

PLAN COMMISSION MEETING
Tuesday, June 6, 2017

Members present: T. Oberhaus, L. Krause, E. Kranick, C. Dundon, K. Fitzgerald, P. Kanter, G. Reich (arrived at 7:22 p.m.)

Also present: T. Barbeau, *Town Engineer, 48 citizens*

Public Hearing: Prior to the start of the scheduled Plan Commission meeting a public hearing was held in front of the Plan Commission and a quorum of the Town Board to solicit public input on a proposed amendment to the Conditional Use Permit for the Schoenstatt Sisters of Mary, W284 N404 Cherry Lane for the construction and operation of an addition to the existing convent on the property. The regularly scheduled Plan Commission meeting began immediately following the conclusion of the public hearing. Chairman Oberhaus called the public hearing to order at 7:00pm. The Town Clerk read the public hearing notice.

Tim Knepprath of MSI General, Inc., proposed an 11,460 square foot addition to the existing convent which is located on approximately 250 acres and consists of two facilities; a retreat center and living quarters for the sisters. The proposed addition to the convent would be a three story building on southeastern end of existing convent building. The proposed addition will include a ground level six car garage, two guest suites and five living quarter units, for a total of seven living quarters' units. The addition will disturb 6,800 square feet of a C-1 Upland Environmental Corridor Overlay District to the south however the petitioner is proposing to provide 2 new trees for each tree that is disturbed by the addition.

Keith Kindred, N2W28615 Sylvan Trail, who is the closest resident to this proposed addition is in favor of this proposal stating that the Sisters are great neighbors.

Mike Schmidt, W285N755 Cherry Lane, have concerns about traffic on Cherry Lane due to the construction and the activities at the convent. The Schmidt's have small children and are concerned for their safety with a busy road. In addition they have issues with holiday and event traffic as well as speeding. The Schmidt's don't want to see an expansion that would increase traffic any more than it already does. They heard there could be another entrance off of Hwy 18 and would be in favor of an alternative entrance. They also had concerns about the environmental impact to Etter Lake.

Romelle Kirchner of Cherry Lane, stated that this is the 2nd time they have been through an expansion of the convent. She met with Town Planner some time ago and she recalled that the Town Planner stated there would have to be another road put in if there were other additions. Ms. Kirchner stated her concerns about the continuous construction, the construction traffic for approximately 1 yr. and how it affects the safety of the small children and residents living on Cherry Lane. She stated that she has no issues with the addition otherwise.

Wayne Higgins, of Traffic Engineering Services, is conducting a traffic count as required every 5 years in the CUP. Due to equipment failure on the south end of Cherry Lane some data is missing; however, there is a 20% change in traffic, 2012-244 cars/day, 2017-290/day at the north end. Mr. Higgins was asked to repeat the study on the south end to compare presented 2012 counts.

Phyllis Robinson of Cherry Lane was concerned about bus traffic, inappropriate length of construction during last expansion and recommended that Schoenstatt Sisters have their own primary road to access their facility because the residents on Cherry Lane are affected negatively by the traffic.

Engineer Barbeau stated that what is being proposed today should have little or no effect on traffic, there will be no additions to the current population of the convent but the possibility of 7 additional during an event. (Note: a correction to the number of possible residents during events was made during the regular meeting of the Plan Commission following)

The public hearing closed at 7:27 p.m.

First order of business: Call to Order and Pledge of Allegiance
Chairman Oberhaus called the meeting to order at 7:27 p.m.

Second order of business: Approval of the minutes of March 2, 2017

Motion made by Ms. Dundon, seconded by Mr. Reich to approve the minutes as presented. Motion Carried.

Third order of business: Communications

None

Fourth order of business: Unfinished Business

A. Elizabeth Riemer Survivor's Trust/Larry and Judy Sheets Living Trust, owners, by Bill Zach, Iron Pipe Development, Re: Consideration and possible action on the following matter related to a single family development on lands located west of Cushing Park Road, south of Abitz Road and north of Scuppernong Creek in the Northwest ¼ and Southwest ¼ of Section 31, Town of Delafield, Tax Key No. 842-999:

- a.) Planned Unit Development Conditional Use Permit to allow the development of the land as a single family subdivision

Motion made by Ms. Dundon, seconded by Mr. Reich to remove from the item from the table. Motion carried.

Bill Zach, Iron Pipe Development, stated that he originally laid out the development to match density of lands to the east and north of the City and Town of Delafield line. He moved access to the cul-de-sac to connect with Rustic Lane, but not without concerns of topography of land for drainage and visibility site lines, stating that he can't cut tree lines that are not owned by the developer. His plan for open space is to restore to natural grass lands and increased the buffer between Cushing Park Road and the lots. Mr. Zach also stated that he will move the bike path way from Cushing Park Road.

Plan commission members, in turn, stated their concerns and recommendations regarding the proposal. Comments and questions varied from eliminating lots, configuration and increasing other lot sizes in order to lower the density, to moving the access to Rustic Land for the cul-de-sac. Some members stated that the shape and lot lines of lots 13, 14, 15, and 16 were not desirable and the feasibility of placement of homes on the lots as configured was questioned. It was suggested that the lot lines be redrawn to be perpendicular to the road, eliminate lot 16 due its triangular shape and increase lots 13, 14 and 15, which also lowers the density of the development to 28 lots. The suggested location of access to the cul-de-sac connecting to Rustic Lane overall was satisfactory and trimming trees back for better visibility from the intersection at Rustic Lane was discussed. Commission members also discussed communicating with Jon Spheeris, an adjoining property owner, to connect the cul-de-sac access to his private drive in order to access Rustic Road. Lots 1-4, 21& 22 were discussed for possible elimination or reconfiguring/combining due to their close proximity to Cushing Park Road and the establishment of a buffer area. Engineer Barbeau calculated the density would be 4.1 acres/unit if the density of the development were to be lowered to 28 total lots.

Motion made by Mr. Kanter, and seconded by Mr. Reich to table the discussion. Motion Carried.

Fifth order of business: New Business

A. Schoenstatt Sisters of Mary, W284 N404 Cherry Lane, by Tim Knepprath, MSI General, Inc., Re: Consideration and possible action on a request to amend the Conditional Use Permit for the Schoenstatt Sisters of Mary to allow for the construction and operation of an addition to their convent, and consideration and possible action on the approval of the site, site grading, landscaping, lighting and architectural plans.

Discussion followed on construction issues, regulating traffic for construction activity, in particular to limit any vehicle larger than a pickup truck to a start time of 7:00 a.m. and finishing at 7:00 p.m. Engineer Barbeau reported that the septic system is adequate to handle the addition (as determined by Waukesha County) and the fire chief has reviewed the proposal plans and is satisfied that fire protection has been addressed.

Mr. Fitzgerald motioned to approve, and seconded by Mr Reich to approve CU and plans as submitted subject to final review of the landscape plan and subject to a final condition that no truck larger than a

pickup related to the construction access Cherry Lane prior to 7:00 a.m. and shall cease access by at 7:00 p.m. Motion carried.

- B. Jerry Klimowicz, Klimowicz Trust, W283 N3302 Lakeside Road, Re: Consideration and possible action on a request to approve a Certified Survey Map to combine two parcels at W283 N3302 Lakeside Road.

The Town Engineer stated that the subject proposal will serve to "clean up" Lots 6 and 7 by removing the existing property line.

Motion made by Mr. Kranick and seconded by Mr. Reich to approve the Certified Survey Map for Jerry Klimowicz dated 5/22/17 to combine Lot 6 and Lot 7 of the East Lakeside subdivision, removing the existing property line between the two lots without change of ownership or the creation of another parcel subject to the following staff recommendations: 1. Incorporation of any technical comments from the other reviewing agency: Waukesha County, 2. Applicant shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connect with this CSM, including the costs of professional services for the review and preparation of required documents or attendance at meetings, as well as to enforce the conditions in this conditional approval due to a violation of these conditions. Motion carried.

- C. Cormac and Tanya Palmer, W334 S1010 Cushing Park Road, Re: Consideration and possible action on a request for a prior review of sales or exchanges of parcels between adjoining landowners (Chapter 18.11 of the Town Code) for their property at W334 N1010 Cushing Park Road.

The proposed exchange or sale of parcels between the adjoining landowners is for the purpose of building an accessory building.

Motion made by Ms. Dundon, second by Mr. Kranick to approve the sale or exchange of parcels between Cormac and Tanya Palmer and the adjoining landowners. Motion carried.

- D. Christopher and Carrie Smith, N20 W29916 Glen Cove Road, Re: Consideration and possible action on a request for an exception to allow less than 20-foot separation between structures for a proposed addition to the house at N20 W29916 Glen Cove Road.

Paul Schultz, spoke on behalf of the applicants stating the request to add on 15 ft. to the SW portion of the house to allow for 2 ½ feet more in the bedroom. In addition, the applicants are interested in building another bathroom that is a little larger.

Plan Commission members had various opinions for and against the proposal as to whether or not the proposal is an exceptional circumstance. Engineer Barbeau required the applicant to prepare a decision sheet to assist in the evaluation of this request. For each criteria, the question is asked whether it meets the criteria. It is meets all three, the request for exception can be granted.

Board members stated their decision on each of the criteria as follows:

Exceptional Circumstances: Members Mr. Reich-nay, Mr. Kanter-nay, Mr. Fitzgerald-aye, Ms. Dudon-aye, Mr. Krause-aye, Mr. Kranick-aye, Mr. Oberhaus-abstained

Preservation of property rights: Mr. Reich-nay, Mr. Kanter-nay, Mr. Fitzgerald-aye, Ms. Dudon-aye, Mr. Krause-aye, Mr. Kranick-aye, Mr. Oberhaus abstained

Absence of detriment: Mr. Reich-nay, Mr. Kanter-nay, Mr. Fitzgerald-aye, Ms. Dudon-aye, Mr. Krause-aye, Mr. Kranick-aye, Mr. Oberhaus-abstained

The exception has been granted by majority vote.

- E. OAW, LLC, Mark Smith, owner, Re: Consideration and possible action on a request for a sign variance to allow the expansion of the Orthopedic Associates of Wisconsin monument sign located at N15 W28300 Golf Road.

Mark Smith, OAW, LLC owner, stated that a significant amount of spine cases exist and need treatment. Patients have been leaving Waukesha Co. to seek treatment, and he is trying to serve the needs here by hiring professionals in this field. The existing monument sign does not clearly delineate location for spine care, and he is asking for a variance for a proposed addition. Dr. Smith also stated that there are no plans to add to the existing building.

Motion made by Mr. Reich to not approve the sign, second by Mr. Kanter.

Question called- all in favor: Mr. Reich-aye, Mr. Kanter-aye. Opposed: Ms. Dundon-nay, Mr. Fitzgerald-nay, Mr. Oberhaus-nay, Mr. Kranick-nay. Motion failed.

Motion made by Mr. Fitzgerald to approve the request for the variance, seconded by Mr. Kranick.

Question called- Mr. Kranick-aye, Mr. Oberhaus-aye, Mr. Reich-nay, Mr. Fitzgerald-aye, Ms. Dundon-aye, Mr. Krause-aye, Mr. Kanter-nay. Motion carried.

- F. Town of Delafield Park and Recreation Commission, Re: Consideration and possible action on the approval of signs for the Paul Sandgren Recreational Trail and Northshore Park.

Motion made by Mr. Reich to approve both proposed signs, seconded by Mr. Krause. Motion carried.

Sixth order of business: Discussion
None

Seventh order of business: Announcements and Planning Items:
Next meeting – Tuesday, July 18, 2017

Seventh order of business: Adjournment

Motion made by Mr. Kanter and seconded by Ms. Dundon to adjourn at 9:35 pm. Motion carried.

Respectfully submitted,

Robin Untz
Deputy Clerk/Treasurer

Minutes approved on: July 18, 2017