

TO: Village of East Troy Plan Commission
CC: Eileen Suhm, Jason Equitz, Tim Lynch
FROM: Orrin Sumwalt, Planning Consultant
RPT DATE: April 10, 2025
MTG DATE: April 14, 2025
APRVL DATE: Village Board action required within 90 days of submittal
FOTH FILE: 25E020.01/9
RE: The Climbing Tree Child Care – Certified Survey Map Review

BACKGROUND:

1. Petitioners: Colleen Anderson (The Climbing Tree Child Care and Family Education Center Inc.)
2. Property Owners: The Climbing Tree Child Care & Family Education Center Inc. & PSG East Troy, LLC
3. Location/Address: 3147 Main Street, East Troy, WI 53120
4. Tax Key Number: RXUP 00198
5. Area: 1.321 AC
6. Existing Zoning: HB Highway Business District and TR-8 Two-Family Residential District
7. Proposed Zoning: N/A
8. Future Land Use: Mixed Residential

OVERVIEW:

The Petitioner is requesting approval of a 1-Lot Certified Survey Map (CSM) on property located at the 3147 Main Street, East Troy, WI 53120. The petitioner is purchasing about 0.3 acres of land from the owner of the property to the south (PSG East Troy, LLC). They have jointly submitted a Certified Survey Map to modify the lot line between the two adjoining parcels and transfer the approximately 0.3 acres to The Climbing Tree Day Care.

Lot 1 has an area of 1.170 acres (50,954 S.F.). The property is currently vacant farmland and primary environmental corridor. The property has access via an existing driveway to Main Street on the north side of the property. There is an access restriction on the CSM, which means the property will not have direct access to Wetland Way.

On August 14, 2023, the Plan Commission recommended conditional approval of the same Certified Survey Map. However, the petitioner never recorded the document with the Walworth County Register of Deeds. As such, the petitioner has reapplied.

PLANNER COMMENTS:

1. **Zoning.** The Climbing Tree Day Care's property is zoned HB Highway Business District. However, the adjacent property to the south being purchased from PSG East Troy, LLC is zoned TR-8 Two-Family Residential District. As such the proposed CSM will result in a lot with split zoning. The Village Zoning Code does not appear to prohibit this.
2. **Village Review Procedures.** With regard to land divisions, the Plan Commission is advisory to the Village Board. The Plan Commission may recommend (1) approval, (2) approval with conditions, or (3)

denial of the application. If approval is recommended, the Plan Commission can impose conditions deemed necessary to protect the public health, safety, and welfare.

3. **Public Notice.** Aside from being included on the meeting agenda, no other public notice is required.

STAFF RECOMMENDATION:

Certified Survey Map

Depending on confirmation by the Village of East Troy Plan Commission of the above-described comments, the Village of East Troy Plan Commission may take the following actions:

The Village of East Troy Plan Commission recommends to the Village Board **Approval** of the Certified Survey Map for Colleen Anderson (The Climbing Tree Child Care and Family Education Center Inc.) for the property located at 3147 Main Street (RXUP 00198) subject to the following conditions:

1. Subject to submittal of a corresponding conditional use permit amendment and site plan and plan of operation amendment for The Climbing Tree Child Care and Family Education Center Inc. to incorporate the additional land within 12 months of the date of approval of the Certified Survey Map.
2. Prior to the Village signing the final CSM, the commencement of any construction of an improvement, whether public or private, or any site development, the developer shall satisfy all comments, conditions and concerns of the Village Engineer, the Village Planner and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Administration per Ch. 236, Wisconsin Statutes and Ch. Comm. 85, Wisconsin Administrative Code.
3. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of East Troy for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Village of East Troy by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Village of East Troy must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Village of East Troy, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village of East Troy, including possible cause for termination of the conditional approval.
4. Although the Village of East Troy has reviewed the subdivision plat/certified survey map, the surveyor is entirely responsible for the thoroughness and accuracy of the survey and related matters and compliance with all state and local codes, ordinances, and procedures.

EXHIBIT:

- A. GIS Property Location Map
- B. Petitioner Application