

Date: January 4, 2024

To: Village of East Troy Plan Commission

From: Tim Schwecke, Zoning Administrator

Subject: Rezone five adjoining parcels (RXUP 00146, RXUP 00154, RXUP 00146C, RXUP 00146E, RXUP 00159) off of Main Street from Highway Business (HB) to MR-10; Sawall Development, applicant

Application: 2023-35; <https://s.zoninghub.com/48ZQ4D8NR7>

Meeting: January 8, 2024 Plan Commission meeting

Sawall Development owns five adjoining parcels on the south side of Main Street and has submitted a petition to rezone them from (HB) Highway Business to (GI) General Industrial.

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. 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 "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), 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.

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 Ordinance 2024-02, dated January 4, 2024.

Attachments:

1. Public hearing notice
2. Draft ordinance, January 4, 2024

VILLAGE OF EAST TROY PLAN COMMISSION

NOTICE OF PUBLIC HEARINGS

The Village of East Troy Plan Commission will conduct a public hearing on Monday, January 8, 2024, for each of the following:

1. 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>

2. 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 January 3, 2024; (2) to the Village Hall by Friday, January 5, 2024; or (3) during the public hearing.

Lorri Alexander, Village Clerk

Published in the *East Troy Times* on December 22 and 29, 2023

ORDINANCE 2024-02**- January 4, 2024 -**

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, Sawall Development (herein referred to as “property owner”) owns five adjoining parcels on the south side of Main Street, designated as Parcel Numbers RXUP 00146, RXUP 00154, RXUP 00146C, RXUP 00146E, RXUP 00159 (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 MR-10; 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, generally depicted below, is rezoned from HB to MR-10 and the zoning map is 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 15th day of January 2024

Robert M. Johnson, President

ATTEST:

Lorri Alexander, Village Clerk