

Date: September 7, 2023

To: Village of East Troy Plan Commission

From: Tim Schwecke, Zoning Administrator

Subject: Rezone the property located at 2010 Church Street (ROP 00008) from Highway Business (HB) to General Industrial (GI); McCrete LLC, applicant (Jeff McPherson, agent)

Application: 2023-18; <https://s.zoninghub.com/PPFTMO34FX>

Meeting: September 11, 2023 Plan Commission meeting

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McCrete LLC (Jeff McPherson) owns the property at 2010 Church Street and operates a contractor yard there among other uses. The business is located on two adjoining parcels (ROP 00004 and ROP 00008). The northern parcel is zoned (GI) General Industrial and the southern parcel is zoned (HB) Highway Business. The owner has submitted a petition to rezone the southern parcel from (HB) Highway Business to (GI) General Industrial.



**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., must 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. Property owners within 300 feet of the subject property and others as required were notified by mail.

**Public Comment** As of this date, no written comments have been received.

#### General review of proposal

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

**General Industrial:** This designation includes more intensive indoor manufacturing, warehousing, distribution, and office uses, often with significant outdoor storage or processing of materials. Uses in this future land use category include those with characteristics that make them less compatible with most other uses may require additional separation, screening, and buffering. New development should adhere to high-quality building design, generous landscaping, modest lighting, screened storage and processing areas, and limited and attractive signage. These areas should be located near arterial roads but away from existing or planned residential areas and high visibility community gateways whenever possible. This designation is mapped over mainly developed portions of the village's industrial parks and for areas near the airport where outdoor, low intensity industrial activity will not interfere with airport operations and south of Interstate Highway 43 along Honey Creek Road.

**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.

**Potential motion for approval:** Recommend to the Village Board the rezoning of the subject property as set forth in the ordinance dated September 7, 2023.

**Attachments:**

1. Public hearing notice
2. Draft ordinance, September 7, 2023
3. Application materials

## VILLAGE OF EAST TROY PLAN COMMISSION

### NOTICE OF PUBLIC HEARING

The Village of East Troy Plan Commission will conduct a public hearing on Monday, September 11, 2023, to consider the application submitted by Jeffery McPherson to rezone the property located at 2010 Church Street (ROP 00008) from Highway Business (HB) to General Industrial (GI). Additional details may be posted online: <https://s.zoninghub.com/PPFTMO34FX>

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

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 (1) online via the Village's ZoningHub website by September 5, 2023, (2) to the Village Hall by September 5, 2023, or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on August 25 and September 1, 2023

ORDINANCE 2023-     (DRAFT 09-07-2023)

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**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**

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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, McCrete LLC (Jeffrey McPherson) (herein referred to as “property owner”) owns a parcel of land located at 2010 Church Street, designated as Parcel Number ROP 00008 (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 HB to GI; 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 HB to GI and the zoning map is hereby amended to incorporate such change.

**Section 2. Effective Date.**

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

**Section 3. 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 18<sup>th</sup> day of September 2023

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Robert M. Johnson, President

ATTEST:

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Lorri Alexander, Village Clerk



# Zoning Code Amendment Village of East Troy, Wisconsin

Version: April 4, 2018

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 § 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](mailto:tim.schwecke@civitekconsulting.com). You may download this form at <http://villageofeastroy.zoninghub.com/highlights/procedures/Procedure.aspx>.

**Application fee:** \$250.00, plus charges for professional services *Rec'd 4/10/2023*

**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 Jeffery McPherson  
Street address 2010 Church St PO Box 663  
City, state, zip code East Troy, WI 53120  
Daytime telephone number 262-363-9200  
Email concrete@mcphersonconcreteinc.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.

Polystructure and Garage

### 4. Type of amendment (check one or both)

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

RECEIVED  
APR 10 2023  
BY: *[Signature]*

**Part A. Questions Related to Map Amendment**

**5. Subject property information**

Physical address 2010 Church St

Tax key number(s) ROP 00008

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 checked="" type="checkbox"/> NB Neighborhood Business |
| <input type="checkbox"/> SR-3 Estate Residential            | <input type="checkbox"/> AR-9 Attached Residential      | <input checked="" 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"/> MHR-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 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**

**GI General Industrial**

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	<b>General Industrial</b>	
South	<b>Highway Business</b>	
East	<b>Highway Business</b>	
West	<b>(Church Street)</b>	

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

Storage and parking of Commercial Vehicles

**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.

Received notice from Zoning Administrator requesting the rezoning to Light Industrial

- 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.

Polystructure and Garage

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.

Polystructure and Garage

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.

Polystructure and Garage

**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**

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**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:

**Jeffery McPherson**

Name – print

  
Name – Signature

4-7-25  
Date

Name – print

Name – Signature

Date

Applicant (if different than Property Owner):

Name – print

Name – Signature

Date

Name – print

Name – Signature

Date