

PLAN COMMISSION MEETING
Tuesday, June 21, 2016

Members present: T. Oberhaus, L. Krause, E. Kranick, K. Fitzgerald, P. Kanter, G. Reich

Also present: T. Barbeau, *Town Engineer*, E. Larson, *Town Attorney*, K. Smith, *Lake Country Reporter*, 3 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: Unfinished Business:

- A. Ernestina Cousland Life Trust, by Jon Spheeris, Hunt Club Farms, LLC, (tabled 6/7/16)
Re: Consideration and possible action on a request for preliminary plat approval and lot allocation for a 16 lot subdivision on 83.3 acres of land owner by Ernestina Cousland Life Trust located south of Abitz Road, approximately 1,500 feet west of Cushing Park Road.

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

Engineer Barbeau explained that Waukesha County is confident that there is adequate space and land set aside for stormwater purposes, including infiltration basins. His report has the conditions which he is recommending be included in any approval of this development. He also explained the Lot Allocation Review handout from the packet. He described Lot 14 as a horseshoe shape which will look like someone has a pond in their front yard. The pond will actually be on Outlot 5. Lot 14 is not the type of lot normally allowed in the Town, but it works in this location. The soil boring tests determined the location of the stormwater basin. It will be a wet pond which will be aerated. He clarified that the lots were renumbered in the newer plan which was distributed, so in his recommendation 7, Lot 13 should be Lot 14.

Mr. Spheeris stated that he will control the architecture in the subdivision until the last lot is sold. In answer to questions from Plan Commission members, he stated that Waterville Lake Drive will not cut through to the next development. There is access to each proposed building site. Four lots will be responsible for the private road. There will be a clause in the subdivision documents to allow some flexibility with architectural materials. He said that homeowners seeking changes in the future will need to come to the Plan Commission. The request will then be reviewed as an amendment to what the Town approves at this time. There will be gates and signs posted regarding the private drive.

(Mr. Reich arrived at 7:12 p.m.)

Regarding the existing barn, Engineer Barbeau explained that the Town usually requires that sheds and barns be taken down if there's no principle building on the property. This one has been well cared for. They will be allowed to keep it and fix it up as long as the house is built on that parcel within 2 years. The barn is not historic. Mr. Spheeris will provide a bond or letter of credit guaranteeing that the barn will be removed if the house on that parcel is not built within 2 years. The County standard for this is a 2 year time period.

A 10,000 gal. fire tank will be placed in the right-of-way adjacent to Outlot 1 on Foxtail Ct. The Fire Department wants it to be close to the road for ease of access.

Attorney Larson expressed concerns regarding the private drive and problems with similar situations in other municipalities. He stated that other neighboring communities are no longer allowing private roads in new developments. There should be a notice in all of the recorded the subdivision documents that this is and always will be a private road. He stated that there should be a statement in the recorded subdivision documents that the Town has the right to repair the private drive if the Town feels it needs to do anything for emergency vehicle access and to charge the property owners for the cost of such work.

Mr. Spheeris explained that he chose a private road for this location due to the current aesthetics which he believed will be destroyed if it is developed as a public road. There will be three bump-outs for emergency vehicles passage on the private road. His attorney is drafting, as part of the documents and deed restrictions, an easement and

maintenance agreement regarding the private road as he has done in other developments. Mr. Spheeris will send the Town Attorney copies of the documents his attorney is creating.

MOTION BY MR. KANTER, SECONDED BY MR. KRANICK, TO ACCEPT AND ADOPT THE LOT ALLOCATION THAT HAS BEEN PREPARED BY THE TOWN ENGINEER AND MOVE TO CONDITIONALLY APPROVE THE PRELIMINARY PLAT WHICH IS DATED JUNE 10, 2016, SUBJECT TO ALL OF THE CONDITIONS SET FORTH IN THE ENGINEER’S REPORT DATED JUNE 21, 2016.

MOTION CARRIED.

MOTION TO AMEND THE MOTION, BY MR. REICH, TO CONDITION THAT THE DEVELOPER IS RESPONSIBLE FOR ENSURING THAT THE PRIVATE DRIVE GRANTED UNDER THE PRELIMINARY PLAT BE REPAIRED OR IN A CONDITION APPROVED BY THE TOWN ENGINEER AT THE CONCLUSION OF THE CONSTRUCTION.

MR. KANTER AND MR. KRANICK ACCEPTED THE AMENDMENT.

MOTION TO AMEND THE ORIGINAL MOTION CARRIED.

AMENDED MOTION CARRIED.

Engineer Barbeau clarified that by approving the Preliminary Plat, the Plan Commission has approved the two lots that aren’t on a public road. Those two lots still require Town Board approval. Mr. Spheeris will need to apply for that Town Board approval.

Third order of business:

New Business:

- A. Consideration and possible action regarding amendments to Chapter 17.08 of the Town of Delafield Zoning Code related to signs in the Town of Delafield.

Attorney Larson explained the materials in the packet in order to make the Plan Commission aware of the kinds of issues that need to be addressed. Further consideration will be needed, both to the issues identified in the materials and to any related or additional changes that may arise as the revised Sign Code is prepared. The general intent is to remove content-based regulations and replace them with regulations based on physical features such as size and location. The revisions are necessary due to a Supreme Court ruling following Reed vs. the Town of Gilbert.

MOTION BY MR. KRAUSE, SECONDED BY MR. KANTER, TO AUTHORIZE ATTORNEY LARSON TO PROCEED AND DRAFT IDEAS REGARDING CHANGES NEEDED IN THE TOWN SIGN CODE.

MOTION CARRIED.

Fourth Order of business:

Announcements and Planning Items:

- Next meeting: Tuesday, July 5, 2016
- Waukesha County Shoreland Zoning Update Open House, Thursday, June 23, 6-8 p.m., Town of Delafield Town Hall

Fifth order of business:

Adjournment

MOTION BY MR. KRAUSE, SECONDED BY MR. KANTER, TO ADJOURN AT 8:15 P.M.

MOTION CARRIED. (Ms. Dundon arrived as the meeting adjourned.)

Respectfully submitted,

Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: August 2, 2016