TOWN OF DELAFIELD PLAN COMMISSION MEETING
Tuesday, August 6, 2019, 7:00 p.m.
Town of Delafield Town Hall
W302 N1254 Maple Avenue, Delafield, WI 53018

AGENDA

1. Call to Order and Pledge of Allegiance

2. Approval of the minutes of July 2, 2019

3. Communications (for discussion and possible action): None

4. Unfinished Business:
   A. Discussion and possible action regarding the Town of Delafield Land Use Plan and zoning code modifications.
   B. Town of Delafield, Re: Consideration and possible action on the consideration of a zoning code amendment to allow Taxidermy Studios in the A-2 Rural Residential zoning district.

5. New Business:
   A. Peter Kafkas, N2 W31747 Twin Oaks Drive, Re: Consideration and possible action on a request to approve a Certified Survey Map to split a 4.37 acre parcel of land at N2 W31747 Twin Oaks Drive into two lots.
   B. Steve Cooper, W282 N3388 Taylors Woods Road, by Jim Winchell, J.W. Construction, Re: Consideration and possible action on a request for a variance to the driveway slope proposed for W282 N3388 Taylors Woods Road.
   C. Mr. & Mrs. Koenig, N21 W28674 Louis Ave., by Jeff Nelson, Steeple Pointe Homes, LLC, Re: Consideration and possible action on a request to construct a retaining wall within 5 feet of the lot line.
   D. Town of Delafield, Re: Consideration and response to comments from Waukesha County Department of Parks and Land Use, Planning Division on the pending zoning code amendments.

6. Discussion: None


8. Adjournment

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer
TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, July 2, 2019

Members present: K. Fitzgerald, R. Troy, C. Diderrick, E. Kranick, N. Dickenson, C. Dionisopoulos
Members absent: T. Frank
Also present: T. Barbeau, Town Engineer, 5 citizens

First order of business: Call to Order and Pledge of Allegiance
Chairman Fitzgerald called the meeting to order at 7:00 p.m., and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of June 4, 2019
MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE AS PRESENTED. MOTION CARRIED.

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

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO TAKE ITEMS 5A AND 5B OUT OF ORDER. MOTION CARRIED.

Fifth Order of Business: New Business:
A. Wallace and Ann Burt, W282 N3398 Taylors Woods Road, Re: Consideration and possible action on the re-approval (originally approved 9/13/16) of a Certified Survey Map to combine two properties into one property at W282 N3398 Taylors Woods Road.

Engineer Barbeau stated the subject re-approval request is due to the fact that the certified survey map was never executed because the project was delayed for various reasons. State law does not allow recording of the document if the last approval by the governing body was greater than 12 months prior to recording the document. Waukesha County has approved and signed the subject certified survey map.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE THE CERTIFIED SURVEY MAP TO COMBINE TWO PROPERTIES INTO ONE AT W282 N3398 TAYLORS WOODS ROAD WITH THE REVISION DATE OF 6/26/19. MOTION CARRIED.

B. Town of Delafield, Re: Consideration and possible action on the consideration of a zoning code amendment to allow Taxidermy Studios in the A-2 Rural Residential zoning district.

Chairman Fitzgerald stated that the Town Code does not define taxidermy studio. When the Plan Commission made changes to the code, they knew of the possibility of missing some areas and would address them as necessary.

Engineer Barbeau drafted an ordinance for consideration. The Plan Commission provided the following suggested revisions: 1. Remove quality materials verbiage under building material standards; 2. Metal siding may be permitted; 3. Include the pitched roof requirement; 4. Applicant shall provide a color scheme to Plan Commission for review; 5. Applicant shall prepare and submit a landscaping plan; 6. Remove all verbiage starting at “Access doors”; 7. Remove the sentence, “The plan shall be prepared and stamped by a licensed landscape architect” referenced in #3; 8. Remove the requirement in #4; 9. Add under letter m. “No outside storage and no taxidermy waste shall be buried or burned on the property. He stated that this matter would go to the Town Board for a public hearing. A joint public hearing could be held with the Town Board prior to the August Plan Commission meeting and action taken at the August meeting.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. DIETTRICH TO RECOMMEND, TO THE TOWN BOARD, TO HOLD A JOINT PUBLIC HEARING WITH THE TOWN BOARD AT THE AUGUST 6 PLAN COMMISSION MEETING. MOTION CARRIED.
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 suggested that the commission consider a new zoning code provision that would allow developers the opportunity to present “mixed use” proposals. Engineer Barbeau read the definition of mixed use. The Town would set the perimeters for permitted uses and requirements. They could consist of a business park, senior housing, apartments, small grocery store, coffee shop or pharmacy. Discussion followed on not allowing “big box retail”, strip malls and 3-story building height limits. He stated that the Town needs a better definition of light industrial zoning and requested that the commission think about ideas for the vision. He suggested that Engineer Barbeau obtain samples of mixed use definitions. This item will be placed on the next agenda for further discussion.

Sixth Order of Business:  Discussion:  None

Seventh Order of Business:  Announcements and Planning Items:
Next meeting – Tuesday, August 6, 2019

Eighth Order of Business:  Adjournment
MOTION MADE BY MR. KRANICK, SECONDED BY MR. DIETTRICH TO ADJOURN AT 8:25 P.M.
MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on:
Plan Commission Report for August 6, 2019

Land Use Plan and Zoning Code Modifications
Agenda Item No. 4 A.

Report

Land Use Plan

At the last meeting, the Plan Commission discussed what would be an appropriate land use for the Thomas farm. The idea of allowing the land to be designated as mixed use was discussed. In the Town and County Land Use plans, mixed use is a category that is defined as follows:

Development that may contain residential and could contain a combination of public, institutional, office, retail, service, light industrial, research and development, and or other commercial uses, including off street parking and may take the form of a business park.

The Town has the opportunity to modify the definition in the Town’s adopted Land Use Plan to better reflect what the Town does and does not want as uses in that area.

I suggest that retail be eliminated from the Town’s definition for the Thomas farm. I suggest that we define service and commercial uses to be limited to those businesses which serve the local mixed use development. That is potentially small coffee shops and restaurants (no drive through). I suggest that we write out of the uses, gas and vehicle service stations, convenience stores, hotels and anything else that may generate high intensity traffic, noise and lighting.

Mixed Use Zoning Code

In order to get a general idea of what a mixed use zoning code would look like, I have compiled a proposed zoning code based on code language from other communities. Each community that has a mixed use zoning district has different purposes and goals, which is reflected in each of the codes. I have attempted to create a code that is unique to the Town of Delafield, given the residential nature of the Town and the sensitivity to large highly intense commercial development.

Tim Barbeau, Town Engineer
July 29, 2019
X. MIXED USE

1. STATEMENT OF INTENT

The Mixed Use District is intended to be used as an implementation tool for the Town’s adopted Land Use Plan where it designates specific types of limited office, professional services, retail, business uses, and light industrial uses free of outside storage or display. These uses may occur on individual sites or as part of a planned larger development, and be used only where specific types of uses are designated on the Town’s Land Use Plan.

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.

(1) Offices for professionals, business, studios, health care facilities and clinics (not providing for overnight stay), financial institutions, general clerical offices.

(2) Trades or light industrial operations of limited intensity, including manufacturing, assembly, fabrication, and processing operations, warehousing (if associated with a primary office headquarters, not a stand-alone warehouse), wholesaling, and distribution operations (with limited semi-truck operations), and storage of products made on site.

(3) Laboratory and research facilities.

(4) Residential, to include senior housing, single family, multi-family and condominiums to be located a minimum of 500 feet from the outside lane of I-94.

(5) Restaurants (no drive through) shall be located 500 feet from residually zoned land that is not part of the mixed use development.

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 industrial operation, provided it be screened from view by an appropriate wall, fence, or hedge.

(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) Truck or trailer sales  
(2) New and used car lots  
(3) Car wash facilities  
(4) Bulk sales, storage or display of lumber  
(5) Outdoor displays or storage of materials  
(6) Drive-in theaters  
(7) Mobile home sales, service or campgrounds  
(8) Recreational vehicles, all-terrain vehicle or outdoor recreational vehicle sales and service  
(9) Junkyards or wrecking yards  
(10) Refining of petroleum or its products  
(11) Petroleum storage yards, not including petroleum storage accessory to a permitted conditional use.  
(12) Animal reduction facilities  
(13) Forges  
(14) Foundries  
(15) Garbage or medical incinerators  
(16) Rubbish storage or transfer station  
(17) Slaughterhouses  
(18) Stockyards  
(19) Tanneries  
(20) Bulk storage of salt, fertilizer, or similar materials; explosives, gasoline or other petroleum products and grease  
(21) Storage of radioactive materials  
(22) Manufacturing or processing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticides, poison, pulp, proxylin, radium and radioactive materials  
(23) Outside product or equipment testing  
(24) Mini-warehouses or multi-tenant storage  
(25) 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. **BASE HEIGHT REGULATIONS**

   a. Principal Building: 30 feet maximum

   b. Accessory Building: 12 feet maximum
5. AREA REGULATIONS

a. Lot Size: 1 acre (commercial); 20,000 square feet (residential)

b. Lot Width: 150 feet

c. Floor Area: No minimum for commercial; 1500 square feet for residential (single family); 1000 square feet for multi-family unit.

d. Open Space: 30%

6. ADDITIONAL REGULATIONS

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 mechanicals shall be hidden from view. Use of screening is discouraged and shall only be allowed with Plan Commission approval.

e. Building exteriors must be of an attractive material or must be faced with an attractive material such as face brick, natural stone, wood or other substantial materials as approved by the Plan Commission. No metal buildings shall be accepted.

f. 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.

g. 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.

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

i. Parking lots shall be shielded from adjoining properties by planting screen or decorative fencing and shall not be permitted within the base setback area.

j. 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.

k. 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.
l. 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.

m. The planned hours of operation and nighttime lighting plans shall be included in the plan of operation submitted for Plan Commission approval.
STATE OF WISCONSIN
TOWN OF DELAFIELD
WAUKESHA COUNTY

ORDINANCE NO. __________

AN ORDINANCE TO CREATE SECTION 17.05 5. R. OF THE TOWN OF DELAFIELD
MUNICIPAL CODE RELATED TO ALLOWING TAXIDERMY STUDIOS AS A
CONDITIONAL USE IN THE A-1 and A-2 ZONING DISTRICT.

WHEREAS, on June 4, 2019, the Plan Commission considered a request to
operate a taxidermy studio in an A-2 Rural Home District, and

WHEREAS, there is no provision for taxidermy studios as a permitted use in any
residentially zoned lands or in the recently revised Conditional Use section of Chapter
17 (currently pending at the County for approval), and

WHEREAS, the Plan Commission, in their recent review and recommendation of
modifications to the Conditional Use section of Chapter 17 and the Town Board's
subsequent approval, recognized that new uses that are not provided for as permitted
uses in the general districts or conditional uses in the Conditional Use section may need
to be added as requests are brought to the Town's attention, and

WHEREAS, on June 4, 2019, the Plan Commission determined that they would
consider allowing taxidermy studios in certain residential districts as a conditional use,
and directed staff to prepare the necessary documents to consider at the July 2, 2019
Plan Commission meeting, and

WHEREAS, the Plan Commission did, on July 2, 2019, consider an amendment
to the Conditional Use section of the zoning code, and directed staff to make suggested
edits to the document, which have been incorporated herein, made a positive
recommendation to adopt the code language herein, and forward the matter to the
Town Board for public hearing and approval, and

WHEREAS, the Plan Commission did, on August 4th, consider a modified version
of the proposed ordinance and made a positive recommendation to adopt the code
language herein, and forward the matter to the Town Board for public hearing and
approval.

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 52.23(7)(d), the Town Board held a public
hearing regarding the tentative recommendation, on __________ 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 does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such zoning amendments on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the zoning amendments will not violate the spirit or intent of the Zoning Code for the Town of Delafield, will not be contrary to the public health, safety or general welfare of the Town of Delafield, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhoods within the Town, and will be consistent with the Town of Delafield Comprehensive Plan.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 17 of the Town of Delafield Municipal Code entitled "Zoning." Section 17.05 entitled, "Conditional Uses," subsection 5 entitled "Conditional Uses Permitted" is hereby amended to read as follows:

R. Taxidermy Studios

1. Where Permitted. Subject to the provisions of subsection 2, taxidermy studios are conditional uses which may be permitted in the following districts:
   - A-1 Agricultural District
   - A-2 Rural Home District


   Conditional use status shall not be granted to taxidermy studios unless all of the following standards are met:
   a. Lot must be a conforming lot and shall be 3 acres or more.
b. Building location, base height and area regulations shall be as provided for in the underlying A-1 and A-2 zoning district regulations, except that the building housing the taxidermy studio must be offset 50 feet from the side and rear lot lines.

c. The size of the building housing the taxidermy studio shall not be larger than 1% of the lot area.

d. Buildings shall consist of materials such as brick, wood, stone, metal, decorative concrete block and glass. The Plan Commission may allow exterior finish insulation systems (EFIS) if it is incidental to the primary building architecture or screened from public view. Flat roofed buildings shall not be permitted. Pitched roof shall be 4:12 or steeper. Colors that are out of character with the surrounding developments and residential areas shall be prohibited.

e. A site plan prepared by and stamped by a professional engineer or surveyor shall be submitted detailing the size, offsets and setbacks of all existing and proposed buildings, access provisions, parking provisions, grading, lighting and landscaping on the site related to the studio.

f. 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. The landscape features shall provide sufficient screening to shield adjacent properties and roadways from adverse effects of the facility. A landscape plan shall be submitted for approval by the Plan Commission.

g. Access shall be from a public street.

h. There shall be no outside storage for items related the business.

i. Water supply facilities and septic system, if any, shall be in accordance with the rules of the Waukesha County Division of Environmental Health and the Wisconsin Department of Commerce.

j. Hours and days of operation for visitors shall be no more than 8:00 AM to 8:00 PM, Monday through Sunday unless other hours are approved by the Plan Commission and Town Board.
The exterior of all structures related to the business, 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.

All appurtenances placed on the roof of any structure such as air conditioning units shall be housed in a penthouse or otherwise screened from view.

The site and operational plans submitted to the Plan Commission shall include design features necessary to ensure that traffic generated by the operation does not have an adverse effect on existing or planned roads and traffic movement considering especially adequacy, safety and efficiency. Traffic circulation shall be designed to minimize light and sound to adjacent landowners.

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.

A lighting location and light distribution plan shall be submitted showing cut-off type fixtures, pole types and height. Light at all property lines shall be 0 footcandles.

The facility shall be maintained in a sanitary condition. Plans shall be submitted and approved for waste removal and method of addressing odors. No taxidermy waste shall be buried or burned on the property and shall be properly disposed.

The conditional use permit shall automatically expire and terminate on the sale of the property or its transfer to a non-occupant of the property.

Applicant shall provide copies of any and all State or County licenses required to operate the business, to the Town prior to occupancy of the building.

Applicant shall provide proof of liability insurance for the business operation prior to occupancy of the building.
Optional standards to include in the CUP:

**Building material standards:**

Buildings shall consist of quality materials such as brick, wood, stone, decorative-concrete blocks and glass. The Plan Commission may allow the use of metal building components and exterior finish insulation systems (EFIS) if it is incidental to the primary building architecture or screened from public view. Metal siding shall not be permitted. Flat roofed buildings shall not be permitted. Pitched roof shall be 4:12 or steeper. Access doors to individual storage units shall not be located on the exterior of any structure, except as follows: 1. In the case of a structure that contains interior storage spaces, up to two vehicle access doors may be allowed on the exterior face of the structure; 2. In the case of multiple buildings that have exterior access to individual storage units, only those locations that face another interior storage exterior building face with individual doors shall be allowed. The exterior walls of the outermost buildings and ends of the individual buildings shall not include any doors or individual storage units. Color scheme for the buildings shall be shown on the plans and samples submitted to the Plan Commission for approval. Colors that are out of character with the surrounding developments and residential areas shall be prohibited.

**Landscaping shall meet the following standards:**

1. 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.
2. The landscape features shall provide sufficient screening to shield adjacent properties and roadways from adverse effects of the facility and shield the development from the negative impacts on adjacent uses or streets.
3. Applicant shall prepare and submit a landscape plan. The plan shall be prepared and stamped by a licensed landscape architect. The plans shall include existing and proposed features of the site, proposed vegetation to provide screening of the facility, a plant schedule indicating the material names and types, number of plants and size of plants at time of planting; and planting details. After installation of the landscape features, a certification from the landscape architect stating that all plants have been installed according to the approved plans shall be submitted.
4. Each tree shall have an initial caliper of no less than two inches and a height of at least seven feet. Shrubs and bushes shall be a minimum of 3 feet in height at time of planting.

5. The owner shall be responsible for the maintenance of all landscaping and maintaining the landscaping in good condition as to represent a healthy, neat and orderly appearance that shall be kept free from refuse and debris. The owner shall promptly replace any landscaping which has died or is damaged beyond repair. The replacement plantings shall be the same size and quality as the approved landscape plan. The site's landscaping shall be maintained perpetually in accordance with the approved landscape plan.
Plan Commission Report for August 6, 2019

Kafkas Certified Survey Map
Agenda Item No. 5 A.

Applicant: Peter Kafkas
Project: Land Split
Requested Action: Approval of Certified Survey Map
Zoning: A-3 PUD
Location: N2 W31747 Twin Oaks Drive

Report

Mr. Kafkas has submitted a CSM in order to split his 4.37 acres of land into two parcels. The split would be such that the existing house, which currently fronts on Twin Oaks Drive would remain as it is presently, and the southerly lot being created would front on Scuppernong Valley Court. The land was formerly Lot 49 of the Twin Oaks subdivision developed in 1976 under a Residential Design Variation (RDV) Conditional Use. In 1998, the Town updated the zoning code and removed the RDV conditional use, but kept the Planned Unit Development (PUD) conditional use. All RDV lands were designated as PUD's during the recodification process. The conditional use language for both the current PUD and the past RDV state that “there shall be no further division of any lot in the development” (17.05 5. AM 2. R. (8)). Over the past 20 years, there have been a number of requests to split this particular parcel into two lots, but were denied by the Town Plan Commission based on the code language that does not allow additional lots to be split in the subdivision and there was no provision in the code for increasing the number of lots beyond what was granted at the time the subdivision was developed. The RDV was a conditional use that included a density factor to determine the total number of lots allowed in the development and then provided flexibility on the size of the lots.

With respect to the current request, the lots being created will meet the minimum dimensional requirements of the A-3 PUD zoning district (lot area, lot width). The CSM is technically acceptable. Soil testing has been done at the site and a mound system is required for on-site septic. Due to hydric soils in some areas on the site, a seasonal high groundwater determination was performed for the southerly lot. The basement floor shall be greater than or equal to 974.4. Due to hydric soils, a wetland evaluation by a wetland ecologist was performed, but no wetlands were determined to be on the site.

Staff Recommendation:

Consistent with what the Plan Commission has done in the past and the current code section stating that there shall be no further divisions of any lot in the subdivision, I recommend that the CSM be denied.

Tim Barbeau, Town Engineer
July 29, 2019
Certified Survey Map

being a redivision of Lot 1, Certified Survey Map No. 5770 recorded on Feb. 24, 1989 as Document No. 1523976 in Volume 47, pages 53-55 of Certified Survey Maps, being a part of the Southwest Quarter and Southeast Quarter of the Southwest Quarter of Section 28, Town 7 North, Range 18 East, Town of Delfield, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

State of Wisconsin
County of Jefferson

I, Paul J. Hilmer, surveyor, do hereby certify: That I have surveyed, divided and mapped a redivision of Lot 1, Certified Survey Map No. 5770 recorded on Feb. 24, 1989 as Document No. 1523976 in Volume 47, pages 53-55 of Certified Survey Maps, being a part of the Southwest Quarter and Southeast Quarter of the Southwest Quarter of Section 28, Town 7 North, Range 18 East, Town of Delfield, Waukesha County, Wisconsin.

That I have made such survey and map by the direction of Peter D. Kafkas owner of said land.

That this map is a true representation of all of the exterior boundaries of the land surveyed and divided.

That I have fully complied with the provisions of Chapter 256.34 of the Wisconsin Statutes and the subdivision regulations of the Town of Delfield and Waukesha County Department of Parks and Land Use, Planning and Zoning Division in surveying, dividing, mapping the same.

Dated this 17th day of JUNE, 2019.

Paul J. Hilmer
Professional Land Surveyor # 2496
Hilmer & Associates, LLC

This instrument drafted by Paul J. Hilmer

Sheet 3 of 4 sheets.
Certified Survey Map

being a subdivision of Lot 1, Certified Survey Map No. 5779 recorded on Feb. 24, 1989 as Document No. 1529976 its Volume 47, page 55-55 of Certified Survey Maps, being a part of the Southwest Quarter and Southeast Quarter of the
Southwest Quarter of Section 28, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE

As owner, I, Peter D. Kafkas, do hereby certify that I have cause the land described on this map to be surveyed, divided
and mapped as represented on this map. I further certify that this map is required by Chapter 256.34 of the Wisconsin
Statutes and the Subdivision Regulations of the Town of Delafield and Waukesha County Department of Parks and Land
Use and must be submitted to the following for approval:

1) Town of Delafield

2) Waukesha County Department of Parks and Land Use, Planning and Zoning Division

Witness the hand and seal of said owner this ______ day of ___________ , 20____.

Peter D. Kafkas, Owner

State of Wisconsin
Waukesha County SS

Personally came before me this ______ day of ___________ , 30____, the above named, Peter D.
Kafkas, to me known to be the same person who executed the foregoing instrument and acknowledged the same.

(Notary seal)
Notary Public, ______________, Wisconsin.
My commission expires ______________.

This instrument drafted by Paul J. Hilmer
Certified Survey Map

being a redivision of Lot 1, Certified Survey Map No. 5770 recorded on Feb. 24, 1989 as Document No. 1123976 in Volume 47, pages 53-55 of Certified Survey Maps, being a part of the Southwest Quarter and Southeast Quarter of the Southwest Quarter of Section 28, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

PLAN COMMISSION APPROVAL
Approved by the Plan Commission of the Town of Delafield on this ______ day of ________, 20___.

Mary T. Eliazor - Clerk
Kevy Fitzgerald - Chairperson

TOWN BOARD APPROVAL
Approved by the Town Board of the Town of Otawa on this ______ day of ________, 20___.

Mary T. Eliazor - Clerk
Ronald A. Troy - Chairperson

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
The above, which has been filed for approval as required by chapter 236 of the Wisconsin Statutes, is hereby approved this ______ day of ________, 20___.

Dave R. Shaver, Director

CITY OF DELAFIELD EXTRA-TERRITORIAL PLAN COMMISSION APPROVAL
Resolved that this Certified Survey Map, located within the extra-territorial review jurisdiction of the City of Delafield, is hereby approved by the Plan Commission on this ______ day of ________, 20___.

Kent Amwell, Mayor
Michelle Luftszeit - Clerk

I hereby certify that the foregoing is a copy of a resolution adopted by the Plan Commission of the City of Delafield.

Date: ______________

Michelle Luftszeit - Clerk

Rev. 7/15/19
This instrument drafted by Paul J. Hilmer

Sheet 4 of 4 sheets.
Mark and Jennifer Lancourt  
N1 W31712 Scuppernong Valley Court  
Delafied WI 53018  

Town of Delafield  
Mary Elsner – Clerk / Treasurer  
W302 N1254 Maple Ave  
Delafied WI 53018

17 June 2019

Regarding: Discussion related to a potential land split on lands located at N2 W31747 Twin Oaks Drive.  
Meeting date: May 7, 2019  
Sixth Order of Business

I write regarding the above plan commission meeting that this is a “reasonable” request. I wish to strongly object on the land split.

Twin Oaks Subdivision was an approved plat with a Density Factor of 67 lots. The basis for the approval for a conditional use permit states in section 4 (F), “That there shall be no further division of any lot within the development”. Reviewing past minutes from plan meetings, this has been denied on numerous occasions for previous owners of the property since it was against the approved plan. I also inquired about this when the property was in foreclosure to purchase and split the land into 2 parcels for profit. It was stated that the request is against the original plan of 67 lots and no further lot splits will be approved. I read the Plat regulations and understood the rules so I didn’t pursue the purchase.

I built my home in 2016 and positioned the home on the lot based on the rules and regulations of the Twin Oaks plan. This new home and lot split would put the house in front of my front porch. There would be a negative impact on my privacy, quality of life for my family and property value.

If this request is approved, it would set precedence for additional requests in this subdivision and others in the Town of Delafield that have been created under restrictions, they can be opened up and divided. This would be “undoing what the Plan Commission has done in prior years”.

Thank you for your consideration and please feel free to call me at 262/613-3092 with questions.

Mark Lancourt  Jennifer Lancourt
December 29, 1975

AGENDA ITEM

JAN 6 2004

ITEMS PAGE

18

Town of Delafield Planning Commission
114 W30782 Hwy. CCC
Delafield, Wisconsin 53018

Re: Preliminary Plat - Twin Oaks Subdivision

Gentlemen:

Chester Spoke has proposed a subdivision in the Southwest Quarter (SW 1/4) of Section 28, in the Town of Delafield. This 120 acre parcel of land has recently been zoned R-1 for the northerly 40 acres and A-3 for the southerly 80 acres. Mr. Spoke would like to develop these lands under the provisions of the Residential Design Variation. Computation for the maximum number of lots allowed is as follows:

Total Area R-1 = 41.40 Acres - 0.51 (S.T.H. "B3") = 40.89 Acres
Total Area A-3 = 82.52 Acres - 1.03 (S.T.H. "B3") = 71.49 Acres
Usable WF-1 Lands = 206 x 7.0 = 1,440 Acres

40.89 Acres (R-1) x 43,560 Sq.Ft./Acre
65,000 Sq.Ft./Dw.Un., (Density Factor) = 27.40 Dwelling Units

75.90 Acres (A-3) x 43,560 Sq.Ft./Acre
85,000 Sq.Ft./Dw.Un., (Density Factor) = 38.90 Dwelling Units

Total Allowable Dwelling Units = 66.30

The minimum lot size is 30,000 square feet and one acre in the R-1 and A-3 zoning categories respectively. The preliminary subdivision proposes 65 new lots plus the farm house lot with a minimum lot size of one acre which conforms to the above requirements.

The road pattern is acceptable with one exception. Twin Oaks Drive should be extended to the west property line with a temporary cul-de-sac at that point.

The drainage pattern is not clearly defined because road grades are not indicated on the plat. The drainage pattern with road grades and proposed elevations should be shown on a revised map with details as to the width of the drainage easements where required and the location and configuration of any drywells proposed to be constructed.

It would appear that there will be some revisions of the lot layout at the westerly end of Scuppernong Valley Court due to the high ground water condition indicated on the soil borings. Therefore, I would recommend that the preliminary plat of Twin Oaks be denied at this time until it is re-submitted incorporating the above revisions.

Respectfully submitted,

JAHNKE & JAHNKE ASSOCIATES INC.

[Signature]

Jerome G. Wagner, P.E.
e. That no building shall be permitted closer to a side or rear boundary street of the project area as required by the existing underlying basic district.

f. That there shall be no further division of any lot within the development.

g. That deed restrictions or an appropriate contract with the Town assuring implementation of the development according to the above requirements is filed with the Waukesha County Register of Deeds.

5. Conditions of Approval. The approval of a petition for conditional use shall be based on and include as conditions thereto the building, site and operational plans for the development as approved, as well as all other commitments offered as required in regard to project value, character or other factors pertinent to an assurance that the proposed development will be carried out basically as presented for the project. After all conditions of a planned unit development project are certified by the Town Board as being completed, development shall be changed to a permitted use in the district in which it is located.

6. Subsequent change or addition. Any subsequent change or addition to an approved 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:

   a. An increase in the number of dwelling units from that shown in the approved comprehensive project plan.

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

   c. The addition of any principal uses not included in the approved comprehensive project plan.

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

7) Residential Design Variation. This use is permitted in the districts zoned A-2 (Rural Home District), A-3 (Suburban Estate District) and R-1 (Residential District) subject to review and approval of the development plans by the Plan Commission and Town Board. No structure shall be allowed in the Wetland-Floodplain District. Any use permitted in an underlying basic district may be permitted in this district.

1. Intent and Purpose. These regulations are intended to allow for greater flexibility and design freedom than would be permitted by the standard
application of normal district regulations, in the case of tracts of land of
suitable size and appropriate location where the unified and planned
development of such tract would make possible more desirable utilization of
the site and produce a more aesthetically satisfying and economically
desirable development than would result from the application of normal
district controls. It is intended that the overall density of the project
shall not be significantly greater than that permitted in the underlying
district except as may be provided within these regulations.

2. Application of Regulations. The unified and planned development of
a site, in single or corporate ownership at the time of development, may be
permitted in a planned development without the customary division into the
individual lots and without requiring strict compliance to the specific
district regulations subject to the requirements of this section. Lot size,
offset, setback and open space and floor area requirements may be modified
according to the following conditions: that all sanitary provisions are in
conformance with the requirements of the State Department of Industry, Labor
and Human Relations, the County Health Department, local sanitary district and
the Town; that the proposed development is in conformity with any local
comprehensive plan, is not contrary to the general welfare or economic balance of
the community and that benefits and amenities of the resultant development
justify the variation from the normal requirements of the district in which it
is located; that all other requirements of the design variation are met as set
forth in this paragraph; the provisions of §18.07 of this General Code shall
govern the design and construction of all roads and public improvements. Any
modifications of these standards must be consistent with good engineering
practices and be approved in writing by the Town Board; the provisions of
§18.07 shall govern with respect to dedication of public sites or payment in
lieu of dedication; the application of these regulations shall be limited to
parcels of not less than 20 acres in size.

3. Specific Regulations. a. Residential density factor. The following
table shall be used to compute the maximum dwelling unit density allowed for
the development and shall be referred to as the residential density factor:

A-2 Rural Home District 130,000 sq. ft./dw. unit
A-3 Suburban Estate District 85,000 sq. ft./dw. unit
R-1 Residential District 65,000 sq. ft./dw. unit

b. The specific allowable maximum number of dwelling units shall be
computed by dividing the total area allowable for density computation by the
appropriate "residential density factor"; existing public rights-of-way and
lands zoned other than for residential purposes shall not be included in the
density computations except as provided in par. (u)3.

c. Absolute min. lot size. No lot shall be reduced in size less than
is provided for in par. (u)3.

d. Absolute min. average lot width. No lot shall have an average lot
width less than is provided in par. (u)3.
substantial, a change in any of the following respects shall be automatically
construed as substantial:

a. An increase in the number of dwelling units from that shown in the
   approved comprehensive project plan.

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

c. The addition of any principal uses not included in the approved
   comprehensive project plan; a change in the basic concept of site development
   which would significantly alter the relationship of uses and spacing of
   adjoining properties.

Conversion. Conversion of the use of barns and farm buildings for
the storage of machinery, equipment, vehicles, boats, furniture and similar
items subject to the following provisions:

1. The location, building, site plan and plan of operation shall be
   submitted to and approved by the Plan Commission.

2. No such use shall be permitted on lots of 10 acres or more.

3. 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. A certified survey map shall be filed detailing the size and
   offsets of all existing buildings.

4. Access shall be from a public street.

5. Off street parking space and lighting shall be provided as
   approved by the Plan Commission.

6. There shall be no storage outside. Outside storage shall be
   considered a violation of the terms of any conditional use permit issued under
   this subsection and grounds for the termination of such permit.

7. Water supply facilities and septic system, if any, shall be in
   accordance with the rules of the Waukesha County Division of Health and
   Department of Industry, Labor and Human Relations.

8. If there are complaints about unusual noise, inconsistent with the
   normal operations of the storage buildings, the Plan Commission shall hold a
   public hearing, upon due notice and shall make reasonable rules and
   regulations in such regard.

9. There shall be no commercial signs permitted.

10. A landscaping plan shall be filed and approved prior to the
    issuance of an occupancy permit.

11. The buildings and grounds shall be maintained in a neat,
Plan Commission Report for August 6, 2019

Steve Cooper Driveway Slope Variance
Agenda Item No. 5 B.

Applicant: Steve Cooper, by Jim Winchell, JW Construction

Project: Home and lot modifications

Requested Action: Approval of Driveway slope variance

Zoning: R-3 County

Location: W282 N3388 Taylors Woods Road

Report

Mr. Cooper is planning to construct a new garage north of his existing house which is located on a narrow lot on Pewaukee Lake. The current driveway is located on the west side of his parcel. The grade between Taylors Wood Road and the proposed garage drops 26 feet. The elevation change from the proposed garage slab grade to the first floor of the existing house is 5.5 feet (equivalent to 8 steps). The Town code has a stated maximum driveway slope of 12%. Mr. Winchell has discussed various driveway configurations with me and due to the minimal width of the lot, is not able to reconfigure the driveway to meet the 12% maximum slope. I noted that the garage could be raised to meet the slope requirement; however, that would require that the garage be raised substantially higher out of the ground and cause grading concerns to the adjacent neighbors. It will also increase the number of steps between the two structures.

The code does allow an increase in the driveway slope with Plan Commission approval; hence his request to come before the Plan Commission and request that he be granted a maximum driveway slope of 14.4%.

Staff Recommendation:

Given that the existing slope of the ground between Taylors Woods Road and the existing house is close to 14%, and the fact that the narrow lot does not provide room to extend the length of the driveway to reduce the slope, I recommend approval of the request.

Tim Barbeau, Town Engineer
July 29, 2019
Site Plan 3

Stephan & Sharon Cooper
Plan Commission Report for August 6, 2019

Koenig Retaining Wall
Agenda Item No. 5 C.

Applicant: Tim and Marcia Koenig, by Jeff Nelson, Steeple Pointe Homes

Project: Retaining wall construction

Requested Action: Retaining wall within 5 feet of the property line

Zoning: R-3 (County)

Location: N21 W28674 Louis Ave.

Report

The Koenig’s are proposing to construct a home on this currently vacant lot. The lot is 40.5 feet wide at Louis Avenue and 43 feet (measured perpendicular to the side lot lines) at Pewaukee Lake. To accommodate construction of their house, the owners are requesting that they be allowed to install a retaining wall 2 feet from the property line. The wall will need to install a level concrete or paver main entrance to the house (lot slopes from Louis Avenue towards the lake). The wall will match existing grade at the west end and will be 5 feet in height at the east end, adjacent to the front door. The material for the retaining wall will be architectural stone or block. The current space between the house and the lot line is 7 feet. The wall would be placed 5 feet from their house to accommodate stairs to get to the lake side of the house. The lot is located in Waukesha County’s Shoreland Zoning district; however, approval of retaining walls within 5 feet of the lot lines require input from the Town.

Staff Recommendation:

The Town code does not have criteria for evaluating the location of the retaining wall; however, historically, the Plan Commission took into consideration aesthetics and drainage when making a decision. I have indicated to the applicants’ agent that the adjacent property owner must be notified of the meeting date to provide input, if they so choose. I have received said certification that they contacted their neighbors. As of the time of this report, the owner has not submitted a detailed drainage and grading plan. I have received a location drawing and elevation drawing which is included in your packets.

Tim Barbeau, Town Engineer
July 29, 2019
Plan Commission Report for August 6, 2019

Zoning Code Amendments
Agenda Item No. 5 D.

Report

Recently, I spoke with Jason Fruth, planning manager at Waukesha County. He indicated that he and his staff had some questions and comments related to the zoning code amendments and inclusion of the Planned Unit Development section in Chapter 18, requested by the Town. I have included a copy of the questions and comments related to Chapter 17 amendments for your review. I have been able to address items No. 2 through 5, but am seeking direction as it relates to item No. 1. A summary of my responses to 2 through 5 are as follows:

2. I am in agreement with your comment – the intent was a change in ownership of the entire development, not individual properties. I will develop language for the Town’s consideration.

3. The only text change in the Quarrying section was to indicate that it would be a joint PC and TB hearing. You indicated that the Town is subject to the County’s non-metallic mining ordinance and that language should be included to reflect that Waukesha County has to be involved in any non-metallic mining applications. Based on a recent discussion with Jason, he indicated that the Town can retain quarrying as a CUP and just update the section so that Waukesha County is referenced.

4. I will make the change requested.

5. Residential PUD’s are proposed to be part of our Land Division and Development Control (Chapter 18) section of the Town code. The challenge was to define the information required and standards that met the state law, in light of the desire to be flexible in reviewing and approving developments. In essence, it has not changed. No public hearing will be required and a CUP will not be required for a PUD. I have attached the proposed Chapter 18 code modifications for your information.

With respect to item No. 1, this is a policy decision by the Town Board, with input by the Plan Commission. I suggest that the Town be consistent with what we might want to propose for open space in the mixed use code being considered.

Jason had several comments on the proposed shift to the Planned Unit Development section from Chapter 17 to Chapter 18. The comments are noted below along with my response for Plan Commission consideration.

Staff Recommendation:

Proposed code language changes are below for your review:

No. 2:

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
Hi Tim,

I left you a voicemail sometime ahead of the holiday—still hoping that we can connect soon on this. I have several comments/questions that I will at least briefly describe:

1. Commercial PUDs (p. 18). We would like to get your thoughts about analyzing the provided minimum open space %s for development area as a whole. The open space requirements are quite high relative to the county code and many other local codes. For example, the county M-1 open space requirement is 30% while the town’s is 60%. The town’s business park district requires 75% open space while the county’s equivalent district requires 35% open space. While the requirements have been workable for the Orthopedics development area because the property has extensive wetland, we question whether the numbers are suitable for most business/office park type projects.

2. Commercial PUDs (p. 20). In 2015, when this section was being amended, we discussed the need for clarification to be added to section m(5). A literal reading would suggest that the owner of any property within the development would need a public hearing to simply sell their property to a new owner. We believe the intent is that this language applies to the sale of an entire development (not a single parcel within) and should be clarified.

3. Quarrying (p. 27). There are various references to agreement with the town being required for quarry restoration. Because the town is subject to the county nonmetallic mining reclamation ordinance, those references should be amended accordingly. It is acceptable to retain language that copies also be filed with the town engineer. I am attaching a page from our shoreland ordinance that includes language that you might wish to model.

4. Riding academies/stables (p. 31). Please revise the reference to the Waukesha County Environmental Health Division to Waukesha County Land Resources Division, as staff in that division conducts such reviews.

5. Residential PUDs. This option appears to be deleted. Can you please explain how conservation design projects will be accommodated by the code?

Thanks,

Jason

Jason Fruth
Planning & Zoning Manager
Waukesha County Department of Parks and Land Use
Planning and Zoning Division
p (262) 548-7790
http://www.waukeshacounty.gov/planningandzoning
Planner of the Day Customer Service Hours 8:00 am - 4:30 pm Tuesday-Friday

How did we serve you?
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.

No. 3

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

2. **Standards Under Which Permitted.**

   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 Waukesha County Department of Parks and Land Use, and the 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 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.

l. No part of the quarrying operation shall be permitted closer than 200', nor shall any accessory access road, parking area or office building be permitted closer than 50' to any property line except with the written consent of the owner of the adjoining property
or except where the line is abutting an existing quarrying operation, but in no case shall such operation be closer than 20' to any property line except by agreement between abutting quarrying operations or be in conflict with the provisions of this chapter relating to preservation of topography.

m. Fencing or other suitable barrier shall be erected and maintained around the site or around portions of the site where, in the determination of the Town Board, such fencing or barrier is necessary for the protection of the public, and shall be of a type approved by the Town Board.

n. All machinery and equipment used in the quarrying operation shall be constructed, maintained and operated in such a manner as to minimize dust, smoke, air pollution, noise and vibration.

o. Access and haulage roads on the site shall be maintained in a dust free condition by surfacing or treatment as directed by the Town Engineer.

p. The crushing, washing, refining or other processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of permit.

q. In stone quarries the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone and the storing or stockpiling of such products on the site shall be considered a permissible part of the operation, provided such production does not require the use of crushing or other heavy machinery except as may be specifically authorized under the terms of the permit.

r. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the quarrying operation may be permitted as an accessory use only as specifically authorized under the terms of the permit.

s. The washing of sand and gravel shall be prohibited in any operation where the source of water is of doubtful capacity or where the quantity of water required will, in the opinion of the Town Engineer, seriously affect the supply of water for other uses in the area or where the drainage from such washing would result in siltation or pollution of the stream or water course.

t. The planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the Town Board to screen the operation so far as practical from normal view, to enhance the general appearance from the public right-of-way, and generally to minimize the damaging effect of the operation on the beauty and character of the surrounding countryside. Such planting shall be started as soon as practical, but no later than one year after quarrying operations have begun and shall be done according to the decision of the Town Board.

u. Quarrying operations shall not begin before the hour of 7 a.m. and shall not continue after the hour of 6 p.m. and no operation shall take place on Sundays or legal holidays. During periods of national or unusual emergency, time and hours of operation may be altered at the discretion of the Town Board and Waukesha County and 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.

No. 4

C. Applicant shall submit a manure management plan to Waukesha County Environmental Health 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
1. 18.16 2.: Consider reducing the minimum lot size for PUD's to 10 acres (from 20 acres). Suggestion is that given some unique properties, allowance of small PUD's may make sense.

2. 18.16 6.f.(7) Consider elimination of the Pewaukee Non-shoreline Redevelopment Overlay District. This district was created to allow for small PUD's on lands that are not on the lake, but rather on the opposite side of the street from the lake.

3. Tables 18-1, 18-2 and 18-3 Eliminate R-L from the tables. Rational is that lands in the R-L district are in Waukesha County Shoreland Jurisdiction and the Town cannot enforce zoning in those areas.