

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
TUESDAY, AUGUST 2, 2022, 6:30 P.M.**

Video Link: <https://www.youtube.com/watch?v=in5UpUfLKiE&t=2602s>

Prior to the start of the scheduled Plan Commission meeting there will be two public hearings. The first will be in front of the Town Board, Plan Commission, and a representative of Waukesha County to solicit public input on a request from Scott and Jinga Bence for land altering activities associated with the construction of a single-family house located at N23 W28296 Beach Park Circle.

Public Comments:

Ben Greenberg, Senior Planner from Waukesha County, give a site report and analysis of the request. The parcel is ½ acre on Beach Park Circle with 100 ft of frontage. It is 220 feet deep with an 8 feet slope toward the lake. There is a 3-4% slope average on the lot. Soil tests were conducted for seasonal high ground water. There is high ground water 3 feet from the surface, limiting the depth for the basement. The lot contains a 2-story single family home with no basement. None of the neighboring homes had full exposure of their basements. There were no clear road ditches. The petitioner proposes a new 2-story building with a basement. The basement will not have a full exposure, but you will be able to walk out of the basement into an area contained with retaining walls, steps, and ramps to get back to yard grade. They are proposing 4 feet of fill on the roadside which requires a Conditional Use Permit from the county. The owner wants to fill to make sure the grade is above the road, to push water away from their home. Side swale and drainage tiles are required. The revised plans meet the basement standards. Tim Barbeau, Ben Greenberg, and another staff member met the owner on site and provided comments, including improving side yard swales. The July 11th revision reflects the modifications. Waukesha County ordinances require a Conditional use Permit for land altering activities and a stormwater permit. Mr. Bence has applied for the permit and the County asks for a formal recommendation from the Town Plan Commission.

Chairman Fitzgerald asked if the home elevation is higher than the road, where the water will flow. Mr. Greenberg explained the water will be captured by the swales and divert back toward the lake. The major grading will create positive drainage toward the road from the garage. This was a concern and why a public hearing was required.

Chairman Troy expressed concern about water reaching the road and going onto another property. Engineer Barbeau explained the water would flow toward the road, with the intent to move the water back to the swales as much as possible. He explained it is hard to crown a driveway into a garage, but if there could be a slight crown, it may help divert the water before it reaches the road. Chairman Troy asked if a collection drain could be used to send the water to the lake. He expressed concerns that any water that gets diverted from the road to another property would result in calls from neighbors.

Glen Milesko, N23W28280 Beach Park Circle, expressed concerns about the pumping of water from their sump pump onto their property. They also expressed concerns about stormwater coming onto their property, since their land is significantly lower than the Bences. They want to make sure there would be no additional water from either sump pump or swales.

Lavern Milesko, N23W28280 Beach park Circle, stated she was concerned about what would happen to the water that gets back on the street.

Public Hearing

The second hearing is at the request of Tom Beaudry, 229 Lynndale Road, LLC, for an amendment to their conditional use permit to allow an expansion of the showroom at Cassandra's Motorsports located at N47 W28229 Lynndale Road. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearing.

Public Comments: None

Engineer Barbeau explained this particular site has a legal non-conforming Conditional Use Permit, because the M-1 district has no outside storage. The CUP was issued in the 1970's and has perpetuated over the years. Any changes to the site or the building would have to come back for an amendment to the CUP. The addition and the lot boundaries require an amendment to the CUP. Assuming the CUP goes through, the lot becomes 7.4 acres. We would allow the expansion of the business showroom and the lot size. All other conditions would still be in place.

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

Chairman Fitzgerald called the meeting to order at 6:52 p.m. and led all in the Pledge of Allegiance.

Members present: Supervisor Kranick, Commissioner Dickenson, Commissioner Janusiak, Chairman Troy, and Plan Commission Chairman Fitzgerald.

Also present: Supervisor Miller, Engineer Tim Barbeau and Administrator Dan Green.

Second order of business: Approval of the minutes of July 12, 2022.

Motion made by Commissioner Dickerson to approve the July 12, 2022, minutes. Seconded by Supervisor Kranick. Motion passed 5-0.

Third order of business: Communications (for discussion and possible action):

Commissioner Casey Diderrich has resigned from the Plan Commission.

Fourth order of business: Unfinished Business: None

Fifth order of business: New Business:

- A. Scott and Jinga Bence, N23 W28296 Beach Park Circle, Re: Consideration and recommendation to Waukesha county on the approval of land altering activities at N23 W28296 Beach Park Road associated with the construction of a new single-family house.

Chairman Troy stated the stormwater is an issue, and the runoff should not go where it has historically not gone before. Engineer Barbeau explained the driveway currently goes from the road, toward the home. The intent is to put a 1-foot-deep swale, that would act as a narrow, but defined channel, where the water can flow into. Mr. Greenberg noted the existing driveway sits at the property line, where there is a sheet flow of water. This can be improved where the proposed driveway will go, and a swale to divert that water.

Mr. Bence explained that currently the driveway is 20 feet wide and sheet flows at the property line. The driveway will be removed and become non-impervious surface, cutting that water off. He explained that the roof water will be carried with downspouts to a buried drainpipe, that leads to the lake. The sump pump will be routed to the back yard, past both neighbors' homes. The driveway edges are dipped down, so there will be a slight crown, and he explained the swales will be capturing 70% of the stormwater on a normal rain. Any water that flows to the street has 20 feet on his property to get to the swale.

Chairman Fitzgerald suggested putting a drain at the end of the driveway and piping it to the swales. Supervisor Kranick stated he was not aware of the current condition of the driveway and thinks the proposed will be a big improvement. Mr. Bence stated he has been in the construction business for 30 years, and does not think a pipe in addition to the swale would be needed.

Chairman Troy questioned if it was possible to flip the house on the building plans. Mr. Bence stated it is possible not preferred. He stated he could put a box drain at the corner of the driveway and extend it to the property line. Engineer Barbeau stated that if the area is compressed, a storm pipe would help. He also said sloping the driveway

a little more would help get the water to the sides, before going to the road. Mr. Bence explained the plan does not show the crown as much as he would like. Engineer Barbeau asked that the plans show a drop of 3 inches on each side.

Motion by Supervisor Kranick to recommend to Waukesha County approving land altering activities at N23 W28296 Beach Park Road, associated with the construction of a new single-family house contingent on a 2% grade on the driveway edges and showing an extension of the drainage pipe in the southeast corner of the property near the road with plans submitted to reflect. Seconded by Chairman Troy. Motion passed 5-0.

- B. Tom Beaudry, 229 Lynndale Road, LLC, Re: Consideration and possible action on the following located at N47 W28229 Lynndale Road:

1. Certified Survey Map to split the land into two parcels

Engineer Barbeau explained the current property is on 19.9 acres. The request is to split the land into two parcels, a 7.4-acre lot and an 11.3-acre lot. There is an outlot proposed to the south for stormwater management to service both properties. Lot 1 has access off HWY JK, while lot two would have access off a shared driveway. The owner has contacted Waukesha County about the access and was accepted without requiring improvements. The Town will require a shared driveway agreement for the shared access, which staff will review and approve. The technical items on the CSM have been addressed by the surveyor. One item that needs revision is the limits of where Waukesha County's jurisdiction is on the map. It should only cover the high groundwater and wetland areas. The Town Board should require a shared driveway agreement to be recorded before, or at the same time of the CSM. Both lots will also be served by holding tanks.

Motion by Supervisor Kranick to recommend to the Town Board approve a Certified Survey Map to split the land located at N47 W28229 Lynndale Road into two parcels as subject to all technical corrections by all extraterritorial jurisdictions and Waukesha County and the shared driveway agreement be executed at the time the CSM is recorded. Seconded by Commissioner Dickenson. Motion passed 5-0.

2. Conditional Use Amendment for construction of an addition to the showroom at Cassandra's Motorsports and to update the property description.

Engineer Barbeau explained there are 30 stalls on their site plan that covers both employees and patrons of Cassandra's Motorsports (not auto sale spots). The building proposed is two-colored, insulated with a metal roof. The site grading is minimal, and the first floor of the building will extend west and drop off. There is some grading which will run to the west and south, and be contained on site. Water on the parking lot will flow into the shared pond to the southeast. The landscaping plan proposes trees for the west and south side of the building. They will shift the dumpsters to the north and enclose them. There is no new lighting being proposed and no changes to the current plan of operation. The showroom is used for new or preowned vehicles and watercraft. Staff recommends approving the amendment to the Conditional Use Permit for the construction of an addition to their showroom and a land split. The recommendation would also approve the site plan and grading plan dated 7/12/2022, as well as landscape and architecture plans.

Motion by Supervisor Kranick to approve the site plan and grading plan prepared by CJ Engineering dated 7/12/2022, landscape plan prepared by InSite Landscape Design dated 7/12/2022, and architectural plans prepared by Galbraith, Carnahan Architects, LLC, dated 7/12/2022, as they relate to the Cassandra's Motorsports Expansion. Seconded by Commissioner Dickerson. Motion passed 5-0.

Motion by Supervisor Kranick to recommend to the Town Board approval of an amended Conditional Use Permit with a correction to the typo in paragraph one in conclusions of law. Seconded by Commissioner Dickenson. Motion passed 5-0.

3. Site, Grading, Landscape, Lighting, Architectural and Plan of Operation for the expansion of the showroom for Cassandra's Motorsports

This item was discussed with Item #5b-4.

4. Site, Grading, Landscape, Lighting, Architectural and Plan of Operation for Lake Country Toy Box vehicle storage facility.

Engineer Barbeau explained the owner is proposing 47 condominium units, 30'x50' for storage of vehicles, boats, and motorhomes. Staff considered a Conditional Use Permit for self-storage; however, these units would be owned individually, not rented. We moved forward with this being an allowable use. The proposal meets the required setbacks, offset, and open space. Both properties (Cassandra's Motorsports) generate stormwater that flows to the stormwater pond to the south. The land on the southeast corner of the property cannot be used due to high ground water and wetland zoning. All the proposed buildings are on the high side of the site. The grading and drainage plans show runoff from north to south. There is some curb and gutter being proposed to capture the water and carry it to the pond. A preliminary stormwater plan was provided to Waukesha County, but they have not received final plans yet. Each unit will have a single light under their balcony and there will be 5 pole mounted lights, 3 on the west side and 2 on the east side. The lighting plan meets the standards provided in the draft version of the Town's lighting ordinance. The applicant has provided a landscape plan showing plantings to the east, and all the way around the stormwater pond. There is also a row of trees between lot 1 and lot 2.

The plan of operation is to have custom built storage areas. There are no plans by the owner to lease these units. They are proposing 24-hour operating hours for condo owners with access by a key fob. No businesses or outside storage will be allowed, and hazardous/flammable materials are limited. The applicant does not anticipate odors, gas, or noise. The only products on site will be petroleum products to operate vehicles. Lighting will be controlled by a timer.

Joe Galbraith, the architect for the project, explained the designs proposed are similar to what was presented in the concept design. He explained that while there are 47 condo units, they are spread among 10 or 11 buildings. Some condo owners may buy two or three units and combine them. The largest structure has 6 units, and the size of the structures are well under the threshold for requiring sprinkler systems. The design has an office and bathroom in each unit, along with a mezzanine and a balcony on the second story. All doors face the south, with natural light coming in. Two of the units are designed with taller garage doors for RVs (14' doors). All doors will have frosted glass fronts. He explained the slopes of the buildings work with the grading plan to drain water. The balconies will have cable railings systems. He showed examples of materials with two tone metal and translucent paneling. Driveways will cascade between each of the rows of units. Each unit will have a skylight and in floor heating. Each unit would be set up to have A/C, with natural gas heating.

Engineer Barbeau asked if the buildings would look the same if the same owner purchased three units. Mr. Galbraith explained that they would look the same from the outside, with interior walls being different. Chairman Troy questioned whether the Plan Commission should prohibit the use of solar panels. Engineer Barbeau stated the Town allows solar panels as accessory structures, but has little information about them in the Town Code. Supervisor Kranick questions how the units would handle

garbage collection. Mr. Beaudry explained they would most likely commission a garbage service for each unit. He also explained there will be multiple holding tanks on the site to service the units, and flow meters will be installed to monitor and charge for waste.

Commissioner Janusiak questions if tenants could sublease their units. Mr. Beaudry explained the intention is these units will create a community of car collectors. He hopes to create customers for his business. He explained that 6 or 7 cars can fit into each unit, and the intent is not to lease these units or spaces in the units. The leasing issue would be written into the condo documents. Chairman Troy questioned what the recourse would be if someone leased their unit. Mr. Beaudry stated the people who will be owning these will be very finicky and will not want to make the investment to lease them out.

Chairman Fitzgerald questions the hours of operation and if there could be limited access between midnight and 5:00 am. Chairman Troy had concerns about enforcement of any violations to what the Town imposes through the plan of operation. He explained that the plan of operation is going to be strict, and they will need to figure out how to enforce restrictions like 24-hour operations, leasing units, and overnight stays. The Plan Commission agreed that the plan of operation was incomplete, and that the plans should detail the garbage collection concerns, where the A/C units will go for each unit, and the restrictions that will be covered in the declaration of restrictions.

The Plan Commission discussed whether or not to wait on approving the landscaping, lighting, and architectural plans until the plan of operation was completed to their satisfaction. They agreed that they would wait to make a motion on the plan of operation until condo restrictions were written and submitted, and an updated site plan was submitted to address the questions of garbage and A/C unit placement.

Motion by Supervisor Kranick to approve the site plan and site grading plan (as it relates to Lake Country Toy Box) prepared by CJ Engineering dated 7/12/2022, fire access exhibit prepared by CJ Engineering dated 6/14/2022, landscape plan prepared by InSite Landscape Design dated 7/12/2022, lighting plans prepared by Insight Landscape Design dated 7/14/2022, and architectural plans prepared by Galbraith Carnahan Architects, LLC dated 7/12/2022 subject to the resolution of the following conditions:

- 1. No shared dumpsters on premises*
- 2. Resolution of the allowing of solar panels on the site, and indication of their placement*
- 3. The placement of A/C units on the site*
- 4. Approval of the stormwater management plan by Waukesha County. If the stormwater management plan review results in requiring significant changes to the site plan, the applicant must gain Plan Commission approval for the revised site plan*
- 5. Submission and approval of a Condominium Plat and Declarations*
- 6. Staff approval and recording of a shared driveway easement agreement for access to Lot 2 and to Outlot 1*
- 7. Waukesha County approval of holding tanks at the site, holding tank agreement approval by the Town Board and submission of a bond in accordance with the current Town of Delafield ordinance related to the holding tanks.*

Motion seconded by Commissioner Dickenson. Motion passed 5-0.

C. Town of Delafield Plan Commission, Re: Review of draft Lighting Ordinance.

The Plan Commission discussed the draft lighting ordinance and questioned enforcement for residential properties. The Commission agreed to bring this back to the next Plan Commission meeting for further discussion.

Motion by Chairman Troy to table "Town of Delafield Plan Commission, Re: Review of draft Lighting Ordinance." to the next meeting. Seconded by Supervisor Kranick. Passed 5-0.

Sixth Order of Business Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meeting: September 6, 2022.

Eighth Order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the August 2, 2022, Plan Commission meeting at 8:52 p.m. Seconded by Commissioner Dickenson. Motion passed 5-0.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer