

PLAN COMMISSION MEETING
Tuesday, January 5, 2016

Members present: T. Oberhaus, L. Krause, B. Cooley, C. Dundon, P. Kanter, G. Reich

Member absent: E. Kranick

Also present: T. Barbeau, *Town Engineer*, 14 citizens

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

Chairman Oberhaus called the meeting to order at 7:02 p.m. and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of December 1 and 15, 2015

**MOTION BY MR. COOLEY, SECONDED BY MR. REICH, TO APPROVE THE MINUTES OF THE DECEMBER 1 AND 15 PLAN COMMISSION MEETINGS.
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. Sanctuary of Heart and Hope, LLC

Re: Consideration and possible action on a request for a free standing sign to be located at W307 N1499 Golf Road for Tri-Motion Physical Therapy and Wellness.

Engineer Barbeau announced that the Applicant requested to withdraw this item from tonight's agenda.

B. Sundance Enterprises

Re: Consideration and possible action on a request to approve a Certified Survey Map to split their property into two parcels located south and east of the property at W329 S152 CTH C (Kettle Moraine Drive).

Engineer Barbeau explained that the Town has received a Certified Survey Map that splits the current vacant 15.56 acre property into two parcels to be used as individual residential parcels. The parcel sizes are 9.51 acres and 6.05 acres. The land use plan calls for this area to maintain 3 acre density properties. The current owner has stated that there is no intent at this time to split the land into more than two parcels. Access to the property, which will serve both parcels, is via an approved single driveway entrance granted to Sundance Enterprises many years ago by Waukesha County. A culvert was installed at that location at that time. The land is zoned A-2 which requires a minimum lot size of 3 acres. Lot 1 contains a delineated wetland that is shown on the CSM, along with a 75 foot building setback line. A mound system will be required on each property.

Due to the location and restrictions associated with the wetlands on Lot 1, Lot 2 becomes a lot that does not abut a public road. Section 17.03. 3. C. allows lots that do not abut a public road if the parcel is at least 3 acres in size and is served by a private easement of at least 66 feet if there is more than one lot or the lot is greater than 6 acres. The CSM shows the easement to be 66 feet in width. A separate easement document was submitted for review by the Plan Commission.

Engineer Barbeau stated that the easement should be recorded at the same time as the CSM is recorded. He requested that a note be added to the CSM that states that there is a separate private easement document. He has also requested minor technical changes to the CSM. The owners of the property have submitted a notarized document that indicated that all partners are in agreement with the land split and allow Ms. Burkhart to represent the partnership and sign the application.

The CSM meets the land use plan densities. The owners have submitted a private driveway agreement that meets the requirements of the Town Code. The driveway will be private and the lot owners will be responsible for maintenance of the access. Engineer Barbeau recommended approval with the following conditions:

- Resolution of any outstanding technical corrections
- Execution and recording of the "Two-party private driveway easement agreement"
- Payment of all fees and charges prior to recording the document.

MOTION BY MR. KANTER, SECONDED BY MS. DUNDON, TO RECOMMEND TO THE TOWN BOARD APPROVAL OF THE CSM FOR SUNDANCE ENTERPRISES WITH THE FOLLOWING CONDITIONS:

- **INCORPORATION OF ANY TECHNICAL CORRECTIONS AND NOTES FROM THE TOWN ENGINEER,**
- **REVIEW BY AND INCORPORATION OF ANY LANGUAGE MODIFICATIONS RECOMMENDED BY ATTORNEY LARSON,**
- **EXECUTION AND RECORDING OF THE "TWO-PARTY PRIVATE DRIVEWAY EASEMENT AGREEMENT", AND**
- **PAYMENT OF ALL FEES AND CHARGES PRIOR TO RECORDING THE DOCUMENT.**

MOTION CARRIED.

- C. Consideration and possible action to approve a resolution in support of changing the Town of Delafield Land Use Plan on lands known as Tax Key No. DELT0811-995-003 and located south of Silvernail Road, between 1,500 and 3,250 feet east of CTH G from Commercial and Office Park to Government and Institutional.

In December 2015, the Town received an application for a new church facility on vacant lands south of Silvernail Road west of the Prairie Hill Waldorf School. In reviewing the application, Engineer Barbeau noted that the land use plan currently shows the land to be noted on the 2035 Land Use Plan as Commercial and Office Park (note: within the written comprehensive plan, the Town of Delafield has indicated that the designation of Commercial and Office Park means no retail commercial and mainly office type buildings and office parks). Under the current State Statute regarding Comprehensive Planning, any zoning change within municipalities must conform to the land use plan.

While churches are allowed in the Town as a Conditional Use Permit and under federal law are allowed anywhere, Engineer Barbeau consulted with the Town Attorney and they concluded that it would be best to formally proceed through an amendment process, especially since all of the other churches, school facilities and governmental buildings are under the Governmental and Institutional designation in the Town. The process for making such an amendment must include public participation and certain notices to surrounding communities and entities. The process begins by the Plan Commission considering a resolution in support of the proposed designation. A required 30 day notification has been provided to the newspaper that there will be a joint public hearing with the Town Board on February 2, 2016. This will coincide with the hearing for the Conditional Use Permit. At the recommendation of the Town Attorney, the approvals for each element should be conditioned on the approval of the other item.

The Town Plan Commission and Town Board have always considered the use of lands in the Commercial and Office Park use designation to be low impact uses since there are surrounding residential properties. The designation of the site as a potential church facility, of which the operation will be controlled under a Conditional Use Permit, will meet the low impact use of the site. The Town has had no major complaints regarding the operation of churches in the community. Engineer Barbeau recommended approval of the resolution which includes a condition that the land use only be changed if and when the church executes the Conditional Use Permit.

Plan Commission members questioned the loss of tax revenue and the economic impact to the Town if this change occurs since the area was designated as a potential commercial property. Engineer Barbeau explained that the Town can put conditions on improvements and address issues relating to the property but cannot deny a church the right to come into the Town. There has not been an economic analysis of this request. He clarified the zoning and stated that the land use will fit the use of the property because the church is taking the entire tract. If the church wanted to split the property in the future, this action could be undone. The Resolution ties this action to the Town's ultimate approval of the church and whatever they request at this time. There were no comments from the public.

MOTION BY MR. KANTER, SECONDED BY MR. KRAUSE, TO APPROVE THE RESOLUTION AND RECOMMEND TO THE TOWN BOARD THE APPROVAL OF THE RESOLUTION TO CHANGE THE TOWN OF DELAFIELD LAND USE PLAN ON LANDS KNOWN AS TAX KEY NO. DELT0811-995-003 AND LOCATED SOUTH OF SILVERNAIL ROAD, BETWEEN 1,500 AND 3,250 FEET WEST OF CTH G FROM COMMERCIAL AND OFFICE PARK TO GOVERNMENT AND INSTITUTIONAL.

MOTION CARRIED.

- D. Watercrest Investments, James Cadd, owner; Scott Sindic, applicant
Re: Consideration and possible action on a request to operate a car dealership on property located at N47 W28229 Lynndale Road and approval of site signage.

In July, 2014, the Town Board approved and executed a Conditional Use Permit that would allow the outside display of vehicles for sale on this property without a planting screen or fence due to the nature of vehicle sales business. Mr. Cadd has found an operator for the auto sales business – current Town resident Scott Sindic. Mr. Sindic has submitted a Plan of Operation and a general site plan for his operation. Mr. Sindic has indicated that his primary sales business will be used cars and light trucks, although the CUP allows for other types of vehicles on site (boats, ATV's, jet skis, etc.).

Vehicle parking will include vehicle inventory on the south and west side of the building, employee parking to the west and rear of the building. Vehicles that are in for service will be parked north of the fenced in area and some to the rear and west of the building. Mr. Sindic has indicated verbally that he will not be performing collision repairs.

Engineer Barbeau stated that the Plan of Operation and general site plan appear to meet the conditions of the existing CUP. Since this type of business has already been approved and located on this property, no public hearing is needed. Subject to new information presented at the Plan Commission meeting, he recommended approval of the proposed use.

Mr. Kanter questioned the proposed hours on page 2 of the Plan of Operation which states an opening time of 7 a.m. which is two hours earlier than allowed in the CUP.

Mr. Sindic stated the 7 a.m. time would allow people to drop off cars before or on their way to work. He said he will agree to a starting time of 9 a.m. Mr. Sindic would like to see the property look better. He has no interest in boats, campers, etc. and would like the business to be more upscale. The body shop is functioning but will just be for his own use. He would eventually like a fence to better enclose the storage area so it blocks things which are not pleasant to the eye. Inside the fence he will store vehicles for service or distressed vehicles. Nothing will stay there long-term.

MOTION BY MR. KANTER, SECONDED BY MR. KRAUSE, TO APPROVE THE PLAN OF OPERATION FOR LAKE COUNTRY AUTOMOTIVE/LAKE COUNTRY AUTO.

MOTION CARRIED.

A discussion of the proposed sign for Mr. Sindic's business took place. The existing sign will be refaced for the business. Other signage located in two places on the building will change to the correct name of the business. Engineer Barbeau explained that the Town does not allow phone numbers on signs. A website is allowed. The word "Coop" is also unusual. Plan Commission members agreed that allowing a phone number on the sign would set a precedent which they do not want to do. They also do not want the word "Coop" on the sign.

Mr. Sindic explained Mr. Cadd wants "Coop" on the sign so that it fits his business. Mr. Sindic stated he is ok with removing the phone number.

MOTION BY MR. REICH, SECONDED BY MR. COOLEY, TO APPROVE THE SIGN AS MODIFIED WITHOUT THE "COOP" AND WITHOUT THE PHONE NUMBER.

MOTION CARRIED.

E. Orthopaedic Associates of Wisconsin

Re: Consideration and possible action on the approval of the enclosure type for 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.

The architect for the OAW building submitted a request to change the material used for the enclosure around the micro-bulk oxygen system that will be located on the north side of the building. The Plan Commission previously approved the use of Orsogrill louvers for this enclosure. Due to the higher-than-anticipated cost of the louvers, the new proposal is to install a tall wrought iron railing system. The site has been prepared with a concrete base and bollards to protect the equipment. Some of the equipment will rise above the fence height (one tank is 7'-7" tall and other piping is 12'-8" tall). According to the architect, the equipment cannot be tightly screened like the dumpster enclosure. There is no new vegetation planted at this time, so it is difficult to determine how much the vegetation will block out the equipment.

Jeff Holzauer, Eppstein Uhen: Architects, explained the proposed changes and the photos in the packet. One side of the enclosure faces the masonry wall surrounding the dumpster, the other sides will have the wrought iron fence. The north side will have an additional shield which will allow 80% coverage but allow air to flow through it. Landscaping is still to be done to better screen the view for the homes behind the facility. The surrounding area on the west end of the building is 10 ft. higher than where the enclosure will be, so the view will be blocked. An acceptable price for this proposed fence has been obtained. Mr. Holzauer will give Engineer Barbeau the details on the new proposal. OAW expects to move into the clinic portion of the building in late May. The surgery and Physical Therapy areas will be later. OAW will own the Physical Therapy services instead of contracting with an outside business.

**MOTION BY MR. KRAUSE, SECONDED BY MR. COOLEY, TO APPROVE THE REVISED PLAN FOR THE ENCLOSURE FOR THE MICRO-BULK OXYGEN SYSTEM ON THE NORTH SIDE OF THE OAW MEDICAL CLINIC/SURGERY CENTER.
MOTION CARRIED.**

Sixth order of business: Discussion: None

Seventh order of business: Announcements and Planning Items:

Next meeting - Tuesday, February 2, 2016

Eighth order of business: Adjournment

**MOTION BY MR. COOLEY, SECONDED BY MR. KANTER, TO ADJOURN AT 7:54 P.M.
MOTION CARRIED.**

Respectfully submitted,

Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: February 2, 2016