

PLAN COMMISSION MEETING
Tuesday, September 5, 2017

Prior to the start of the scheduled Plan Commission meeting two public hearings were held. The first hearing was in front of the Town Board and the Plan Commission to solicit public input on a proposed zoning amendment from A-1 to A-2 on lands located at S11 W29586 Summit Avenue. The public hearing notice was read by Tim Barbeau. There was no public comment or participation in the discussion. The second hearing began immediately following the conclusion of the first hearing and was a joint hearing in front of the Town Plan Commission, a representative of the Waukesha County Department of Parks and Land Use Planning Division and a quorum of the Town Board to consider the request of Lifestriders, Inc. for a Waukesha County Conditional Use Permit to legalize an existing equine-assisted therapy and behavioral health center at S11 W29667 Summit Avenue. The public hearing notice was read by the Waukesha County representative and there was no public comment or participation in the discussion. The regularly scheduled Plan Commission meeting began immediately following the conclusion of the public hearings.

1.) Call to Order and Pledge of Allegiance

Acting Chairperson Krause called the meeting to order at 7:28 p.m. All members present except Tom Oberhaus.

2.) Approval of the minutes of August 1, 2017

Motion made by Ms. Dundon seconded by Mr. Krause to approve the minutes with the correction to strike “Acting” under item #1 Call to order. Motion Carried.

3.) Communications- (for discussion and possible action):

- A. Pamela Latsoudis, W334S850 Cushing Park Road, Re: Iron Pipe Development open space vegetation - No discussion or action taken.

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, which includes review of the subdivision landscape plan and Declaration of Restrictions.

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

Town Engineer Barbeau recapped the August 1st meeting. No changes have been made to the revised layout of the concept plan for the development since the last submittal. Mr. Barbeau requested clarification on what is the disposition of the existing house, outbuildings and improvements located north of Scuppernong Creek in the proposed outlot. As of the date of the meeting there was no response. Mr. Barbeau indicated that the no-mow grass areas in the landscape plan were identified, a few landscape features were moved or removed such as a clump of trees at the corner of Cushing Park Road and Abitz Road which seemed out of place. Mr. Barbeau stated that the proposed subdivision name of “White Oaks Conservancy” has been submitted to the County for review.

Garrett Reich commented that the Declaration needs to be “cleaned up” and made several suggestions of which a copy will be supplied to the developer; items such as the reference to an HOA, yet there is no formal HOA established yet, what conditions to accessory buildings will be applied, a sequential numbering correction was needed within the document as well as a few typos.

Motion made by Mr. Kranick and seconded by Mr. Fitzgerald to approve the recommendation to the Town Board for the Conditional Use permit, concept plan dated 7/25/17, landscape plan dated 8/14/17 and review by the Town Attorney, for the Elizabeth Riemer Survivor's Trust/Larry and Judy Sheets Living Trust related to a single family development on lands located west of Cushing Park Road, Motion Carried.

5.) New Business

- A. Lifestriders, Inc. S11 W29667 Summit Avenue, by Dr. Gary Ross, President, Re: Recommendation to Waukesha County Department of Parks and Land Use for possible approval to construct a parking lot addition at the Lifestrider's facility located at S11 W29667 Summit Avenue.

Town Engineer Tim Barbeau explained that at the last meeting, the Plan Commission approved a new parking lot and some numerical exceptions to the stall and aisle space. When this request first came into the Town staff, the owner was directed to contact Waukesha County planning department to determine whether they were going to be part of the approval process since their shoreland jurisdiction extended about 0.10 acre into the proposed parking lot. At that time, the County was satisfied with the Town proceeding with the approval of the parking lot. Although the County's jurisdiction only extended into a small portion of the parking lot, the extent of the shoreland boundary encompassed a portion of the riding barn and other facilities on the site. Therefore, the County has determined that in order for Lifestriders to operate in the County's jurisdiction, they need to have Conditional Use Permit. The Town does not have a current Conditional Use Permit for this operation because it was determined that the time of approval of this facility that they could operate under a Conditional Use permit that was approved by the Town many years ago (1983), but never formally documented. Mr. Reich recommends that the petitioner pursue a Conditional Use permit to establish the document foundation required with the Town however at this time the parking lot project can move forward.

Dr. Ross agreed that the organization wants to be sure the required documentation is completed and stated his appreciation of the help received from the Town and Waukesha County during this process.

Motion made by Mr. Fitzgerald seconded by Mr. Reich to recommend to Waukesha County to allow the facility to operate under a County Conditional Use permit subject to incorporating the plan of operation and conditions in the Plan of Operation approved in 2012 with the proposed parking lot as presented, in addition to removing the temporary banners on the fencing. Motion Carried.

Motion made by Mr. Kanter to recommend to the Town Board that any fees associated with the public hearing process for the Town's Conditional Use permit be waived, seconded by Ms. Dundon. Motion Carried.

- B. Janet Pfeiffer, N10 W28497 Northview Road, Re: Consideration and possible action on the following: 1. Certified Survey Map for the reconfiguration of two existing lots into two new lots. 2. Approval to create a lot not abutting a public roadway.

Town Engineer Tim Barbeau stated that removing both access points from Northview Road will result in a safer access for both properties and a safer traveled way on Northview Road. No additional lots are being created by this CSM, rather a reconfiguration of existing lots.

Motion made by Mr. Reich, and seconded by Mr. Fitzgerald to approve the reconfiguration of two existing lots as proposed on the CSM dated 8/30/17 to move the access for the lots to Cherry Lane with the noted rationale being that although the number of egresses on the Cherry Lane cul-de-sac has been exceeded already, there is at least

one other emergency exit that can be used by properties on Cherry Lane through the Schoenstatt Sisters property. Motion Carried.

- C. Anthony Fronczah, S11 W29586 Summit Avenue, by Jon Spheeris, agent, Re: Consideration and possible action on a request to rezone a 48.92 parcel of land located at S11 W29586 Summit Avenue from A-1 to A-2 in anticipation of a two-lot land split.

Town Engineer, Tim Barbeau explained the request is for a zoning amendment from A-1 to A-2 (3 acre minimum) in anticipation of splitting his land into two parcels. The land contains a single family house and a horse barn. The land is accessed by a single driveway off of Summit Avenue. Town Zoning on the land is primarily A-1 with WF-1 Wetland Floodplain on lands that are designated wetlands in the northwest and south portions of the property. A small portion of the land is designated C-1 and A-1 under Waukesha County Shoreland zoning in the southwest corner of the property. Zoning on adjacent lands is A-1 on all sides with inclusions of WF-1 where there are wetlands.

The land use plan (LUP) map calls for this area to be Rural Density and Other Agricultural land. The written portion of the LUP allows the land to be 3 acre density and still meet the goals of having rural Town lands be an overall 5 acre density.

The owner's agent, Jon Spheeris, has stated that the owner has no intention of dividing the land into a subdivision. If at some point in the future, the owner wants to split his land into lots of 3 to 5 acres.

Mr. Reich stated that the Plan Commission does not have to act on this request for rezone from A-1 to A-2 because the application stating that they plan on splitting the lot into two in the future isn't enough to act on and directed the petitioner to submit a CSM for review since the rezone is conditional to the CSM.

Motion made by Mr. Reich to table the request for rezone made by Anthony Fronczah seconded by Ms. Dundon. Motion carried.

6.) Discussion- None

7.) Announcements and Planning Items:

Next meeting – Tuesday, October 3, 2017

8.) Adjournment

Motion made by Mr. Reich and seconded by Mr. Kranick to adjourn at 8:32pm. Motion carried.

Respectfully submitted,

Robin Untz
Deputy Clerk/Treasurer

Minutes approved on: October 3, 2017