

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, June 2, 2015**

Members present: T. Oberhaus, L. Krause, P. Kanter, C. Dundon, E. Kranick, G. Reich, B. Cooley
Also present: T. Barbeau, *Town Engineer*, 8 citizens

First order of business: Call to Order and Pledge of Allegiance

Chairman Oberhaus called the meeting to order at 7:02 p.m. and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of May 5, 2015

MOTION BY MR. REICH, SECONDED BY MR. KRANICK, TO APPROVE THE MINUTES OF THE MAY 5, 2015 PLAN COMMISSION MEETING. MOTION CARRIED.

Third order of business: Communications (for discussion and possible action): None

Fourth order of business: Unfinished Business: None

Fifth order of business: New Business:

- A. Thomas and Polly Kranick, owners by Cory O'Donnell, Neumann Companies, agent,
Re: Consideration and possible action on a request to approve monument signs and walking path plans for Woodridge Estates II located north of Franciscan Road and east of Maple Avenue in the Town of Delafield.

Mr. Kranick recused himself from the meeting and left the room.

Engineer Barbeau explained that at the May meeting the developer was directed to bring back the monument sign and walking path plans to the Plan Commission for approval. The proposed entrance monuments to Woodridge Estates will be located in the landscape median at both the North Shore Drive and Maple Avenue entrances. The monument will face Maple Ave. and North Shore Dr. as one would enter the development. The size of the sign is a maximum of 10 ft. tall and 14 ft. wide. The maximum size of signs for wall signs and free standing signs on commercial property is 120 sq. ft.

Matt Neumann presented plans for the signage and the walking path. The same sign design will be used at both entrances to the subdivision. The sign is 10 ft. tall to the peak and 14 ft. wide. The plan shows 4 lights but there may be less. There will probably just be plantings behind it. The location was chosen due to utility placement.

Engineer Barbeau explained that the subdivision Home Owner's Association will maintain the sign.

Mr. Neumann would like the flexibility to reduce the size of the sign if it looks too big when it's being constructed.

MOTION BY MR. KANTER, SECONDED BY MR. REICH, TO APPROVE THE WOODRIDGE ESTATES SIGN DESIGN WITH A FINISHED HEIGHT BETWEEN 8-10 FEET TALL. MOTION CARRIED.

Engineer Barbeau stated the walking paths through the subdivision will be 6 ft. wide asphalt paths. The walking paths in the environmental corridor in the southeast portion of the subdivision are planned to be 6 ft. wide wood chip walkways. The walking paths provide access to the center green area and to the Town Park lands.

Mr. Neumann explained the walking paths will be paved. In the woods, the paths will be either wood chips or mowed paths. The trails through the woods area are not precise on the plans presented since the GPS wouldn't work with the trees. They will mow the paths first to determine their exact location. The Franciscan Rd. connection is yet to be determined so that it works with the hill. All other paths indicate show their accurate locations. The paved section is about 2 miles. The woods will be another ½ to 1 mile in length. They are intentionally not connecting to Poplar Dr.

MOTION BY MR. REICH, SECONDED BY MS. DUNDON, TO APPROVE THE WALKING PATHS FOR WOODRIDGE ESTATES WITH THE PROVISO THAT, GIVEN THE STEEP CONSTRUCTION GRADE DIFFERENCE, THE SOUTHERN MOST PATH ON THE PLAN DATED MAY 13, 2015 IN THE EXISTING FOREST AREA MAY BE REMOVED FROM THE WALKING PATH PLAN IF THAT AREA IS DEEMED TO BE TOO STEEP FOR SAFE USE. MOTION CARRIED.

Mr. Kranick returned to the meeting.

- B. Peter Ogden, W290 N2171 Happy Hollow Road, Re: Consideration and possible action on the following two matters:
 - 1. Request for approval of a Certified Survey Map to reconfigure land owned by the Ogden's at W290 N2171 Happy Hollow Road
 - 2. Consideration, approval and recommendation to Waukesha County Dept. of Parks and Land Use, Planning Division, for the allowance of more than 2 accessory buildings on the property known as Lot 3 on the proposed Certified Survey Map.

Mr. and Mrs. Ogden have petitioned the Town to approve a CSM that would reconfigure their property. They own three parcels as part of their homestead property. The westerly lot is being increased to accommodate an accessory building (barn). Their second request is for the approval of more than two accessory buildings on the westerly parcel (Lot 3 on the CSM). The County Shoreland and Floodland Protection Ordinance, Section 3(j)4.D Accessory Buildings, requires Town Plan Commission approval for more than 2 accessory structures. The proposed number of accessory buildings on Lot 3 is four: a boat house, an existing garage, an existing shed and a new accessory building. The chicken coop will be relocated into the new accessory building.

The CSM meets all Town requirements. Zoning on the property is primarily under the County Shoreland district. Lot 1 contains both Town and County zoning; however, the lot meets the minimum standards in the Town's R-2 zoning district. The CSM includes a dedication of 33 feet of right of way along Oakton Road, which meets the Town's street width map. He recommends approval of the CSM subject to incorporating County technical review comments. If said comments substantially modify the Town's approval, the matter shall be returned to the Town Plan Commission.

With regard to the additional accessory building, Engineer Barbeau stated that the Plan Commission must review the request in light of Section 3(d)3.B. That is, will the accessory building adversely affect the nearby properties or general desirability of the neighborhood. He noted that use of the building is not a criterion. The sizes of the existing buildings are boathouse: 608 sq.ft, garage 977 sq. ft., and shed 41 sq.ft. The proposed new accessory building is proposed to be 3,924 sq.ft.

Town lands that are zoned R-2 and R-3 outside of the County Shoreland jurisdiction line are allowed 2 detached accessory buildings. If the lot is greater than 1 acre, the total composite area of the accessory buildings is 1,000 sq.ft. The addition of an accessory building that brings the total area of accessory buildings up to 5,509 sq.ft. (assuming that the tool shed is removed) is not compatible with the surrounding neighborhood which includes land zoned R-2 and R-3. Lands to the west are zoned R-3 and lands to the east are zoned R-2 PUD. The proposed new accessory building alone represents 1.6% of the lot area – which is greater than the Town allows for accessory buildings in our A-2 Rural Home district (1%).

If a substantially smaller sized accessory building was proposed and possibly incorporation of more land with the parcel that contains the new structure, that may mitigate any adverse effects on adjacent properties.

Based on the request made for the additional accessory building, Engineer Barbeau does not recommend approval of an additional accessory building on the basis that it is not compatible with the surrounding residential setting, specifically the size of the proposed accessory building.

Peter Ogden and Terri Mahoney Ogden stated the CSM for their property was delivered to Waukesha County today (6/2/2015). Pewaukee has waived jurisdiction. The request for having the barn is driving his request for the CSM but Mr. Ogden still wants the CSM approval even if the barn is not approved. Since the property is in the County Shoreland District, a Town zoning change is no longer needed. He needs to move the property lines in order to meet the County's offset requirements for the proposed barn. The County allows more and larger structures on properties than the Town does.

Mr. Ogden explained the history of a barn on this property and proposed to reduce the size of the proposed barn and keep all of the existing buildings currently on the property. Even though the 3 lots are separate properties he stated they should be considered for this request as a combined property since he owns them at this time and has no intention of selling any of them. If the Town won't give approval for another building, he will remove the 3 buildings and build the barn. He said the neighbors and community deserve a beautiful barn on that property. He stated he will be able to graze his animals on Lots 1 and 2. He has not talked with any of the neighbors regarding his plans.

Plan Commission members explained they look at how the proposal fits into the greater context of the property and the surrounding properties and questioned Mr. Ogden's plans for the future if he leaves the property as 3 lots. They stated that signals that he has a future intent to sell potentially smaller lots which would have an adverse impact on the neighboring properties. If Mr. Ogden combined his 3 lots into one 18 acre property there would be no issue with adding the barn and keeping the outbuildings he wants to keep. Mr. Ogden's request to reduce the size of the barn and keep all of his outbuildings still results in the total square footage of the buildings being approximately 2100 sq. ft. over the amount the Town will allow.

Mr. Ogden stated that nothing has changed since the last time he appeared before the Plan Commission on this topic. The issue is that Waukesha County now has jurisdiction on his property and he is trying to pursue the easiest way to get the approvals he needs. He wants the lot lines to stay as they are on the CSM. In the past the hindrance to his request was that his neighbors did not want his property to have agricultural zoning.

Engineer Barbeau reminded Mr. Ogden that he could join his lots into one lot and then the proposed barn would be allowed. The issue is that Mr. Ogden wants the boat house, a garage and a barn which is more than the Town allows in A2 zoning. If Mr. Ogden's long-term intent is a house and accessory structure on Lots 1 and 2, the property is zoned R-2 in the County. The County allows 3% which is greater than the Town allows.

Mr. Reich stated the issue is the potential impact of the property changes in relation to its neighbors. If the lots were combined into one farmette, the proposed changes would work and meet all Town requirements. He said Mr. Ogden's intent not to develop the other currently existing lots could change tomorrow.

Mr. Kanter stated that only the first sentence in 3(d)3.B. applies and that the Plan Commission needs to look at the impact on nearby properties. The County Ordinance specifically references the Town Plan Commission as the deciding Plan Commission for the approval of this proposal, so the County will defer to the Town on this request. At a combined 18 acre parcel, Mr. Kanter said this would be easy to approve but at 5.5 acres, this is nearly impossible to approve. The Plan Commission is left to conclude that the other acres will someday be developed and this action will adversely impact the neighbors.

Ms. Dundon asked for clarification as to the intended use for the barn. Mr. Ogden replied that he feels the property deserves a beautiful barn and he will be able to graze animals on lots 1 and 2.

Mr. Oberhaus likes the idea of what Mr. Ogden is proposing. He doesn't think the size of the barn should be reduced but he cannot agree to allowing extra buildings on the property.

Mr. Kranick stated this will not have an adverse effect. He believes people will want the beautiful barn near them and the Town will have a say in future development.

Engineer Barbeau clarified that lot 2 could have a residence and 2 outbuildings without Town approval or involvement in the decision process. The Town would have some jurisdiction on lot 1 since part of it is in the Town jurisdiction and part is in the Shoreland district. If the lot was re-split, the Town would be able to review it. Having the property in separate lots lends itself to the Ogdens selling some property off and a future owner separating the property into more lots. There are limitations as to what can be done with the lots due to the available access to roads.

Engineer Barbeau asked if the Plan Commission wants to allow a 3rd accessory building on the lot as requested knowing that Mr. Ogden can build the barn if he takes down the garage. Mr. Ogden is offering to reduce the size of the barn. What is proposed works mathematically for Waukesha County's zoning restrictions but not for the Town. The Ogden's neighbors who are not in the County jurisdiction have to work within the smaller size restrictions which the Town allows.

MOTION BY MR. KANTER, SECONDED BY MR. REICH, TO RECOMMEND TO THE TOWN BOARD THE APPROVAL OF THE CERTIFIED SURVEY MAP DATED 5/22/15 TO RECONFIGURE LAND OWNED BY PETER OGDEN, W290N2171 HAPPY HOLLOW ROAD SUBJECT TO INCORPORATING COUNTY TECHNICAL REVIEW COMMENTS. IF SAID COMMENTS SUBSTANTIALLY MODIFY THE TOWN'S APPROVAL, THE MATTER SHALL BE RETURNED TO THE TOWN PLAN COMMISSION. MOTION CARRIED.

Plan Commission members stated a third structure on this property will adversely affect the nearby properties or general desirability of the neighborhood.

MOTION BY MR. REICH, SECONDED BY MR. KANTER, TO DENY THE APPROVAL OF THE ADDITION OF THE PROPOSED BARN STRUCTURE AS PRESENTED ON THE CONCEPT PLAN FOR THE PROPERTY KNOWN AS LOT 3 ON THE PROPOSED CERTIFIED SURVEY MAP FOR PETER OGDEN AT W290N2171 HAPPY HOLLOW ROAD, DATED APRIL 29, 2015 IN LIGHT OF THE PROVISIONS OF SECTION 3(d)3.B OF THE COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE REQUIRING TOWN PLAN COMMISSION APPROVAL OR DISAPPROVAL OF MORE THAN TWO (2) SUCH ACCESSORY BUILDINGS.

MOTION CARRIED 5/1 WITH CHAIRMAN OBERHAUS, MR. KRAUSE, MR. KANTER, MS. DUNDON, AND MR. REICH VOTING "YES" AND MR. KRANICK VOTING "NO".

- C. Town of Delafield Planning Commission, Re: Consideration and possible action to begin the process of terminating the Conditional Use Permit for James Cadd, owner on lands located at N47 W28229 Lynndale Road.

MOTION BY MR. KANTER, SECONDED BY MS. DUNDON, THAT CONSISTENT WITH TOWN CODE 17.05 4. D. THE PLAN COMMISSION REQUESTS PERMISSION OF THE TOWN BOARD TO PROCEED WITH THE PROCESS TO TERMINATE THE CONDITIONAL USE PERMIT FOR JAMES CADD, OWNER ON LANDS LOCATED AT N47W28229 LYNDALE ROAD.

MOTION CARRIED.

Sixth order of business:

Discussion:

- A. Jeremiah Williams Family Partnership, N3 W29350 Bryn Drive, by Lloyd Williams, W289 N520 Elmhurst Road, Re: Discussion regarding the planning and future residential development of

300 acres of land owned by the Williams family located in the Northeast, Northwest and Southeast one-quarter sections of Section 35, Town of Delafield (Tax Key Nos.: DELT 0860-994, 0857-999, 0858-998 and 0858-996).

Engineer Barbeau reported Carl Tomich called and stated no drawings are available so they do not want to be heard at this meeting.

Seventh order of business: Announcements and Planning Items:

Town Hall moves: Friday, June 12, 2015 (office closed)

Next meeting -Tuesday, July 7, 2015 at 7 p.m. (at the new Town Hall)

Eighth order of business: Adjournment

**MOTION BY MR. REICH, SECONDED BY MR. KRAUSE, TO ADJOURN AT 8:14 P.M.
MOTION CARRIED.**

Respectfully submitted,

Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: July 7, 2015