

**PETITION OF AMENDMENT TO THE LAND USE PLAN MAP OF THE
2025 COMPREHENSIVE PLAN FOR THE TOWN OF LINN,
WALWORTH COUNTY WI**

OWNER: John M. Trossen

TOWN: Linn TAX PARCEL NO.: IL 1000004A & IL 1000004B


The undersigned hereby petitions the Town of Linn, Walworth County, WI to amend the 2025 Comprehensive Land Use Map.

Present Plan Map Designation: Residential Conservation Subdivision District

Request Plan Map Designation: Commercial Development District

LEGAL DESCRIPTION: (Written Metes and Bounds Description of the Land to be Redesignated)
All that part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 1 North, Range 17 East, in the Town of Linn, Walworth County, Wisconsin, bounded and described as follows, to wit: A piece of land off the Southwest corner that will be 125 feet along Linn Road and 174.75 feet deep from the center of Linn Road, taken from the following described property: Beginning at the Northwest corner of the Southwest 1/4 of the Southwest 1/4, in Town 1 North, Range 17 East of the Fourth Principal Meridian, Township of Linn, running thence North on the center line of a public highway 295.16 feet to a point; thence East parallel with the North Line of the Southwest 1/4 of the Southwest 1/4 of Section 10, 319.91 feet to a point; thence South 295.16 feet to a point in the North line of the Southwest 1/4 of the Southwest 1/4 of Section 10; thence West on the North line of the Southwest 1/4 of the Southwest 1/4 of Section 10, 319.91 feet to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 10 and the place of beginning (end of legal description). Tax Parcel No. IL 1000004B.

Beginning at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 10, T1N, R17E, Township of Linn, Walworth County, Wisconsin, thence north 295.16 feet; thence East 319.91 feet; thence South 295.16 feet; thence West 319.91 feet to the place of beginning, EXCEPT a parcel in the Southwest corner 125 feet by 174.75 feet deep (end of legal description).
Tax Parcel No. IL 1000004A.

Property Owner's Name (print): John M. Trossen
Property Owner's Signature: 
Address: N1806 Linn Road, Lake Geneva, Wisconsin 53147
Telephone No.: 262-348-9400

Petitioner's Name (print): Same as Property Owner
Petitioner's Signature: N/A
Address: N/A
Telephone No.: N/A

Statement of proposed use of property, with pertinent facts regarding the size of area involved, extent of development, type of operation, etc.:

See Narrative attached hereto as Exhibit 1 and incorporated herein.

Submit a plat of survey or plot plan (if applicable) of the property to be redesignated, drawn to scale, showing:

- Existing Land Use and Surrounding Land Use(s).
- Drainage areas, floodplains, rivers, streams, lakes, forested areas, and any other natural features.
- Soil types and Agricultural Capability Classification.

More information may be requested by the Town of Linn, Walworth County, WI if deemed necessary to properly evaluate your request. THE LACK OF INFORMATION SUBMITTED MAY IN ITSELF BE SUFFICIENT CAUSE TO DENY A PETITION.

IT IS NECESSARY FOR THE PETITIONER OR A REPRESENTATIVE TO BE PRESENT AT THE TOWN HEARING. FAILURE TO APPEAR MAY RESULT IN THE HEARING BEING POSTPONED AND THE PETITION EITHER BEING POSTPONED OR DENIED. IF DENIED, THE PETITIONER CANNOT REPETITION FOR ONE YEAR FROM THE DATE OF PUBLIC HEARING.

Date this 11 day of March, 2011.



John M. Trossen, PROPERTY OWNER

INFORMATION ON PLAN AMENDMENT PROCEDURES:

This information is provided to assist the petitioner in applying for plan amendments.

APPLICATION REQUIREMENTS:

Petitioner must submit a completed petition to the town clerk in which the land is located.

Incomplete Petitions will not be accepted. All legal descriptions, plans, and supporting information must be submitted with the application. It is important to check the application form and information check list for the type of information that may need to be included with the application. The application must contain the original signatures of the owner. No fax Petitions nor will photocopied signatures be accepted.

Due to publication requirements **complete** Petitions and filing fees must be received prior to or on the deadline date established by the town.

ATTACHMENT A

EXCERPT FROM CHAPTER 9 OF THE 2025 COMPREHENSIVE PLAN REPORT TOWN OF LINN, WALWORTH COUNTY CONCERNING PROCEDURES FOR FUTURE PLAN AMENDMENTS

The following is a copy of the text from the 2025 Comprehensive Plan Report, Town of Linn, Walworth County, WI (“Plan”) dealing with future plan amendments. This text appears on Pages 9-2 and 9-3 of Chapter 9 of the Plan:

9.3 COMPREHENSIVE PLAN AMENDMENTS

The Town of Linn should regularly evaluate progress towards achieving the goals, objectives, policies and recommendations within the comprehensive plan. It may be determined that amendments are needed to maintain the effectiveness and consistency established within the plan. Amendments are minor changes to the overall plan and should be done after careful evaluation in a non-accommodating manner to maintain the plan as a planning tool upon which decisions are based.

According to Smart Growth legislation, the same process that was used to initially adopt the plan shall also be used when amendments are made. The town should be aware that as more smart growth compliant plans are developed the amendment procedure may be clarified or changed and should therefore be monitored.

In order to ensure that the requirements of sec. 66.1001(4), Wis. Stats., are met, the town is required to follow the following steps to amend the plan:

- ◆ The established public participation procedures must be followed and need to provide an opportunity for written comments to be submitted by members of the public to the town board and for the board to respond to such written comments.
- ◆ The Plan Commission/Committee will then recommend its proposed comprehensive plan amendment to the Board by adopting a resolution by majority vote of the entire Plan Commission/Committee. The vote shall be recorded in the minutes. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan.
- ◆ One copy of the comprehensive plan amendment adopted by the Plan Commission/Committee for recommendation to the Board is required to be sent to:
(a) Every governmental body that is located in whole or in part within the boundaries of the town, including any school district, sanitary district, public inland lake protection and rehabilitation district or other special district; (b) the clerk of every city, village, town, county and regional planning commission that is adjacent to the

town; (c) the Wisconsin Land Council; (d) after September 1, 2003, the Department of Administration; (e) the regional planning commission in which the town is located; and, (f) the public library that serves the area in which the town is located.

- ◆ The Board, by majority vote, will then approve an ordinance for the amendment to take effect. The ordinance will then be filed with the serving public library and the clerk of all adjacent local governmental units

Under State comprehensive planning law, amendments to the comprehensive plan must follow the same procedure as those for initial adoption of the plan. Reference should be made to Wisconsin Statutes Section 66.1001(4) for details in this regard. The major steps in the amendment process, *as related to towns*, are summarized below:

- ✓ An application for a plan amendment would be submitted to the town for consideration by the town plan commission.
- ✓ The town plan commission would review the proposed amendment and make a recommendation on it to the town board. A recommendation supporting the amendment must be in the form of a resolution adopted by a majority vote of the town plan commission.
- ✓ The town would send a copy of the proposed amendment to all adjacent local units of government and other parties listed in Section 66.1001 (4)(b) of the Statues.
- ✓ The town would hold a public hearing on the proposed amendment preceded by a Class 1 notice published at least 30 days prior to the hearing.
- ✓ The town board would consider action on the amendment. An action to adopt the amendment must be in the form of an ordinance adopted by a majority vote of the town board.
- ✓ The town would send a copy of the adopting ordinance to all adjacent local units of government and other parties listed in Section 66.1001 (4)(b) and (e).

Following adoption by the town board, the amendment should be submitted to the Walworth County Zoning Agency, which would initiate the process of amending the County comprehensive plan. The process for amending the County plan would be similar to that for towns, as summarized above, with the understanding that the functions of the town plan commission and town board would be carried out by the County Zoning Agency County Board, respectively.

EXHIBIT 1

NARRATIVE

1 John M. Trossen, N1806 Linn Road, Lake Geneva, WI (“Applicant”) is the owner
2 and operator of The Pier Country Store which is located on Linn Road in the Town of Linn,
3 Walworth County, WI, more particularly described in the attached Exhibit A (“Store Property”).
4 Applicant is also the owner of a parcel of land directly adjacent to and north and east of the Store
5 Property, more particularly described in the attached Exhibit B (“Rezone Property”). The Store
6 Property is comprised of approximately one-half acre of land zoned B-1, Local Business District
7 and has been utilized as a business since prior to Applicant’s ownership. The Rezone Property is
8 a vacant parcel of land comprised of approximately one and one-half (1-1/2) acres of R-1, Single-
9 Family Residence District (Unsewered) zoned land and was utilized as a rental property of two (2)
10 residential structures, until their removal in 2009 (“Store Property” and “Rezone Property”
11 sometimes collectively referred to herein as “Properties”).
12

13 Applicant purchased the Store Property on November 30, 1998, as a fully
14 operational small business used previously as a restaurant, small gas station, and soda shop with
15 an attached single-family residential dwelling. Applicant converted the restaurant into a country
16 store that included a fishing guide service on Geneva Lake as well as the sale of fishing gear such
17 as live bait and tackle, and other commodities such as grocery, deli sales, snacks and liquor. Due
18 to the growth of the business, Applicant wishes to expand the existing businesses to provide for
19 additional parking and to construct an accessory structure on the Rezone Property for off-season
20 inside storage for boats and other marine vehicles.
21

22 The 2025 Comprehensive Plan for the Town of Linn (“2025 Plan”) details both the
23 current use of lands located within Town of Linn (“Town”) as well as a comprehensive plan for
24 the future development within the Town. As shown in Map 8-1 Existing Land Use, found at page
25 8-3 in the Map Section of the 2025 Plan, the Town acknowledges the existing Commercial land
26 use of the Store Property, see attached Exhibit C. While the Town’s 2025 Preferred Land Use Plan
27 Map designates the Properties as Residential Conservation Subdivision District, the 2025 Plan does
28 allow for:

29 *“Existing commercial businesses located individually around the town may*
30 *be continued and considered for expansion.”*
31

32 See Commercial Development District policies, found in the Preferred Land Use Plan Section and
33 attached hereto as Exhibit D.
34

35 Accordingly, Applicant now petitions the Town to Amend the Land Use Plan Map
36 of the 2025 Plan from Residential Conservation Subdivision District to Commercial Development
37 District to allow for the construction of the accessory building to expand the existing business on
38 the Properties.
39

40 Concurrently herewith, Applicant is petitioning the Town for a Rezone from R-1.
41 Single-Family Residence District (Unsewered), to B-1, Local Business District to allow for the
42 expansion of the existing business on the Properties. The Applicant's expanded business would
43 include such permitted uses as the sale of items sporting goods, items relating to boating/fishing,
44 live bait and tackle, and other such commodities as groceries, bakery items, fresh fruits, fresh
45 vegetables, snacks, liquor, delicatessen, florist items, gifts. The expanded business would also
46 include the construction of an accessory structure on the Rezone Property for the purposes of inside
47 off-season storage and minor repair and servicing of boats and other related marine vehicles. Also
48 concurrently herewith, Applicant is filing an Application for Conditional Use Permit to include the
49 expanded use of the Properties for the purposes of inside off-season storage and minor servicing
50 of marine vehicles.

EXHIBIT A

Legal Description "Store Property"

All that part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 1 North, Range 17 East, in the Town of Linn, Walworth County, Wisconsin, bounded and described as follows, to wit: A piece of land off the Southwest corner that will be 125 feet along Linn Road and 174.75 feet deep from the center of Linn Road, taken from the following described property: Beginning at the Northwest corner of the Southwest 1/4 of the Southwest 1/4, in Town 1 North, Range 17 East of the Fourth Principal Meridian, Township of Linn, running thence North on the center line of a public highway 295.16 feet to a point; thence East parallel with the North Line of the Southwest 1/4 of the Southwest 1/4 of Section 10, 319.91 feet to a point; thence South 295.16 feet to a point in the North line of the Southwest 1/4 of the Southwest 1/4 of Section 10; thence West on the North line of the Southwest 1/4 of the Southwest 1/4 of Section 10, 319.91 feet to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 10 and the place of beginning (end of legal description).

Tax Parcel No. IL 1000004B.

EXHIBIT B

Legal Description "Rezone Parcel"

Beginning at the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of Section 10, T1N, R17E, Township of Linn, Walworth County, Wisconsin, thence north 295.16 feet; thence East 319.91 feet; thence South 295.16 feet; thence West 319.91 feet to the place of beginning, EXCEPT a parcel in the Southwest corner 125 feet by 174.75 feet deep (end of legal description).

Tax Parcel No. IL 1000004A.

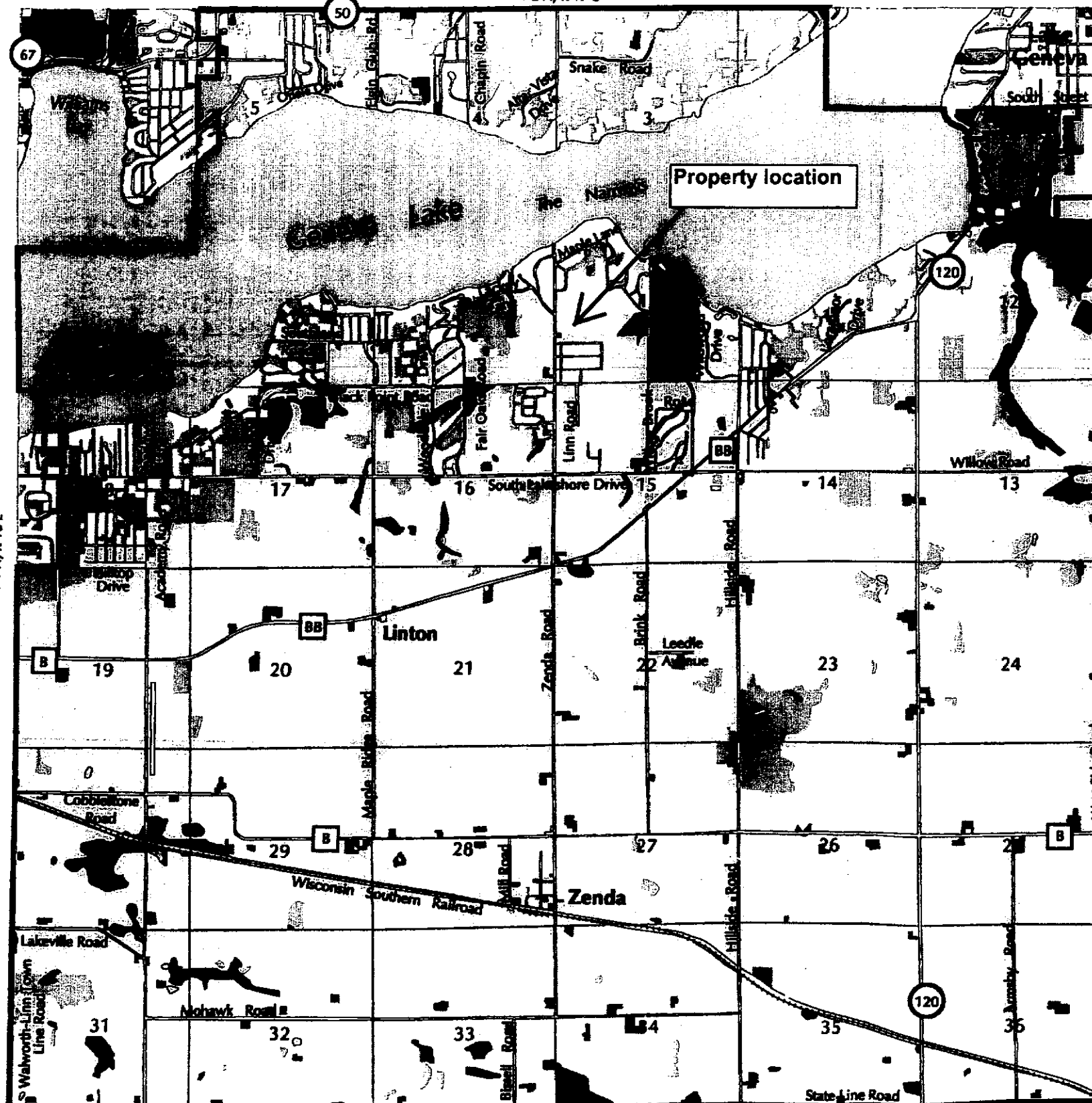
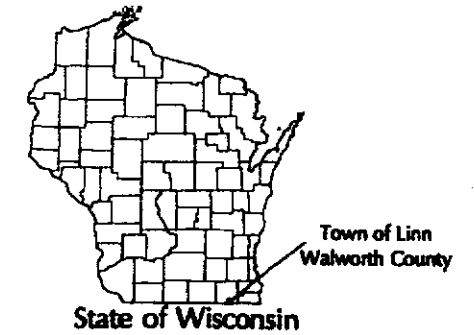
EXHIBIT C

**“Map 8-1 Existing Land Use”
Town of Linn
Walworth County, Wisconsin**

See attached.

TOWN OF GENEVA, WALWORTH COUNTY
T 2 N, R 17 E

MAP 8-1 EXISTING LAND USE Town of Linn Walworth County, Wisconsin



- Single Family Residential
- Two Family Residential
- Multi-Family Residential
- Farm Building
- Commercial
- Communication/Utilities
- Government/Institutional
- Industrial
- Landfills & Dumps
- Extractive
- Recreational
- Agriculture and Other Open Space
- Wetlands
- Woodlands

Other Features

- Surface Water
- Roads
- Section Lines
- Streams
- Town Boundary
- State Roads
- County Roads
- 36 Section Numbers

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only.

Source: Southeastern Wisconsin Regional Planning Commission, 1995.

0 1000 2000 3000 4000 5000 Feet



m:\020007\lwp_8.apr February 10, 2004 Drawn by: pepi Checked by: mdp

EXHIBIT D

**Commercial Development District Policies
(found in the Preferred Land Use Plan Section of the
2025 Comprehensive Plan for the Town of Linn)**

See attached.

Commercial Development District

The Commercial Development District is intended to allow for limited commercial development, such as agricultural support businesses, and small-scale businesses to serve permanent and seasonal residents, and visitors to the area. The town recognizes that the adjacent communities of Lake Geneva, Williams Bay, and Fontana are the commercial centers of the area. Commercial development is not planned as a major enterprise in terms of the scale of operations, or the extent of land devoted to such uses.

Policies

1. All development shall receive site plan approval for access, parking, lighting, screening, vehicle storage, noise and dust control, and stormwater management. Site planning is important to address the site design and look of the building, and to help maintain the rural character of the town. The town shall avoid franchise architecture designs that do not respect the local character of the community.
2. A landscape buffer shall be required between commercial properties and adjacent residential development.
3. A linear or strip commercial development pattern shall be avoided by concentrating development at the four quadrants of the STH 120/Willow Road intersection to create a compact development pattern.
4. Existing commercial businesses located individually around the town may be continued and considered for expansion.
5. Access shall meet or exceed minimum intersection setback requirements established by the Wisconsin Department of Transportation (WisDOT).
6. The Town of Linn should plan to jointly review all land divisions abutting STH 20 with WisDOT, as required by Trans 233.
7. Local commercial development should be restricted to development, which can be served by access from local roads.

Appropriate Walworth County Zoning Districts include the B1, Local Business, and B2, General Business Districts. These districts allow neighborhood scale commercial development such as restaurants, stores, gift shops, banking, real estate, medical, and legal offices. Gas stations are not a permitted use in these districts. Rather, gas stations are a conditional use, which would allow the town to utilize site design guidelines to negotiate development that is consistent with the rural character of the town.

Zenda Town Center District

The Town Center District is created to promote Zenda as the center of government services in the town. Consistent with the existing land use pattern, and Traditional Neighborhood Development concepts, a mix of uses, such as residential, commercial, recreation, light industrial, and transportation facilities would be allowed.