

Date: December 6, 2023

To: Village of East Troy Plan Commission

From: Tim Schwecke, Zoning Administrator

Subject: Assign permanent zoning classification for recently annexed parcels located at the northwest corner of the North Street and Main Street; Anderson Commercial Group (Ray Goodden, agent)

Application: 2023-30; <https://s.zoninghub.com/V8IOHB9PYV>

Meeting: December 11, 2023 Plan Commission meeting

The Village Board recently annexed two parcels (about 4.5 acres) located in the Town of East Troy at the northwest corner of the North Street and Main Street. The annexation ordinance temporarily classified the subject property Highway Business (HB).

The property owner has submitted a request to make Highway Business (HB) the permanent zoning classification for the recently annexed area.

Subject Property



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. A copy of the public hearing notice was mailed to property owners within 300 feet of the subject property and others as required.

Consistency with Comprehensive Plan The subject property is classified as "Commercial" on the Future Land Use map. The HB zoning classification is consistent with this future land use classification.

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.

Draft ordinance A draft ordinance is attached for your review and consideration.

Proposed motion Recommend to the Village Board the rezoning of the subject property as set forth in the draft ordinance dated December 7, 2023

Attachments:

1. Draft ordinance dated December 7, 2023
2. Public hearing notice

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARINGS

The Village of East Troy Plan Commission will conduct a public hearing on Monday, December 11, 2023, for each of the following:

1. Amend general development plan approved in 2021 for property located at 2931 Union Street to allow general retail where the church previously operated; Steve Lambrechts, applicant; (application 2023-28)

Details are available online: <https://s.zoninghub.com/8U63AB80GD>

2. Assign permanent zoning classification for newly annexed parcels located at the northwest corner of North Street (Highway 20) and Main Street; Anderson Commercial Group (Ray Goodden, agent); (application 2023-30)

Details are available online: <https://s.zoninghub.com/V8IOHB9PYV>

3. Conditional use application for a restaurant located at the northwest corner of North Street (Highway 20) and Main Street; Anderson Commercial Group (Ray Goodden, agent); (application 2023-32)

Details are available online: <https://s.zoninghub.com/AUMEGNGM45>

4. Rezone five adjoining parcels (RXUP 00146, RXUP 00154, RXUP 00146C, RXUP 00146E, RXUP 00159) located off of Main Street at the intersection with School Street to MR-10; Sawall Development, applicant (application 2023-35)

Details are available online: <https://s.zoninghub.com/48ZQ4D8NR7>

5. General development plan for Overlook Ridge, a proposed planned development district for a vacant property off of Main Street at the intersection with School Street with a total of 145 multi-family dwelling units; Sawall Development, applicant (application 2023-36)

Details are available online: <https://s.zoninghub.com/L8508X3ERV>

The Plan Commission meeting starts at 6:30 pm and will be held at the Village Hall 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. In addition, written comments may be submitted (1) online via the Village's ZoningHub website <https://villageofeasttroy.zoninghub.com/home.aspx>, by December 5, 2023; (2) to the Village Hall by Friday, December 8, 2023; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on November 24 and December 1, 2023

ORDINANCE 2023-

- Draft December 7, 2023 -

**AN ORDINANCE TO REZONE TWO RECENTLY ANNEXED PROPERTIES
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, the Village Board annexed two adjoining parcels at the northwest corner of the North Street and Main Street, currently designated as Parcel Numbers P ET2000003A and P ET2000003B in the Town of East Troy (herein referred to as “subject property”); and

WHEREAS, the annexation ordinance temporarily zoned the subject property as Highway Business (HB); and

WHEREAS, the property owner has submitted a petition to make Highway Business (HB) the permanent zoning classification; 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 December 11, 2023; 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; and

WHEREAS, the Village Board considered the Plan Commission’s recommendation at their meeting on December 18, 2023; 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, generally shown below, is classified as Highway Business (HB) and the zoning map is hereby amended to incorporate such change.

Subject Property



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 18th day of December 2023

Robert M Johnson, President

ATTEST:

Lorri Alexander, Village Clerk