

Date: October 7, 2021

To: Village of East Troy Plan Commission

From: Tim Schwecke, Zoning Administrator

Subject: Rezone subject property located at 2031 Division Street (RA495400002) from SR-4 to AR-9; East Troy School District, applicant (Mikko Erkamaa, developer)

Application: 2021-25; <https://s.zoninghub.com/GOTJJG9KB2>

Meeting: October 11, 2021 Plan Commission meeting

East Troy School District has submitted a petition to rezone the property located at 2031 Division Street (RA495400002) from SR-4 to AR-9. The subject property is approximately 4.84 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 one comment via the Village's ZoningHub site (attached). No other written comments have been received.

General review of proposal

1. **Consistency with Comprehensive Plan:** The subject property is classified as "Mixed Residential" on the Future Land Use map. The description for that classification is included below.

Mixed Residential: This designation is intended for a variety of residential units focused on multiple family housing (i.e., 3+ unit buildings), at densities up to 9 dwelling units per acre which corresponds to the TR-8 and AR-9 zoning classifications. 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.

The subject property is also classified as "Infill Development." This means that if the property is developed at densities greater than 8 units per acre of multi-family, it would not be subject to the policy in the comprehensive plan that addresses the proportion of single-family to multi-family dwelling units in the Village

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 if the Plan Commission is inclined to approve the rezoning. Note the proposed conditions of approval in Section 2 and the performance period in Section 4.

Potential motion for approval:

Recommend to the Village Board the conditional rezoning of the subject property as set forth in the ordinance dated October 7, 2021.

Attachments:

1. Public hearing notice
2. Public comment received
3. Draft ordinance, October 7, 2021
4. Application materials

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARINGS

The Village of East Troy Plan Commission will conduct a public hearing on Monday, October 11, 2021, for each of the following:

1. Conditional use application for a contractor yard located on a tract of land in the Village's new industrial park on the south side of Honey Creek Road; MP Systems Inc, applicant; (application 2021-23)

Details are available online: <https://s.zoninghub.com/U0ALJD4ZLS>

2. Rezone the vacant property located at 2031 Division (RA495400002) from SR-4 to AR-9; East Troy School District, applicant (Mikko Erkamaa, developer) (application 2021-25)

Details are available online: <https://s.zoninghub.com/GOTJJG9KB2>

The Plan Commission meeting starts at 6:30 pm and is conducted in the Village Municipal Building, located at 2015 Energy Drive. The public hearings will be conducted in the order listed on the meeting agenda.

For information regarding these public hearings, contact Tim Schwecke, Zoning Administrator, at 920-728-2814. All interested parties will be heard at the public hearing. Written comments may be submitted (1) online on the Village's zoning website

<https://villageofeasttroy.zoninghub.com/home.aspx>; (2) to the Village Hall by Wednesday, October 5, 2021; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on September 17 and October 1, 2021

Public Comment Submitted Online via ZoningHub

Report generated October 7, 2021

Project Details

Application Number: 2021-25
Applicant Name: East Troy School District, applicant (Mikko Erkamaa, developer)
Description: Rezone subject property from SR-4 to AR-9
Location: 2031 Division Street (RA495400002)

Name: Ted Zess
Address: N8305 WEBER RD
Date submitted: September 13, 2021

Comment:

I am in favor of this rezoning change to allow for redevelopment of this property. The School District and business community in East Troy is in desperate need of sustained residential growth and this lot is a prime location for this growth to take place. A financially viable development is something that I support for this location.

- end of report -

ORDINANCE 2021- (DRAFT)

AN ORDINANCE TO REZONE A CERTAIN PROPERTY 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, East Troy School District (herein referred to as “property owner”) owns a parcel of land located at 2031 Division Street, designated as Parcel Number RA495400002 (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 SR-4 to AR-9; and

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

WHEREAS, the Plan Commission conducted a public hearing as required, and provided proper notice of the same; and

WHEREAS, the Plan Commission considered the matter and made a recommendation to the Village Board to approve the petitioner’s request, based on the reasons set forth in their meeting minutes; and

WHEREAS, the Village Board finds that the proposed zoning 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 rezoned from SR-4 to AR-9 and the zoning map is hereby amended to incorporate such change subject to the conditions set forth in this ordinance.

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 is conditioned on the following:

1. The property owner shall submit a development plan for the subject property as allowed in the AR-9 district and obtain approval of the same.

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 if the property owner submits a written notice to the Village Board stating his or her desire to revert back to the SR-4 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 18th day of October 2021

Scott Seager, President

ATTEST:

Lorri Alexander, Village Clerk



Zoning Code Amendment Village of East Troy, Wisconsin

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

Version: April 4, 2018

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 § 510-154 and § 510-155 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.zoninghub.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 Michael Erkamaa
Street address W3468 County Rd J
City, state, zip code East Troy, WI 53120
Daytime telephone number 414-559-5283 or 262-912-7080
Email merkamaa@walkerlunlop.com

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 § 510-154(j) and § 510-155(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 2031 Division St., East Troy, WI
Tax key number(s) ~~RA495400002~~ RA495400002

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 checked="" 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"/> MHR-6 Mobile Home Residential | <input type="checkbox"/> BP Business Park |
| <input type="checkbox"/> SR-6 Traditional-Front Residential | | <input 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 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

AR-9

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	<u>TR-8</u>	<u>Single Family residential</u>
South	<u>TR-8</u>	<u>Single Family residential</u>
East	<u>TR-8</u>	<u>Single Family residential</u>
West	<u>SR4</u>	<u>East Troy School district administration Bldg</u>

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

Current use is vacant land. This was the former Chester Byrnes Elementary School.

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.

The future land use map shows this subject as mixed residential in the village comprehensive plan 2020-2040.

- ☐ 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.

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.

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.

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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., 510- ##) 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 § 510-149 (D) 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:

Michael Erkamaa
Name – print

Name – Signature

Date

Name – print

Name – Signature

Date

Applicant (if different than Property Owner):

Michael Erkamaa
Name – print

Michael Erkamaa
Name – Signature

8/31/2021
Date

Name – print

Name – Signature

Date