

PLAN COMMISSION MEETING Tuesday, February 2, 2016

Members present: T. Oberhaus, L. Krause, E. Kranick, B. Cooley, C. Dundon, P. Kanter, G. Reich
Also present: P. Van Horn, *Town Supervisor*, T. Barbeau, *Town Engineer*, 23 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 Comprehensive Land Use Plan on a parcel of land known as Tax Key No. DELT 0811-995-003 located south side of Silvernail Road, the easterly boundary of the property being approximately 1,500 feet west of Elmhurst Road (CTH G) and the westerly boundary of the property being located approximately 3,250 feet west of Elmhurst Road (CTH G), from Commercial and Office Park to Governmental and Institutional; the hearing also considered a request from Daniel Reehoff, pastor of DaySpring Baptist Church for a Conditional Use Permit under Section 17.05 5. I. Churches, Synagogues and Other Buildings for Religious Assembly, on said property (owner is ProHealth Care, Inc.) for the development of a church facility on the property. The Plan Commission meeting began immediately following the conclusion of the public hearing.

Chairman Oberhaus called the public hearing to order at 7 p.m. The clerk read the notice.

Daniel Reehoff, pastor, explained the background of DaySpring Baptist Church and described the congregation and its plans. They currently have approximately 150 people from the surrounding area attending the church which is seeking a permanent location. They plan to develop the property in the next 5-6 years to hold normal church functions (services, VBS, community outreach, staff functions meetings, Christian education, preschool/daycare, annual dinner for foster children/families, voting location, blood drives, etc.). Initially, they plan to build a 20,000 sq. ft. building with the possibility of an additional 40,000 sq. ft. to be built in 10-15 years (phase 2: possibly will include a gymnasium, additional worship space, parking, education space). They want the structure and property to fit in the Town and look good.

Chairman Oberhaus explained the public comment section of the hearing. Plan Commission members asked questions of Rev. Reehoff, Liz Le Roy (Excel Engineering), and Larry Hasken (Attorney for DaySpring Church).

Engineer Barbeau explained basis for the land use plan change. All area church parcels are designated Governmental/Institutional, so the Town is trying to be consistent with the development of this parcel.

Plan Commission members asked questions regarding access onto Silvernail Rd.; the number of parking stalls; comments from the Fire Chief regarding the plans; when a school would be started; plans for activities requiring amplified outdoor sound equipment; the timeline for starting construction; lighting and landscaping plans (particularly to maintain privacy for neighbors); future expansion/Phase 2; community events and possible use of the church facilities; and shared access driveway plans.

Church representatives stated they have spoken with the DOT regarding having their own access off Silvernail Rd. for the property. They have submitted plans meeting DOT requirements and received a response from the State. The access will be slightly east of the existing driveway. The number of parking stalls is larger than Town requirements so there will be plenty of parking. The proposed number of stalls fit well on the property. They do not plan to have access off Cross Creek Ct. A stormwater retention pond and rain garden are planned for the northeast corner of their property where the access point to Cross Creek would normally be.

The fire chief had given church representatives some general comments. He would like access to the back of the building. Ms. Le Roy stated that the building meets code requirements and the building will have sprinklers.

Rev. Reehoff stated that they hope to start the school and preschool right away in the building. They are a few years from meeting in the building. They do plan to have some outdoor church services and some outdoor events (not rock concert type events) which may use some amplification. He believes the building will help block some of the noise from I-94. Within 5 years, the congregation plans to build phase 1 which will be a 20,000 sq. ft. building. The 10-15 year plan is to add phase 2 which will be an additional 40,000 sq. ft. building. Lighting should focus down

(not out) and landscaping will be done correctly so the building looks good and not just like a parking lot. For now, the property could continue to be farmed. Church representatives may go onto the property but there will be no events at this time.

Supervisor Van Horn stated that the neighbors have not expressed concern about the change in use and think it is a good location for a church.

Engineer Barbeau clarified that the Town plan calls for a shared access with this property onto Cross Creek Ct. The Town should discuss the potential need to have more than one access route for emergencies and could implement the right to share the driveway if it is needed. The plan for this shared access was shown on the condominium map and on the condominium's CSM, so it should not be a surprise to the owners.

Public Comments:

Susan Szymczak, N12W29696 Southampton Dr.

Her property abuts this property. She asked if any level of government is funding this in any way and if there is any conflict since there is another Baptist Church being constructed 2 miles east on the opposite side of I-94.

Alan Barker, N12W29610 Southampton Dr.

His property also abuts this property. His concern is the maintaining of Silvernail Rd. since there will be additional traffic on an already poorly maintained road. He also questioned the loss of tax revenue from the property but stated that the church is a great use for the property and he welcomes it. He questioned what happens if the congregation builds and then can't afford the property. He asked if the church will be willing to let the community use any facilities (baseball diamond, gym facilities, open space to be treated like a park, etc.).

Linda Borchardt, N12W292 Cross Creek Ct.

Ms. Borchardt asked how many services would be held and what time of day they will occur; what outside activities are planned (specifically, will there be an outside play area, a soccer field, etc). If the Town allows access to Cross Creek Ct. via the existing easement she considers that a safety issue. There are already cars that drive in and make U-turns and go back out resulting in ruts on the side of the road and extra traffic for senior citizens to deal with. Would the Town or church consider putting in a gate where the condo property begins? Would the church consider putting in a berm with pine trees to block the view so the condo owners on adjacent properties would have some privacy?

Scott Patterson, N11W29595 Southampton Dr.

Mr. Patterson has some of the same questions: What is the congregation size and hours they'll use the facility? How is the church funded? How many children do they anticipate for daycare and what hours will that service be offered? What are the plans for the acreage they'll own west of the planned building? Will the church consider selling the western section of property? Where will the money come from for them to build and maintain the property?

Edward Cichose, N12W29156 Cross Creek Ct.

Mr. Cichose wanted to know who will be responsible for dealing with trees on the property when they fall over or become dangerous. He stated that ProHealth did nothing under those circumstances even though the trees had fallen from the ProHealth property and impacted the neighboring properties. He also stated he understands there is an entry easement but is concerned since it is a very narrow driveway. Will it be widened if it is used? He said the elderly in the area don't know how to drive. The public already makes U-turns in the driveway which results in ruts along the sides of the roadway. It is a dangerous roadway and there will be accidents. He asked what will stop people from driving back by the condos.

The responses to these questions and comments included:

- The Town is not aware of any government funding assisting this congregation. It is a private church.
- Rev. Reehoff has not met the people from the other Baptist congregation which is building in Pewaukee. He doesn't anticipate any problems with being that close to another Baptist church.
- Silvernail Rd. is a State DOT road which is maintained by Waukesha County. Residents could contact the State DOT and possibly the County. The Town can send a letter of support to the DOT but doesn't have

any power to change or maintain the road in any way. Residents could also talk with their State Representative and Senator.

- If Cross Creek Ct. is used as an access for this property the mouth to Silvernail Rd. would be expanded at the church's expense. This was discussed years ago as part of the land use plan for the Town.
- Church services on Sundays are currently from 10 a.m. to noon and 6 – 7 p.m.; there is a Wednesday service at 7 p.m.
- There will be an outdoor play area for children but are undecided as to what it will look like.
- It is not the church's desire to have a driveway access to Cross Creek Ct. They want to use Silvernail Road for their main entrance.
- They have no plan to add a berm between this property and the condos. The existing trees offer sufficient privacy at this time.
- Daycare hours could be 6:30 a.m. to 6:30 p.m. School hours will be standard with surrounding schools (approximately 8 a.m. to 3 p.m.)
- The church is funded by donations. They look forward to being in this location for a long time.
- They have no plans at this time for the additional acreage and no plans to sell any of it.
- If trees on church property need attention they will take care of the situation. They want the property to look good and be well maintained.

Attorney Hasken quoted a federal law which states that the Town, when considering land use, cannot consider the fact that this is a church which won't be paying taxes. Mr. Oberhaus responded that the Plan Commission is already aware of the law.

Chairman Oberhaus called the public hearing to a close at 8:07 p.m.

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

Chairman Oberhaus called the meeting to order at 8:08 p.m. and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of January 5, 2016

MOTION BY MS. DUNDON, SECONDED BY MR. REICH, TO APPROVE THE MINUTES OF THE JANUARY 5, 2016 PLAN COMMISSION MEETING. MOTION CARRIED.

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

Chairman Oberhaus noted that a letter was included in the meeting packet from Arnold and Elaine Koch, N12W29242 Cross Creek Court, regarding the public hearing. The Kochs have no objection to a church being constructed on this property but are concerned about the possibility of Cross Creek Ct. being used for access to the property.

Fourth order of business: Unfinished Business: None

Fifth Order of business: New Business:

- A. Morris Meadows, Paul and Jessica Morris, owners,
Re: Consideration and possible action of the final plat of Morris Meadows subdivision located at the southwest corner of Lexington Lane and Paradise Valley Court.

Engineer Barbeau explained that on December 2, 2014, the Plan Commission approved the lot allocation and preliminary plat for Morris Meadows subdivision. The property is 6.2 acres and will be split into three parcels of approximately 2 acres each. These lots are part of the Kent Hanson Planned Unit Development that encompassed this property as well as property to the south and west (including the Scuppernong Springs Condominiums). After approval of the preliminary plat, Mr. Morris made the necessary stormwater improvements to Outlot 1 located at the southerly end of the subdivision.

Based on recent correspondence, Waukesha County has accepted the improvements. A bioswale had to be completed and the County is close to signing off. No other public improvements were required by the Town or County. The lots will be served by Paradise Valley Court, an existing public road. The lots are in substantial conformance to the preliminary plat. The surveyor has addressed Engineer Barbeau's technical comments. The County provided their comments. A maintenance agreement has been recorded. Engineer Barbeau recommended approval of the final plat dated February 2, 2016.

Mr. Reich asked that the note on the Plat regarding the Outlot include that "the Town of Delafield shall not be liable for..." using the same language as Waukesha County has in that area.

**MOTION BY MR. REICH, SECONDED BY MR. COOLEY, TO APPROVE THE FINAL PLAT DATED FEBRUARY 2, 2016 AS AMENDED.
MOTION CARRIED.**

B. DaySpring Baptist Church,

Re: Consideration and possible action on a request for a Conditional Use Permit under Section 17.05 5. I. Churches, Synagogues and Other Buildings for Religious Assembly, on property known as Tax Key No. DELT 0811-995-003 located south side of Silvernail Road, the easterly boundary of the property being approximately 1,500 feet west of Elmhurst Road (CTH G) and the westerly boundary of the property being located approximately 3,250 feet west of Elmhurst Road (CTH G for the development of a church facility.

Engineer Barbeau stated that DaySpring Baptist Church is proposing to construct an approximate 21,600 square foot, one story building on 35.77 acres of land in the location noted above. The use of the building will be as a church and future school. Excess lands to west of the existing driveway entrance and south of the first tree line south of Silvernail Road will be left to either grow naturally or be used for farming. The property does not contain any wetlands, environmental corridor or floodplain. Lands to the south of the east-west tree line that is south of the proposed building are in the Waukesha County Shoreland jurisdiction. Since no construction is taking place in their jurisdictional limits, they have determined that they do not need to be involved in this portion of the plan approvals. Plans submitted for this project are complete.

The land is currently designated on the Land Use Plan as Office and Commercial. The process of amending the Land Use plan will be addressed by the Town Board. The land is zoned A-1 Agriculture. Churches are allowed in the A-1 district under a Conditional Use Permit. Pre-determined conditions listed in the Zoning Code for churches are as follows: double the offset, height limitation of 50 feet, open space must be at least 50%. The plans submitted for DaySpring meet the pre-determined conditions.

Specific comments related to the plans and plan of operation were as follows: All required information is shown on the plan except the building dimensions (written in on the plans for purpose of the meeting). The proposal meets the setbacks and offsets. Open space is at 93%. The parking lot will have 140 parking stalls. The church would like to be allowed to keep the parking lot as gravel for a few years before they pave it with asphalt. Town Code requires commercial establishments to be paved within one year of construction completion. Access will be by a separate driveway opening near the center of the parcel. There is an easement off of Cross Creek Ct., south of Silvernail Rd., which the Town required when the adjacent condominium development was approved. A stormwater pond is proposed for the northeast corner of the site. The church is proposing 7 lights (20 ft. high) in the parking lot. No building or signage lighting is shown. The landscaping plan is not extensive. The sanctuary will seat 344 people. The floor plan and exterior are shown on the plans. The site will be served by an on-site septic system and a private well. The applicant's engineer has talked with the fire chief. The church is proposing a monument sign at the entrance which meets code requirements, but will have to include the words "Town of Delafield". Plans also show a wall sign. The total sign area for churches can be determined by the Plan Commission. The submitted plan of operation is similar to other churches in the area. More information may be required related to the timing and operation of the school.

Engineer Barbeau stated that the Plan Commission should provide comments and potential conditions for the development of a Conditional Use Permit document. Since a document needs to be prepared after the public

hearing, the proposal should be tabled until the March meeting. The architectural portion should be tied to a set of plans. Outstanding items include a final letter from the DOT and Waukesha County stormwater final requirements.

Discussion by Plan Commission members included:

- the possibility of shifting the stormwater pond so there can be additional access to the site;
- a secondary access exiting onto Cross Creek Ct. will probably be needed with the Phase 2 addition; if the land use changes the Town would want a secondary access onto Cross Creek specified in the CUP; the DOT may not be aware of their ability to require the church to enter/exit on Cross Creek Ct. Engineer Barbeau will discuss access for this site with the DOT so plans can be made and documented for current and future use.
- Plans for the daycare operation (It will be offered year-round with up to 250 children involved on varying schedules both during the day and after school. Both Sunday school and weekday school will also be offered.) Plan Commission members requested that the CUP should require DaySpring to return prior to the opening of the daycare, school, etc., since the hours of operation may change. The CUP should be written in such a way that the school is approved but the church must come back for approval of the operational details prior to opening.
- Regarding the overall architectural plans, members stated that more landscaping will be required; three sides of the proposed building resemble a pole barn and do not fit into the Town or the neighborhood; the plans would not be approved as presented. A four-sided design is important in the Town.

Engineer Barbeau clarified that DaySpring needs the CUP in order to go ahead with the purchase of the property. A condition can be included that the final architectural plans need to be approved by the Plan Commission prior to construction. Site plans need to be tied to the CUP. Since construction is not planned for a few years, the church has time to come back for approvals. The CUP can be created specifically stating what is being approved (an approximate 20,000 sq. ft. building with up to a 40,000 sq. ft. addition possible) with the architecture and landscaping plans to be approved prior to building.

Rev. Reehoff stated he agrees that the back of the building is ugly but the church does need the CUP in order to close on the property. He is happy to return for approvals on the building and landscaping in the future. They want to make the building look right and fit into the Town.

MOTION BY MR. KANTER, SECONDED BY MR. KRANICK, TO RECOMMEND TO THE TOWN BOARD APPROVAL OF THE CHANGE IN THE LAND USE PLAN FOR THIS PROPERTY AS PROPOSED CONTINGENT ON THE ULTIMATE APPROVAL OF A CONDITIONAL USE PERMIT. MOTION CARRIED.

MOTION BY MR. KANTER, SECONDED BY MR. KRANICK, TO TABLE THE REQUEST FOR A CONDITIONAL USE PERMIT UNTIL MARCH SO THAT THE TOWN ENGINEER CAN PREPARE THE DOCUMENT FOR CONSIDERATION AND RECOMMENDATION TO THE TOWN BOARD. MOTION CARRIED.

- C. Consideration and recommendation to the Town Board regarding the US Highway 18 Access Management Vision prepared by WisDOT.

Engineer Barbeau presented the documents from the Plan Commission packet and explained the main points of the plan and the maps which illustrate their proposed access management plan for the USH 18 corridor between the west line of Waukesha County and CTH TT. He has met with the DOT to review the report and provide information on potential developments along USH 18 and the vision of the Town along the route. The document in the packets is the pre-final draft of the document. The Town Board reviewed the document on February 26, 2016 and referred the plan to the Plan Commission for review and recommendation. The DOT would like the communities adjacent to the corridor to sign a memorandum of understanding that states that the municipalities will work cooperatively to implement the plan as opportunities present themselves. The DOT has told Engineer Barbeau that other communities are in agreement and are ready to sign the document. The Town of Delafield is the only municipality that has taken it to their Town Board and Plan Commission.

Plan Commission members agreed that it makes sense to plan for the future but expressed concerns about future implications of the proposal and possible limitations placed on the Town and the rights of private property owners. They were specifically concerned with:

- the location of stoplights vs. round-a-bouts;
- road safety and traffic flow;
- the extent to which future Town planning and development along this corridor would be restricted by the State’s plan;
- relocation of Brandybrook Rd.;
- the potential of a landowner not having sufficient access on Hwy. 18 or another road nearby road for development of their land;
- lack of communication by the DOT with current property owners along the corridor;
- lack of communication between the DOT and Waukesha County (in one section the DOT plan shows a future road where the County has planned a retention pond);
- the poor attention to detail including misspelling of road names along the corridor, and
- what will happen in the future if a parcel on one side of the road is ready to be developed and the parcel on the opposite side is not. Will the DOT’s access point be placed across from an existing access point or in the proposed location on this plan, thereby creating more intersections on Hwy. 18?

Mr. Krause suggested having Town Attorney Larson draft a letter expressing the Town’s position stating that the Town of Delafield agrees with the goals of the plan but does not agree with everything presented. The letter should not commit the Town to implement this plan in the future. The wording needs to say that this is a plan that could be changed. The narrative presented may be acceptable and the concept is good but the Plan Commission does not agree with plan on the maps.

MOTION BY MR. KRANICK, SECONDED BY MR. KRAUSE, TO TABLE THIS ITEM SO THAT THE TOWN ATTORNEY CAN PREPARE A LETTER TO THE DOT FOR THE PLAN COMMISSION TO REVIEW. MOTION CARRIED.

Sixth order of business: Discussion: None

Seventh order of business: Announcements and Planning Items:

Next meetings: Tuesday, March 1, 2016
Wednesday, April 6, 2016 (due to Spring Election)

Eighth order of business: Adjournment

MOTION BY MR. KRAUSE, SECONDED BY MR. KANTER, TO ADJOURN AT 9:26 P.M. MOTION CARRIED.

Respectfully submitted,

Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: March 1, 2016