is proposing to rezone the currently vacant parcel from the B-2 Local Business District to the B-3 General Business District under the Town of Genesee Zoning Code. The reason for the request is to accommodate the development of an automotive sales and repair business, which is not a permitted use under the current zoning. According to the Town Planner's report, the main operation would be auto (diesel) repair and service with the sales of approximately ten (10) cars/trucks per year. The report also noted that a new auto repair business was approved for the property across the street (Commercial Dr.). If the zoning is approved, the owner will still need to obtain Site Plan/Plan of Operation approval from the Town.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the rezone request. The proposal is consistent with Town and County plan recommendations and would not be considered a spot zoning change since the proposed zoning is consistent the current zoning of two adjacent parcels. Furthermore, the proposed use is consistent with other commercial uses recently approved nearby on Commercial Drive and is an appropriate use along STH 59.

Respectfully submitted,

Ben Greenberg

Ben Greenberg
Senior Planner

Attachments: Town Ordinance No. 23-6
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ137 Crown Development and Advisors LLC Staff Report gnt

RECEIVED
11/27/2023
DEPT OF
PARKS & LAND
USE

STATE OF WISCONSIN

TOWN OF GENESEE

WAUKESHA COUNTY

ORDINANCE 23-6

**An Ordinance to amend the Zoning Map of the Town of Genesee
from B-2 Local Business District to B-3 General Business District on lands located in the
NW ¼ of Section 27, T6N, R18E, Town of Genesee,
Waukesha County Wisconsin**

The Town Board of Genesee, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS
FOLLOWS:

Section 1:

The Town of Genesee Zoning Map is hereby amended to change the zoning classification from B-2 Local Business District to B-3 General Business District on the following described parcel of land:

Lot 2 CSM 9640, being a part of the NW ¼ of Section 27, T6N, R18E, Town of Genesee. More specifically, the property is also known as Tax Key No. GNT 1546.982.011.

Section 2: Severability.

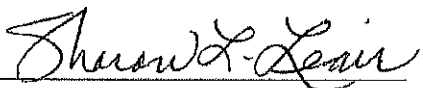
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 3: Effective Date.

This ordinance shall take effect immediately upon passage by Waukesha County and posting or publication as provided by law.

This ordinance passed this 13 day of November, 2023.

BY THE TOWN BOARD OF THE
TOWN OF GENESEE:

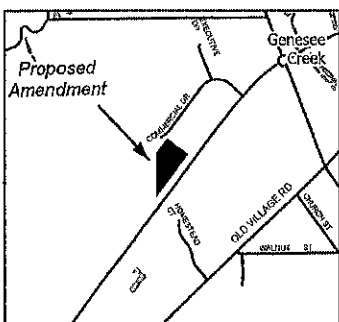
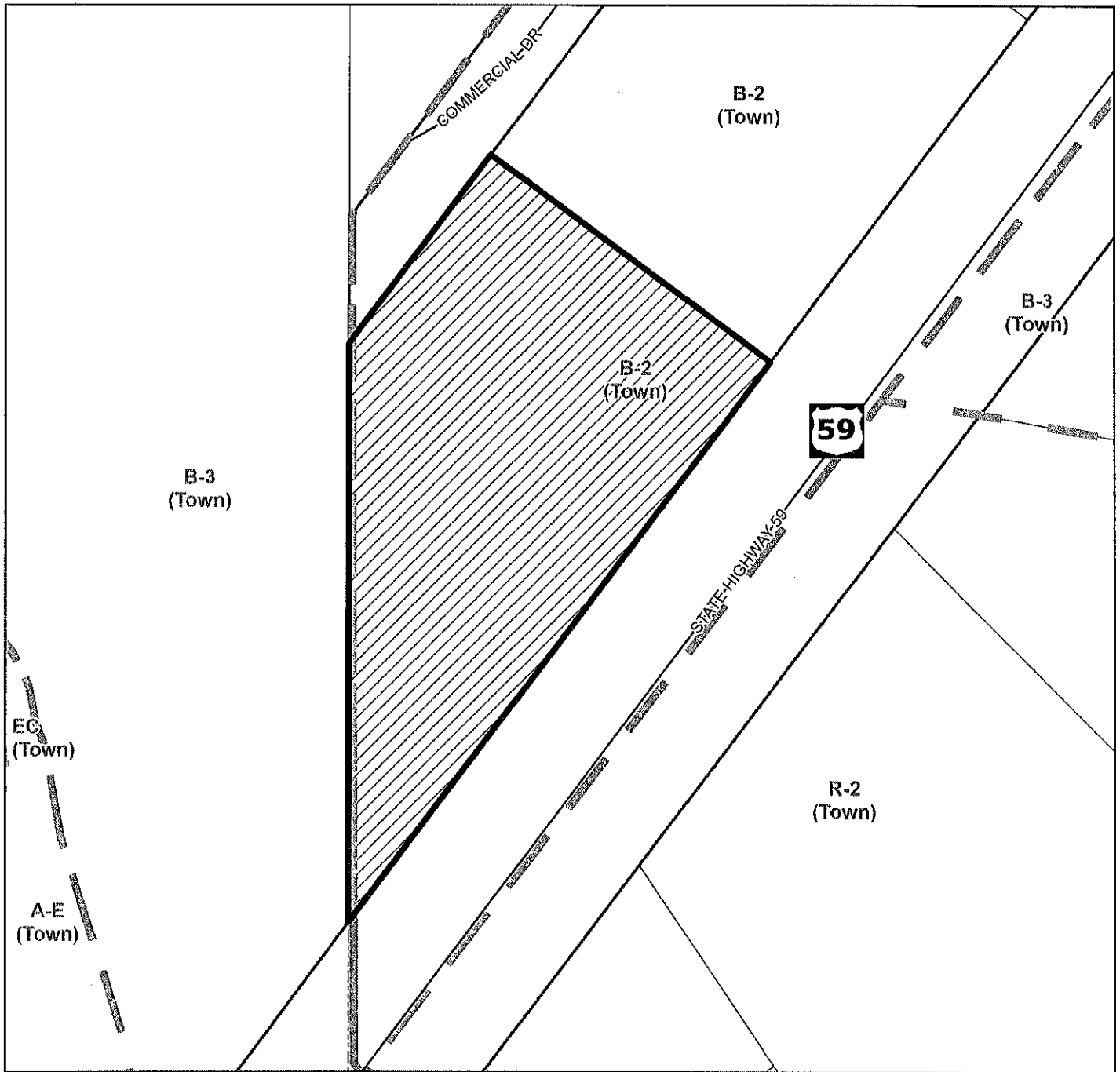

Sharon L. Leair, Town Chairman

ATTEST:


Meri Majeskie, Town Clerk

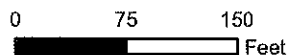
ZONING AMENDMENT

PART OF THE NW 1/4, SECTION 27,
TOWN OF GENESEE



TOWN ZONING CHANGE FROM B-2 LOCAL BUSINESS DISTRICT TO B-3 GENERAL BUSINESS DISTRICT

FILE.....RZ137
 DATE OF PLAN COMMISSION.....01/18/24
 AREA OF CHANGE..... 2.8 ACRES
 TAX KEY NUMBER.....GNT 1546.982.011



Prepared by the Waukesha County Department of Parks and Land Use

VOTE RESULTS >

22 YES

0 NO

0 ABSTAIN

3 ABSENT

Ordinance 178-O-088

Ordinance 178-O-088: Approve Town of Genesee Ordinance No. 23-6 Which Amends the District Zoning Map
Rezoning Certain Lands Located in Part of the NW 1/4 of Section 27, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin, from the B-2 Local Business District to the B-3 General Business District (RZ137)

 **Passed By Majority Vote**

D1 - Foti	M	AYE	D10 - Thieme	ABSENT	D19 - Enriquez	AYE
D2 - Weil		AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris		AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko		AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant		ABSENT	D14 - Mommaerts	AYE	D23 - Hammitt	ABSENT
D6 - Walz		AYE	D15 - Kolb	S	D24 - Bangs	AYE
D7 - LaFontain		AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos		AYE	D17 - Meier	AYE		
D9 - Heinrich		AYE	D18 - Nelson	AYE		

12th Meeting, 178th Year of the County Board of Supervisors - February 27 2024 07:09 PM

February 27, 2024

