

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
TUESDAY, OCTOBER 4, 2022, 6:30 P.M.**

Video Link: <https://www.youtube.com/watch?v=dkpCqHcMEjE>

Prior to the start of the scheduled Plan Commission meeting, there will be a public hearing to be held in front of the Plan Commission and Town Board to solicit public input on a proposed ordinance to create Planned Development District No. 1 in the Town Zoning Code. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearing.

Public Hearing:

Engineer's presentation: In 2019 the Town determined this site to be mixed use. The commission determined there should be a zoning district for the mixed-use land use. We have zoning jurisdictions, which the proposed ordinance provides. The adoption of the ordinance is not for any specific development. It creates a zoning district such as R-1 or R-2 in the municipal code. If the owner wants to rezone to this district, the owner must come before the Town to make that request. When an applicant wants to develop, a rezoning petition is filed including a general development plan. This includes a site plan, a traffic study, a road access and sewer plan, a water study, a preliminary stormwater plan, and a bike path/recreation plan. There are more requirements than other zoning districts. After the rezone and general development plan have been approved, the applicant must come forward with a specific development plan.

Highlights: Uses allowed include single family homes and 2-to-4-unit condos. Density: the maximum units is 250 on the entire site. Lot sizes vary based on the zones with the PDD #1. They range between 10k to 20k square feet. Setbacks range from 25 to 35 feet off the right-of-way line. Roads are typically 12 to 14 feet per half. The setback will be somewhere between 45 to 50 feet from the edge of the road. The heights will match what all other town codes require. The current code allows increases for the height if setbacks are increased. Open space regulations are specified for the overall development, and those range from 30% to 60% depending on the zone. There is also an individual lot open space from 60% to 70% per lot. Natural areas are identified and designated for preservation. Landscape buffers are in place. Buffers on Glen Cove and Golf Road are 100 feet and Elmhurst is 50 feet. The developer will have to enter into a developer's agreement. It requires a financial surety, so no costs are incurred by the Town. All engineering work is charged back to the developer. The map will be included in the ordinance which references 4 different zones. The second map indicates the zoning buffers and the wetlands that were mapped in 2010. Environmental corridors are from the 2015 delineation. These areas will have to be delineated when a General Development plan is presented. The red stars indicate tree lines where a section may have to come out to get roads through.

Supervisor Michels questioned where the 1,200 square feet minimum home size was that derived? Engineer Barbeau explained that is what is currently in the Town's Zoning code. He also questioned if the ordinance was altered since the last meeting with the developer. Chairman Fitzgerald explained the County had some changes and the Town removed rental units (multi-family) from the ordinance. He stated the Town does not have an updated site plan based on this ordinance, and does not know the exact layout. Supervisor Michels stated that Neuman referenced Lake Country Village as an example of a similar development. He explained that there are some differences between the two, including a minimum of 1,400 square foot homes for 10,000 square foot lots. They also had a smaller number of 10,000 square foot lots. He voiced concerns about the percentage and overall density of 10,000 square foot lots on the site. Chairman Fitzgerald explained they did not have the numbers, but will know when the General Development Plan comes in, as to how many of those lots they are proposing.

Supervisor Woelfle questioned why the water study was not listed in the definition section, but other required studies were listed. Engineer Barbeau explained that the water study is explained in more detail in the General

Development Plan section of the ordinance. Chairman Fitzgerald explained there are a number of different state and county agencies that will have to review the water studies as well.

Public Comments:

Terri Ogden, W290N2171 Happy Hollow, referenced page one of the ordinance stating The Town will not violate the spirit of the Town of Delafield. She asked that the zoning districts have nothing less than 20,000 square foot lots. She referenced the 75-foot width in the ordinance and how it compared to 120-to-200-foot widths in the rest of the Town. Open space referenced in the ordinance is 60%-70%, most of the Town is 85%.

Peter Ogden, W290N2171 Happy Hollow, stated he has been living in the Town since 1987. He never entertained a 10k or 15K square foot lot. If we could remove 10k or 15K square feet from the ordinance and keep the 20k square foot lots. He had concerns about the lot widths and the look of dumpster corals in the condominium developments. He thought lowering the open space per lot to 70% would be better.

Jim Frett, N19W29056 Golf Ridge North, stated this has been going on for a while. We are here because the family believes they are entitled to more money for the land. At 250 units, the development is still 250% higher in density than the surrounding neighborhoods. He stated they are making progress but there is still some work to do. He referenced different subdivision densities including Dover Bay at .49 units/acre, the Enclave at .32 units/acre, and Woodridge at .53 units/acre. He explained these were all subdivisions in the past 20 years. The questions he asked to consider were: Is the Town doing well from a fiscal standpoint? There is already traffic on Golf, and 250 units would have a significant impact. Sewer systems are near capacity with heavy rains. What criteria is being used for the studies?

Allan Knepper, N16W29838 Brookstone Circle, reiterated that this is a single-family neighborhood, with large homes and lots. The development needs to reflect what is on all sides of us. He stated the traffic currently is already a concern. He was troubled by zones 3 and 4, with condo units. He stated he hears we need to have smaller lots, smaller homes, and condos, because no one wants to live along the interstate. In his neighborhood, they have a swale and buffers. A berm could be placed on Golf Road with foliage.

Jerry Janzer, W307N1677 Shadowood Pt, stated he does not live right near this development. He is a real estate development attorney who has lived in the Town for 30 years. He stated the Commission has done a great job from where the ordinance started, and is getting closer. He did not think the development was compatible with the area, and there are no zoning districts in the Town that allows these lot sizes or widths. The definitions of densities in the ordinance or inconsistent with the definitions in the current zoning code. He expressed concerns about the setback only being 25 feet from the right-of-way, and parking issues that could stem from that. He questioned why the Town was trying to do this. He stated he enjoys low taxes, and more density will require more police and fire service, as well as decreasing the values of the homes around them. High density will require a sound barrier along I-94.

George Irwin represents the Thomas family. He stated he wanted to address misconceptions of this ordinance. This ordinance is an overlay zoning. It does not mean the property has to be developed this way. The other zoning categories continue. If a developer wants to take on 152 acres and achieve everything the ordinance achieves, the work that this ordinance takes, this works as an overlay. That does not mean the existing land use cannot take place. If commercial uses are proposed, that can occur. If we want to go with larger lots, we can. But if a developer wants to embrace this type of development it takes a little more density. The plan lays out these plans, and the commission decides whether it fits in the Town. Four years ago, we looked at the land use for this site. We looked at light industrial, but the tradeoff was to put some multi-family. That was later determined to not be compatible, but senior was. Then, that was taken off the table as well.

Ron Fedder, N20W29446 Oakton Road, stated many of the important steps have been taken to correct this ordinance. He agrees with many things offered in the ordinance. He expressed concerns about developing 250 units without knowing if there is adequate sewer capacity or water to service the site.

Kathy Gutenkunst, Glen Cove road, expressed concern that the ordinance did not reflect the Town's moto. She appreciated the family wanting to sell their property, but that it was not the Town's job to do so. Glen Cove Road is a dead-end road, and she expressed concerns about having 130 units of traffic diverted to it. She also expressed concern about the 20-foot offsets, with homes only being 40 feet from each other. She expressed support for 20,000 square foot lots, being the standard in the Town.

Nick Burkee, N15W29992 Brookstone Circle, stated this is not an easy task for anyone, but it's not the Town's job to make the development work for the developer. Finding the right buyer is the family's responsibility. He asked where the people are that are in favor of this ordinance.

Debbie Balistreri, N21W29706 Glen Cove, expressed concern about a subdivision similar to Lake Country village, which she considered a cookie cutter development. She stated it is not the residents that should be helping fund the sale of this property. She also expressed concerns about the number of cars the subdivision would produce.

Gary Wagner, N20W29504 Glen Cove Road, stated he had the same concerns related to zoning. He thought the water study was undefined. He questioned the demand for high density and double density compared to the surrounding neighborhood. The density in zone 3 is completely different than what is expected in the Town of Delafield.

Public hearing was closed

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

Chairman Fitzgerald called the meeting to order at 7:22 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: Engineer Tim Barbeau and Administrator Dan Green.

Second order of business: Approval of the minutes of September 6, 2022.

Motion made by Supervisor Kranick to approve the September 6, 2022, minutes. Seconded by Chairman Troy. Motion passed 5-0.

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. Consideration and possible action on a recommendation to the Town Board to adopt an ordinance to create Planned Development District No. 1 in the Town Zoning Code.

Engineer Barbeau explained that the Town does not have a code for density of less than 20,000 square foot lots, other than specific condominiums. Supervisor Kranick explained that the reason we are entertaining small lots is because, they could come in and plat a condo development on the site and get more units than what is being proposed. He stated the 10,000 square foot lot argument is based on what the market has changed to. People do not want to maintain large lots anymore. The current capacity is available for 7 people per acre which is up to 1,000 people. The way the ordinance is written, if a study doesn't work, we make changes. He explained that the Town cannot do these studies in a vacuum. If we do not move forward with a residential ordinance, residents will see things like a church or a school, and a piece meal development would give no assurances the ordinance provides.

Chairman Troy stated that no other zoning ordinance in the Town puts the burden on the developer to do all the studies we are requiring in the Planned Development District, including having interconnectivity of trails. The whole concept is that we are getting a lot from this ordinance that has never been done before. The price we are paying for it is more single-family lots and density.

Supervisor Kranick stated that the Plan Commission has significantly reduced the density of this ordinance. They removed senior use and multi family. He said no one in favor of this wants to come and talk, because they are afraid to in a public forum. He stated that the public is throwing out a bunch of numbers regarding density. We agree that the density of the neighborhood is 1.2. This ordinance is close, at 1.64, which is fitting the density of the area. He expressed that this is still an overlay ordinance, and the developer still has to go through the necessary steps to rezone the property.

Commissioner Dickerson stated there have been neighbors where she lives that would not like to see a church, industrial, or commercial uses and would prefer homes. Originally when talking about this ordinance, residents wanted safety regarding water. There have been a lot of developments that have come through with concerns for water. That will be scrutinized, as well as traffic.

Commissioner Janusiak brought up the sewer capacity concerns she heard from the public hearing. Engineer Barbeau stated that Lake Pewaukee Sanitary District has indicated to the Town that their plan was for 7 persons per acre on this site. That is the capacity that was preplanned when developing their system. That would be 1,000 people. 250 units, the current average number per unit is 2.8. Even using 3 persons per unit, that is 750 people. On the surface, it looks like plenty of capacity based on preplanning. If, during the study, they say there needs to be an extra lift station, the developer has to pay for that infrastructure. If the pipes need to be bigger, they will have to pay for that as well.

Chairman Troy stated that LPDS will be intimately involved with the sewer study. He explained that the burden is on the family, and the Town's attorney is requiring the family to sign this ordinance. If the family doesn't sign the ordinance within 90 days, the ordinance goes away.

Engineer Barbeau addressed questions regarding the berm along Golf Road. He explained that he wanted to leave flexibility with the developer, and not rule out a berm all the way around, if that is what is needed. The Elmhurst buffer is smaller than those of Golf Road and Glen Cove because, there are more natural barriers along Elmhurst Road.

Commissioner Janusiak questioned the map of the natural resource areas. She asked if some of the preserved areas on map two could be cut down if the ordinance was not in place. Engineer Barbeau stated yes. He explained the locations of the primary environmental corridors and how those are determined by the DNR and Regional planning Commission.

Chairman Fitzgerald commented that with the current mixed use land use, the owners could come forward with a request to rezone the property to R-3, B-3 business district zoning, institutional zoning for a school. Churches and senior housing are permitted conditional uses in all zoning districts. The housing bill did not pass, but could have affected this property. If we don't do anything, that can be a possibility in the future.

Motion by Chairman Troy, to recommend to the Town Board the adoption an ordinance to create Planned Development District No. 1 in the Town Zoning Code PDD with an amendment to Section 6a reducing the maximum project density to 230 units, and less the extension of Crooked Creek Road, reducing the number to 222 units, if Crooked Creek Road is developed separately. Seconded by Supervisor Kranick. Motion passed 5-0.

Sixth Order of Business Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meeting: October 4, 2022.

Eighth Order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the September 6, 2022, Plan Commission meeting at 7:52 p.m. Seconded by Commissioner Dickenson. Motion passed 5-0.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer