TOWN OF DELAFIELD PLAN COMMISSION MEETING
Tuesday, November 5, 2019, 6:30 p.m.
Town of Delafield Town Hall  W302 N1254 Maple Avenue, Delafield, WI 53018

AGENDA

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Plan Commission and a staff representative of Waukesha County Department of Parks and Land Use - Planning and Zoning Division to solicit public input on a request by Steve Wittman for a Conditional Use permit to legalize commercial truck parking for a snow plowing/landscaping/lawn mowing business at his home at N13 W28828 Silvernail Road. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearings.

1. Call to Order and Pledge of Allegiance

2. Approval of the minutes of October 1, 3 and 16, 2019.

3. Communications (for discussion and possible action):
   A. Waukesha County Notice of Public hearing for a special exception to the offset provisions at N21 W28664 Louis Ave.

4. Unfinished Business:
   A. Discussion and possible action regarding the Town of Delafield Land Use Plan, proposed Mixed Use zoning code and revisions to the previously approved modifications to the conditional use section of the zoning code.

5. New Business:
   A. Steve Wittman, N13 W28828 Silvernail Road, Re: Consideration and possible action on a request for a Waukesha County Conditional Use Permit for to legalize commercial truck for a snow plowing/landscaping/lawn mowing business at his residence.
   B. Penny Wilkinson, W285 N3941 Old North Shore Drive, Re: Consideration and possible action on a request to extend a six-foot high fence from the front of her house 100 feet east towards Old North Shore Drive.

6. Discussion:
   A. Shallock Foundation, by Nancy Bonniwell, Trustee, and Humane Animal Welfare Society of Waukesha County, Inc (HAWS), by Lynn Olenik, Executive Director, Re: Discussion related to proposed uses on the Shallock Foundation property located at W330 S1205 Kettle Moraine Drive (CTH C) and approval procedure.

7. Announcements and Planning Items:

   Upcoming meetings - Wednesday, November 20, 2019 (public hearing with Town Board)
   Tuesday, December 3, 2019
8. Adjournment

Karen Nipko, Deputy Clerk

The Plan Commission may take action on any item on the agenda. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Mary Elsner, Town Clerk, at W302N1254 Maple Avenue, Delafield, WI 53018-2117. This agenda is for informational purposes only. 10/29/19.

W302N1254 Maple Avenue ◆ Delafield, Wisconsin 53018-7000 ◆ Phone: 262-646-2398 ◆ Fax: 262-646-8687
www.townofdelafield.org
TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, October 1, 2019

Members present: K. Fitzgerald, R. Troy, E. Kranick, C. Diderrick, N. Dickenson, C. Dionisopoulos
Members absent: T. Frank
Also present: T. Barbeau, Town Engineer, 6 citizens

First order of business: Call to Order and Pledge of Allegiance
Chairman Fitzgerald called the meeting to order at 6:30 p.m., and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of September 3, 2019
MOTION MADE BY MR. TROY, SECONDED BY MR. DIDERRICH TO APPROVE WITH CORRECTIONS. MOTION CARRIED.

Third order of business: Communications (for discussion and possible action): None

Fourth Order of Business: Unfinished Business:
A. Discussion and possible action regarding the Town of Delafield Land Use Plan and zoning code modifications.

Chairman Fitzgerald stated that a workshop (not public hearing) has been scheduled for Thursday evening. It is expected that people in attendance will provide input on proposed mix uses of the land along Golf Rd. and I-94.

Fifth Order of Business: New Business:
A. Lifestriders, S11 W29677 Summit Avenue, Crystal Stephens, Director of Operations, Re: Consideration and possible action on a request for approval of free standing sign and wall sign and a size variance for the wall sign.

Engineer Barbeau stated that the applicant is requesting approval of 2 signs, 1 (free standing) in front of the building adjacent to the parking lot measuring 32.25 sq. ft., and a 50 sq. ft. sign on the barn wall. Per Section 17.08.10., in order to allow the installation of the proposed 50 sq. ft. sign, a variance of 38.25 sq. ft. is required. The Plan Commission has the authority to decide on the dimension and height of the proposed sign, but not on the text.

Andrew Dominiak, Fast Signs of Waukesha, stated that the proposal includes a reface of the existing sign and neither will be lit.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. DIDERRICH TO APPROVE THE FREE STANDING SIGN AND WALL SIGN, AND GRANT THE VARIANCE FOR REASONS STATED IN THE STAFF RECOMMENDATION: 1. AN 11.75 SQ. FT. SIGN (44 SQ. FT. ALLOWED – 32.25 SQ. FT. FREE-STANDING) SIGN WILL NOT BE VISIBLE FROM USH 18, GIVEN THE SPEED LIMIT ALONG THE ROADWAY; 2. THE SIGN DOES NOT RESULT IN AN UNDE CONCENTRATION OF SIGNS. MOTION CARRIED.

B. Osseo-Fairchild Investments, by Michael Woods, Re: Consideration and possible action on the allowance of a retaining wall within 5 feet of a property line at W288 N3181 Lakewood Lane North.

Engineer Barbeau stated that any proposal requesting allowance of a retaining wall within 5 feet of a property line must come before the Plan Commission, and applicant must notify their neighbor of the request. Any recommendations from the Plan Commission will be sent to Waukesha County, as the lot is located in the
Shoreland District. He suggested that the applicant install a 90° elbow on the downspout to divert water to the west and seep into the existing stone.

Diane Hochrein, W288N3189 Lakewood Lane, stated her concern re: diversion of water onto her property from the gravel that was installed. As long as the downspout is kept toward the applicant’s property, there will be no problem.

Lisa Jaeck, W288N3189 Lakewood Lane, stated that the applicant encroached 5 ft. onto their property and dumped several feet of gravel. Nothing changed on their property. They actually added dirt and arborvitaes to absorb any water. She is requesting more than a 90° elbow for diversion.

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE THE ALLOWANCE OF A RETAINING WALL CLOSER THAN 5 FT. FROM THE PROPERTY LINE, CONTINGENT UPON THE DOWNSPOUT CHANGING AND WHATEVER IS FEASIBLE TO ADDRESS THE EROSION. ALSO, NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED UNTIL ALL DRAINAGE AND EROSION ISSUES ARE RESOLVED. MOTION CARRIED.**

C. Luke Holton, N27 W30147 Maple Avenue, Re: Consideration and possible action on the approval of a Certified Survey Map that attaches a private right of way to three adjoining properties.

Mr. Holton stated that the old private right-of-way is used as a driveway. Lot 1 is part of Grandhaven, and lots 2 and 3 own easements. The proposal includes all lots to take a piece of the right-of-way, and the right-of-way will be gone.

Engineer Barbeau stated that the easement for lots 2 & 3 should be reflected on the certified survey map.

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. DIDERRICH TO RECOMMEND APPROVAL OF THE CERTIFIED SURVEY MAP, TO THE TOWN BOARD, SUBJECT TO TECHNICAL CORRECTIONS ADDRESSING THE EASEMENT FOR LOTS 2 & 3 AND STAFF RECOMMENDATIONS: ADDITION OF THE EXTRATERRITORIAL PLAT JURISDICTION CERTIFICATE AND APPROVAL; INCORPORATION AND SATISFACTION OF ANY AND ALL WAUKESHA COUNTY TECHNICAL COMMENTS. MOTION CARRIED.**

**Sixth Order of Business:** Discussion: None

**Seventh Order of Business:** Announcements and Planning Items:
Upcoming Meetings - Thursday, October 3, 2019
- Wednesday, October 16, 2019 – Mixed Use Code Review
- Tuesday, November 5, 2019 (Joint Public Hearing with Waukesha County re: Steve Wittman property)
- Wednesday, November 20, 2019 – Land Use Plan/Zoning Code Public Hearing

**Eighth Order of Business:** Adjournment
**MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO ADJOURN AT 7:37 P.M. MOTION CARRIED.**

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on:
TOWN OF DELAFIELD
PLAN COMMISSION WORKSHOP
Wednesday, October 3, 2019

Members present: K. Fitzgerald, R. Troy, E. Kranick, C. Dionisopoulos; T. Frank
Members absent: N. Dickenson, C. Diderrick
Also present: T. Barbeau, Town Engineer; 5 citizens from the Thomas family; 8 developers

First order of Business: Call to Order
Chairman Fitzgerald called the meeting to order at 6:30 p.m.

Second order of business: Discussion regarding Town of Delafield Land Use Plan and zoning code modifications

Chairman Fitzgerald explained the purpose of the meeting is to get input on the proposed mixed use code.

The following items were discussed:

1. Requirements for public sewer and water: is the town willing to develop a community well?; OAW has 2 high capacity wells; Steve DeCleene indicated that a private water system is challenging to maintain and operate

2. General Development plan for the entire property: Suggested that the residential to the north be reviewed separately; Chairman Fitzgerald suggested that the language be changed to state an overall plan for the mixed use portion of the property

3. Multi-family density: general agreement amongst the attendees that 10-12 units is workable.

4. Overall allowable residential density: Comment was made that residential homes need to be on lots of 20,000 or less to support extension of sanitary sewer and water; several other attendees agreed.

5. Retail/restaurant use: Minimum lot size for Starbucks is 1 acre; J. Siepmann indicated that he has built on 15,000 s.f. with shared parking; combine retail and residential; 1% for each is too low due to the lot size needed for parking; Plan Commission should have the ability to increase the percentage

6. Light Industrial definition: be flexible; large buildings may get redeveloped with different uses and if there are limitations to future uses, an owner may not build the building; suggestions were to add warehousing, but put limits on it; add trucking.

7. Traffic Study: Likely to have more of an issue with cars leaving all at once at end of the day than trucks that leave throughout the day; remove "with limited semi-truck operations" in 2.a.2.

8. Uses: change (2) to state "light industrial" and use the new definition to define the uses; suggestion was to add "other uses not listed above, but are listed in other districts"

9. Lot size; width: desired height is 55 feet, Town concern is with the fire department access; 55 feet would take into account desired clear areas inside the building and parapet walls and screening roof top units; 47 feet would be an acceptable number, depending on where it is measured from.

10. Open Space; attendees suggested 35% overall in the development; 25% per lot.

11. Site grading, architectural, landscaping, lighting: four sided architectural will discourage developers; the design standards should be carefully considered since developers will be using those standards to decide whether to pursue; if too stringent, developers may lose interest.
12. Parking: Update the parking code to include the uses and update the standards; add no on-street parking; add provision for shared parking

Third order of Business: Adjournment
Motion by T. Frank, seconded by K. Fitzgerald to adjourn at 8:31 p.m., Carried.

Respectfully submitted,

Tim Barbeau
Town Engineer
TOWN OF DELAFIELD
PLAN COMMISSION WORKSHOP
Wednesday, October 16, 2019

Members present: K. Fitzgerald, R. Troy, E. Kranick, C. Dionisopoulos; T. Frank, N. Dickenson, C. Diderrick
Also present: T. Barbeau, B. Cooley, Town Engineer, 2 citizens

**First order of Business**: Call to Order
Chairman Fitzgerald called the meeting to order at 6:30 p.m.

**Second order of business**: Consideration and possible action on a proposed mixed use zoning code

The following edits were made to version 3.1 of the proposed code:

**Section 4. c.**: add "and multi-family residential/senior housing" after the word "Commercial"

**Section 6. c.**: Plan Commission discussed limiting the number of residential dwelling units by limiting the amount of land available for residential rather than total units. Discussion also considered including a maximum number of dwelling units and no lot area maximum. In order to make sure the entire property does not become residential, the Plan Commission decided to include a land area percentage limitation and a maximum number of dwelling units, resulting in the section to read as follows: "No more than 45% of the land in the Mixed Use land use category shall be used for residential development and the maximum number of dwelling units in the Mixed Use land use area shall be 420 dwelling units, unless the Plan Commission provides an exception to allow additional land or units based on proposed location of such use."

**Section 6. f.**: Add the following at the end of the paragraph, "Underground or garage parking shall be required for resident parking for all multi-family developments."

Motion by Mr. Kranick, seconded by Mr. Frank to direct staff to schedule a public hearing on the proposed Mixed Use zoning code and a new definition of "light industrial" that includes the edits decided at this meeting. Carried

**Third order of Business**: Adjournment
Motion by Mr. Kranick, seconded by Mr. Troy to adjourn at 7:39 p.m., Carried.

Respectfully submitted,

Tim Barbeau
Town Engineer
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the following Public Hearing will be held by the Waukesha County Board of Adjustment on Wednesday, November 13, 2019, at 6:30 p.m., in Room AC 255/259 of the Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha, Wisconsin, 53188, to consider the following request:

BA40: WILLIAM AND KATHLEEN NONNAMAKER (OWNERS) request a Special Exception from the nonconformance to the offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to construct a roadside addition to a single-family residence. The subject property is described as Lot 7 Block 2 of Auer Park No. 2, located in parts of Sections 13 and 24, T7N, R18E, Town of Delafield. More specifically, the property is located at N21 W28664 Louis Ave. (Tax Key No. DELT 0814.067)

For additional information concerning this public hearing, please contact Benjamin Greenberg of the Waukesha County Department of Parks and Land Use at 262-548-7790.

All interested parties will be heard.

WAUKESHA COUNTY BOARD OF ADJUSTMENT
Tom Day, Chairman

Legal notice to be published in
The Lake Country Now on
Wednesday, October 30, 2019 and
Wednesday, November 6, 2019

Staff Reports and Recommendations will be available upon request. Please call (262) 548-7790 to request a copy of the Staff Report and Recommendation.
Plan Commissioners:

I have included the Updated Mixed Use Zoning code for your final review and to answer any questions prior to the public hearing. Changes at the last meeting are highlighted in yellow.

I have also included changes to the previously approved codes that relates to the Conditional Use modifications approved earlier this year. I have only included the changes as suggested/requested by Waukesha County and highlighted those changes in yellow.

The agenda also allows for discussion on the Land Use Plan. This was kept on the agenda in case you or the public has any questions prior to the public hearing.
1. STATEMENT OF INTENT

A. The Mixed Use District is intended to be used as an implementation tool for the Town's Mixed Use Land Use designation as depicted in the adopted Land Use Plan. The Town's intent is to allow limited residential, office, limited medical related services, limited retail, business uses, and light industrial. These uses may occur on individual sites or as part of a planned larger development. The Mixed Use zoning district shall only be allowed on lands designated as Mixed Use on the Town's Land Use Plan, and lands designated as Mixed Use on the Town's Land Use Plan shall only be eligible for Mixed Use zoning should such land be re-zoned.

B. Prior to amending parcels of land to the Mixed Use zoning district, a Master Development Plan of the property and any adjacent properties owned by the same, related or affiliated owners must be prepared and presented to the Town Plan Commission for conceptual approval of the uses and site plan. The master development plan shall include the layout and proposed uses of the property as well as the items required in Section 18.14 Detailed Site Analysis of the Town Code and general sizing of storm water management facilities based on anticipated uses to assure that adequate space is set aside for the storm water facilities.

C. Uses in this code section are dependent of the provision of public sanitary sewer and water. A condition of considering and zoning amendment to mixed use shall be that public sanitary sewer and water is available on the land or available to be extended to the land prior to development.

2. USE REGULATIONS

a. Permitted Uses

The following shall be permitted in the Mixed Use District subject to approval by the Plan Commission, of building, site, grading and drainage, landscape, lighting, and operational plans. All uses are subject to conformance to the statement of intent and to the limitations provided in subsection 6 of this ordinance.

(1) Offices for professionals, business, studios, health care facilities and clinics, financial institutions, general clerical offices.

(2) Light Industrial.

(3) Laboratory and research facilities.

(4) Residential, to include senior housing, single family, multi-family and condominiums to be located a minimum of 600 feet from the outside lane of I-94. Single family residential development on individual lots shall follow the requirements of Section 17.04 5. D. (R-3 Residential District).

(5) Restaurants (with no drive through) shall be located 500 feet from residentially zoned land that is not part of the mixed use development and limited to the percentage of land area designated in subsection 6 of this ordinance.
(6) Retail facilities limited to that percentage of the land area designated in subsection 6 of this ordinance.

(7) Other uses not listed above, and not prohibited below, but as listed in the B-1, B-2, B-3 and M-1 zoning districts.

b. Permitted Accessory Use

(1) Garages for residential uses.

(2) Off-street parking and loading area for businesses in the mixed use development, provided it is hard surfaced.

(3) Utilities such as power supply and other uses normally auxiliary to the principal uses in a mixed use development, provided they be screened from view by an appropriate vegetation, wall or fence.

(4) Roof-mounted solar collectors, provided a registered engineer or architect has certified that the structure is adequate to support the load.

c. Prohibited Uses

(1) Gas Stations
(2) Hospitals
(3) Truck or trailer sales
(4) New and used car lots
(5) Car wash facilities
(6) Bulk sales, storage or display of lumber
(7) Outdoor displays or storage of materials
(8) Drive-in theaters
(9) Mobile home sales, service or campgrounds
(10) Recreational vehicles, all-terrain vehicle or outdoor recreational vehicle sales and service
(11) Junkyards or wrecking yards
(12) Refining of petroleum or its products
(13) Petroleum storage yards, not including petroleum storage accessory to a permitted conditional use.
(14) Animal reduction facilities
(15) Forges
(16) Foundries
(17) Garbage or medical incinerators
(18) Rubbish storage or transfer station
(19) Slaughterhouses
(20) Stockyards
(21) Tanneries
(22) Bulk storage of salt, fertilizer, or similar materials; explosives, gasoline or other petroleum products and grease
(23) Storage of radioactive materials
(24) Manufacturing or processing of ammonia, asbestos, asphalt, cement, chlorine, cold tar, creosote, explosives, fertilizer, glue, gypsum, insecticides, poison, pulp, pyroxylin, radium and radioactive materials
(25) Outside product or equipment testing
(26) Mini-warehouses or multi-tenant storage
(27) Similar uses as determined by the Plan Commission
3. **BUILDING LOCATION**
   a. Setback: 50 feet
   b. Offset: 10 feet for non-residential principal or accessory structures
      20 feet for residential structures
      50 feet where adjacent district is residential;

4. **HEIGHT REGULATIONS**
   a. Principal Building: 30 feet maximum (base height)
      (Residential) 45 feet maximum (overall height)
   b. Accessory Building: 12 feet maximum base height
      (Residential) 20 feet maximum overall height
   c. Principal Building 55 feet (overall height)
      (Commercial, Multi-family, Senior Housing) Measured from lowest point
      to top of parapet wall or highest point of the roof ridge, unless otherwise
      approved by the Plan Commission.

5. **AREA REGULATIONS**
   a. Lot Size: 3 acre (office/business/light industrial/multi-family)
      20,000 square feet (retail/restaurant)
      20,000 square feet (single family residential)
   b. Lot Width: 250 feet (office/business/light industrial)
      120 feet (retail/residential/single family)
   c. Floor Area: No minimum for commercial; 1500 square feet for residential
      (single family); 800 square feet for multi-family unit.
   d. Open Space: 35% for the overall development; 25% per lot

6. **ADDITIONAL REGULATIONS**
   a. Storage of products made on site or delivered to the site shall be stored
      inside.
   b. The maximum density of senior housing or apartments shall be 12 units
      per acre.
   c. No more than 45% of the land in the Mixed Use land use category shall
      be used for residential development and the maximum number of dwelling
      units in the Mixed Use land use area shall be 420 dwelling units, unless
      the Plan Commission and Town Board provides an exception to allow
      additional land or units based on proposed location of such use
   d. No more than 4% of the overall development land area shall be used for
      restaurant and retail uses, unless the plan Commission provides an
      exception to allow additional area based on the proposed location of
      such uses, but the total area for restaurant and retail shall be no more
than 6% of the overall development land area. Banquet facilities and drive through facilities are prohibited. Should a restaurant or retail facility be located inside an office or light industrial building as an ancillary use to the primary building use, the area of that restaurant or retail area shall not be counted against the maximum 4% total area allowed for restaurants or retail.

e. All parking lots and driveways shall be hard surfaced.

f. Parking lots shall not be allowed in the setback or offset areas. Parking lots shall be shielded from adjoining properties by planting screen or decorative fencing, unless shared parking is allowed which prevents such landscaping and screening. Underground or garage parking shall be provided for resident parking in all multi-family developments.

g. All lands not used for buildings, parking lots, driveways, etc., shall be landscaped and kept in good appearance at all times, including required watering of lawns and shrubbery.

h. The site and operational plans shall include design features necessary to ensure that traffic generated by the operation, especially that involving heavy trucks, does not have an adverse effect on existing or planned roads and traffic movement considering especially adequacy, safety and efficiency. A traffic impact analysis shall be prepared for each development application.

i. The operation plan submitted for Plan Commission approval shall specify and quantitatively describe any noise, vibration, dust, gas, smoke, toxic matter and odors produced by the operation and plans for containing or abating such nuisance.

j. The planned hours of operation and nighttime lighting plans shall be included in the plan of operation submitted for Plan Commission approval.

7. DESIGN STANDARDS

a. All buildings shall be architecturally treated on all 4 sides.

b. Variability in size and shape of buildings shall occur.

c. Large, unbroken expanses and long, continuous roof lines shall be avoided.

d. All rooftop and wall mounted mechanical, electrical, communication, service equipment, satellite dishes and vent pipes shall be screened from view by parapet walls, or other means approved by the Plan Commission.

e. Building exteriors must be of an attractive material or must be faced with an attractive material such as face brick, natural stone, wood, decorative masonry and glass or other substantial materials approved by the Plan Commission. Dryvit, metal and stucco may be used as trim material, not to exceed 20% of the exterior area. Metal, vinyl or aluminum sided buildings are not acceptable.
f. Exterior building colors shall be nonreflective, subtle, neutral, or earth tone. The use of high intensity color, metallic colors, black or florescent colors shall be prohibited. Building trim and architectural accents elements may feature brighter colors, but such colors shall be muted, not metallic, not florescent, and not specific to particular uses or tenants.

g. The exterior of all structures, fences, planting screens, etc., shall be kept in good condition at all times by painting, trimming or other acceptable maintenance procedures. Subsequent additions or changes in the building and grounds shall conform to or enhance the original construction and be consistent therewith.

h. All materials and all vehicles (other than employee and visitor parking), when not in use shall be stored inside except where it is demonstrated that such storage can be adequately shielded from view by planting screen or decorative fencing. In no event shall such storage be permitted within the base setback area.

i. All garbage and waste containers shall be within an enclosure. The enclosure shall be made of the same exterior materials as the building, unless otherwise approved by the Plan Commission. The enclosure shall be six feet high, shall not be located on the street side of the parcel, can be freestanding or attached to the main building. The enclosure shall be reviewed and approved by the Plan Commission.
ORDINANCE NO. __________

AN ORDINANCE TO AMEND AND REPEAL AND RE-CREATE CERTAIN SECTIONS OF CHAPTER 17, AND REPEAL AND RE-CREATE ALL OF SECTION 17.05 OF THE OF THE TOWN OF DELAFIELD MUNICIPAL CODE RELATED TO CONDITIONAL USES

WHEREAS, On November 27, 2017, the State of Wisconsin enacted 2017 Wisconsin Act 67 related to requiring a political subdivision to issue a conditional use permit under certain circumstances which resulted in requiring substantial evidence, rather than personal preferences or speculation directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit, and

WHEREAS, Chapter 17.05 of the Town of Delafield Municipal Code contains a minimal amount of requirements and standards in order to issue a Conditional Use permit, and

WHEREAS, the Town Board has determined that the current standards within the Town Code do not provide the Town with adequate information to evaluate the Conditional Use request under the “substantial evidence” standard, and

WHEREAS, the Town Board directed the Plan Commission to review Chapter 17 and recommend modifications to the Chapter to incorporate standards for review of requests for Conditional Use Permits,

WHEREAS, upon publication of a Class 2 Notice per Chapter 985 Wisconsin Statutes once each week for two consecutive weeks prior to the hearing, and upon at least 10 days prior written notice to the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed Zoning Code territory as required by Wisconsin Statutes Section 62.23(7)(d), the Town Board held a public hearing regarding the tentative recommendation, on November 13, 2018; and

WHEREAS, the Town received comments from Waukesha County Parks and Land Use Department on July 11, 2019, which were addressed by the Town Plan Commission on August 6, 2019 and modifications incorporated into this ordinance, and

WHEREAS, the Town Board held a public hearing on November 20, 2019 to consider input regarding modifications to the code changes based on Waukesha County's comments dated July 11, 2019, and

WHEREAS, the Plan Commission has recommended the ordinance be adopted; and

WHEREAS, the Town Board finds that this change to the Town Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it
pertinent to an assurance that the proposed development will be carried out as presented for the project. After all conditions of a planned unit development project are certified by the Town Board as being completed, the uses established pursuant to the approved development plan and conditional use order shall be deemed to be permitted uses in the district in which it is located; however, the conditional use order shall remain in effect for purposes of ongoing compliance with the development plan.

m. Any subsequent change or addition to an approved development plan shall first be submitted for approval to the Plan Commission and, if in the Commission's opinion such change or addition is not substantial, it may recommend approval to the Town Board without public hearing. If the Plan Commission deems that any proposed change is not acceptable, it shall recommend accordingly to the Town Board. Without limitation to the Plan Commission's right to determine any other change substantial, a change in any of the following respects shall be automatically construed as substantial:

(1) An increase in the number of buildings from that shown in the approved comprehensive project plan.

(2) A significant change in the size, value or type of structure from that indicated in the approved comprehensive project plan.

(3) The addition of any principal uses not included in the approved comprehensive project plan.

(4) A change in the basic concept of site development which would significantly alter the relationship of uses or open space to adjoining properties.

(5) Change of ownership of the parent parcel of land, not individual parcels.

E. Conversion.

1. **Where Permitted.** Subject to the provisions of subsection 2., conversion of the use of barns and farm buildings for the storage of machinery, equipment, vehicles, boats, furniture and similar items are conditional uses which may be permitted in the following districts:

   A-1 Agricultural District
   A-2 Rural Home District
   A-5 Exclusive Agricultural
   M-1 Industrial District

2. **Standards Under Which Permitted.**

   Conditional use status will not be granted to any conversion of the use of barns or farm buildings for the storage of machinery, equipment, vehicles, boats, furniture and similar items unless all of the following standards are met:

   a. Use shall be on lots of 10 acres or more.

   b. Buildings shall consist of the buildings as now exist on the premises. No additional buildings or additions may be made without the express approval of the Town in accordance with the terms of the applicable ordinances.
Conditional use status shall not be granted to private clubs or outdoor recreational facilities such as recreational camps, golf courses, bathing beaches and resorts unless all of the following conditions are met:

a. The lot is at least 3 acres in area, except that this area requirement shall not apply in the following districts:
   - B-1 Restricted Business District
   - B-2 Shopping Center District
   - B-3 Business Park District
   - M-1 Industrial District

b. No building, other than one used only for residence purposes, shall be closer than 75' to the lot line of an adjoining lot in a district permitting residential use.

c. No such permitted use shall include the operation of a commercial facility such as a bar or restaurant except as may be specifically authorized in the grant of permit.

d. No lighting installations shall be permitted which create a hazard to traffic or nuisance to surrounding property. The use of flashing or revolving spot lights and the like, other than traffic control lights, are specifically prohibited.

N. Quarrying.

1. Where Permitted. Subject to the provisions of subsection 2., quarrying, as defined in this chapter, is a conditional use which may be permitted in the following districts:
   - M-1 Industrial District


   Conditional use status shall not be granted to a quarrying operation unless all of the following standards are met:

   a. A quarrying permit for such operation must be obtained from the Waukesha County Department of Parks and Land Use (hereinafter Waukesha County), and Town Board. Such permit shall be for an initial period as is deemed appropriate to the specific situation but not to exceed 5 years and may be renewed thereafter for periods not to exceed 3 years provided application therefor shall be made at least 60 days and no more than 120 days before expiration of the original permit. Application after such date shall be treated as an original application.

   b. Application for a quarrying permit shall be made on forms supplied by the Town Clerk and Waukesha County.

   c. The application for a quarrying permit shall be accompanied by: a fee as set from time to time by the Town Board to defray the cost of notification and holding of public hearing; a full and adequate description of all phases of the contemplated operation and the specific mention of type of machinery and equipment which will be or might be necessary to carry on the operation; where the operation is to include the washing of sand and gravel, the estimated daily quantity of water required, its source and its disposition shall...
be made part of the description; a legal description of the proposed site with a map showing its location with indications of existing or proposed private access roads, and of existing or proposed public highways adjacent to the site which will be affected by the operation; a topographic map of the area at a minimum contour interval of 5' extending beyond the site to the nearest public street or highway or to a minimum distance of 300' on all sides; a restoration plan as required by subparagraph d. below; the names and addresses of the owners of all properties within 1/2 mile of the perimeter of the proposed quarrying operation.

d. In order to insure that the area of quarrying operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall, prior to the issuance of a permit, submit to Waukesha County and the Town Board a plan for such restoration in the form of the following:

(1) An agreement with the Town whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the Town;

(2) A physical restoration plan showing the proposed contours after restoration, plantings and other special features of restoration and the method by which such restoration is to be accomplished;

(3) A certified check or other financial guarantee satisfactory to the Town, in an amount sufficient in the opinion of the Town Board to secure the performance of the restoration agreement;

(4) Such agreement and financial guarantee shall be in a form approved by the Town Attorney;

(5) In the event of the applicant's failure to fulfill this agreement, such bond, check or other financial guarantee shall be deemed forfeited for the purpose of enabling the Town to perform the restoration;

(6) Restoration shall proceed as soon as practicable and at the order and direction of the Town Engineer. However, the owner or operator may, at his option, submit a plan for progressive restoration as the quarrying operation is being carried on. The required bond in such case may cover progressive stages of the restoration for periods of not less than 2 years;

(7) At any stage during the restoration, the plan may be modified by mutual agreement between the Waukesha County, and the Town Board, after referral to the Plan Commission and the owner or operator;

(8) Where there is any backfilling, the clean material used or the method of fill shall not be such as to create a health hazard nor which would be objectionable because of odor, combustibility or unsightliness. No more than 10 loads per day shall be allowed to dump clean fill into the site. In any case, the finished grade of the restored area, except for rock faces, outcroppings, water bodies or areas of proposed building or paving construction shall be of a sufficient depth of earth to support plant growth;

(9) Within one year after the cessation of the operation, all temporary structures
(excepting fences), equipment, stockpiles, rubble heaps or other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition;

(10) In any restoration procedure which takes place in sand or gravel pits or on other sites where the material is of a loose or friable nature, no slope shall be left which is steeper than a ratio of four horizontal to one vertical. In no case shall any slope exceed the normal angle of slippage of the material involved.

e. The application and all data and information pertaining thereto shall be referred to the Town Board for a joint public hearing with the Plan Commission and Waukesha County, after which the Plan Commission shall provide a report and recommendation to the Town Board within a reasonable time after the public hearing.

f. Notices shall be sent through the mail or otherwise placed in the hands of all owners of land in the Town and to the Clerks of adjoining municipalities who have land which lies within 1/4 mile of the perimeter of the proposed quarrying operation. These notices shall be mailed or delivered at least 10 days prior to the date of hearing. Substantial compliance with the notice requirements of this section shall be deemed sufficient.

g. The Town Board shall, within a reasonable time after receipt of the recommendation, approve or disapprove the application for the proposed quarrying operation and shall be guided by consideration of the public health, safety and welfare and shall give particular consideration to the following factors in making their decision: the effect of the proposed operation on existing roads and traffic movement in terms of adequacy, safety and efficiency; the effect of the proposed operation on drainage and water supply; the possibility of soil erosion as a result of the proposed operation; the degree and effect on dust, noise, smoke and air pollution as a result of the proposed operation; the practical possibility of restoration of the site; the effect of the proposed operation on the natural beauty, character, tax base, land value and land uses in the area; the most suitable land use for the area with particular consideration for future residential value.

h. Any conditions necessary to the granting of a permit shall be in writing and copies made a part of the permit and a part of the records of the Town.

i. The procedures set forth above shall also apply to applications for renewal of a permit. Determination in regard to renewal shall be based particularly on an evaluation of the effect of the continuance of the use with relation to changing conditions in the area. Where renewal is not granted, the reasons for refusal shall be presented to the applicant in writing and made a part of the records of the Town.

j. No part of the quarrying operation shall be permitted closer than 1,000', nor shall any accessory access road, parking area or office building be permitted closer than 500' to the district zoned Rural Home, Suburban Home or Residential at the time of the grant of the permit, except with the written consent of the owners of a Rural Home, Suburban Home or Residentially zoned properties within 1,000' but in no case shall such operation be permitted closer than 200' to a Residential District; no quarrying operation shall be permitted if 30 or more families reside within a band 1/2 mile wide around the perimeter of the proposed operation.

k. No part of the quarrying operation other than access roads shall be located closer than 200' nor shall any accessory parking area, stock pile or office building be located closer than 100' to the base setback line along any street or highway.
periods of national or unusual emergency, time and hours of operation may be altered at
the discretion of the Town Board and Waukesha County through the issuance of a
special permit which shall be renewable at 30 day intervals.

v. When the operation is limited to the removal of topsoil, the Town Board and Waukesha
   County may, consistent with the intent of these regulations, modify any or all of the
   provisions of this section, provided however, that in no case shall operations be permitted
closer than 10' from any property line, or to a depth in excess of 18" or so as to adversely
affect the drainage of the area and in such instances the operator shall restore the
excavated area with topsoil to a depth of 4" and seed the same with grass.

w. The provisions of this section shall not apply to an operation which is incident to the
   legitimate use of the premises, provided, however, where such operation involves the
   commercial disposal of the material removed, approval of the Town Board and
   Waukesha County shall be required and such operation shall be limited to a maximum
   period of 6 months.

y. Application to existing operations:

   (1) Within 60 days after the adoption of this chapter, all existing quarrying operations
       shall be required to register with the Town Clerk submitting pertinent data relative
       to the present operation including the boundaries of the actual operation and of the
       ownership. A quarrying permit shall be granted to such existing operation subject to
       compliance with the operation requirements herein where they can be reasonably
       applied under existing circumstances.

   (2) There shall be required within one year after adoption of this chapter, the
       submission of a plan for restoration of the site of any existing quarrying operation
       as provided by subparagraph d. above. The plan for restoration in such case shall
       not, however, impose requirements which are economically unreasonable or
       unreasonable from an engineering standpoint with respect to conditions resulting
       from operations prior to enactment of this chapter.

   (3) Within 3 years after the date of this chapter any such existing operation shall be
       required to make application for a renewal permit the same as for reapplication in
       the case of a new operation under this chapter.

O. Riding Academies or Commercial Stables.

1. **Where Permitted.** Subject to the provisions of subsection 2., riding academies and
commercial stables are conditional uses which may be permitted in the following districts:

   A-1 Agricultural District
   A-2 Rural Home District
   A-E Exclusive Agricultural District

2. **Standards Under Which Permitted.**
   Conditional use status shall not be granted to riding academies or commercial stables unless
all of the following conditions are met;

   a. The lot is at least 7 ½ acres in area.
b. Building location:

(1) All buildings shall comply with the setback and offset provisions of the underlying zoning district, except as provided below.

(2) No new building housing animals shall be closer than 100' to the lot line of an adjoining lot in a district permitting residential use. All other new buildings shall meet the offset and/or setback requirements of the zoning district in which they are located.

(3) Existing buildings constituting legal nonconforming structures may remain although their use may be restricted in the grant of permit.

(4) No existing building, except one designated as a rustic structure pursuant to Town ordinance, which is located closer than 100' to the lot line of an adjoining lot in a district permitting residential use, may be used to house animals except as may be specifically authorized in the grant of permit after review by the Plan Commission of the following factors:
- the overall size of the property;
- the nature of the building’s use;
- the intensity of the building’s use, including the type and number of animals to be housed, and the hours and days of operation;
- the pattern and location of other activity on the property;
- the location and use of buildings on neighboring properties;
- the activities conducted on neighboring properties;
- the consent of neighboring property owners to the intended use; and,
- provisions for manure storage and disposal.
- the location of the existing building in relationship with the adjacent property line.

Any such building may be reconstructed or enlarged only as specifically authorized in the grant of permit or an amendment thereto.

c. No such permitted use shall include the operation of a commercial facility such as a bar or restaurant except as may be specifically authorized in the grant of permit.

d. No lighting installations shall be permitted which create a hazard to traffic or nuisance to surrounding property. The use of flashing or revolving spot lights, are specifically prohibited.

e. Applicant shall submit a manure management plan to Waukesha County Land Resources Division and the Town for approval, which includes the following information and any other information required by Waukesha County:

(1) number and kind of animals
(2) scaled site plan
(3) detailed soil investigation with reference to ground water and bedrock presence
(4) details of any structures to be built for animal waste management
(5) construction timeline
(6) details of manure transfer system
(7) plans for utilization of the manure, including information on land availability, soil types, and methods and rates of application
Plan Commission Report for November 5, 2019

Steve Wittmann
Agenda Item No. 5. A

Applicant: Steve Wittmann

Project: Waukesha County Conditional Use Permit to legalize commercial truck parking associated with a Lawn Care/Landscape/Snow Plowing business

Requested Action: Recommendation to Waukesha County

Zoning: A-2

Location: N13 W28828 Silvernail Road

Report

In 2018, Mr. Wittmann moved into the residence at the address above. Based on my prompting, Mr. Wittmann came before the Plan Commission in April of 2018 to request approval of a home occupation. At the Plan Commission meeting, I reported that a code condition of the home occupation is that “no activity, materials, goods or equipment incident to the home occupation shall be externally visible.” Mr. Wittmann desired to park his trailers in the driveways in front of his house. The Plan Commission informed Mr. Wittmann that all conditions need to be met before approval and tabled the matter until the conditions were met.

Subsequently, it was determined that a large portion of his property, including his house and most of his garage falls into the Waukesha County Shoreland and Floodland Protection District. Therefore, he was referred to Waukesha County for approvals.

My recollection was that the Plan Commission was favorable to allowing the home occupation, if the condition of screening materials and equipment was addressed. The matter did not come back to the Plan Commission.

Staff Recommendation:

The land within the Town’s jurisdiction is zoned A-2 Rural Home district and can be used for single family homes and limited farming and animals. The operation of a business is regulated by home occupation with the intent that it is within the home and does not appear like a business to the neighbors or reduce the value of neighboring property. Should the Plan Commission be inclined to recommend the use after hearing the presentation and public comment, I suggest that the Plan Commission request that the following conditions be included in the Conditional Use permit:

- All out-buildings located in the wooded area east of his garage be removed and the land restored to natural vegetation.
- All equipment stored in the woods east of his garage be removed from the site or placed in an enclosed garage.
- No equipment or vehicles used for the business can be stored outside.

Tim Barbeau, Town Engineer
October 29, 2019
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Joint Public Hearing will be conducted by the Town of Delafield Plan Commission and a Staff Representative of the Waukesha County Department of Parks and Land Use – Planning and Zoning Division, on Tuesday, November 5, 2019 at 6:30 p.m., at the Delafield Town Hall, located at W302 N1254 Maple Avenue, Delafield, WI, 53018, to consider the Conditional Use request (CU33) of Steve Wittmann (owner), N13 W28828 Silvernail Road, Pewaukee, WI 53072, to legalize commercial truck parking associated with a lawn care and snow removal business also known as Stevo’s Lawncare LLC. on the subject property described as follows:

Located in part of the SW ¼ of Section 24, T7N, R18E, Town of Delafield. More specifically, the property is located at N13 W28828 Silvernail Road (Tax Key No. DELT 0815.997).

For additional information regarding this Public Hearing, please contact Ben Greenberg of the Waukesha County Department of Parks and Land Use – Planning and Zoning Division at (262) 548-7790.

All interested parties will be heard.

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
Dale R. Shaver, Director
515 W. Moreland Blvd.
Waukesha, WI 53188

Legal Notice to be published in the
Lake Country Now on Wednesday, October 16, 2019 and
Wednesday, October 23, 2019.

N:\PRKANDL13\Planning And Zoning\Conditional Uses\NOTICECU33 Steve Wittmann DR\Docx
PETITION FOR CONDITIONAL USE

Owner: Steve Wittmann
Address: 103 W 28928 Silverman Rd.
Sewaukee, WI 53072

Applicant: Steve Wittmann
Address: 103 W 28928 Silverman Rd.
Sewaukee, WI 53072

Daytime Phone No.: 678 613 5708
Email address: stevewittmann@yahoo.com

Petition is hereby made on this date, 9/6/19 for a CONDITIONAL USE PERMIT on property located in the Town of Delafield, Section 24.

Address of subject premises: See above
Specific type of CU requested, Section: Commercial Truck Parking in ZC 6FPO.

Said CONDITIONAL USE PERMIT to provide for the use of the property and/or buildings in the following described manner (Give a detailed description of the use(s) requested. Attach additional pages, if necessary):

See attached sketch Commercial Truck Parking for Lawn Care and Snow Plowing business

Property is presently zoned as: A-2 (H-2)
Property is presently used as: Residence and snow plowing/lawn care business

The following information must be submitted with this application:

Three (3) copies of a detailed and accurate site plan/map or plat of survey (preferred) drawn TO SCALE, showing the subject property, its location, length, and direction of each boundary thereof, the location and existing use(s) of all buildings and structures thereon, and the principal use of the property.

Any supplemental information deemed necessary for a reasonable understanding of the proposed conditional use depending on the type of conditional use requested, e.g., detailed description of the use or operation, topographical information, cross sections, elevations, etc.

A filing fee payable to the Waukesha County Department of Parks and Land Use (inquire as to the current fee amount).

The undersigned owner hereby certifies that all of the above statements, information and attachments contained herein (site plan/survey, plans, exhibits, etc.) are true and accurate to the best of his or her knowledge and belief. By signing this form, the owner or his/her authorized agent is giving their consent for the Dept. of Parks and Land Use to inspect the site as necessary and related to this application even if the property has been posted against trespassing pursuant to Wis. Stat.

Signature of Owner: Steve Wittmann
Date of Filing: Sep 6, 2019

Signature of Applicant: Steve Wittmann
Date of Filing: Sep 6, 2019
**Application for Site Plan and Plan of Operation Approval**

**Owner:** Steve Wittmann  
**Address:** 113 Wa8828 Silverleaf Rd, Pewaukee, WI 53072  
**Phone:** Daytime: 613-570-3507  
**Fax:**  
**Email:**  
**Identification:**  
**Applicant/Operator:** Steve Wittmann  
**Address:** 113 Wa8828 Silverleaf Rd, Pewaukee, WI 53072  
**Phone:** Daytime: 613-570-3507  
**Fax:**  
**Email:**  
**Identification:**

To ensure there is an adequate amount of information and a sufficient amount of time for staff review, one (1) complete copy of **ALL required** materials, including a detailed and accurate site plan or plat of survey (preferred) **drawn to scale**, signage, lighting, grading plan, building plans, landscape plan, parking plan, loading, outdoor storage, waste disposal plan, well and septic, interior floor plan, etc. **refer to Schedule of Materials attached** must be submitted to the Planning and Zoning Division. An **INCOMPLETE APPLICATION FORM OR MISSING INFORMATION WILL CAUSE DELAY IN THE REVIEW AND ISSUANCE OF THE PLAN OF OPERATION USE PERMIT, AND THE APPLICATION MAY BE RETURNED FOR ADDITIONAL INFORMATION.** No changes to the request may be made once the application packet is submitted for review. Changes will require a new application. The plans or maps shall be no larger than 11” x 17” in size, and shall not be folded, or reduced or enlarged, unless to scale. **Additional items may be required.**

**Name/Address of Business or Operation:** Steve’s Lawn Care, LLC

**Previous Operation Name/ File No./Owner (if applicable):**

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**Refer to the Schedule of Materials attached for submission requirements.**

- X Site Plan  
- X New Building/Addition/Remodel  
- X New Owner/Operator  
- X Off-Street Parking and Loading  
- X Food and Bar Service  
- Special Events (Interior/Exterior) n/a

**Describe in detail the specific existing and proposed use(s):**

- Be sure to include any temporary uses and accessory uses (e.g., special events inside/outside), bar/food service, vending/video/gambling machines, music/entertainment, boat rentals, gasoline sales, etc.). Provide a list of all items sold/produced on the property. Like the square footage of all uses. You may attach additional pages.

**Existing use(s):** See page 1

**Proposed use(s):** See page 1

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Other Information:

- Total Number of Employees: 1  
- No. Full Time: 1  
- No. Part Time: 0  
- Seasonal (specify): 0  
- Days and specific hours of operation: 7 days a week, Hours: 8:00 am to 5:00 pm

The undersigned owner hereby certifies that all of the above statements, information and attachments contained herein (site plan/survey, building plans, exhibits, etc.) are true and accurate to the best of his or her knowledge and belief. Failure to comply with the permit as issued will result in the revocation of the permit or other penalties. By signing this form, the owner or his/her authorized agent is giving consent for the Dept. of Parks and Land Use to inspect the site as necessary and related to this application even if the property has been posted against trespassing pursuant to Wis. Stat. BOTH THE OWNER AND OPERATOR MUST SIGN THIS FORM OR THE APPLICABLE AUTHORIZED AGENT FORM.

**Owner Signature:** [Signature]  
**Date:** Feb 28-2019

**Applicant/Operator Signature:** [Signature]  
**Date:** [Signature]
Application for Site Plan and Plan of Operation Approval - Schedule of Materials

To ensure there is an adequate amount of information and a sufficient amount of time for staff review, one (1) complete copy of ALL required materials, including a detailed and accurate site plan or plat of survey (preferred) drawn TO SCALE, signage, lighting, grading plan, building plans, landscape plan, parking, etc. (refer to Schedule of Materials attached) must be submitted to the Planning and Zoning Division. AN INCOMPLETE APPLICATION FORM OR MISSING INFORMATION WILL CAUSE DELAY IN THE REVIEW AND ISSUANCE OF THE PLAN OF OPERATION PERMIT, AND THE APPLICATION MAY BE RETURNED FOR ADDITIONAL INFORMATION. No changes to the request may be made once the application packet is submitted. Changes will require a new application. It is preferable the plans or maps be no larger than 11" x 17" in size, and shall not be reduced, enlarged or faxed. Submittal and subsequent review, of this application may include a site inspection. Additional items may be required.

X Site Plan/Plat of Survey (must include the property's legal description)
   Completed Application Form
   Dimensions and size of parcel (3.9 AC)
   → Dimensions, locations and uses of all existing and proposed buildings and structures
   → Streets/Rights-of-way/Easements (locations, plated widths, and center lines)
   → Interior floor plan(s) (for indoor storage of items)
   → Sign location and size (see signage section)
   → Lighting location (see lighting section)
   → Dumpster location, including screening
   → Parking and Loading (see off-street parking/loading section)
   → Storage areas (interior and exterior)
   → Outside uses
   → Fencing and/or Screening (include type and height)
   → Surface Water Drainage Plan and Storm Water Retention Facilities, as applicable (to be approved by the Land Conservation Division), including the delineation of all impervious surfaces
   → Grading plan
   → Landscape plan
   → Conservancy Wetland/100 Year Floodplain/Ordinary High Water Mark/PEC locations
   → Well and Septic locations (unless served by public sewer and/or water)

New Building, Addition, or Remodeling (using existing garage)
   Completed Application Form
   Site Plan/Plat of Survey
   Completed Zoning Permit Application, and Worksheets, if applicable
   One (1) copy of State Approved Building Plans, if applicable, including interior floor plan(s) and scaled elevation renderings
   → Copy of Sanitary Permit or septic approval (unless served by public sewer)
   → Copy of DNR well approval (unless served by public water)
   → Copy of local Fire Inspection or Approval
   → List of any chemicals, toxic or hazardous waste or solvents, or flammable materials stored on the site and how they are disposed of
   → Copy of approved Stormwater and Erosion Control Permit
   → Copy of Highway Access Permit

X New Owner/Operator
   Completed Application Form
   Site Plan/Plat of Survey
   → Copies of local, State, and/or Federal licenses/permits (i.e., liquor, restaurant, boarding, sellers, etc.)

X Expansion of/Change in Use
   Completed Application Form
   Site Plan/Plat of Survey
   → Interior Floor Plan(s) (for indoor storage of items)
Signage
Completed Application Form
Site Plan/Plat of Survey (delineate sign location and size)
Scaled rendering of the sign(s)
Elevation Rendering of Building (required for wall signs only)
Light Fixtures (catalog cut sheets) for illuminated signage
Temporary signage descriptions and locations for special events, etc. and dates of use

Commercial Boarding of Livestock
Completed Application Form
Site Plan/Plat of Survey (delineate site operational layout)
Interior floor plan(s)
Copy of approved Manure Management Plan from County LRD
Copy of Environmental Health Division approval (including site evaluation for stable operations)

Existing?

Lighting
Completed Application Form
Site Plan/Plat of Survey (delineate lighting location(s) and types)
Elevation Renderings for wall mounted lighting, catalog cut sheets

Piers/Dockage/Moorings
Completed Application Form
Site Plan/Plat of Survey (delineate location and length of all piers, delineate mooring spaces, etc.). Refer to the pier/mooring requirements of the Ordinance.
Copy of DNR Permit(s)

Off-Street Parking and Loading
Completed Application Form
Site Plan/Plat of Survey (delineate number of parking and/or loading spaces, dimensions, accessible stalls, employee parking, screening, etc.). Refer to the off-street parking/loading sections of the Ordinance/Code.

Storage (interior and exterior)
Completed Application Form
Site Plan/Plat of Survey (delineate area to be used for storage)
Screening type for exterior storage (list size and type of material)

Special Events (interior and exterior)
Completed Application Form
Site Plan/Plat of Survey (delineate location of exterior events and any fencing)
Interior floor plan (delineate location of interior events)
Temporary signage descriptions and locations, and dates of use (refer to signage section above)
List and provide the dates of all events requested

Food and Bar Service
Completed Application Form
Site Plan/Plat of Survey (delineate location of exterior table seating and bar seating)
List of proposed food items/menu
Copy of restaurant license
Interior floor plan (delineate table locations, number of chairs, number of bar stools, etc.)
DESCRIBE YOUR PROPOSAL IN DETAIL (attach additional pages if necessary):

ADDITIONAL INFORMATION/NOTES RELATED TO YOUR REQUEST:

Lawn mower - 3 Start-up (1); (2) Shut down

Snow plow - 1 for work / 1 personal

Hobby pulling tractors (personal use) - number?

Truck

Enclosed trailer

Flatbed trailer
To whom it may concern,

I, Steve Wittmann, cut grass, trim bushes, lay mulch, and basically do some landscaping. No transactions take place at our residence.

Thank you, Steve
WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
PLANNING AND ZONING DIVISION
515 W. Moreland Blvd. Room AC230
Waukesha, WI 53188
(262) 546-7790
Email: plandwaukecounty.gov
Website: www.waukecashco.gov/planningandzoning

EXHIBIT “A”

Site Plan and Plan of Operation Application
Zoning Compliance Form

Fee Pd. $ _______  ATF Y/N: ___  Receipt No.: _______  Staff Initials recyng appl ___
SPPO File No. ___________________________  Permit No. ___________________________

(Area above to be completed by the Zoning Administrator)

What is the nature of the request? Please check the appropriate box(es)

[ ] New Business in Existing Building or on Existing Site
[ ] Change in Business Operations
[ ] New Operator
[ ] Change to Signage
[ ] Interior Remodeling
[ ] Change in Use

The completion of this application form must be accompanied by: One (1) copy of an up to date
detailed Site Plan or Plat of Survey (preferred), drawn to scale and including, but shall not
be limited to, all existing buildings, signage, lighting, landscaping, parking, loading, storage,
dumpsters, septic and well, etc; an interior layout (plans) of all buildings and the existing and
proposed uses of the interior spaces (i.e., office, retail, restaurant, etc); and any other supporting
materials. The above shall be submitted to the Planning and Zoning Division, and upon review of the
information, additional items may be required. The plans shall be drawn to scale and shall be
no larger than 11” x 17”, and shall not be faxed, or reduced or enlarged (unless plans are to scale).
Future revisions to the approved Site Plan/Plan of Operation will require new approvals. Please print.

1. Property Owner Name: _______ Steve Wittmann _______

Mailing Address: N13 W28828 Silvermine Rd

Racine, WI 53072

Phone No.: 262-613-5708

Email Address: stuv Wittmann@yahoo.com

2. Tax Key No(s). __DEL 0816.997____

3. Business Operator Name: _______ Steve’s Lew Care LLC _______

Address where information should be sent, if different from the Business Address listed below:

Contact Phone No: _______________________

Contact Email: n/a
4. Business Operation Name:  
Steve's Lawn and Landscape LLC

Address of Business Premises and Unit Number(s):

Business Phone No.:

5. Business Description: Describe in detail below the specific type of business operation (Retail, Restaurant, Manufacturing, Office, etc.), including temporary, accessory, and outdoor uses (storage, etc.). Provide a separate list of all items sold or produced on the property.

- Landscaping
- Business
- Lawn Care
- Snowplowing

Truck, enclosed trailer, flatbed, (qt)

Are any changes to the site proposed? Yes ☑ No ☐
If yes, delineate any and all changes on the Site Plan submitted.

6. Is any interior remodeling proposed? Yes ☐ No ☑
If yes, delineate any changes on the Interior Floor Plan submitted. A separate permit and/or State Approved Building Plans may be required.

7. No. of parking spaces on the site (staff see p.4)? 0
Number of loading docks on the site? 0
No. of required spaces (staff enters)? 0
Describe the specific types of business related vehicles and equipment parked/stored outdoors on the site (numbers, sizes, etc.)?

Are any changes to the parking or loading on the site proposed?
Yes ☑ No ☐ If yes, delineate any changes on the Site Plan submitted.

8. Are any changes to the lighting on the site proposed? Yes ☐ No ☑
If yes, delineate any changes on the Site Plan submitted.

9. Are any changes to the landscaping on the site proposed? Yes ☐ No ☑
If yes, delineate any changes on the Site Plan submitted.

10. Is the operator changing? Yes ☐ No ☑ If yes, please complete No. 3 above.

11. Are any special events proposed with this use? Yes ☐ No ☑
If yes, describe the types of events, parking accommodations, sanitary facilities, number of persons, days/hours of each event, music, security, food and alcohol served, fencing, signage, etc., and delineate the locations of the events on the Site Plan/Floor Plan submitted.
13. Describe below the type of signage that exists and what signage is proposed on the site (attached, free standing, ground, mobile, projecting, window, electronic message, banners, flags, sandwich boards, etc.) and if the signs are illuminated, single/double faced, along with the number, size, and height of all signs:

[Signature]

Are any changes to the existing signage on the site proposed? Yes ☐ No ☑

If yes, delineate any changes on the Site Plan submitted.

14. What are the days and hours of operation? M-F 8-5

Is this a change from the current approved days/hours of operation? Yes ☐ No ☑

15. How many employees, including yourself, will be working at this location?

Full time ☐ Part time ☐ Seasonal ☑

16. Will there be music or other types of entertainment on site? Yes ☐ No ☑

If yes, describe what types (live, amplified, recorded, jukebox, etc.), indoors and/or outdoors, and the days and hours music will be provided:

17. Are there dumpsters/waste containers on the site? Yes ☐ No ☑

If yes, delineate on the Site Plan submitted.

Will use residential trash disposal

If yes, how are they screened from public view?

18. Site served by: ☐ sewer or ☑ private septic system – type

If on septic, has a Sanitary Permit or PSE been obtained for this project? Yes ☐ No ☑

If N/A per EHD, check box ☐ and provide name and date

If yes, provide a Sanitary Permit number or Date of PSE approval

If no, contact the County EHD at (262) 896-8300 or visit Room AC260.

19. Will there be food service? Yes ☐ No ☑

If yes, provide an interior and exterior table seating chart on the Floor Plan/Site Plan and contact the County EHD at (262) 896-8300 or visit Room AC260 for a Restaurant License.

20. Will there be bar service? Yes ☐ No ☑

If yes, provide an interior and exterior bar seating chart on the Floor Plan/Site Plan and contact the Town Hall for a Liquor License.

21. Will there be outdoor storage on the site? Yes ☑ No ☐

If yes, delineate on the Site Plan submitted and list what specific types of items will be stored outdoors on the site (number, size, etc)?

22. Has a building inspection been completed for this proposal? Yes ☐ No ☑

Date ___ If no, please contact the Town Building Inspector for a building inspection.
23. Has a fire inspection been completed for this proposal? Yes ☐ No ✗
   If no, please contact the Fire Inspector for your area for a fire inspection, if he/she requires one.

24. Have you contacted the Town for approval of your project? Yes ☐ No ☒
   Anticipated Town meeting date 6/18/18 and 11-4-19

The undersigned owner hereby certifies that all of the above information and attachments (Site Plan/Plat of Survey, Interior Floor Plans, and supplemental information) are true and accurate to the best of his or her knowledge and belief, and that he or she has read and understands all information in this application/compliance form. Incomplete or inaccurate applications may be denied. The use of the property shall be carried out as approved/conditioned, and all applicable ordinances and/or codes of the state, county, and town shall be complied with in carrying out the use as approved. If any changes are made from this approval, a revised permit is required. Failure to comply with the approval as permitted will result in revocation and/or other penalties. By signing this form, the owner or his/her authorized agent is giving consent for the Department of Parks and Land Use to inspect the site as necessary and related to this application even if the property has been posted against trespassing pursuant to Wisc. Stat. BOTH THE OWNER/AUTHORIZED AGENT AND OPERATOR MUST SIGN THIS APPLICATION OR THE APPLICABLE AUTHORIZED AGENT FORM.

Name of Property Owner or Authorized Agent: ________________________________

Signature: ________________________________

Title or authority if not the property owner: ________________________________

Date: ________________________________

Name of Business Operator: ________________________________

Signature: ________________________________

Date: ________________________________

*******************************************************************************

(Area below to be completed by the Zoning Administrator)

Site Plan/Plan of Operation Use Permit and Compliance with Zoning
   Ordinance(s)

Zoning District(s): A-1, HG, w/ C-1 SFPO X ZC

Lot Size: Width __________________ Depth __________________ Area 39 AC.

CU File No./series, if applicable ________________________________

Does the use comply with all of the zoning ordinance regulations? Yes ☐ No ☒

*update parking spreadsheet, if applicable.

Zoning Administrator Approved ☐ Conditionally Approved ☐ Denied ☐

Signature: ________________________________ Date: ________________________________

Reviewed by (planner initials/date): ________________________________

Conditions of Approval and Approved Plan Attachments – see attached.
Plan Commission Report for November 5, 2019

Penny Wilkinson
Agenda Item No. 5. B.

Applicant: Penny Wilkinson
Project: Stockade Fence
Action: Approval of a fence greater than three feet in height between the face of the house and right-of-way line.
Zoning: A-2
Location: W285 N3941 Old North Shore Drive

Report:

In 2017, Ms. Wilkinson constructed a house at the address noted above. She installed a 6 foot fence from the face of the house westerly for approximately 160 feet along her north property line. Due to the location of her driveway and her headlights shining into the adjacent neighbor’s house, she would like to extend the 6 foot high board on board fence from the face of her house 100 feet to the east toward s Old North Shore Drive.

Section 17.06 4. B. 4. allows for fences greater than three feet in height located between the road right-of-way and the nearest portion or projection of the principal structure measured from the right-of-way line, extended to the side lot lines, to be permitted with the approval of the Plan Commission. The location of the nearest portion of the fence will be approximately 240 feet from the road pavement of Old North Shore Drive. There is vegetation along the northerly side of her property as shown in the attached photos.

Staff Recommendation:

The adjacent neighbor to the north has provided an e-mail that indicates that they are in favor of the improvement. The fence will be located substantially off of Old North Shore Drive. I recommend that the Plan Commission approve the allowance of a six foot high fence to extend no more than 100 feet east of the front face of the house as measured from the northeast corner of the house. If approved, the owner shall apply for a fence permit from the building inspector. I am of the opinion that the fence will not be obtrusive to the general public using Old North Shore Drive.

Tim Barbeau, Town Engineer
October 19, 2019
E CALCULATIONS
= 7,359 sq. ft.
= 3,216 sq. ft.
= 2,845 sq. ft.
= 292 sq. ft.
13,712 sq. ft.
= 132,296 sq. ft.
32,296 = 10.37%

North Shore Dr. (C.T.H. "KE")
(83' R.O.W.)
Plan Commission Report for November 5, 2019

Shallock Property
Agenda Item No. 6. A

Applicant: Shallock Foundation/HAWS
Project: Allowable uses on Shallock property
Requested Action: Discussion
Zoning: M-1, WF-1, A-2, C-1 overlay
Location: W330 S1205 Kettle Moraine Dr. (CTH C)

Report

Summary of proposed uses:
- Educational visits by families and children
- Animal training
- Caring for animals on site
- Animal training
- Summer day camps, science, art camps and adventure camps
- Pet cemetery (potential) (no cremation services)
- Business office
- Emergency needs/overflow
- Fund raising events
- Caretaker residence
- Private dog park/trails
- Car and bus parking

In reviewing the zoning code, my conclusion is that we do not have a permitted use or conditional use category that covers all of these uses. The property is zoned M-1 which allows for “industrial and commercial operations, the character of which complements the surrounding area and which are not for any reason detrimental thereto,” and A-2 which allows for “keeping of domestic livestock and grazing.” The site layout shows that the operation will take place in the M-1 zoning lands. We have removed campgrounds and “other uses” from the code as part of pending code amendments that have been approved by the Town and are in process at the County. Based on definitions in the code, the uses related to dogs would not fit into a commercial kennel since the dogs would not be raised, sold, bred, boarded, trained or groomed for commercial purposes, although some of those activities would be taking place since the dogs are owned by HAWS. The proposed camps could be considered under the private clubs and outdoor recreational facilities CUP or could be interpreted by the Plan Commission to fit permitted use item (8) which reads, “public or private group outdoor recreational facilities whether commercial or noncommercial.”

Use of the property for a business office would fall under the allowable uses in the M-1 district. Technically, there is no allowed residential use; however, if the current residence has been occupied without a lapse of 12 months, the residential use may be allowed to continue as a legal non-conforming use.

My suggestion is for the applicant review the codes and conditional use categories in the Town Code (with the understanding that some of the uses have been removed) and determine what categories best fit the uses being proposed and make an application for site plan/plan of operation approval and/or conditional use application.
Staff can review the request and determine if the request meets the code allowances. Some of the uses, such as pet cemetery may not be allowed without a code change.

**Staff Recommendation:**

No recommendation – discussion only.

Tim Barbeau, Town Engineer
October 29, 2019
DESCRIPTION OF PROPOSED USE

Attachment to Town of Delafield
Application for Plan Commission Agenda

Human Animal Welfare Society (HAWS) of Waukesha County is an open admission full service humane society and proposes using the Schallock Star Hill Farm property primarily for an outdoor campus dedicated to education in humane values. Educational opportunities will include youth and animal training classes and events and as further described below. The Schallock Star Hill Farm will not be developed into a dog shelter.

Mike Schallock was a founding member of HAWS. Mike and his wife, Jane, left the property to the Schallock Foundation for use by HAWS to promote the humane treatment of animals.

USE OF PROPERTY

HAWS' maintains a large kenneling operation in the City of Waukesha and there are not plans to turn the Schallock property into a duplicate of the shelter. Rather the Schallock Center for Animals would provide the following:

- Educational classes for humans and animals. These would included one-on-one training and group classes primarily for dogs but could also include other animal education such as for rabbits, horses, guinea pigs, etc. These also include summer day camps for children 7 – 14 years old, science camps, art camps and adventure camps.
- Respite and hospice care for a limited number of animals.
- Occasional emergency needs or, if necessary, temporary overflow.
- Fundraising events no more than once a month.
- Business office.
- Caretaker residence. A caretaker will live on site fulltime.
- Potential pet cemetery.
- Potential dog park – private, not open to the public.
- Trail walking.

The property includes several buildings including a large 24-stall horse barn and riding arena. The Schallock's had 5 – 6 goats, 20 horses and 5 – 6 dogs. HAWS anticipates a maximum of the following:
• Adult dogs up to 25
• Adult cats up to 20 – none would be free roaming
• Horses up to 10
• Chickens, duck (domestic fowl) up to 25
• Small ruminants such as goats or sheep not to exceed 10. (The property currently has 3 goats.)

As HAWS is dedicated to companion animals, most livestock (defined as those in the meat industry), exotic animals (i.e. lions, tigers) and wildlife (with the exception of naturally occurring residents) would not be housed by HAWS on the property.

The animals and the majority of the activities would be located on the southern-most parcel. The two northern parcels would primarily be used for walking trails and farming.

HAWS wants to be a good neighbor to the existing residences and believes that the proposed uses will be no more intensive than the past uses. The Schallocks regularly held horse competitions at their property at which groups of people, horses, vehicles and horse trailers attended and traveled to and from the property.

RENOVATIONS TO PROPERTY

No new buildings are proposed. The current buildings will be used and slightly renovated. The grounds will have some site work to accommodate the proposed uses.

• The current access point on Hwy C will continue to be used but widened for safety.
• The parking lot will be expanded.
• ADA accessible restrooms will be installed in the barn office area.
• A portion of the indoor riding arena will be converted to a multi-use area for dog training and kids' activities.
• Outdoor fenced areas may be used for a private dog park.
• The pond may be fenced and used as a dog swimming area.
• A gate will be installed and closed when no activities are occurring to deter trespassers.
• A sign will be installed. A separate sign permit will be applied for.

HAWS desires to keep the rural and open atmosphere of the property for the benefit of the people and animals who visit there.
The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.