

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
Tuesday, September 15, 2015**

Members present: L. Krause, P. Kanter, C. Dundon, E. Kranick, B. Cooley, G. Reich

Member excused: T. Oberhaus

Also present: T. Barbeau, *Town Engineer*, 7 citizens

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

Acting Chairman Kanter called the meeting to order at 7:00 p.m. and led all in the Pledge of Allegiance.

**Second order of business:** Approval of the minutes of August 5, 2015

**MOTION BY MR. REICH, SECONDED BY MR. COOLEY, TO APPROVE THE MINUTES OF THE AUGUST 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. HSI Properties, Ryan Schultz, agent  
Re: Consideration and possible action on the approval of revised site plan to allow the construction of a micro-bulk oxygen system on the north side of the Orthopaedic Associates of Wisconsin medical clinic/surgery center located on the north side of Golf Road, approximately 1800 feet west of CTH SS.

Engineer Barbeau reported the architect for the OAW building submitted information for the construction of a micro-bulk oxygen system that would be located on the north side of the building, 18 ft. west of the brick dumpster enclosure. The location of the proposed equipment is at the least intrusive location around the building. This was not presented to the Town during the initial reviews of the project since a room for the oxygen had originally been planned inside the building. It has been determined that it would be better for OAW to have a larger supply of oxygen available and the equipment needs to be positioned outside. Some of the equipment will rise above the fence height and cannot be tightly screened like the dumpster enclosure. The National Fire Prevention Association suggests having a block wall between the tanks and the dumpster area. The Town Fire Chief would like the wall to be 12 ft. tall. Engineer Barbeau asked the architect to consider other options for screening. He recommends that the equipment be screened to the greatest extent practicable and that additional landscaping be done in a location to be determined once the equipment is in place in order to make sure the actual site lines are softened. If the sight lines to the equipment are determined by the Town to be adequate once the construction is complete, then the additional landscaping could be placed in different locations on the site.

T.J. Morley, Eppstein Uhen : Architects representing OAW, presented a photo of Orsogrill (pattern: Talia-80) as an enclosure option. Responding to questions from Plan Commission members, he stated proper clearance for ventilation is needed no matter where the tanks are placed on the property. Making the enclosure taller is possible, but creates a larger, more visible item. The garbage enclosure is 8 ft. high and the oxygen tank enclosure could match that. The tanks are permanent – a tanker will pull up and fill them. He is confident that the elevation drawing of the proposed enclosure is a good representation. The tree planned for this area will be moved to another location. Mr. Morley thinks the staff recommendation of waiting to see what's necessary for screening and then planting what's needed is a good idea.

**MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON, TO APPROVE THE REVISED SITE PLAN TO ALLOW THE CONSTRUCTION OF A MICRO-BULK OXYGEN SYSTEM ON THE NORTH SIDE**

**OF THE ORTHOPAEDIC ASSOCIATES OF WISCONSIN MEDICAL CLINIC/SURGERY CENTER WITH THE MODIFICATION THAT IT INCLUDE THE ORSOGRIL ENCLOSURE AT THE HEIGHT OF 8 FT. TO BE CONSISTENT WITH THE HEIGHT OF THE DUMPSTER ENCLOSURE AND THAT IT MEET THE NATIONAL FIRE PREVENTION ASSOCIATION (NFPA) REQUIREMENTS INCLUDING A STATEMENT FROM THE ARCHITECT THAT THESE REQUIREMENTS HAVE BEEN MET. MOTION CARRIED.**

Mr. Kranick recused himself and left the room

B. Cory O'Donnell, Neumann Properties

Re: Consideration and possible action on the following items:

1. Quit Claim Deed for lands that encroach into Outlot 9 of the Woodridge Estates Subdivision.
2. Revisions to the Woodridge Estates II landscape plan due to the County not allowing trees to be planted on the berms surrounding the stormwater ponds.

At the time that Woodridge Estates Phase I was recorded, it was noted that there was an encroachment into Outlot 9 from a resident who lives at the end of Poplar Drive. The Neumann Companies retained Outlot 9 until they could resolve the encroachment on behalf of the future owners of Outlot 9 (Woodridge Estates subdivision property owners). After negotiating with the property owner, Neumann Companies has decided to quit claim deed a 1,327 sq. ft. portion of Outlot 9 to the homeowner such that there will be no encroachment of the existing house into Outlot 9. The resultant land area will be slightly different than the description in the CUP, thereby requiring notification and approval by the Plan Commission. The house is located in a R-3 zoning district which requires a 20 ft. offset. The proposed quit claim deed provides a 21 ft. offset (20 ft. required). They are also proposing to create a driveway and parking easement since some pavement will remain within the boundaries of Outlot 9. Town Plan Commission approval of the change is needed.

Engineer Barbeau explained that the proposed change in the area was anticipated and does not affect the required open space on the entirety of the development. He recommended that the CUP be re-recorded with the new legal description that excepts the land transferred by the quit claim deed.

The Town Attorney has expressed concerns as to the legality of the proposed quit claim. No action can be taken at this time. The Plan Commission agreed in concept of what Mr. O'Donnell was proposing.

**MOTION BY MS. DUNDON, SECONDED BY MR. COOLEY, TO DIRECT THE TOWN ENGINEER TO WORK OUT THE DETAILS WITH THE PROPERTY OWNERS AND THE TOWN ATTORNEY. MOTION CARRIED.**

The Neumann Companies also submitted a revised landscape plan for the Woodridge Estates II subdivision. Waukesha County Land Resources Division has requested that no trees with substantial roots be planted in the compacted soil of the stormwater basin berms. The revised plans include split rail fence and shrubs in place of the proposed trees on the berm.

Cory O'Donnell, Neumann Companies, Inc., stated it is their intention to add some shrubbery, especially along Franciscan Rd. No trees can be on the berm. The north side of Franciscan Rd. will still have trees; the other areas will have trees removed and replaced by split rail fencing and shrubbery. Neither the County nor the Town has encountered this situation before. Shrubs often provide more screening than trees so they anticipate nice screening from the revised plantings.

**MOTION BY MS. DUNDON, SECONDED BY MR. KRAUSE, TO APPROVE THE REVISED WOODRIDGE ESTATES II LANDSCAPE PLAN. MOTION CARRIED.**

Mr. Kranick returned to the room.

C. Lois M McClellan Life Trust, Lisa McClellan-Tomann, agent

Re: Consideration and possible action on a request to consider an accessory building to be rustic as defined in Section 17.02 the Town Zoning Code, located at W329 S152 Kettle Moraine Drive (CTH C).

Engineer Barbeau explained that the applicant is seeking approval from the Plan Commission to consider an existing accessory structure to be a rustic structure. This would allow them to build an addition to the structure or a separate structure for storage of equipment that is currently stored outside. The accessory structure is a compilation of an older structure and a number of additions. He has visited the site and considers a portion of the structure to be rustic based on the foundation wall and some of the wood siding. The base of the structure that is close to Hwy. C is old, stacked stone. The Town has allowed property owners to improve their barns in the past. Some of this building is old, but does not have the same construction techniques as the westerly portion. Rustic Buildings and Structures are defined and restrictions are explained in Section 17.02 2 of the Town Zoning Code. A decision from the Plan Commission is needed in order to declare part of the building "rustic". He recommended that a portion of the structure be designated as rustic. That portion being the northwest part of the structure that is approximately 20 ft. by 40 ft. The balance of the building would not be considered rustic. Declaring part of the building "rustic" would place some restrictions on the building for the future.

Tim Tomann, representing Lois McClellan, stated the original cornerstone was laid around 1840. Several additions to the building have been made but it still looks like the original. They want to keep the look of the old barn but need to expand it so they can store all of their equipment inside where it will be secure. The timbers in the original part of the building date to the 1840s. He wants to change the property restrictions so he can have more space and will be able to close the doors on the finished structure. The property is next to a public park and the owner is having a problem with theft. Having a portion declared "rustic" would allow them to build the size of structure that they need.

Plan Commission comments included:

- Having a stone foundation doesn't necessarily qualify this as a rustic structure;
- The actual foundation is load-bearing on all four sides. The proposed construction will make the building look more age-appropriate (1840s). The photos presented were discussed.
- This is not what the Town intended when it created the Ordinance to preserve rustic structures. The intent was to preserve historical and rustic structures, not to recognize a modern building that is placed on an old foundation. The Ordinance should not be used as a way for a property owner to get around the Town's open space requirements. Visually, there is nothing about this building that separates it from any other free-standing garage anywhere in the Town.

**MOTION BY MR. REICH, SECONDED BY MR. COOLEY, NOT TO APPROVE THE REQUEST TO CONSIDER THIS ACCESSORY BUILDING TO BE RUSTIC. MOTION CARRIED WITH MR. REICH, MR. COOLEY, MR. KRAUSE AND MR. KANTER VOTING "YES" AND MS. DUNDON AND MR. KRANICK VOTING "NO".**

**Sixth order of business:**

Discussion:

- A. Sundance Enterprises, by Lisa McClellan-Tomann, agent for the property located at W329 S152 Kettle Moraine Drive (CTH C)  
Re: Discussion related to potential development of a 15.6 acre parcel located south and east of the above noted address into four residential home sites.

Tim Tomann represented the property owners. The first parcel was purchased by Ms. McClellan-Tomann's father who wanted his descendants to eventually move into homesteads on the property. One relative would like to build on a 3 acre parcel out of the total 16 acres. A wetland area was delineated on this property in 2005. After a study by the DNR, a different area was declared wetland. The family hired R.A. Smith National to delineate the wetland. The family would like to create lots on the property without creating a subdivision. The County will allow a culvert/driveway as was permitted in 1994.

The Plan Commission responded that Town Code allows properties not abutting a road to have a 66 ft. wide permanent easement for access. Emergency vehicles need to be able to pass on the road. The wetland area could be made part of one of the lots the family creates. The family should talk with the Town Assessor regarding their concerns about paying taxes on the wetland area. The Plan Commission stated it is designed to receive proposals, not to negotiate the development of a property or to save the developers money. Members encouraged the owners to work with a designer to lay their development out once they determine how many lots they want to have.

B. Daniel Reehoff, Dayspring Baptist Church

Re: Discussion related to the development of a church facility on lands currently owned by ProHealth Care located on the south side of Silvernail Road approximately 2,300 feet west of Elmhurst Road.

Rev. Reehoff explained the background of Dayspring Baptist Church. They currently lease a building on the east side of Waukesha. The church holds traditional Sunday services, a Wednesday night Bible study, a Friday night outreach program. The administrative offices are open during normal business hours on weekdays and on Sunday. Many members homeschool, but he anticipates the possibility of a school (30-50 students); a daycare program; potluck dinners (nothing for sale); occasional outdoor picnics and services; a playground (swing sets) and a possible baseball field (not a football field) in the future. With the noise from I-94, he doesn't expect the neighbors to notice a difference in sound/noise level in the area. He showed a rendering of a possible church building and stated that as the church grows they may need a larger building with added parking. The church likes to be involved in the community and help with area needs. They are open to the use of the building as a Town polling location. The parcel is approximately 35.8 acres. For now, much of the property would continue to be farmed. There are no immediate plans for development south of the tree lines or where the former farm buildings were located.

Engineer Barbeau explained that Silvernail Rd. is a County-controlled road. The Town planned for access to this property to be off Cross Creek Ct. so an additional entrance would not be added on Silvernail Rd. There is currently one driveway for this property on Silvernail Rd. Typical commercial entrances are at least 600 ft. apart per WisDOT. The land is zoned A-1 with the land use plan calling for office type commercial, low-key use. With residential properties on 3 sides of this parcel, lighting is a concern. Limitations could be placed in the Conditional Use Permit regarding activities, athletic events, lighting, and low-impact use except on Sunday morning.

Plan Commission members encouraged Rev. Reehoff to work with Engineer Barbeau to create the Conditional Use documents. They stated the Town is welcoming to churches and this is a great use for that property.

**Seventh order of business:** Announcements and Planning Items:

Next meeting – Tuesday, October 6, 2015  
Election for State Assembly District 99 – September 29

**Eighth order of business:** Adjournment

**MOTION BY MR. KRANICK, SECONDED BY MR. REICH, TO ADJOURN AT 9:04 P.M. MOTION CARRIED.**

Respectfully submitted,

Lauren Beale  
Deputy Clerk/Treasurer

Minutes approved on: October 6, 2015