

Date: July 9, 2020

To: Village of East Troy Plan Commission

From: Tim Schwecke, AICP, Zoning Administrator

Subject: Rezone subject property located at 2019 Beulah Avenue from Light Industrial (LI) to Multifamily Residential (MR-10), ABCS Investments LLC (Steve Lambrechts), applicant

Application: 2020-12; <https://s.zoninghub.com/NO2W9LG14E>

Meeting: July 13, 2020 Plan Commission meeting

ABCS Investments, LLC has submitted a petition to rezone the property located at 2019 Beulah Avenue from Light Industrial (LI) to Multi-family Residential (MR-10). The subject property is approximately 3.77 acres.

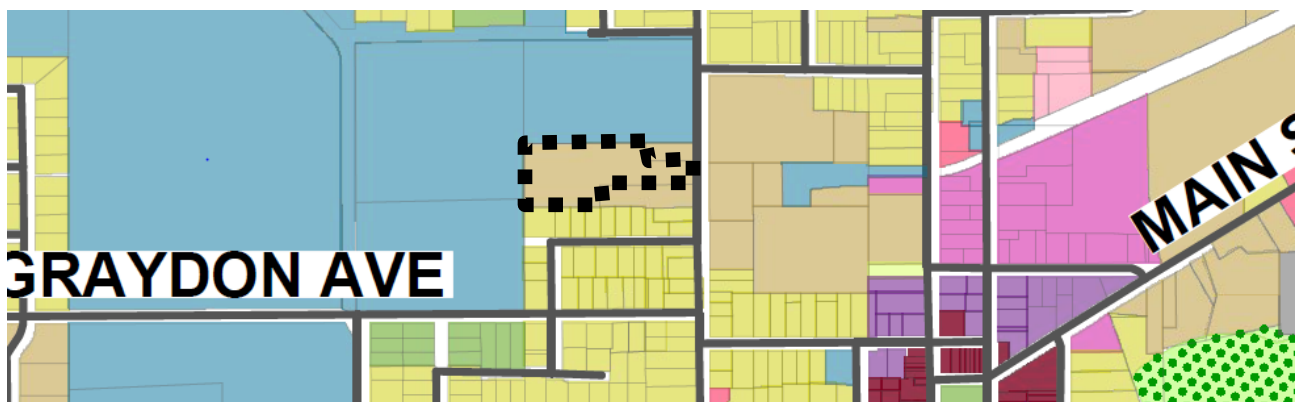
Review procedures The Plan Commission is advisory with regard to rezone applications. The Village Board makes the final decision. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment. If the Village Board wishes to make significant changes in the proposed amendment to the zoning map, as recommended by the Plan Commission, the procedure in s. 62.23(7)(d), Wis. Stats., shall be followed prior to Village Board action.

Notice requirements As required by the Village's zoning code and state statute, a class II public hearing notice was published, a copy of which is attached. A copy of the public hearing notice was mailed to property owners within 300 feet of the subject property and others as required.

Public Comment As of this date, we have received four communications (1 via email and 3 via ZoningHub site). These are attached and should be recognized during the public hearing.

General review of proposal

1. **Consistency with Comprehensive Plan:** As shown below, the subject property is classified as "Mixed Residential" (tan) on the Future Land Use map. The description for that classification is included below. The MR-10 zoning classification is consistent with this future land use classification.



Mixed Residential: This designation is intended for a variety of residential units focused on multiple family housing (i.e., 3+ unit buildings), usually developed at densities that exceed six units per acre, and served by a municipal sanitary sewer system in or near the village. Single-family detached housing, attached single family residences with individual entries (e.g., townhouses, rowhouses), existing mobile home parks, and small public and institutional uses—such as parks, schools, churches, and stormwater facilities—may also be within this designation.
(From Comprehensive Plan)

2. **Consistency with MR-10 Zoning:** With the MR-10 zoning classification, a maximum of 37 dwelling units could be developed based on the size of the subject property (3.77 acres). There are two storage buildings on the subject property. They are allowed under the LI zoning but not under MR-10 zoning. To address this situation, the rezoning is conditional. See Section 2 of the proposed ordinance.

Zoning Administrator findings Pursuant to s. 510-155(G) of the zoning code, the following findings are made by the Village zoning administrator.

1. The proposed map amendment advances the purposes of the zoning code as outlined in s. 510-3.
2. The proposed map amendment is consistent with applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).
3. The proposed map amendment is in harmony with the recommendations of the Comprehensive Plan.
4. The proposed map amendment maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
5. The proposed map amendment is intended to conform to the Village's Comprehensive Plan.

A draft ordinance is attached. Note the proposed conditions of approval in Section 2.

Potential motion for approval:

Recommend to the Village Board the conditional rezoning of the subject property as set forth in the ordinance dated July 9, 2020.

Attachments:

1. Public hearing notice
2. Application materials
3. Public comments received
4. Draft ordinance, July 9, 2020

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARING

The Village of East Troy Plan Commission will conduct a public hearing on Monday, July 13, 2020, to consider the application submitted by ABCS Investments LLC to rezone the property located at 2019 Beulah Avenue (RA454000001) from Light Industrial (LI) to Multi-Family Residential (MR-10).

The Plan Commission meeting starts at 6:30 pm. The meeting will be held at the Village Municipal Building, located at 2015 Energy Drive, unless the Village decides to conduct an online meeting due to COVID-19. The public hearing will be conducted in the order listed on the meeting agenda.

Additional details may be posted online: <https://s.zoninghub.com/NO2W9LG14E>

For information regarding this public hearing, contact Tim Schwecke, Zoning Administrator, at 920-728-2814. All interested parties will be heard at the public hearing. Written comments may be submitted online via the Village's ZoningHub website or sent to the Village Hall by Wednesday, July 8, 2020, or submitted during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on June 26 and July 3, 2020



Zoning Code Amendment Village of East Troy, Wisconsin

Version: March 7, 2014

Village of East Troy
2015 Energy Drive
East Troy, WI 53120

Overview: The Village Board adopted the Village's zoning code which consists of text and a zoning map. Both of these can be amended using this application form. As part of the review process, the Plan Commission conducts a public hearing to solicit input from the general public and other interested parties. When reviewing proposed amendments to the zoning code, the Plan Commission serves in an advisory capacity to the Village Board, which makes the final decision. The recommendation of the Plan Commission and the decision of the Village Board are based on the evidence and testimony received as part of the application and through the public hearing process.

Governing regulations: The procedures and standards governing the review of this application are found in Sections 13-1-204 and 205 of the Village's zoning code.

General instructions: Complete this application and submit one copy to the Village Clerk at the mailing address shown above. Before you formally submit your application, you are encouraged to meet with the zoning administrator who can answer any questions you may have. If you have any questions, do not hesitate to contact the zoning administrator at (920) 728-2814 or via email at tim.schwecke@civitekconsulting.com. You may download this form at <http://villageofeasttroy.insightcodeviewer.com/highlights/procedures/Procedure.aspx>.

Application fee: \$250.00, plus charges for professional services

Application submittal deadline: Applications must be submitted by the second Monday of the month by 12:00 pm at the Village Hall.

1. Applicant information

Applicant name Steve + Patty Lambrecht
Street address 2018 Beulah Ave
City, state, zip code East Troy, WI 53120
Daytime telephone number 646-7775
Email slambrecht@centurytel.net

2. Agent contact information.

Include the names of those agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	Agent 1	Agent 2
Name		
Company		
Street address		
City, state, zip code		
Daytime telephone number		
Email		

3. Previous applications.

Has the Village denied an application that is similar to this one within the last 12 months?

☐ Yes ☒ No

If yes, describe how the circumstances have changed. If an application has been denied, an application for the same property may not be submitted for a period of 12 months following the date of decision, except if the zoning administrator determines that factors have changed or there is new evidence in support of the proposed amendment. See sections 13-1-204(j) and 13-1-205(j) of the zoning code.

4. Type of amendment (check one or both)

☒ Map amendment (rezoning) **Complete Part A and C**
☐ Text amendment **Complete Part B and C**

Part A. Questions Related to Map Amendment

5. Subject property information

Physical address

2019 Beulah Ave East Troy, WI

Tax key number(s)

RA 454000001

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the Village Clerk.

6. Current zoning (refer to the Village's current zoning map)

The subject property is located in the following base zoning district(s). (check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> RH-35 Rural Holding | <input type="checkbox"/> TR-8 Two-Family Residential | <input type="checkbox"/> NB Neighborhood Business |
| <input type="checkbox"/> SR-3 Estate Residential | <input type="checkbox"/> AR-9 Attached Residential | <input type="checkbox"/> HB Highway Business |
| <input type="checkbox"/> SR-4 Suburban Residential | <input type="checkbox"/> MR-10 Multi-Family Residential | <input type="checkbox"/> CB Central Business |
| <input type="checkbox"/> SR-5 Neighborhood Residential | <input type="checkbox"/> MFH-6 Mobile Home Residential | <input type="checkbox"/> BP Business Park |
| <input type="checkbox"/> SR-6 Traditional-Front Residential | | <input checked="" type="checkbox"/> LI Light Industrial |
| <input type="checkbox"/> SR-7 Traditional-Rear Residential | | <input type="checkbox"/> GI General Industrial |

The subject property is also located in the following overlay zoning district(s). (check all that apply)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> PD Planned Development | <input type="checkbox"/> GP Groundwater Protection | <input type="checkbox"/> FP 100-Year Floodplain |
| <input type="checkbox"/> DD Downtown Design | <input type="checkbox"/> NFC Natural Features Conservancy | <input type="checkbox"/> FP 500-Year Floodplain |
| | | <input type="checkbox"/> SW Shoreland-Wetland |

7. Proposed zoning

MR-10

Comment: If the proposed amendment includes more than one parcel of land or if the parcel is to have more than one zoning classification, attach a map (8½ x 11) that shows the location of the proposed zoning classifications.

8. Adjoining land uses and zoning

	Zoning district(s)	Current uses
North	SR-4	St. Peter's School
South	SR-4	Residential
East	L-I	East Troy Lumber
West	RH-35	Mitchell Park

9. Current use. Describe the current use of the subject property.

Currently used for Lumber and Vehicle Storage

10. Reason for amendment. Select the reason(s) why you believe the zoning classification should be changed and provide additional details.

- ☒ The zoning designation should be brought into conformity with the Village's comprehensive plan. Please describe.

I believe this parcel is a planned Development
for Residential Zoning.

- ☐ A mapping error was made on the official zoning map. Please describe.

- ☐ Factors have changed (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes) making the subject property more appropriate for a different zoning district. Please describe.

- ☐ Growth patterns or rates have changed, thereby creating the need for an amendment to the Official Zoning Map. Please describe.

11. Consistency with zoning requirements

Are there any buildings on the subject property?

- ☒ Yes ☐ No

If yes, please describe each and state whether it is consistent with the proposed zoning classification.

2 - Storage Buildings

Are there any existing land uses on the subject property?

- ☒ Yes ☐ No - Land is vacant / undeveloped

If yes, please describe each, including conditional uses, and state whether it is consistent with the proposed zoning classification.

Storage

Does the size of the subject property comply with the minimum lot size of the proposed zoning district?

- ☒ Yes ☐ No

If no, describe why you believe the map amendment should be made in spite of this.

Has the Village approved a variance for the subject property?

☐ Yes ☒ No

If yes, provide the year of issuance and a short description of each one.

12. Supplemental materials. Attach the following to this application form.

1. A map of the generalized location of the subject property in relation to the Village as a whole.
2. A map of the subject property (at a minimum scale of 1" = 800') showing all lands for which the variance is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands as they appear on the current records of the Walworth County Register of Deeds. The map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

Part B. Questions Related to Text Amendment

13. Proposed text amendment. Identify the section number(s) (e.g., 13-1- ##) of the zoning code to be revised and describe the proposed change and the reason(s) why you believe the change should be made.

	Section Number	Proposed change	Justification
1.			
2.			
3.			
4.			

Part C.

14. Attachments. List any attachments included with your application.

15. Other Information. You may provide any other information you feel is relevant to the review of your application.

16. Applicant certification

- ♦ I certify that all of the information in this application, along with any attachments, is true and correct to the best of my knowledge and belief.
- ♦ I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with Section 13-1-195(A) of the Village's municipal code to pay for the services of independent consultants the Village elects to retain to help review this application. Depending on the nature of the proposed project, such independent consultants may include planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts. I further understand, the Village may delay acceptance of the application as complete, or may delay final approval of the proposal, until all outstanding fees have been paid. I further understand that such fees must be paid even if this application is withdrawn or denied. If the applicant or the property owner does not pay such fees upon request, such fees may be assigned to the property owner as a special assessment to the subject property.
- ♦ I understand that submission of this application authorizes Village officials and employees, Plan Commission members, Village Board members, and other designated agents, including those retained by the Village, to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- ♦ I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of this application and related materials or view it online.
- ♦ I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner:

Steve Lambrecht
Name - print

[Signature]
Name - Signature

6/5/20
Date

Patricia A. Lambrecht
Name - print

[Signature]
Name - Signature

6/5/20
Date

Applicant (If different than Property Owner):

Name - print

Name - Signature

Date

Name - print

Name - Signature

Date

Public Comments Submitted via Village's ZoningHub Site

Submission time/date: 7/7/2020 6:56:37 PM

Name: Iloncaie

Address: 2043 Beulah Avenue

Email address: janeiloncaie@gmail.com

Comments: I do not think our quiet neighborhood would continue to be quiet if rezoning to a MR10 would take place and I ask that you vote against changing the zoning. One of the most enjoyable aspects of living within the village is we live around homeowners who have stayed within their homes and maintain them with pride. Thank you for giving me the opportunity to comment on this matter.

Submission time/date: 7/7/2020 11:03:47 AM

Name: Sue Kesselhon

Address: 2049 Bellview ave

Email address: sue.kesselhon@continental.com

Comments: i do not support rezoning the property from light industrial to multi family residential. My neighborhood would like to stay a single family neighborhood. We have enough traffic and noise as it is. I am voting against changing the zoning. Adding in Multi family housing would be a good prospect for the industrial part. The housing could match up with the job creation in the industrial park.

Submission time/date: 7/8/2020 5:47:31 AM

Name: Rachel Fox

Address: 2029 Beulah Ave

Email address: rachelfox01@yahoo.com

Comments: Hello!

Thank you for taking the time to read this.

I am a lifelong resident of East Troy. My husband, Eric Andersen, is a transplant from Racine. He has now lived in East Troy for about 12 years and still calls East Troy Mayberry due to it's friendly residents who obviously take great pride in their town.

In 2010, we purchased a run-down, 110-year-old house on Beulah Ave. In those 10 years, we have loving transformed/restored the house to the point that we believe the original builder and family would have been proud of it.

East Troy has a wonderful, small-town charm. We believe that if the area adjacent to our property is zoned MR10, it will change the charming nature of the village. We believe that the density of MR10 is not conducive to the surrounding area.

We respectfully request that you vote against changing the zoning.

Thank you!

Rachel Fox

Eric Andersen

Village of East Troy

Attn: Village of East Troy Plan Commission

2015 Energy Dr.

East Troy, WI 53120

RE: Rezoning of property located at 2019 Beulah Ave from Light Industrial to MR10

7/01/2020

We have lived at 3034 Chafin Ave for 37 years. We believe the proposed rezoning of the lot at 2019 Beulah Ave should not be changed to MR10. We feel any new multi-family housing projects should be south of the village where zoning is already in place. We believe the proposed multi-family housing project and density of the MR10 is not consistent with our surrounding neighborhood, and we ask that you vote against changing the zoning. Thank you.

Rodney and Barbara Baerbock

3034 Chafin Ave

East Troy, WI 53120

ORDINANCE 2020-**- DRAFT July 9, 2020 -**

**AN ORDINANCE TO REZONE A CERTAIN PROPERTY IN SECTION 19
T4N R18E IN THE VILLAGE OF EAST TROY AND TO AMEND THE
ZONING MAP OF THE VILLAGE OF EAST TROY PURSUANT TO
SECTION 510-155 OF THE ZONING CODE**

WHEREAS, the Village Board for the Village of East Troy adopted zoning regulations for the Village of East Troy and has amended such regulations from time to time; and

WHEREAS, the zoning regulations, as amended, are codified as Chapter 510 of the Village of East Troy municipal code, which is titled "Zoning;" and

WHEREAS, ABCS Investments LLC (herein referred to as "property owner") owns a parcel of land located off of Beulah Avenue in Section 19, T4N R18E, designated as Parcel Number RA454000001 (herein referred to as "subject property"); and

WHEREAS, the property owner has submitted a petition to change the zoning classification of the subject property from Light Industrial (LI) to Multifamily Residential (MR-10); and

WHEREAS, the rezoning petition has been submitted to the Village of East Troy Plan Commission for report and recommendation; and

WHEREAS, the Village of East Troy Plan Commission conducted a public hearing on July 13, 2020; and

WHEREAS, required public notice of the public hearing has been provided consistent with Section 62.23 of the Wisconsin Statutes and the Village's zoning code; and

WHEREAS, the Village of East Troy Plan Commission has recommended to the Village Board that said rezoning change be made under certain conditions; and

WHEREAS, the Village Board considered the Plan Commission's recommendation at its meeting on July 20, 2020; and

WHEREAS, the Village Board has accepted the Plan Commission's recommendation; and

WHEREAS, the Village Board finds that the proposed zoning is consistent with the Village's comprehensive plan and does not modify any floodplain zoning district or any shoreland-wetland zoning district; and

WHEREAS, the Village Board for the Village of East Troy, after careful review and upon consideration of the recommendation of the Plan Commission of the Village of East Troy and having given the matter due consideration having determined that all procedural requirements and

notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Village of East Troy, will enhance property values in the Village and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Village or for any other reason cause a substantial adverse effect on the property values and general desirability of the Village.

NOW, THEREFORE, the Village Board of the Village of East Troy, Walworth County, Wisconsin, do ordain as follows:

Section 1. Zoning map change

The subject property is conditionally rezoned from Light Industrial (LI) district to Multifamily Residential (MR-10) district and the zoning map is hereby conditionally amended to incorporate such change.

Section 2. Conditions of rezoning

The rezoning of the subject property as specified herein and the amendment of the zoning map of the Village of East Troy are conditioned on the following:

1. The property owner shall submit a development plan for the subject property as allowed in the MR-10 district and obtain approval of the same.
2. The two storage buildings currently on the subject property shall be removed consistent with a timeframe established by the Village Board's approval of the above-mentioned development plan.
3. The property owner is allowed to use the current buildings for storage, without expansion. In the interim, no other buildings may be constructed on the subject property and no area may be used for outside storage of any nature.

Section 3. Certification

Upon certification by the Village Clerk that the conditions set forth in Section 2 have been satisfied within the time period established in Section 4, the Zoning Administrator shall change the zoning classification of the subject property on the Village of East Troy zoning map as indicated herein.

Section 4. Effective Date.

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the conditions stated in Section 2, and this ordinance is null and void and the current zoning shall be in effect with no further notice if such conditions are not satisfied within four years of the date of this decision or the property owner submits a written petition to the Village Board stating his or her desire to revert back to the Light Industrial (LI) zoning classification.

Section 5. 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 to those terms that conflict.

Adopted this 20th day of July 2020

Scott Seager, President

ATTEST:

Lorri Alexander, Village Clerk