

PLAN COMMISSION MEETING
Tuesday, July 18, 2017

Members present: L. Krause, E. Kranick, C. Dundon, K. Fitzgerald, P. Kanter, G. Reich, Pete VanHorn and Billy Cooley(arrived at 7:00 p.m.) T. Oberhaus-absent
Also present: T. Barbeau, *Town Engineer, approx. 35 citizens*

Public Hearing: Two public hearings were heard in front of the Plan Commission and the Town Board. The first was to solicit public input on a proposed Conditional Use Permit for the operation and expansion of the Tabernacle Cemetery, The second hearing is at the request of Patricia Mayer Revocable Trust of 2012 dtd 12/27/12 for a Zoning Amendment The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearings. Chair Krause read the hearing notice for each.

- 1) Conditional Use Permit for the operation and expansion of the Tabernacle Cemetery, located on the west side of Bryn Drive approximately 900 feet south of Hermie Lane:

Lloyd Williams the agent for the Cemetery explained the request for expansion, the donation of the additional land to the south of the existing cemetery from the Williams family, the proposed easement for access around the back of the cemetery around to Bryn Drive to be used for parking off of Bryn Drive which will also be placed to avoid the large oak trees in the wooded area.

Ms. Dundon confirmed with petitioner that the total number of acres were 1.5 acres and that the driveway easement was still in process of being finalized with the adjoining land owner.

Mr. Fitzgerald asked who the official property owner of the parcel is; the Tabernacle Cemetery Association.

Mr. VanHorn asked how the easement drive would be constructed and when. Petitioner explained that it would most likely be built in 2017 as a stone /gravel access with the potential of later being asphalted.

Mr. Cooley asked about the location of the accesses on to Bryn Drive. Engineer Barbeau indicated that there are no "great spots" for the access and the two points where they are proposed are the best options based on sight distance. Traffic control during funeral events may be needed, however the events are very limited per year.

No comments were given by the public in attendance.

- 2) Patricia Mayer Revocable Trust –Zoning Amendment from A-1 to A-2 on lands located at S11 W30520 Summit Ave.:

Mitch Olsen, acting as agent for the Patricia Mayer Revocable Trust explained the request for the Zoning Amendment to reduce three separate parcels, all zoned A-1 and totaling approximately 59 acres to two legal lots: one 11.71 acres, A-2 lot, which would encompass the existing residence and out buildings and the second being the remaining 47.91 acres which would retain the A-1 zoning with a Certified Survey Map.

Mr. Fitzgerald asked who owned the two adjacent residential parcels which were centralized among the subject parcels. The petitioner explained were owned by 3rd parties.

No comments were given by the public in attendance.

The public hearing closed at 7:18 p.m.

- 1.) **Call to Order** and Pledge of Allegiance

Acting Chairperson Krause called the meeting to order at 7:19 p.m.

- 2.) **Approval of the minutes** of June 6, 2017

Motion made by Mr. Reich seconded by Mr. Fitzgerald to approve the minutes as presented.

Motion Carried.

- 3.) **Communications-**

A late email was received in regards to the Iron Pipe proposed development which Clerk Elsner forwarded to members of the Plan Commission.

- 4.) **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.

Town Engineer Barbeau recapped last month's meeting and that after the meeting Mr. Zach submitted a revised plan that includes the following modifications:

- *Reduction of the number of lots from 35 to 30*
- *Connection to Abitz Road at Rustic Lane*
- *Average lot size is 53,005 square feet (1.22 acres) vs. 1.15 acres on the previous version of the layout*
- *Open space percentage is 63.2% vs 59.6% on the previous plan*
- *Increased open space area between Cushing Park Road and Lots north of W335 S939 Cushing Park Road (former cheese factory)*
- *Lots on the south side of Four Seasons Road (formerly lots 13-16) have been reduced to three lots and configured to be radial to the center of the roadway in accordance with the development code.*
- *Potential bike path location west of W335 S939 Cushing Park Road appears closer to the existing property and home.*
- *Location of storm water management facilities (ponds) are shown (not designed yet).*

Mr. Kanter asked the developer if Mr. Spheeris was contacted about his private road and the potential to combine it with the public road. Mr. Barbeau informed the Commission that Mr. Spheeris wanted to keep the private drive, private and asked that the large oak tree be worked around when the public road way is developed. Mr. Zach explained that the plan is to keep the heavy equipment outside of the dripline of the tree. The Commission members discussed what the open space should consist of in the landscape plan and there was a consensus that the open space should NOT be manicured grass. Additional discussion of fences and what kind of fences should be allowed if any, who should or how the fences should be regulated, what should the Town include in the Conditional Use permit or what should be regulated in the HOA covenants. Members also discussed the overall look of the subdivision. Members Kanter, Fitzgerald and Kranick felt that Lot # 19 was out of place where it is currently located. Mr. Kanter stated he felt that additional trees should be added along Cushing Park Road.

Additionally Mr. Kranick indicated concern about the cost of developing the bike spur.

Motion made by Mr. Reich to make the recommendation that Lot # 19 of the proposed development be removed altogether or relocated elsewhere in the development while still allowing up to 30 lots, seconded by Mr. Kanter. Motion Carried.

Discussion of the feasibility to properly develop and maintain the bike path spur off of Cushing Park road and around the old cheese factory property and whether it could be safely navigated by bikes and if it was even necessary to have.

Motion made by Mr. Fitzgerald to remove the bike path spur off of Cushing Park road, seconded by Mr. Reich. Motion carried by majority vote, Mr. Kanter abstained.

Motion made by Mr. Reich and seconded by Mr. Kanter to table action on the Conditional Use Permit. Motion carried.

5.) New Business

- a. Frank Fischer, S4 W32796 Government Hill Road, Re: Consideration and possible action on a request to combine two existing parcels of land into one parcel at S4 W32796 Government Hill Road.

Mr. Barbeau, Town Engineer summarized his report and confirmed that the CSM's technical comments are being addressed.

Motion made by Mr. Fitzgerald, and seconded by Mr. Reich to approve Certified Survey Map conditioned on the technical comments on the CSM be addressed. Motion Carried.

- b. Lloyd Williams, Tabernacle Cemetery Board, Re: Consideration and possible action on a request for a Conditional Use Permit to operate and expand Tabernacle Cemetery located on the west side of Bryn Drive approximately 900 feet south of Hermie Lane.

Mr. Barbeau summarized his report, the public hearing comments and the plan of operation. Mr. Barbeau stated he approves the layout of the easement at proposed. Mr. Reich would like to see the easement agreement finalized.

Motion made by Mr. Fitzgerald to recommend to the Town Board to assume the liability and the conditional use request with the condition that the easement agreement is finalized and seconded by Ms. Dundon. Motion Carried. Mr. Reich abstained.

- c. Patricia Mayer, Trustee for Patricia Mayer Revocable Trust of 2012 Revocable Trust, Re: Consideration and possible action on a Certified Survey Map to combine and reconfigure three parcels of land into two parcels of land located at S11 W30520 Summit Avenue and rezone one of the new parcels from A-1 Agriculture to A-2 Rural Hone District.

Mr. Kranick motioned to approve the request by Patricia Mayer Revocable Trust of 2012, Mitchell Olson, agent, S11 W30520 Summit Avenue, to rezone a proposed 11.71 acre parcel of land located at S11 W30520 Summit Avenue from A-1 Agricultural District to A-2 Rural Home District. The purpose of the rezoning is to allow a conforming lot to be created as part of an overall lot reconfiguration of lands owned by the Patricia Mayer Revocable Trust of 2012. The property is also known as Tax Key No. DELT 0855-999, and seconded by Mr. Kanter to approve the discussion. Motion Carried.

- d. Suresh Choubey, W309 N1693 Greywood Lane, Re: Consideration and possible action on a Height Increase request under section 17.03 6. D., for a proposed house on Lot 7, Lakeside Conservancy

Mr. Reich recused himself from the discussion and left the room because he lives in the same subdivision as the petitioner.

Town Engineer read his report to the Commission. Darryl Reetz, contractor explained that due to the drop off on the back of the residence and the requirements of the HOA for roof pitch the height increase request is needed. The three other sides of the structure meet the requirements.

Motion made by Mr. Kranick, and seconded by Ms. Dundon to approve the base height increase from 30 to 35 feet and the overall height from 45 feet to 51.5 feet as measured from the back of the structure. Motion Carried.

6.) Discussion

- a. Andy and Meg Saeger, 736 River Reserve Drive, Hartland, Re: Discussion related to potential use of the property at W289 S667 Elmhurst Road for a barn to be used for family gatherings, storage and small events.

Informational discussion only: Meg Saeger explained their plan to build a residential home on lot # 3 and would like to build an accessory building on lot #2. Mrs. Saeger indicated that the accessory building would most likely be used for storage, family gathering space and potentially as a small business hosting events.

The Commission informed Mrs. Saeger of the rules regarding A-1 zoning and accessory buildings must be used for agricultural use only. Accessory buildings on a parcel that are not used for agricultural purposes must be on the same parcel as the principal structure (residence) The Commission members offered a few options: combine lots and build the residence and accessory building on one larger lot, taking out the building permits for both at the same time, keeping the accessory building on the A-1 lot strictly for agricultural use and that a small business would need a Conditional Use Permit if they ever decided to provide the space for small events. The Plan Commission was generally not in favor of a events venue at this location.

7.) Announcements and Planning Items:

Next meeting – Tuesday, August 1, 2017

8.) Adjournment

Motion made by Mr. Kranick and seconded by Mr. Fitzgerald to adjourn at 9:00 pm. Motion carried.

Respectfully submitted,

Robin Untz
Deputy Clerk/Treasurer

Minutes approved on: August 1, 2017