

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
TUESDAY, MAY 4, 2021, 6:30 P.M.**

Video Link: <https://www.youtube.com/watch?v=yaHw0qYPqA8&t=2822s>

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Plan Commission and a representative of the Waukesha County Parks and Land Use Department, Planning Division to solicit public input on a request by Gregory Varga and Dana Selenke Broeh, landowners for a Waukesha County grading permit for a proposed house to be located at N31 W28771 Lakewood Lane. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearing.

Call the Public Hearing to Order:

Chairman Fitzgerald called the public hearing to order at 6:30 PM.

Waukesha County Land Use Specialist, Jake Heermans, read the notice of the public hearing. He explained this property has varying topography, and the owner is proposing a new home with land-altering activity requiring a major grading permit. The new home will also contain retention walls and grading that will exceed 4 feet of fill. The proposed retention walls will be at least 5 feet from the lot line. The property owner will attempt to move water to the south side of the property, using a rain garden. The newest plan from the owner states there will be drainage swales, but those swales are not shown on the plans. He asked that if a motion is made to approve this item, a stormwater permit be required, and a qualified professional installs the rain garden and handles erosion control. He also added that there was a home on this property in 2000, but in 2005 the GIS shows the home was removed.

There were no other comments.

End public hearing.

The public hearing closed at 6: 35 PM.

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

Chairman Fitzgerald called the meeting to order at 6:35 p.m. and led all in the Pledge of Allegiance.

Members present: Supervisor Kranick, Commissioner Diderrich, Commissioner Dickenson, Commissioner Frank, Town Chairman Troy, and Plan Commission Chairman Fitzgerald.

Also present: Administrator-Clerk/Treasurer Dan Green, Engineer Tim Barbeau, Waukesha County Planning and Zoning representatives Jason Fruth and Jacob Heermans.

Second order of business: Approval of the minutes of April 13, 2021.

*Motion made by Supervisor Kranick to approve the April 13, 2021 Plan Commission minutes as presented.
Seconded by Commissioner Frank. Motion passed 6-0.*

Motion

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

Engineer Barbeau explained that the Department of Transportation informed him that Elmhurst Drive bridge will be redone this year, instead of in 2022. The work for this project will start in July and will take about 1 year to complete. The bridge will be closed during this time. More information will be provided at a later meeting.

Motion by Supervisor Kranick to take 5a and 5b out of order. Seconded by Commissioner Frank. Motion passed 6-0.

Fourth order of business: Unfinished Business:

- A. Discussion and possible action on an amendment to the Town zoning code to create Section 17.04 (5) (R) Planned Development District #1.

Motion by Supervisor Kranick to allow Waukesha County to give a presentation regarding the Planned Development District. Seconded by Commissioner Frank. Motion passed 6-0.

Jason Fruth gave a summary of what was discussed at the last meeting. Zone 1 had no changes and stayed at 1 unit per acre. Zone 2 had been reduced from 3 units/acre to 2 units/acre for single family and 2.5 units per acre for condo development. Zone 3 was similarly reduced from 3 units/acre to 2 units/acre for single family and 2.5 units/acre for condo development. Zones 5 and 6 were reduced to 3 units per acre and reduced the senior use for those zones to 10 units/acre. Zone 4 remained the same. He also explained the Commission increased the lot size minimums from 10,000 square feet to 15,000 square feet.

Mr. Fruth presented images of surrounding neighborhoods, to help reflect the heights of the homes nearby. He also gave visual examples of neighborhoods with 1/3 acre lots, including examples from Pabst Farms. He stated that the average assessed value in Pabst Farms was \$450,000, with the driving force being the improvements to the land, not the lot size itself.

Mr. Fruth handed out an updated traffic exhibit, showing the trips per day with the updated density numbers. He explained that by lowering the density at the last meeting, trips per day were reduced from 3,000 on average, to around 2,500. He believes there is a ceiling on the market for senior living. The market may only be able to support a few hundred units in the local area. The 2 unit/acre density, when adding in the environmental corridor, turns into 1.5 units per acre.

Mr. Fruth showed examples of a newer condo development in Sussex. He explained the density was a little higher, at 3.4 units per acre. He also showed "The Crossing" at Pabst Farms which was a 5 units per acre development. He wanted the Commission to have a visual of what these densities looked like, which is how the workgroup was conducted. Examples of different heights, including 3 story buildings with different roof lines were shown.

Chairman Fitzgerald asked how it was determined to have a 35 feet height restriction in the ordinance. Mr. Fruth explained that most homes within the area were in the lower 30' and upper 20' range. One house in their sample was over 35', and the research did not include lake homes which were substantially higher. Residential height is not normally capped at two stories but was brought forward to match what the rest of the neighborhood has.

Chairman Fitzgerald explained that at the last meeting the Commission spent a lot of time going zone by zone. This time, he wanted to give each Commissioner time to make suggested changes and motions. He started with seniority.

Supervisor Kranick stated that the density needs to come down based on the surrounding neighborhoods. He handed out a chart that showed the density of the surrounding areas at 1.32 acres per unit and .76 units per acre. Currently they were at 2.7 units per acre. He expressed concern with Zone 4 having an overall density of 5.72 units/acre while the rest of the property being left at 1.76 units/acre, which was closer to the rest of the neighborhood. Most of the folks on the Plan Commission live on the north side of

the lake. Those neighborhoods have their current density, because of what the Plan Commission set forth. Mr. Kranick questioned the argument of the property being unique, because of the proximity to I-94, stating that a lot of properties are unique.

Commissioner Dickenson stated the Commission gave the ordinance a significant haircut at the last meeting. It would be interesting to see what a recommendation would look like based on Mr. Kranick's proposal and see how it shakes out. There should be some type of "mixed use" that shapes the ordinance.

Commissioner Frank stated, he is interested in how this plays out and would like to see something approved that does not upset both sides. Watching the video of the last Plan Commission meeting, he did not see it the way Mr. Kranick saw it, that everyone is listening and trying to do what is best for the community.

Chairman Troy explained that there have been numerous emails from residents, describing their vision for this land. The third option, assuming it cannot match the density, or remain a farm, would be to double the density of the current neighborhood, which is reasonable. The Commission was slightly below that density, based on the last meeting. Jason Fruth explained that it is slightly more complicated, with two different densities depending on the use.

Chairman Troy explained that this ordinance is unique, in that it allows a master development plan for the entire 152 acres. That plan requires a water study, traffic study, sanitary study, etc. If the Commission loses that option, they give up the requirements that he believes, are essential to the development.

Commissioner Diderrich thanked Mr. Kranick for putting in the time to create the density chart. He is willing to work through the density discussion, but the Commission needs to acknowledge that this land will not be a farm forever. He stated there is some work that could be done to density, including Zone 4.

Chairman Fitzgerald explained, at the last meeting, the Commission reduced the density in 5 of the 6 zones, and generally the zones surrounding neighborhoods match. He acknowledged that Zone 4 has a more intense use but is surrounded by the other zones and faces the interstate. He did not see value in continuing to reduce density on a zone-by-zone basis, because half the density is in Zone 4. Reducing density in Zone 4 will reduce the chance for a master development plan. Units should be able to be moved from outer to inner zones to lessen densities from zones 2 and 3.

Chairman Fitzgerald moved to amend the Planned Development District #1 ordinance to allow up to 40 units to be transferred from Zones 1, 2, 3, 5 and 6 to Zone 4. Seconded by Chairman Troy.

Supervisor Kranick stated Mr. Fitzgerald was playing a shell game. If you look at a GIS map of the surrounding neighborhoods, this development is too dense. He questioned why the Commission is swinging the pendulum so far to allow this density. The current area has sewer capacity for 5 people per acre. Chairman Fitzgerald stated that if we do not want a mix use, the Land Use Map needs to change. Supervisor Kranick stated that changing the entire site to match High Ridge, which makes up of 5% of the surrounding area, does not make sense.

Chairman Fitzgerald's motion to amend the Planned Development District #1 to allow up to 40 units to be transferred from Zones 1, 2, 3, 5 and 6 to Zone 4 failed, 3-3, with Supervisor Kranick, Commissioners Diderrich and Frank opposing.

Commissioner Dickenson questioned whether the land use should be changed, if the ordinance eliminates the need for a master development plan. Commissioner Frank asked if the property owner could ask for

a different land use. Mr. Fitzgerald stated yes. The landowner could petition to lower the green space requirement for commercial use. Chairman Troy suggested the Town does not change the land use plan. If the owner wants to request a change to residential, they may apply for a land use amendment. Mr. Troy also stated that the initial land use amendment to change to mixed use, was approved by the Town Board, 4-1 with Supervisor Cooley opposing.

Chairman Fitzgerald stated the Commission could move to approve, amend, or deny the ordinance. Chairman Troy expressed concern about the height restrictions along Golf Road being 35 feet for two story buildings. The rest of the Town is allowed 45 feet in height, and Zones 5 and 6 should match the Town Code.

Chairman Troy moved to modify the latest version to change the height restriction along Golf Road to match the rest of the Town in Zones 4, 5 and 6 for two story buildings. Seconded by Commissioner Diderrich. Motion passed 5-1 with Supervisor Kranick opposing.

Supervisor Kranick expressed concern about the potential violation of Town Code 18.06.7, regarding the 15-unit developments requiring a minimum of 2 roadways. The Town should get a legal opinion on the potential ordinance violation. Engineer Barbeau explained that in 18.10, under modifications and exceptions, the Town Board can grant a variance if there is a difficulty or hardship provided. Chairman Fitzgerald commented that the Lake County Fire Chief has approved the cul-de-sac extension.

Supervisor Kranick stated, he has concerns about Zone 1 from a public safety perspective and wanted to know what the original plan for Crooked Creek was in 1995. The developer wanted the road to continue going forward. Engineer Barbeau stated he did not know the history of this particular subdivision. He was unsure if a road would be able to cut through the environmental corridor as a wetland delineation has not been done. Supervisor Kranick suggested taking Zone 1 off the table, with the environmental corridor being an issue. Jason Fruth commented that there is no environmental corridor where the cul-de-sac is being proposed.

Chairman Troy stated the board was at 2.6 units per acre for overall density, and based on Mr. Kranick's chart, we were at double the density, which was reasonable to the neighborhood.

Motion by Chairman Troy to accept the ordinance as redlined with the previously approved changes in height to Zones 4, 5 and 6. Seconded by Commissioner Diderrich. Motion passed 4-2, with Supervisor Kranick and Commissioner Frank opposing.

- B. Discussion and possible action on the proposed County Shoreland ordinance amendment to create the Planned Development District #1.

Motion by Chairman Troy to approve the proposed County Shoreland ordinance with the proposed amendments from the Town's Planned Development District #1 Ordinance and recommend to Waukesha County the same. Seconded by Commissioner Diderrich. Motion passed 4-2, with Supervisor Kranick and Commissioner Frank opposing.

Fifth order of business: New Business:

- A. James and Carol Krause N7 W30010 Bryn Drive, Re: Consideration and possible action on a request for a 10-foot-high garage door on a proposed accessory building at N7 W30010 Bryn Drive.

Engineer Barbeau explained that the Town Code requires any garage that is over 9 feet in height, requires approval from the Plan Commission. He explained that the larger door is to account for an air conditioning

unit on the top, which they want to make sure the door does not damage. The garage will face toward the house, which sits 20 feet below the road height. The approval will be subject to obtaining a building permit.

Motion by Supervisor Kranick to approve a request from James and Carol Krause for a 10-foot-high garage door on a proposed accessory building at N7W30010 Bryn Drive. Seconded by Commissioner Diderrich. Motion passed 6-0.

- B. Tom Langan, Badger Homes, Inc., agent Gregory Varga and Dana Selenke Broeh, owner, Re: Consideration and recommendation to Waukesha County regarding a grading permit on vacant lands located at N31 W28771 Lakewood Lane.

Engineer Barbeau explained that because of the narrow lot and the extreme slope, it would be better to get water off the hard surface and run it underground. He explained that the swales should be diagrammed better on the plans, if approved. Jacob Heermans stated he was relatively confident in the plans, but there needs to be some tweaking, to define the swales and the rain garden. The purpose of a stormwater permit is to help Waukesha County staff to make sure this does not create adverse drainage. Jason Fruth added that the value of the permit is to make sure the rain garden is properly installed, by requiring an inspection. Supervisor Kranick expressed concern if patios are added to the home. Mr. Heermans stated that nothing is currently being proposed for the home. If they wanted to add a patio, they would have to come back to request a permit. There is not a lot of room on the lot to add a patio with the elevation change. When a stormwater permit is applied for, a bond is required as well as a maintenance agreement, showing the project details from start to finish. Engineer Barbeau added that this property is unique in that most homes do not require a Conditional Use Permit for major grading or a stormwater permit.

Motion by Supervisor Kranick to approve a grading permit on vacant lands located at N31W28771 Lakewood Lane, subject to a stormwater permit being obtained from Waukesha County, and that swales are appropriately identified on the grading plan. Seconded by Commissioner Frank. Motion passed 6-0.

Sixth Order of Business: Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meeting: June 1, 2021

Eighth Order of Business: Adjournment

Motion by Commissioner Frank to adjourn the May 4, 2021 Plan Commission meeting at 7:44 p.m. Seconded by Commissioner Diderrich. Motion passed 5-1 with Supervisor Kranick opposing.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer