

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
TUESDAY, JANUARY 16, 2024 @ 6:30 P.M.**

Video Link: <https://www.youtube.com/watch?v=ejly4WqEAG8&t=4s>

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

Chairperson Fitzgerald called the meeting to order at 6:30 p.m. and led all in the Pledge of Allegiance.

Members present: Chairperson Kranick, Supervisor Michels, Commissioner Dickenson, Commissioner Mihalovich, Commissioner Cummings, Commissioner Janusiak, and Plan Commission Chairperson Fitzgerald.

Also present: Engineer Tim Barbeau and Administrator Dan Green.

Second order of business: Approval of the minutes of December 5, 2023.

Motion by Supervisor Michels to approve the minutes from December 5, 2023. *Seconded by Commissioner Cummings. Motion passed 7-0.*

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

Fourth order of business: Unfinished Business: NONE

Fifth order of business: New Business:

- a. Kenneth and Hildegard Becker, W298 N408 Kings Way, Re: Consideration and possible action on a request to approve a Certified Survey Map to combine two adjacent parcels into one parcel location at W298 N408 Kings Way. Tax Key Nos. DELT 823-013 and DELT 0823-998-009.

Engineer Barbeau displayed the combined lots. There is a pool going north to south on the property. The Beckers own both properties. He had technical comments for the surveyor and received a new survey that is in compliance. This addresses the nonconformance of the pool and to add an accessory building on the combined lot. The engineer recommended the approval of the CSM dated 11/23/2023. The applicant will have to go to the City of Delafield for extraterritorial approval. November 23 is the stamped date, but there is no date on the revised CSM.

Hilde Becker, owner of the property, stated the address is incorrect on the agenda, and it should state N408, not N521. Engineer Barbeau stated the correction can be made with the surveyor before the final approval.

Motion by Town Chairman Kranick to recommend to the Town Board approval of the CSM dated 11/23/2023 with the correction of the address, subject to extraterritorial review, and the engineer's comments. Seconded by Commissioner Cummings. Motion passed 7-0.

- b. Amy Thomas, et al, Re: Consideration and possible action on a zoning amendment from A-1 Agricultural District to PDD No. 1 - Planned Development District No. 1 on the Thomas family properties located north of Golf Road, west of Elmhurst Road, south of the Lake Country Bicycle and Pedestrian Trail and the High Ridge East Addition No. 1 subdivision and east of Glen Cove Road that are in the Town of Delafield's zoning jurisdiction.

Engineer Barbeau stated the current zoning on the property is A-1 and WF-1. The portion in aqua is wetland floodplain zoning district defined by the delineation of the wetland. The plan is to change the portions of A-1, outside the county jurisdiction, to the Planned Development District. This is in conformance with the land use plan of Mixed Use. The code states an application shall be approved, denied, or conditionally approved by the Plan Commission as a recommendation to the Town Board. The plans submitted are required by the PDD ordinance and include the general development plan, open space and natural protection plan, traffic impact analysis, road access plan, sanitary sewer plan, water study, preliminary stormwater plan, bike and pedestrian plan, and recreation plan. The maps in the development plan meet the requirements for the uses, density, building location, area regulations, and open space for the entire site. To assist the plan commission in their decision, the engineer outlined his findings based on the information submitted, for their recommendation.

The General Development Plan map proposes 212 total units. The PDD allows for up to 230 units. The open space and natural protection plan show no wetlands or environmental corridors will be disturbed. Some of the tree lines will be removed, but the landscape plan submitted replaces removed trees. The open space for this site is 49%. The code requires 38.8%.

Engineer Barbeau explained that 8 intersections were reviewed for the Traffic Impact analysis. The existing levels of service are A and B. The study shows the post development levels will be A and B as well. For new intersections to meet the level of service, there will be turn lanes and a bypass lane. Some of those are required by the Waukesha County Department of Works. Bypass lanes are required for any road with a T intersection with more than 1200 cars per day.

The road access plan was submitted with four access points into the subdivision. Two entrances will be off Golf Road, with one entrance at Elmhurst, and the other off Glen Cove. Glen Cove and Elmhurst entrances will match the existing road access at Brookstone and Golf Ridge, making them four-way access points.

A sanitary sewer plan was provided, giving an approximation of where those sewer lines will go. The sanitary district submitted a letter in May that states the sewer system can handle 7 persons per developable acre. The capacity is sufficient to handle this development, including the treatment plant in Brookfield.

A water study was required to show a private water supply would not adversely affect the surrounding the wells and natural resources. The study provided by GZA was reviewed by SEWRPC and Waukesha County. This went back and forth with SEWRPC. The drawdown measures for the study are most widely used. Assuming infiltration and ground water, the drawdown estimates to be 4 to 5 feet at the property line. The current accumulative drawdown to the east and west is 7 to 14 feet. The flows from the ground water to Pewaukee Lake will be maintained.

Preliminary stormwater plans were provided to Waukesha County, and the ordinance will be able to meet their requirements. There is a lot more work that needs to be done when they get to the detailed plan review. The County was comfortable this would meet their ordinance. The infiltration will be at 94% of the predevelopment level.

A bike and pedestrian plan was provided. Bike paths will connect with the Lake Country trail, and unpaved walking trails will run through parts of the environmental corridor. An active recreation plan was submitted providing an acre pocket park to the west of the development.

Engineer Barbeau stated that based on the findings described for all required submitted materials, and consideration that the proposed development meets the PDD district Statement of Intent, he recommended that the petition for the zoning amendment and the General Development Plan be forwarded to the Town Board with a recommendation for approval based on the following:

- The request is in compliance with the Town Land Use Plan.
- The application is complete, and all information required by Section 17.04 (5)(R)4. b. has been submitted for review.
- Findings indicate that each of the GDP required submittal; materials identified in the PDD ordinance have been adequately addressed.
- The proposed development meets the PDD Statement of Intent.
- The General Development Plan (GDP) layout has been reviewed in light of the regulations within each subsection of Section 17.04 (5)(R) and have been found in compliance with the ordinance, subject to a detailed review when subdivision plats and construction plans are submitted for review and approval in accordance with normal Town review processes. Development of the subject property shall be in substantial conformance with the maps and studies identified in the GDP as follows:

1,1A,1B,1C	12/22/2023	General Development Plan Drawing
2, 2A,2B	12/22/2023	Open Space and Natural Resource Protection Plan
3	12/22/2023	Road Access Plan
4	12/22/2023	Sanitary Sewer Plan
5	12/22/2023	Preliminary Stormwater Plan
6	12/22/2023	Bike and Pedestrian Plan
7	12/22/2023	Active Recreation Plan
L1 – L7	3/27/2023	Landscape Plan
	12/16/2023	Traffic Impact Analysis
	3/24/2023	Hydrogeologic Assessment Report
	7/14/2023	Response to SEWRPC Comments
	9/29/2023	Response to SEWRPC Comments
	12/21/2023	Groundwater Evaluation Summary

Chairman Fitzgerald clarified that this is only for the Town's portion of the property zoning, not the CUP application through Waukesha County. That piece comes next.

Commissioner Dickenson stated she had a chance to look at the Collier report and the correspondence with Thomas Koepp. She asked if Collier looked at everything that has been submitted by GZA. Engineer Barbeau stated the Collier report was done by LPSD, and was not at the request of the Town. They provided the report to the Town and Waukesha County for informational purposes. It was an independent report that was submitted. Commissioner Dickenson questioned what the basis was for the report.

Bryan Lindgren, from Neumann Developments, explained the report was requested by LPSD for their information. The report served as an initial look to give context on how this has been evaluated. Collier was not involved with the water studies GZA provided, and they did not hold high esteem to the Collier report. Commissioner Dickenson stated the report raised questions regarding stormwater draining to wetlands, and how that runoff may need to be adjusted. Mr. Lindgren explained the Collier report was the first report that was done, and steered some of the conversations with SEWRPC. Commissioner Dickenson questioned if the stormwater plans show how they plan to keep the wetlands wet. Mr. Lindgren said yes, but this is getting into deeper questions as plans evolve. He stated they are looking into various forms of infiltration to feed underground resources. They are not directing water away from wetland areas. This is taking

stormwater plans well beyond the preliminary information to answer yes, but they are doing everything they can to protect wetlands.

Commissioner Dickenson questioned if deeper wells have been something that have been considered. Mr. Lindgren said yes, that was one of the options. From an economic and feasibility perspective it did not make sense. The GZA study looked at different shale layers and limestone layers. Using local well depths and data, there was not a hard line on what well will be deep or shallow.

Commissioner Dickenson questioned if more details will be brought back to the Plan Commission on the wetland impacts and well depths. Mr. Lindgren explained the first step in the process is to answer questions from a high level. He responded that they would protect the wetlands and underground water resources. Engineer Barbeau explained that typically the Plan Commission does not see the detailed stormwater plans and road layout plans. The management of stormwater is done by Waukesha County. The Town does not manage its own stormwater. Commissioner Dickenson stated this is a concern of the residents, and whether or not the Town sees the details, they should at least see the results of some of the questions that have been asked.

Supervisor Michels asked if all of the requirements have been met in terms of the ordinance, and if this point is the basis for the positive recommendation. Engineer Barbeau stated yes. Commissioner Dickenson asked when the HOA is determined. Engineer Barbeau stated the HOA is established at the time of the final plat. When the stormwater plans are approved, the outlots require maintenance agreements. The HOA has to sign off on those agreements. The developer initially signs, but then gets transferred down to other parts of the HOA. This is typical of any subdivision in the Town. There are some old HOAs that have no stormwater or outlots, and so no management agreements. All new subdivisions into the late 90s have maintenance agreements. Because the Town is a permitted community, it has to report back and show that they are meeting the quality and quantity requirements. Staff want to have those agreements in place so they can make sure they are operating appropriately. Mr. Barbeau explained the Town has a program where he works with subdivisions on their ponds, and tracks them for compliance. Commissioner Cummings asked if there have been any issues with other subdivisions. Engineer Barbeau explained that so far it has just been maintaining the outlets that have to be cleaned out. There has not been a need for dredging, yet. Mr. Lindgren stated that deed restrictions are drafted and recorded with the stormwater management agreement. Anyone that buys a lot will have those documents recorded on their title.

Motion by Chairman Kranick to recommend the petition for zoning amendment and the General Development Plan be forwarded to the Town Board with a recommendation to approve the recommendation based on the following:

- The request is in compliance with the Town Land Use Plan.*
- The application is complete, and all information required by Section 17.04 (5)(R)4. b. has been submitted for review.*
- Findings indicate that each of the GDP required submittal; materials identified in the PDD ordinance have been adequately addressed.*
- The proposed development meets the PDD Statement of Intent.*
- The General Development Plan (GDP) layout has been reviewed in light of the regulations within each subsection of Section 17.04 (5)(R) and have been found in compliance with the ordinance, subject to a detailed review when subdivision plats and construction plans are submitted for review and approval in accordance with normal Town review processes. Development of the subject property shall be in substantial conformance with the maps and studies identified in the GDP as follows:*

1,1A,1B,1C	12/22/2023	General Development Plan Drawing
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2, 2A,2B	12/22/2023	Open Space and Natural Resource Protection Plan
3	12/22/2023	Road Access Plan
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	12/21/2023	Groundwater Evaluation Summary

Seconded by Commissioner Cummings. Motion passed 7-0.

- c. Recommendation to Waukesha County on the request for rezoning lands from A-1 to R-3 Residential and a Planned Unit Development Conditional Use Permit for lands that are under Waukesha County zoning jurisdiction. Tax Key Nos. DELT0809-995; DELT0809-996 and DELT0811-999.

Engineer Barbeau stated the current zoning on the County's portion of the property is A-1, C-1 and environmental corridor. They have asked to amend the zoning to R-3 for the A-1 portion. The request is in conformance with the County's land use plan that allows 15,000 square feet density in sewered areas. Engineer Barbeau recommended providing a positive recommendation to the Town Board as it is in compliance with the County's land use plan and the Town's Planned Development District ordinance.

Motion by Chairman Kranick to provide a positive recommendation to the County to rezone lands from A-1 to R-3 and that the Residential Planned Unit Development be approved subject to the entire development following the conditions and requirements of the Town's PDD ordinance, based on the following:

- The request is in compliance with the County Land Use Plan.*
- The General Development Plan layout has been reviewed in light of the regulations within each subsection of Section 17.04 (5)(R) Planned Development District and has been found in compliance with the ordinance.*
- Development of the subject property will be in substantial conformance with the maps and studies identified in the General Development Plan as follows:*

Map No.	Date (latest revision)	Title
1,1A,1B,1C	12/22/2023	General Development Plan Drawing
2, 2A,2B	12/22/2023	Open Space and Natural Resource Protection Plan
3	12/22/2023	Road Access Plan
4	12/22/2023	Sanitary Sewer Plan
5	12/22/2023	Preliminary Stormwater Plan
6	12/22/2023	Bike and Pedestrian Plan
7	12/22/2023	Active Recreation Plan
L1 – L7	3/27/2023	Landscape Plan
	12/6/2023	Traffic Impact Analysis
	3/24/2023	Hydrogeologic Assessment Report
	7/14/2023	Response to SEWRPC Comments
	9/29/2023	Response to SEWRPC Comments
	12/21/2023	Groundwater Evaluation Summary

Seconded by Commissioner Cummings. Motion passed 7-0.

Sixth Order of Business Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meeting: March 5th

Eighth Order of Business: Adjournment

Motion by Chairman Kranick to adjourn the January 16, 2024, Plan Commission meeting at 7:11 p.m. Seconded by Commissioner Dickenson. Motion passed 7-0.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer