

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, October 21, 2014**

Members present: Chairman T. Oberhaus, P. Kanter, C. Dundon, B. Cooley, E. Kranick, G. Reich, M. Tagtow
Also present: T. Barbeau, *Town Engineer*, Pete Van Horn, *Supervisor*, A. Barrows, *Waukesha County Park & Land Use*, 7 citizens

Prior to the start of the scheduled Plan Commission meeting a public hearing was held in front of the Plan Commission and a representative of the Waukesha County Department of Parks and Land Use to solicit public input on a request from FRED/ Tumblebrook Partners, to rezone the land in the County's Shoreland Zoning District from A-1 Agricultural to B-P Mixed Use Business Park. The Plan Commission meeting began immediately following the conclusion of the public hearing.

FRED Public Hearing:

Chairman Oberhaus called the hearing to order at 7:02 p.m.

Ms. Barrows read the hearing notice. She reviewed the history of the property. The Public Hearing is regarding a request to amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance from the A-1 Agricultural District to the B-P Mixed Use Business Park District. The C-1 Conservancy District will remain unchanged. The proposed rezoning would allow the petitioner the opportunity to pursue development of the property for office and medical office type uses. The applicants are proposing to construct an orthopedic center. The County is asking for a recommendation from the Town to the County Plan Commission.

Ms. Barrows answered questions regarding previous zoning of the property. The rezoning relates to the entire property. She explained the current County B-P zoning allows more uses than is permitted in the Town's B-3 zoning district. The County B-P zoning allows limited office uses, professional services, retail businesses, light industrial uses, it is free of outside storage or display, does not allow residential uses, must be within 1 mile of a freeway interchange or intersection of two State Trunk Highways, and does not allow overnight stays.

The County will support a recommendation from the Town to prohibit any uses not otherwise permitted in the Town's B-3 District. The Town can also recommend that the County to consider the 72% open space previously agreed upon for this property.

Craig Radditz, FRED, spoke in favor of the B-P zoning and the Town B-3 District restrictions. He stated FRED has continued to work with the Town on the four previous zoning restrictions and he requests that the 72% open space for the entire property previously agreed upon be maintained.

Ryan Schultz, HSI Properties, said the Plan Commission's approvals at the 9/16/2014 meeting allowed the design of the building to advance. The landscape and grading plans are tabled. Tonight he is hoping the Shoreland and CSM items will move forward. There is one change to the previously presented plans. The tenant has removed the second floor surgery center from the structure. OAW owns their ambulatory surgical center on Busse Road and plans to continue that service at that site rather than relocate it to the new facility in the Town of Delafield. OAW is looking at the possibility of expanding this proposed facility in the future and the CSM is being adjusted to accommodate such future expansion. Any addition would remain on one level rather than building a second level on this structure. The site plan doesn't change. The footprint of the building will remain the same. Some parking may be eliminated on the west and the location of the infiltration basin may be adjusted.

LPSD approved their plan and the impact fee has been determined. The Developer's Agreement and Letter of Credit are in place and ready to be signed. The plans are approved for construction. The permit from the DNR for a high capacity well has been received. Landscaping revisions have been made and the plans have been submitted to Engineer Barbeau for future consideration. The stormwater management plan has received positive comments from the County. Fiduciary has received input from the owner of Western Lakes Golf

Course through Leif Hauge of Waukesha County. They have reached an agreement on plans to extend an underground outlet pipe into an existing creek on the east side of the adjacent fairway. OAW hopes to begin construction in late January or early February. They are seeking approval of the new CSM and open space tonight and hope to be on the Town Board agenda on October 28. They need approval from the Plan Commission for the modified architectural and site plans in the near future.

There were no comments or questions from the Public.

Ms. Barrows said the rezoning is for the entire tract in the shoreland zone minus the C-1 wetland floodplain. The County had no additional information to present. The Plan Commission had no additional comments or questions.

The hearing closed at 7:26 p.m.

First order of business: Call to Order and Pledge of Allegiance
Chairman Oberhaus called the meeting to order at 7:26 p.m. and led all in the Pledge of Allegiance.

Second order of business: FRED/ Tumblebrook Partners

Re: Consideration and possible action to make a recommendation to Waukesha County Department of Parks and Land Use regarding rezoning lands located on Golf Road, west of CTH SS in Waukesha County's Shoreland jurisdiction from A-1 to B-P.

Engineer Barbeau stated the B-3 zoning was the vision of the Town for this property for the past 20 years and strongly recommended incorporating that wording into the recommendation to the County including specific uses for the property as Ms. Barrow indicated was encouraged by the County. At the time of the previous zoning of the property there was no "shoreland" zoning. Ms. Barrows stated that conditional rezoning is not uncommon. The County doesn't have one zoning district that completely agrees with the Town's zoning. The County agrees that the Town's zoning is appropriate for this land, particularly zoning it as a business district rather than agricultural. Engineer Barbeau suggested specifically indicating the minimum open space to be allowed for the Town of Delafield.

A motion was made by Mr. Kanter, seconded by Mr. Reich, to recommend approval of the County rezoning of the FRED/Tumblebrook property to the County's B-P zoning district conditioned upon the recommendation that the zoning approved by the County be fully consistent with the Town's conditional zoning for this property that was approved in 1996, specifically meaning that it complies with the Town's B-3 zoning as defined in current code, and specifying that the open space be a minimum of 72%, with everything subject to Attorney Larson's comments.

Motion Carried.

Third order of business: Unfinished Business

- A. Fiduciary Real Estate Development Co., by Ryan Schultz, HSI Properties, agent, (tabled 9/16/14)
Re: Consideration and possible action on the following:
 1. Certified Survey Map on lands located on the north side of Golf Road, west of CTH SS.
 2. Site grading and Landscape plan approval for the development of a medical office facility to be located on the north side of Golf Road, approximately 1800 feet west of CTH SS.

A motion was made by Ms. Dundon, seconded by Mr. Cooley, to remove this item from the Table. Motion Carried.

FRED presented a revised CSM proposing changes in the size of Lots 1 and 2 and Outlot 1. There will probably be further divisions of the property in the future.

Attorney Larson's comments indicate that the property was rezoned in 1996. The Town recodified the zoning code in 1998 creating the B-3 zone with an open space requirement of 80% on each 5 acre minimum lot, which needs to apply to each lot on the FRED property now. The options he offered to the Plan Commission include require the 80% open space, or either a code change or changing zoning to allow a cluster business park similar to current subdivisions which have a percentage of open space on each lot and a percentage of permanent open space in the subdivision which, added together, meets the code requirement.

Engineer Barbeau indicated FRED is hoping to be allowed to have 72% open space on the entire parcel rather than having the open space requirement relate to each lot. Changing the code would require a public hearing and the County would need to ratify the new code including the shoreland area. Ms. Barrows had indicated that the County looks at a floor area ratio on the entire parcel. This parcel is half in and half out of the shoreland jurisdiction. The Town would need to determine the percentage of open space required on each parcel in order to meet the code. There is a minimum requirement on each property. This decision has ramification for other parcels yet to be developed in the Town, such as the Thomas farm. Other community's business park zoning usually has a lower open space requirement; the Town's 80% requirement is considered by others outside the Town to be high for this zoning. B-1 is 50% open space.

Discussion clarified that Plan Commission members thought the idea of clustering a business development similar to what is done in subdivisions makes sense. The 80% open space requirement and the ability to cluster a business development are considered two separate issues. A business PUD would require a code change. A permanent open space percentage would need to be set. To achieve this easily, the open space would be calculated on the entire tract.

It was suggested that, in order to enable FRED and OAW to proceed with their plans in a timely manner, the applicant could create a CSM for Town approval that satisfies the current 80% open space requirement. If approved by the Plan Commission and the Town Board, the plan could then be amended if/when the Town code is changed to allow for calculating the open space on the entire tract rather than on individual lots. FRED needs an approved CSM for owner and lender reassurance. A 21 acre lot would allow FRED and OAW to move forward. The Plan Commission could recommend to the Town Board that the code be changed to allow a business/commercial PUD.

A motion was made by Mr. Kranick, seconded by Mr. Cooley, to Table the CSM and to have the Plan Commission meet at 6:30 p.m. on 10/28/2014 to consider a new 21 acre CSM for lot 2.

Motion carried.

The grading and landscaping plans are not ready for consideration at this meeting.

A motion was made by Mr. Cooley, seconded by Ms. Dundon, to Table item 2.

Motion carried

- B. Pat Leverence, N47 W28270 Lynndale Road, (Tabled 10/7/14) Re: Consideration and possible action on updated development plans, plan of operation and Conditional Use permit to operate a wedding, meeting and banquet facility in the existing barns located at N47 W28270 Lynndale Road.

A motion was made by Mr. Cooley, seconded by Ms. Dundon, to remove this item from the Table.

Motion carried.

Engineer Barbeau summarized the Plan Commission's previous suggestion and explained how the plans have been changed as a result of those comments. He met with the Town of Merton's Planner. The Leverences live in the Town of Merton but their pool is in the Town of Delafield. They want to split the property west of the farmhouse in a north/south direction. The Town of Merton's Planner said it would be OK to detach this property from their Town to make this project work. The Town of Delafield would gain the Leverence home for tax purposes. The whole property would then be in the Town of Delafield. The process for doing this is still to be determined. A similar process has previously been done with a Pewaukee property. The Town of Merton

meets again in early November. There are a few spaces in the proposed parking lot that go into the Town of Merton.

The easement for the home indicated on the 1999 CSM will remain. There will be a sprinkler system in both barns; emergency parking as requested by the Fire Chief has been added; the grading plan is acceptable; the parking lot has a 5-5½% slope, which is a bit steep; there are no changes to the landscape plan. The plan meets the open space requirements. The lighting plan proposes 7 metal halide or LED lights for safety on 20 ft. poles, each on a 2 ft. base. Lighting, except for the entrance lights, will only be lit when there is an event. The new plans add restrooms in the upper barn. Mr. Fisher's intention is to purchase this property. He needs a CSM to obtain his loan. He will close on the property before the end of January and hopes to open the facility by June or July of 2015. A sign plan is still to be presented.

A motion was made by Mr. Kanter, seconded by Mr. Kranick, to recommend to the Town Board the approval of the Conditional Use Permit for the Lynndale Farm Wedding and Meeting Facility to be issued in the name of Eric Fisher conditioned upon his proof of ownership to the Town of Delafield no later than March 1, 2015 and approval by the Town of Merton of the Grading plan and any other required approvals for the construction of the parking lot.

Motion carried.

It was explained by Engineer Barbeau that Mr. Fisher will need to come back to amend the legal description for the CUP in the future.

A motion was made by Mr. Kanter, seconded by Mr. Cooley, to approve the Architectural Site Plan dated 10/7/2014, the Grading and Paving Plan dated 10/14/2014 subject to approval by the Town of Merton, the Lighting Plan (lights are to be on a 2 ft. base on 20 ft. poles with a preference for the use of LED lights), the Plan of Operation issued in the name of Eric Fisher as submitted 9/16/2014 with a change to allow the placement of a bar for beverage and hors d'oeuvres service in Barn 1 with no seated food service allowed in that Barn.

Motion carried.

Fourth order of business: Announcements and Planning Items

Next meeting: Tuesday Oct. 28 at 6:30 p.m.

November meeting: No meeting will be held on November 4, 2014 due to the election.
The Plan Commission will meet at 7 p.m. on November 18, 2014.

Fifth order of business: Adjournment

A motion was made by Mr. Tagtow, seconded by Mr. Kranick, to adjourn at 9:15 p.m.

Motion carried.

Respectfully submitted,

Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: November 18, 2014