

PLAN COMMISSION MEETING Tuesday, October 4, 2016

Members present: T. Oberhaus, L. Krause, E. Kranick, C. Dundon, K. Fitzgerald, P. Kanter, G. Reich
Also present: B. Cooley, *Supervisor*, T. Barbeau and K. Belan, *Town Engineers*, 9 citizens

Prior to the start of the scheduled Plan Commission meeting there was a public hearing in front of the Town Board and Plan Commission to solicit public input on a proposed amendment to the Town of Delafield Zoning Map at the request of Archebald J. and Judith D. Pequet, S4 W28701 Norms Road, to rezone a 49.5 acre parcel of land located at S4 W28701 Norms Road, Tax Key No. DELT 0862-999-001, from A-1 Agricultural District to A-2 Rural Home District. The regularly scheduled Plan Commission meeting began immediately following the conclusion of the public hearing.

Chairman Oberhaus called the Public Hearing to order. The Deputy Clerk read the Public Hearing Notice.

Jon Spheeris, developer representing the Pequets (Judith Pequet was in attendance), explained the request. The density normally allowed would be 16 lots. They are currently only planning 5 lots with part of the property remaining with their home. Mr. Spheeris stated that it is possible the remaining property could be divided in the future. Norms Road currently has 6 homes including the Pequet's. The master plan, presented at the request of the Plan Commission, shows what could be done and up to 11 lots.

Plan Commission members asked questions regarding the Schoenstatt property to the east; the division of the remaining property, and the master plan presented.

Mr. Cooley stated that the northern piece of property couldn't be developed at this time since the plan would include too many homes on a cul-de-sac according to Town Code.

Nicole Dickenson (W288S290 Elmhurst Rd) lives next door to the proposed development. She expressed concerns regarding stormwater and how the water from surrounding properties drain through her property. Her property currently takes on approximately 500,000 gal. of water annually. She has no issue with the rezoning and says she knows the development will happen. She would like to know how we, as a community, would deal with that development and possible expansion of Norms Rd., especially the width to accommodate the additional development. In addition, she'd like to hear the Town's thoughts regarding a longer term strategy regarding the possible diminishing aquifer beneath them. She's concerned about the area wells, about how the road would be widened, and she wants to be sure the future development doesn't add to the 500,000 gal. of water going through her property.

Chairman Oberhaus called the Public Hearing to a close at 7:18 p.m.

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

Chairman Oberhaus called the meeting to order at 7:18 p.m. and led the Pledge of Allegiance.

Second order of business: Approval of the minutes of September 6, 2016

**MOTION BY MR. REICH, SECONDED BY MR. KRANICK, TO APPROVE THE MINUTES OF THE SEPTEMBER 6, 2016 MEETING.
MOTION CARRIED.**

Third order of business: Communications (for discussion and possible action):

- A. Waukesha County Dept. of Parks and Land Use conditional approval of Preliminary Plat, dated 9/12/16, for Hawks Haven single-family subdivision plat, Maple Avenue.
- B. Waukesha County Dept. of Parks and Land Use site plan/plan of operation approval to change name from Golden Anchor to Lago Ristorante.

The sign has been changed. Engineer Barbeau explained that the sign permit is from the County since the establishment is in the Shoreland district. Mr. Kranick said the landscaping is tomato plants instead of what was agreed to with the Town. Engineer Barbeau will talk with the County about enforcing the Code and the approved landscape plan.

Fourth order of business: Unfinished Business: None

Fifth order of business: New Business:

- A. Hunt Club Farms Final Plat
Re: Consideration and possible action on approval of the Final Plat

On June 21, 2016, the Plan Commission conditionally approved the lot allocation and preliminary plat for Hunt Club Farms subdivision. The property is 83.3 acres and will be split into sixteen 3-acre minimum lots. After approval of the preliminary plat, Mr. Spheeris received the Town Board’s approval for the creation of lots not abutting a public street.

The plat showed a drainage easement that connects to the south end of Foxtail Court and then extended from Foxtail Court to the west. The Town does not want the responsibility of the subdivision drainage through the right of way. Therefore, an additional 20’ wide storm drainage easement along the front of Lot 3 was added to the final plat to allow for water drainage to divert around the Town right-of-way.

Outlot 1 was added to the list of outlots included in the stormwater maintenance agreement. Access restriction to Outlot 2 was added, with the exception of the farm entrance on the west side of the lot and a note was added to make it clear that the access shall only be for maintenance vehicles and equipment to maintain the pond on Outlot 2. Lot 5 was added to the list of lots that do not have vehicular access rights to the private driveway. The house setback on Lots 6, 7, and 8 shall be 50 feet from the west line of the private driveway easement.

Engineer Barbeau recommended approval of the final plat subject to incorporation of his final technical comments and any technical modifications required by Waukesha County.

Mr. Spheeris stated he has received approvals from both the State of Wisconsin and the Village of Summit. The County requested extra time to review the materials. He hopes to begin the road work soon. He explained that the private drive will be maintained by the homeowners on the private drive as recorded in the easement and maintenance agreement. In response to a letter received from the Village of Summit, Mr. Spheeris will see that any damage caused by subdivision-related road construction traffic on Village of Summit roads will be covered by a letter of credit to the Village. Mr. Spheeris stated that by State Statute, the Village cannot stop the traffic necessary for the building of the roads involved.

Engineer Barbeau explained that the Declaration of Restrictions, the Developers Agreement and the Final Plat, will go to the Town Board for approval at a subsequent meeting. The temporary cul-de-sac shown on the CSM will eventually be extended as a road. Mr. Spheeris is responsible for alerting those property owners who build along that area that the road will eventually go through.

Engineer Barbeau revised the following in the Draft of the Declaration of Restrictions:
Page 7, Item 10, paragraph 2: The driveway shall have a minimum of a three (3) foot side yard setback. (Strike the remaining words in the paragraph.)
Page 12: Isolated Natural Area Preservation Restrictions, paragraph 1 has blanks which need to be filled in.

Mr. Reich requested that the top paragraph on page 7 be clarified regarding the statement that “...the Architectural Control Committee, in its sole discretion, may alter the offsets....” He questioned if the Town wants to have the ability to affect this in the future if the Town changes the minimums and the architectural control committee moves to change things. He would also like a provision that once a lot is purchased, construction must be completed in a set period of time.

Responding to Mr. Reich, Engineer Barbeau said he is comfortable with the minimum setbacks required under the Building Setbacks section on pages 6-7. The Code has been that way and probably won’t change unless the State

or County mandates a change. The numbers are out of the Town Ordinance. The homeowners could adopt a change, but they would be unable to change the requirement to less than the Town's Ordinance states.

Mr. Fitzgerald questioned the section in paragraph 10, page 7 regarding the need for all private driveways to intersect with the public street. Engineer Barbeau stated that the 4 homeowners on the private driveway will consider the entire private drive as part of their own driveway. These items are enforced by the Homeowner's Association.

Mr. Kanter suggested that a sentence be added to Section 24 stating that the homeowners/developer/architectural control committee will be bound by the existing Town Ordinances as of the time of original construction. Mr. Spheeris said he will add that sentence to Section 24 of the document.

**MOTION BY MR. KRANICK, SECONDED BY MR. KRAUSE, TO APPROVE AND RECOMMEND TO THE TOWN BOARD THE APPROVAL OF THE PLAT FOR HUNT CLUB FARMS SUBDIVISION DATED 9/27/2016 CONTINGENT ON FINAL COMMENTS FROM WAUKESHA COUNTY.
MOTION CARRIED.**

- B. Archibald and Judith Pequet, S4 W28701 Norms Road
Re: Consideration and possible action on the rezoning a 49.5 acre parcel of land located at S4 W28701 Norms Road from A-1 Agricultural District to A-2 Rural Home District.

Mr. & Mrs. Pequet own 49.5 acres of land at the east end of Norms Road. The lot contains one single family residential home. They are requesting to rezone the property from A-1 Agricultural District (40 acre minimum lot size) to A-2 Rural Home District (3 acre minimum lot size). Adjacent zoning includes A-2 Rural Home to the north, A-1 Agricultural and R-1 Residential to the west, A-2 to the south, and A-1 to the east. As requested at the last Plan Commission meeting, the Pequets submitted two Property Master Plan concept drawings.

Option 1 shows how the land will be divided as a two-lot CSM. Option 2 shows the future potential development of the property including a possible lot layout, access points, road extension. There are currently 6 lots on Norms Road and the Property Master Plan shows an additional 5 lots on Norms Road and 6 additional lots on the potential future cul-de-sac to the north. As proposed, the development would not meet the 14 homes allowed on a cul-de-sac without a secondary access. The Master Plan shows Norms Road extended to the end of the property rather than being a cul-de-sac or temporary cul-de-sac.

The proposed rezoning meets the Land Use Plan designation. The amendment would not spot zone this property since adjacent lands are zoned with a similar designation. Subject to comments at the public hearing, Engineer Barbeau recommended approval of the proposed rezoning amendment.

Engineer Barbeau stated that the Plan Commission needs to address how to handle a property like this. The Town does not know what the Schoenstatt Sisters will do with their adjoining property. The zoning is tied to the general master plan for the property. The Town will want the road extended to the end of the property, but depending on the development of the neighboring property the road may never be able to be extended beyond this property. There is an issue with the number of lots – they may not be able to develop 14 lots.

Mr. Kanter and Mr. Kranick agreed that the Plan Commission is obligated to treat this proposal as a temporary cul-de-sac even though the Town wants this road to go through to the neighboring property.

Engineer Barbeau said that the rezoning can be tied to the master plan that has been submitted. The master plan, as presented, is informational but the Town generally looks at the possible road pattern for the future to tie things together before rezoning. This has been done in the past, such as in Woodridge Estates, where a full conceptual plan was presented and then individual sections were developed within that plan. The Town needs to know what the result of the rezoning will be for the future. The approval of the master plan for the Pequet property is not being considered at this time. Any future approval of a master plan would be conditioned on the road going through or the number of houses being reduced to the 14 house limit.

This property is zoned A-1 so it must be at least 40 acres to meet the density requirements. If the owner wants to keep the house and split off the rest, they must rezone the property to A-2. The master plan is still conceptual.

They want to develop the lower, southern portion of land, with plans beginning probably in the next 30 to 90 days. The current request is only for rezoning.

Mr. Reich considers the current request to split the property in two to be premature if what's being talked about is a master plan to split the northern part into more lots. He would like to see concrete plans for the future of this property.

Mr. Kranick stated that the plan shows the northern parcel staying as one parcel for now.

Mr. Spheeris stated that the southern part of the CSM would be developed; the northern part would not. The master plan is only being presented since the Plan Commission wanted to see what could be done with the northern parcel. The intention is for the owners to develop the southern parcel in the near future. Mr. Spheeris stated that per Town Ordinance, a 40 acre minimum property must be rezoned in order to split it into two lots on a CSM. Then the owners can go through the process to develop the southern portion.

Ms. Dundon added that the southern portion may or may not be developed into 5 lots. The Plan Commission would need to review the plan when the subdivision plat comes in for approval. Each part would be considered individually.

Engineer Barbeau clarified that Mr. Reich wants to see the land split at the same time that the rezoning is addressed. Right now, the reason the rezoning is being done is because it is the property owner's intention to create a CSM to split the property into two lots. Then, each of those two lots can be addressed in the future on their own merits. Eventually, there will be a subdivision plat for the south parcel which will need to be approved by the Plan Commission. What was presented at this meeting was a full plan. At a future meeting, the owner could come in with a CSM for two lots. If they just request a CSM, the Town would still require the building of a road by the developer/property owner for access to Lot 2 since Norms Rd. does not go all the way to the proposed Lot 2.

**MOTION BY MR. KRANICK, SECONDED BY MR. KANTER, TO TABLE THIS ITEM.
MOTION CARRIED.**

C. Walter Bohrer, S13 W33800 Highway 18

Re: Consideration and possible action on the construction of a new agricultural equipment storage building.

Walter Bohrer is the owner of this 10.54 acre property and actively farms his land, which is zoned M-1 Industrial District. The Town Zoning Code identifies farming and agriculture as a permitted use within this District subject to M-1 zoning regulations. Mr. Bohrer is proposing to construct a new 45' wide by 81' long by 16'6" high (3,645 square feet) post frame building on his property to store the equipment he uses for his agricultural operations. Typical equipment that will be stored includes tractors, bailer, and rakes. For the purpose of his review, Engineer Barbeau considered this new structure a principal building. The proposed building meets the base height, setback, offset, and open space requirements. Additionally, Mr. Bohrer hired a wetland consultant to evaluate the presence of wetlands and none were found to be present on this site.

Mr. Bohrer is proposing two part-time employees. The hours of operation will be daylight hours, seven days per week. He does not plan on installing parking, outdoor lighting, signs, dumpsters, fences, or sanitation facilities. Even though the property has frontage along Highway 18, access to the new storage building will through his adjacent primary residence to the west (in the Village of Summit) instead of via Highway 18. The Town's Code requires that driveways shall be hard surfaced. There were no questions about the Plan of Operation.

The site is zoned M-1 Industrial District. Farming and agriculture are permitted uses within this District. The proposed building is compatible with the permitted use of the property and surrounding land use. Engineer Barbeau recommend approval of the new storage building and plan of operation as proposed, subject to review and approval of the proposed driveway access location and surface type.

After discussion it was determined that the path to the new barn is a farm lane, just connecting it to the rest of the farm. The Plan Commission clarified that access to the new building does not require a paved driveway since it is an access path to an agricultural building and it does not connect to a public road.

An updated site plan was distributed at this meeting. Engineer Barbeau stated that the site plan is incorrect since it shows the structure 485 ft. back instead of the 500 to 600 ft. planned. The new building will be placed just north of the tree line. The drawing dated 9/28/2016 was determined to be more accurate than the original site plan submitted with the application.

MOTION BY MS. DUNDON, SECONDED BY MR. KRANICK, TO APPROVE THE NEW AGRICULTURAL STORAGE BUILDING PLANS FOR WALTER BOHRER AS SHOWN ON THE SITE PLAN DATED 9/28/2016. MOTION CARRIED.

- D. Cornerstone Presbyterian Church, N6 W31449 Alberta Drive
Re: Consideration and possible action on the replacement of an existing ground sign with a new sign.

Cornerstone Presbyterian Church is requesting approval to remove their existing free-standing sign and replace it with a new permanent free-standing sign. Bob Kraus, Bauer Sign Company, described the location as slightly south about 3 ft. from the existing sign so that they avoid the previous sign's footings. They will put in landscaping as they described in an email in the packet.

Engineer Barbeau explained that free-standing signs are regulated under Section 17.08 9. E. of the Zoning Code, which allows one sign per church building. The proposed new sign will be double-faced, with internal illumination and brick to match the existing building. The sign identifies the church and also includes the "Town of Delafield" name. The size of the new sign is shown as 10' wide by 8'-6" tall at the maximum height. The area of the sign is approximately 76 square feet. The code restricts the height of the sign to be 12 feet and the area to be 80 square feet. Based on the site plan provided by Mr. Kraus, the proposed free standing sign will be located to the west of the church building, south of the existing sign, and the leading edge will be approximately 10' east of the Hwy. 83 right-of-way line. The Code allows an offset of no less than 5' from the right-of-way line. Therefore, the new sign meets the height, area and setback requirements.

The Town Code Section 17.08 9. E. 2. g states that "the sign shall be located in an area of meaningful open space, which shall be appropriately landscaped." Mr. Kraus provided a written landscape plan that was developed by the church's Master Gardener. The area around the base of sign will have wood chips and the appropriate number of Green Velvet Boxwood and Blue Chip Junipers planted. This area will be four feet wide completely encircling the sign. Each side of the sign will have two large stones properly positioned along with all the plantings.

Engineer Barbeau recommended approval of the sign as proposed.

MOTION BY MR. KANTER, SECONDED BY MR. KRANICK, TO APPROVE THE SIGN PROPOSED BY CORNERSTONE PRESBYTERIAN CHURCH. MOTION CARRIED.

Sixth order of business: Discussion: None

Seventh order of business: Announcements and Planning Items:

Next meeting - Tuesday, November 1, 2016

Eighth order of business: Adjournment:

MOTION BY MR. KRAUSE, SECONDED BY MS. DUNDON, TO ADJOURN AT 8:17 P.M. MOTION CARRIED.

Respectfully submitted,

Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: November 1, 2016