

PLAN COMMISSION MEETING
Tuesday, February 7, 2017

Members present: T. Oberhaus, L. Krause, E. Kranick, C. Dundon, K. Fitzgerald, P. Kanter, G. Reich
Also present: T. Barbeau, *Town Engineer, 5 citizens*

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

Chairman Oberhaus 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 December 6, 2016 and December 27, 2016

MOTION BY MS. DUNDON, SECONDED BY MR. FITZGERALD, TO APPROVE THE MINUTES OF THE DECEMBER 6, 2016 AND DECEMBER 27, 2016 MEETINGS.
MOTION CARRIED.

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

- A. Waukesha County Parks and Land Use (1/16/17) Donna and Anthony Meyer Trust CSM Review Comments; specifically, Note No. 1 regarding the designation of Town owned land on the Land Use Map.

Engineer Barbeau discussed the Waukesha County Park and Open Space Plan he distributed showing the Meyer property. At one time the Town discussed the possibility of this property being developed as a Town park. He stated that if the Town doesn't have an interest in acquiring the land, the Town needs to give the County notice. Mr. Meyer indicated that his intention is to give the property to Waukesha County Land Conservancy.

The neighboring property is owned by Lake Pewaukee Sanitary District. The Plan Commission recommended that the Meyers talk with LPSD regarding any additional access they may need to the LPSD property.

MOTION BY MR. REICH, SECONDED BY MS. DUNDON, TO RECOMMEND TO THE TOWN BOARD THAT WAUKESHA COUNTY BE NOTIFIED THAT THE TOWN IS NOT INTERESTED IN PROCURING ANY OF THE MEYER PROPERTY AS A PARK. THE TOWN MAY BE WILLING TO RECEIVE THE PROPERTY AS A GIFT BUT IS NOT IN A POSITION TO ACQUIRE IT.
MOTION CARRIED.

MOTION BY MR. REICH, SECONDED BY MR. KRAUSE, TO TAKE ITEM 5A OUT OF ORDER.
MOTION CARRIED.

Mr. Kranick recused himself and left the room.

Fifth order of business:

- A. Neumann Companies, Inc./Woodridge Estates LLC, by Cory O'Donnell
Re: Consideration and recommendation to the Town Board regarding the transfer of ownership of Outlot 9 Woodridge Estates subdivision from Woodridge Estates, LLC to Woodridge Estates Homeowners Association, Inc.

Engineer Barbeau explained the request to transfer ownership of Outlot 9 to the Homeowners Association. The lands in the Outlot were included in the open space calculation and is restricted to no development. If the request is granted, the land will be maintained by the HOA. Condition P of the Conditional Use Permit for the development provided an option for the developer to convey the land to a governmental organization or land conservancy group as opposed to giving the land to the Homeowners Association. The land cannot be built on

and must remain green space. The Town must approve any transfer of this land ownership. Currently, the HOA is Neumann Companies, Inc.

Keith Kindred, SEH, represented Neumann Companies, Inc. and talked about the conversations they had had regarding transferring Outlot 9 to the Waukesha County Land Conservancy but they did not agree to acceptable terms.

Plan Commission members questioned the urgency of transferring Outlot 9 to the HOA and suggested that Neumann Companies contact other conservancy groups to determine if they would have an interest in the property so that the original goal would be met. There is a concern that, if the property is transferred to the HOA, the public may not be allowed to use the trails. They hope a conservancy group would allow public access to the trails.

Mr. Kindred will talk with Neumann Companies regarding the Plan Commission's comments.

**MOTION BY MR. REICH, SECONDED BY MR. KRAUSE, TO TABLE THIS ITEM FOR 60 DAYS.
MOTION CARRIED.**

Mr. Kranick returned to the room.

Fourth Order of business: Unfinished Business:

- A. Del and Debra Molkentin, W316 N895 STH 83, Delafield, WI
Re: Consideration and possible action on a request for approval of a revised Conditional Use Permit to operate at Hobby Kennel at W316 N895 STH 83, Delafield, WI. (Tabled 12/6/16)

Engineer Barbeau explained that although a new legal description and survey was provided, it did not contain information to address the concerns raised at the December public hearing or that is stated in the CUP. He suggested that this matter remain tabled until the March meeting. If the information is not received by that time the Plan Commission could start the process of terminating the CUP.

**MOTION BY MS. DUNDON, SECONDED BY MR. KRANICK, TO REMOVE THIS ITEM FROM THE TABLE.
MOTION CARRIED.**

MOTION BY MR. KANTER, SECONDED BY MR. REICH, TO RECOMMEND TO THE TOWN BOARD THE REVOCATION OF THIS CONDITIONAL USE PERMIT.

Engineer Barbeau stated that the CUP has a legal description which doesn't match the property as it is now. By updating the legal description and receiving a current survey, the Town will verify the dimensional requirements so that a Plan Commission decision can be based on the current property survey. He suggested allowing the Molkentins until the next meeting to provide him with the new survey and for him to review it.

**MOTION BY MR. KRAUSE, SECONDED BY MS. DUNDON, TO TABLE THE PREVIOUS MOTION UNTIL THE MARCH 7, 2017 PLAN COMMISSION MEETING.
MOTION CARRIED WITH MR. FITZGERALD, MS. DUNDON, MR. KRAUSE AND MR. OBERHAUS VOTING "YES" AND MR. KANTER, MR. KRANICK AND MR. REICH VOTING "NO".**

**MOTION MADE BY MS. DUNDON, SECONDED BY MR. FITZGERALD, TO TABLE THIS AGENDA ITEM.
MOTION CARRIED WITH MR. FITZGERALD, MS. DUNDON, MR. KRAUSE, MR. OBERHAUS AND MR. KRANICK VOTING "YES" AND MR. REICH AND MR. KANTER VOTING "NO".**

- B. Town of Delafield Plan Commission
Re: Consideration and recommendation to the Town Board regarding amendments to Chapter 17.08 Signs of the Town Zoning Code (tabled 12/6/16)

Plan Commission members determined to leave this item on the Table until the Town Lawyer can be present for the discussion.

Fifth order of business:

New Business:

- B. SBA Communications Corporation, by Ashley Masuda, Zoning and Compliance Supervisor
Re: Consideration and possible action to review compliance with the Conditional Use Permit for the tower located at S12 W28925 Summit Avenue.

Engineer Barbeau stated that the owner, SBA Communications, requested a review of the CUP for compliance. The conditions related to the tower appear to be in order. He recommended that the Town prepare a revised document replacing references to AAT with SBA Communication Corporation and have them, as owner, sign the document. Through that process, the Town will meet the requirements by providing written approval of the assignment of the CUP to SBA, if necessary.

**MOTION BY MR. KRANICK, SECONDED BY MR. KANTER, TO DIRECT STAFF TO REVISE THE CURRENT CUP TO REPLACE REFERENCES TO AAT WITH SBA COMMUNICATIONS CORPORATION AND HAVE THEM, AS OWNERS, SIGN THE DOCUMENT. STAFF SHOULD MAKE ANY RECOMMENDATIONS ON ANY CHANGES IN THE LAW THAT MAY BE CURRENTLY PERTINENT TO THE DOCUMENT. THE TOWN ENGINEER SHOULD BE SURE THE CURRENT CODE IS MET AND THAT THE OWNERS ARE IN COMPLIANCE AS DIRECTED BY THE PLAN COMMISSION.
MOTION CARRIED.**

- C. Jim Young, Barry Company
Re: Consideration and possible action on a request for approval of two signs via a sign variance on the Thomas Property located on the north side of Golf Road between Elmhurst Road and Glen Cove Road.

Engineer Barbeau stated that The Barry Company is under contract to sell the Thomas farm and has requested approval of two "V" shaped signs to be placed along Golf Road. They amended their application to request a sign variance as allowed in Chapter 17.08 13 of the zoning code. Sign variances can be granted by the Plan Commission to allow flexibility in the sign regulations while fulfilling the purpose of the ordinance. The Barry Company provided their detailed justification for the variance in a letter dated January 31, 2017. Engineer Barbeau said the proposed signs will not result in an undue concentration of signage and will be placed in such a manner to make it easy to read from both directions on the highway without compromising safety. He recommended approval of the signs and locations as proposed.

Mr. Young said a family survey shows 151 acres of land are involved in this plan. Three homes are included which may possibly be moved.

Mr. Kanter reminded Mr. Young that marketing of this property should include information that the Town has strict development requirements and purchasers will be held to the Town standards. Mr. Young stated he and the Barrys have met with Engineer Barbeau and discussed the vision for the properties involved. Since the property is sandwiched between two subdivisions, this area isn't ideal for retail development. He suggested the possibility of a corporate headquarters type use.

**MOTION BY MR. REICH, SECONDED BY MS. DUNDON, TO APPROVE THE SIGN VARIANCE.
MOTION CARRIED.**

- D. Town of Delafield Plan Commission
Re: Consideration and possible action on changes to Section 17.03 4. D. 1. And 17.03 4. F. of the Zoning Code regarding lot separation for buildings.

Engineer Barbeau explained that changes to this section of the Town Code have been requested by the Building Inspector so that it is consistent with language that was inserted into Chapter 9.14 regarding the same subject. The language will eliminate the distinction between principal structures and accessory structures when applying the 20 foot structure separation code. It also will clear up the question of separation between accessory buildings on the same lot. The County included the Town restrictions in their Shoreland regulations. The Town needs to clarify this for non-shoreland districts. A recommendation to the Town Board for approval and a public hearing would be needed.

Plan Commission members agreed that the wording needs to be clarified, particularly in Subsections A and B, and suggested giving the Town Engineer time to rewrite this. They suggested separating the offset requirements and the space between buildings so that it is easier to read and understand.

MOTION BY MR. KRAUSE, SECONDED BY MR. REICH, TO TABLE THIS ITEM. MOTION CARRIED.

Sixth order of business: Discussion:

A. None

Seventh order of business: Announcements and Planning Items:

Next meeting- Tuesday, March 7, 2017

Eighth order of business: Adjournment

MOTION BY MR. REICH, SECONDED BY MR. KRAUSE, TO ADJOURN AT 8:10 P.M. MOTION CARRIED.

Respectfully submitted,

Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: March 7, 2017