

PLAN COMMISSION MEETING
Tuesday, March 1, 2016

Members present: T. Oberhaus, L. Krause, E. Kranick, B. Cooley, C. Dundon, P. Kanter
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 p.m. and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of February 2, 2016

**MOTION BY MR. COOLEY, SECONDED BY MR. KRANICK, TO APPROVE THE MINUTES OF THE FEBRUARY 2, 2016 PLAN COMMISSION MEETING.
MOTION CARRIED.**

Third order of business: Communications (for discussion and possible action):
Letter from Attorney Larson regarding DaySpring Baptist Church CUP

Fourth order of business: Unfinished Business:

- A. DaySpring Baptist Church, (tabled 2/2/16)
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; also consideration and possible action on the approval of the site, site grading, landscape, lighting and architectural plans.

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

Engineer Barbeau prepared the Conditional Use Permit (CUP) incorporating their plan of operation into the document as conditions. He received input from the Town Attorney and from DaySpring's Attorney regarding the CUP draft and distributed a red line copy for discussion and possible approval at this meeting. The church has indicated that they will not be building for about 5 years. Normally, the Town's CUPs have a 12 month non-use/abandonment condition. Engineer Barbeau approved of the plans dated February 23, 2016, however, the church would have to come back to the Town if there are substantial changes (as determined by staff) to the plans when they prepare to build. The site plan and grading plan (detention pond) has been modified to allow a potential future access off of Cross Creek Court. DaySpring has not received approval from the County for the stormwater plan.

The people that use Cross Creek Court expressed concern at the public hearing about people driving down their private road. Condition D in the CUP states "DaySpring shall take efforts to discourage travelers to proceed further south along Cross Creek Court beyond the church access point. Those measures may be, but is not limited to additional signage or a gate. There shall be no access to Southampton Drive." Engineer Barbeau recommended approval of the CUP and the plans dated February 23, 2016.

The following changes or corrections were made to the CUP following distribution of the meeting packet:
Page 1, Paragraph 1: *remove references to ProHealth Care* (once the Town approves the CUP, Dayspring will sign the document, the Town will hold the document and sign it after DaySpring's land purchase is complete; then the Town will record the CUP.)

Add the words "and school" since the Town is approving a school as part of DaySpring's plans.

Last paragraph: add "and schools" (...for churches and schools as a conditional use....)

Page 2: 3rd Whereas addresses the time frame allowed due to the Town's 12 month clause for abandonment

4th Whereas is a statement of fact that a future addition has been proposed and discussed

Condition A: adds "and school"

allows the church to *lease and use the land for agricultural purposes* as is currently being done

clarifies this property is not to be used for *residential* purposes

Page 3, Item 4: The church requested the possibility to construct a separate restroom facility in case it is needed near a future athletic field.

Item 6: The Site, Grading, Utilities and Lighting Plans dated 2/23/2016 are conditionally approved. The dates in this item need to be updated to 2/23/2016.

Condition C: Three plans are not ready for approval: stormwater management, landscape and architectural & exterior materials. Before building permits are issued, the church will need to submit updated plans since changes are anticipated.

Page 4, Condition H: adds wording regarding no bell, simulated bell, or outdoor noise.

Condition H: Signage must comply with the Town Sign Ordinance.

Conditions M and N have wording and/or grammatical corrections.

Page 5, Condition O: adds "and school activities"

Condition P: clarifies exceptions to the hours of operation to allow for set-up and clean-up

Condition S: clarifies standard conditions with language regarding special events which must be added special events must be submitted to town clerk; engineer; determines if needs special approval Once-a-month events are considered normal activities.

Condition U: wording should be "...if said complaint can be reasonable...."

Page 6, Condition X: The Town Attorney stated that this Condition should be set at 12 months with an annual review in order to be consistent with other CUPs. The extension shall be granted as long as the church meets the requirements.

Conditions Z, AA and AB were added by the Town attorney as standard language he wants included.

Discussion resulted in the comment that it would be appropriate to include references to Town Code 17.055I. and 17.055AH with the page 1, paragraph 1.

Plan Commission members questioned how this land will be assessed if it is used as agricultural land. That is a matter for the Town Assessor.

Regarding Item #4 on page 3, the sentences are inconsistent and need to be reworded. The first sentence says "shall not include....toilet facilities...." And the second sentence says a restroom may be built. The Town Attorney should work out the wording so it is clear.

Regarding Condition D on page 4, it should be clearly stated that if the Town requires a second access point on the property, the improvements and maintenance of that access are at the expense of the church – not the Town or the condominium association.

Attorney Lawrence Hasken, representing DaySpring Baptist Church, stated he and the church are satisfied with the comments and changes and has no problems with tonight's suggestions. He will work out the wording with the Town Attorney.

Engineer Barbeau stated that by approving the CUP the Plan Commission would also be approving the Site, Grading, Utilities and Lighting Plans dated February 23, 2016. All other plans will be brought back to the Plan Commission. The pond on the grading plan has been shifted to the northeast corner of the property to allow space in case a second access point is required.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KANTER, TO RECOMMEND TO THE TOWN BOARD THE APPROVAL OF THE CONDITIONAL USE PERMIT FOR DAYSPRING BAPTIST CHURCH

WITH THE CHANGES MADE BY THE TOWN ENGINEER AND SUBJECT TO THE CONSIDERATIONS AT THIS MEETING.

MOTION CARRIED.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON, TO APPROVE THE SITE, GRADING, UTILITIES AND LIGHTING PLANS FOR DAYSPRING BAPTIST CHURCH DATED 2/23/2016.

MOTION CARRIED.

- B. Consideration and recommendation to the Town Board regarding the US Highway 18 Access Management Vision prepared by WisDOT (tabled 2/2/16)

MOTION BY MR. KRANICK, SECONDED BY MR. COOLEY, TO REMOVE THIS ITEM FROM THE TABLE. MOTION CARRIED.

Representatives of the DOT were in attendance at this meeting. Engineer Barbeau reviewed the outcome of last month's Plan Commission meeting and explained the Town's concerns. The Town Attorney can still prepare a letter for the Town, but this is the Plan Commissions opportunity to provide direct input to the DOT.

At the last meeting, the Plan Commission directed Engineer Barbeau to contact the Town Attorney to prepare a letter to WisDOT. Subsequent to the direction given, he spoke with Town Chairman Krause regarding input back to the WisDOT. They concluded that it would be best for the Town to specifically identify items that they want to see modified in the plan as it relates to the Town of Delafield and send that information to WisDOT. To that end, Engineer Barbeau listed the issues brought up at the last meeting and sought input on specific concerns prior to forwarding comments back to the Town Board. Items to be discussed were:

- 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. and taking of land;
- the potential of landowners not having sufficient access on Hwy. 18 or another road nearby for development of their land;
- DOT should get input from the 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);
- questions concerning 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?

Robert Elkin, DOT planning supervision, stated this is not a hard plan. It shows how this could potentially develop in the future. If and when a proposal comes in that is different from what the DOT plan shows, ideas would be discussed. They don't want this to be looked at as something set in stone. The Town is not obligated to carry out this plan. Hwy. 18 is the State's jurisdiction but they want to work with the communities involved and have a cooperative relationship. The DOT wants to delay the need for expansion of highways and control costs.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON, RECOMMEND TO THE TOWN BOARD THAT THE TOWN RECEIVE THE DEPARTMENT OF TRANSPORTATION PROPOSAL AND KEEP IT ON FILE AS A VISION FOR HOW THE HIGHWAY 18 CORRIDOR THROUGH THE TOWN OF DELAFIELD CAN AND MIGHT BE DEVELOPED BUT THAT IT NOT SIGN THE PROPOSED DOCUMENT FROM THE DOT FOR FEAR THAT IT WILL COMMIT THE TOWN TO A DEVELOPMENT CONSTRUCT THAT THE TOWN IS NOT PREPARED TO NECESSARILY ACCEPT AS THE FUTURE UNFOLDS. THE PLAN COMMISSION ALSO RECOMMENDS THAT THE TOWN SHOULD DEVELOP AN INDEPENDENT DOCUMENT EXPRESSING THOSE THOUGHTS

MOTION CARRIED.

Fifth Order of business: New Business:

- A. Orthopaedics of Wisconsin (OAW), by Ryan Schultz, HSI, and Ron Rogahn, Poblocki Sign Company,
Re: Consideration and possible action on a request for a sign approval and sign variances associated with the OAW project site, Golf Road, west of CTH SS.

Poblocki, in cooperation with the owner, has submitted a request for signage within the OAW development. Engineer Barbeau has reviewed the signage request and identified a number of signs that do not meet the code requirements. Sign variances are allowed through Town Code Section 17.08 13. The description in the request on the application reads, *"Install signs per drawings 69486 MON-01, LI-01, LL-02 & CAB-02. We understand that the max sq. foot allowed for this property is 80 sq. feet, but that is very restrictive to properly identify this new facility. The ordinance starts by saying that the max can be computed as .5 sq. feet of the front property line (351) or 0.65 sq. feet per lineal foot of the building (288) and then states a max of 80 sq. feet. We are only asking for a total of 285 sq. feet. This property would fit nicely into the formula, but the 80 sq. feet max seems unrealistic for this 7+ acre lot. This is not an attempt to advertise, but to identify this large facility and its various services and entrances."*

They have requested the following signs:

Free Standing Sign (proposed to be 111 s.f. variance of 31 s.f.)

The sign meets the offset requirement from the property line but does not meet the area allowance: logo = 45 s.f.; name = 66 s.f. = total of 111 s.f. (80 s.f. allowed and has to be apportioned between the free standing sign and the wall sign) (17.08 9. E. 2. e.). The maximum height at the location proposed is 8.6 feet (17.08 9. E. 2. d.), proposed height is 10 feet max. and 8.3 feet for the aluminum background (height variance of 1.4 feet).

Wall Signs (proposed to be 148 s.f. – variance of 148 s.f.)

The only issue is the total area of the signage when apportioned between the free standing sign and the wall sign.

Shingle Sign (proposed to be 12.5 s.f. – variance of 11.5 s.f.)

The sign meets the code definition of a shingle sign. However, it appears that the shingle sign regulations were intended to have this type of sign be very small (1 s.f.) and overhang a sidewalk (like in a downtown area). Engineer Barbeau stated he was not opposed to a shingle sign as proposed but it would require a variance for the size.

Traffic Directional Sign (proposed to be 6.5 feet in height and 13.5 s.f. in area – variance of 1.5 feet height and 7.5 s.f. in area)

The sign does not meet the maximum height requirement of 5 feet (17.08 9. G. 2.) or the maximum area requirement of 6 square feet (13.5 s.f. requested). Engineer Barbeau has discussed whether there needs to be a logo on the free standing monument sign in the front of the building, or if it has to be as large as proposed. The logo on the building is large (10' diameter) and will be easily seen by those that pass by on the highway.

Engineer Barbeau did not know the specific thinking behind the numerical code requirements for signage. He assumes that the Town did not think that there would be buildings of this magnitude in the Town. The Code requires that the variances be evaluated based on the following criteria:

Area enhancements:

1. The sign will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs; and
2. The proposed sign is unique and of exceptional design or style, so as to enhance the area.

Site Difficulties: Unusual site factors preclude the construction of a sign in accordance with this chapter which would be visible to the roadway adjacent to the site frontage.

Engineer Barbeau explained that the proposed signs, specifically, the monument sign and the wall signs, do not appear excessive for the mass of the building. Under criteria 1, there would not be an undue concentration of signage. He is not convinced any sign would “enhance” the area, and there are no unusual site factors that have been expressed by the applicant. He is generally in favor of approving the variance request, but requested input on the monument sign logo size and overall signage area.

Ryan Schultz, HSI Properties, stated the OAW building is coming along well. OAW hopes to see their first patient there in May with their first surgery in June. Ron Rogahn, Poblacki Sign Company, presented the sign proposals and explained the materials to be used and type of lighting involved with each.

Plan Commission members liked the overall look of the signs but expressed concerns, particularly regarding the proposed Physical Therapy sign. They saw no reason why this sign needed to be on the building since the other entrances do not have specific signs. They were concerned with the size of this sign and the extent of the variance for this sign. They preferred a sign more similar to the Surgery Pick-up sign.

Mr. Schultz explained that the surgery sign is really for marking the exit pick-up area for surgery patients. He considers the Physical Therapy sign to be different since physical therapy services may be available when the other parts of the facility are not open and patients need to be able to locate the proper entrance at those times. He considers the 24” letters to be appropriate.

**MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUNDON, TO APPROVE THE TRAFFIC DIRECTIONAL SIGN.
MOTION CARRIED.**

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. KRAUSE, TO APPROVE THE SHINGLE SIGN.
MOTION CARRIED.**

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUNDON, TO APPROVE THE PHYSICAL THERAPY SIGN. MOTION FAILED 3/3 WITH MR. KANTER, MR. KRAUSE AND MR. COOLEY VOTING “NO” AND MR. KRANICK, MS. DUNDON AND MR. OBERHAUS VOTING “YES”.

**MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUNDON, TO APPROVE THE MONUMENT SIGN.
MOTION CARRIED 5/1 WITH MR. KANTER VOTING “NO”.**

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY, TO APPROVE THE LOGO ON THE BUILDING.
MOTION CARRIED.**

Mr. Schultz will bring back a new design for the Physical Therapy sign to a future Plan Commission meeting.

Sixth order of business:

Discussion:

- A. Ernestina Cousland Life Trust, S1 W33857 Abitz Road,
Re: Discussion on proposed 14 lot subdivision on 83.3 acres of land located south of Abitz Road, approximately 1,700 feet and west of Cushing Park Road.

Engineer Barbeau explained that this is a discussion item regarding a conventional type subdivision. He described the land use plan and zoning designations (Rural density and Other Ag lands; however, the text portion of the LUP results in the Town being allowed to develop the land at a 3 acre per unit density conventional and 2.75 acre per unit PUD, A-2 Rural Home district, 3 acre minimum lot size, 200 foot width; would allow 1 large animal on 3 acres and more for larger lots, 85% open space; 1% of lot area can be accessory building; the Land Use Plan encourages cluster type development). The property contains an Isolated Natural Resource Area which the County would like to see on one lot and restricted so that there is no clear cutting. Two lots would require specific approval for lots not abutting a public road. A 66 foot permanent easement is required.

Jon Spheeris presented his proposed development of the Cousland property. It includes 83 acres currently zoned A2 with a 3 acre minimum lot size and 27 lots allowed. He plans to develop 15 lots (14 plus the existing residence) with an average lot size of 5.53 acres (lot sizes will vary from 3 to 15.3 acres). He plans to preserve the country, equestrian feel off the property. Lots 6 and 7 will have a private drive. He has spoken with both Engineer Barbeau and Fire Chief Kozlowski. The Fire Chief asked that the private drive have some bump outs. Curb & gutter will be used through the woods. The minimum house size will be 2600 sq. ft. He estimates the house and lot packages to be from \$750,000 to \$1 million with the overall value of the development to be approximately \$12-\$13 million. His previous, similar-themed subdivisions have all been successful.

Mr. Spheeris stated that the normal common barn and cluster-type subdivision is not feasible on this property. He said his proposal meets the Town’s zoning requirements; the soils are excellent for septic systems; the site alterations are minimal; the density is less than the zoning requires; this plan preserves the environmental corridor; there will be two retention ponds; there will be a tank for fire protection, and there is a current demand for large estate lots in this area. There will be easements for the driveway and for fences in the development. Rock walls will be used as landscape elements throughout the subdivision. There will be a maintenance agreement for the private road. Bump-outs on the private road will be 12 ft. wide as recommended by the Fire Chief. Each property could have a horse and an accessory building. The barn and private riding ring will remain on Lot 14 with restrictions. Lot 15 is accessed from Waterville Lake Dr.

Plan Commission members asked questions about the proposed development. Comments included:

- Something should be done to avoid the private road becoming a thoroughfare off of Abitz Rd.
- Members appreciate the plan and what Mr. Spheeris is trying to conserve.
- The Town may need to work with Summit regarding plowing and road-related issues.
- A road may need to be relocated to meet up with the proposed road to the east and avoid building in a natural resource area. Engineer Barbeau suggested involving the property owners on both sides of the development to discuss road patterns and connections through each of the sites, particularly on the north end of the property. Mr. Spheeris understands and will look into this.
- The County suggested having the environmental corridor all on one lot instead of on lots 3 and 8. The County has some shoreland jurisdiction on this property.
- Engineer Barbeau suggested reconsidering the cul-de-sac.
- Engineer Barbeau stated that lot allocation and preliminary plat is the next step. No rezoning is necessary.

Seventh order of business: Announcements and Planning Items:

Next meeting: Wednesday, April 6, 2016 (due to Spring Election)

Engineer Barbeau announced that he has been informed by Dale Shaver, Waukesha County Parks and Land Use, that AB603, regarding the County’s right to enforce local municipality’s restrictions regarding setbacks in shoreland areas, has been signed by Governor Walker. The County can now enforce the Town’s 150 ft. setback and has been very cooperative in enforcing Town zoning.

Eighth order of business: Adjournment

**MOTION BY MR. KRAUSE, SECONDED BY MR. KRANICK, TO ADJOURN AT 9:14 P.M.
MOTION CARRIED.**

Respectfully submitted,

Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: May 3, 2016