

A PERFECT ENVIRONMENT

Residential ♦ Recreational ♦ Responsible

Chair
Ron Troy
Supervisors
Pete Van Horn
Edward Kranick
Billy Cooley
Christine Dionisopoulos

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
TUESDAY, DECEMBER 10, 2019 - 6:30 P.M.
DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Citizen Comments – During the Public Comment period of the agenda, the Town Board welcomes comment from any member of the public, other than an elected Town Board member, on any matter not on the agenda. Please be advised that pursuant to State law, the Board cannot engage in a discussion with you but may ask questions. The Board may decide to place the issue on a future agenda for discussion and possible action. Each person wishing to address the Board will have up to five (5) minutes to speak. Speakers are asked to submit to the Town Clerk, a card providing their name, address, and topic for discussion.

The Board will also take comment from the public on agenda items as called by the Chair, but not during the Public Comment. Please note that once the Board begins its discussion of an agenda item, no further comment will be allowed from the public on that issue.

4. Approval of November 26, 2019, Town Board Minutes
5. Action on vouchers submitted for payment:
 - A. Report on budget sub-accounts and action to amend 2019 budget
 - B. 1) Accounts payable; 2) Payroll
6. Communications (for discussion and possible action)
None
7. Unfinished Business
 - A. Discussion and possible action on request to install biking etiquette signage on bike path running parallel with Cushing Park Road (tabled 10/8/19)
 - B. Discussion and possible action on concern re: condition of property at S1W31448 Hickory Hollow Ct.
 - C. Discussion and possible action on code enforcement options for the property located at N14W28109 Silvernail Rd.
 - D. Discussion and possible action regarding Dog Licenses ordinance.
 - E. Discussion and possible action on approval of a Bartender/Operator License for Shad Roberts.

8. New Business

- A. Discussion and possible action regarding building inspector services
- B. Appointment of Election Inspectors for the period of 1/1/2020-12/3/2021
- C. Mark and Konstance Remshak, W303 N2625 Maple Avenue, Re: Consideration and possible action on a request for approval of a Certified Survey Map to combine a portion of lot 15 and a portion of lot 16, Crystal Springs Park subdivision that they own into one lot.
- D. Discussion and possible action on the adoption Ordinance to change the Town of Delafield Comprehensive Plan as follows: Tax Key No. DELT 0811-999 from Commercial and Office Park to Mixed Use, except in areas designated as Primary Environmental Corridor (PEC); Tax Key No. DELT 0809-996 from Suburban 1 Density Residential to Low Density Residential, except in the areas designated as PEC; Tax Key No. DELT 0809-995 from Suburban I Density Residential to Low Density Residential for lands located north of a line between the southeast corner of tax parcel DELT 0809-996 and the center line of Elmhurst Drive directly west of the southwest corner of Lot 9, Golf Ridge subdivision, except in the areas designated as PEC; Tax Key no. DELT 0809-995 from Commercial and Office Park to Mixed Use for Lands located south of said line.
- E. Discussion and possible action on the adoption of an ordinance to repeal and recreate the definition of light industrial, and to create Section 17.04 5. R. Mixed Use of the Town of Delafield Municipal Code.
- F. Discussion and possible action on the adoption of an ordinance to repeal and re-create certain sections of chapter 17, and repeal and re-create all of section 17.05 of the Town of Delafield municipal code related to conditional uses, incorporating certain revisions suggested by the Waukesha County Parks and Land Use Department, related to conditional uses, and to rescind action taken on March 12, 2019 on a prior version of the same ordinance.
- G. Discussion and possible action on issues involving the road-shoulders on the North Shore entrance to Woodridge Estates.

9. Announcements and Planning items

- A. Next Town Board Meeting – Thursday, December 19, 2019 @ 6:30
- B. Next Plan Commission Meeting – January 7, 2020 @ 6:30

10. Adjournment



Lori Schmeling

Town of Delafield Office Staff

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
November 26, 2019

Members Present: Chairman Troy, Supervisor Van Horn, Supervisor Kranick, Supervisor Dionisopoulos, Supervisor Cooley

First order of business: Call to Order
Chairman Troy called the meeting to order at 6:30 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of November 12, 2019, Town Board Minutes
MOTION MADE BY CHAIRMAN TROY TO APPROVE THE MINUTES AS PRESENTED BY THE CLERK. SUPERVISOR KRANICK SECONDED. MOTION CARRIED UNANIMOUSLY.

Fifth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2019 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable
MOVED TO APPROVE PAYMENT OF CHECKS #62487 – #62521 IN THE AMOUNT OF \$43,933.02.

Payroll
MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$30,611.43

SUPERVISOR COOLEY MADE MOTION. SUPERVISOR KRANICK SECONDED. MOTION CARRIED UNANIMOUSLY.

Sixth order of business: Communications (*for discussion and possible action*)
A. Marc Moonen-Waukesha County Sheriff

Marc Moonen, Waukesha County Sheriff, sent a letter to the Town stating that the State accepted his application for more Police enforcement hours in the Town. The Sheriff has been granted an additional 8 hours weekly for law enforcement strictly within the Town.

B. Truck purchase Loan Application approval

The truck loan of \$250,000 was approved. The Town will be receiving one check for \$250,000 which will be deposited into the Town Account.

C. Genesee Town Hall Meeting at 9:00 a.m. on December 4, with State Senators and Representatives to discuss fire department funding.

D. Letter from the Wisconsin Department of Transportation

WisDot is planning a culvert and retaining wall rehabilitation project at various locations in Milwaukee, Racine, Walworth, Washington, and Waukesha counties. Construction is expected to take place in 2021.

E. Notification of a Public Hearing between the Town of Merton and the Town of Lisbon about a co-operative plan.

Seventh order of business: Unfinished Business

SUPERVISOR COOLEY MADE A MOTION TO TAKE ITEM 8E OUT OF ORDER. SUPERVISOR KRANICK SECONDED. MOTION CARRIED UNANIMOUSLY.

8E. Discussion and possible action on proposed wage change guidelines for the Fire Department.

Paul Kozlowski, Town of Delafield Fire Chief, stated that this item will need Town Board Approval. These guidelines will simplify the Fire Department payroll. Chief Kozlowski stated that there will be no deviation from the Budget in implementing these new guidelines.

SUPERVISOR KRANICK MAKE A MOTION TO APPROVE THE FIRE DEPARTMENT WAGE CHANGES AS PROPOSED BY CHIEF KOZLOWSKI. SUPERVISOR COOLEY SECONDED. MOTION CARRIED UNANIMOUSLY.

A. Discussion and possible action on request to install biking etiquette signage on bike path running parallel with Cushing Park Road. (tabled 10/8/19)

Supervisor Kranick stated that the City of Delafield has to approve a request to install biking etiquette signage. He has contacted the City to get on the Agenda for their next Park & Rec Committee Meeting.

This item will remain on the table.

B. Discussion and possible action on concern re: condition of property at S1W31448 Hickory Hollow Court.

There is no current update. The Board will contact the Town Engineer, Tim Barbeau, to see if there is any more information on the condition of the property.

This item will remain on the table.

C. Discussion and possible action on code enforcement options for the property located at N14W28109 Silvernail Rd.

Supervisor Van Horn stated that he had visited the property with Town Engineer Tim Barbeau. Supervisor Van Horn does not have a current update, but will ask Engineer Barbeau what the status is.

This item will remain on the table.

Eighth order of business: New Business

A. Update, discussion and possible action on filling the Town Clerk/Treasurer position.

SUPERVISOR COOLEY MADE A MOTION TO MOVE ITEM 8A OUT OF ORDER AND TO THE CLOSED DOOR SESSION. SECONDED BY SUPERVISOR KRANICK. MOTION CARRIED UNANIMOUSLY.

B. Discussion and possible action on adding Town Administrator title and responsibilities to the Town Clerk position.

Chairman Troy would like to add the title of Town Administrator to the Clerk's title. This will give the Town Clerk power to resolve day-to-day issues/problems instead of trying to reach Board Members every time an issue occurs. Chairman Troy stated that the Town of Delafield is the largest town in Waukesha County that does not have a Clerk with an Administrator title.

SUPERVISOR KRANICK MADE A MOTION TO DIRECT CHAIRMAN TROY TO DEVELOP A JOB DESCRIPTION FOR AN ADMINISTRATOR'S ROLE, AND TO MAKE AN ORGANIZATIONAL CHART AND PRESENT TO THE TOWN BOARD FOR INPUT. SECONDED BY CHAIRMAN TROY. MOTION CARRIED UNANIMOUSLY.

C. Discussion and possible action regarding Dog Licenses ordinance.

Chairman Troy stated that the problem is that Dog Licenses have been issued to approximately eight residents in the Town who have three dogs, which is in violation of the ordinance.

SUPERVISOR COOLEY MADE A MOTION TO HAVE SUPERVISOR DIONISOPOULOS LOOK INTO THIS ISSUE AND PRESENT IDEAS TO THE BOARD AT THE NEXT MEETING. SUPERVISOR VAN HORN SECONDED. MOTION CARRIED UNANIMOUSLY.

This item will remain on the table.

D. Discussion and possible action regarding Service Agreement between Town of Delafield and Rotroff Jeanson & company, SC, Certified Public Accountants and Consultants.

SUPERVISOR KRANICK MADE A MOTIONS TO APPROVE THE SERVICE AGREEMENT BETWEEN THE TOWN OF DELAFIELD AND ROTROFF JEANSON & COMPANY. SUPERVISOR VAN HORN SECONDED. MOTION CARRIED UNANIMOUSLY.

E. Discussion and possible action on proposed wage change guidelines for the fire Department.

This item was discussed in the Seventh Order of Business.

F. Discussion and possible action on approval of a Bartender/Operator License for Shad Roberts.

MR. ROBERTS WILL NEED TO APPEAR IN PERSON AT THE NEXT BOARD MEETING FOR APPROVAL. CHAIRMAN TROY MADE A MOTION TO TABLE THIS ITEM AND HAVE SHAD ROBERTS APPEAR IN FRONT OF THE BOARD FOR APPROVAL OF A BARTENDER/OPERATOR LICENSE. SUPERVISOR KRANICK SECONDED.

This item will remain on the table.

G. Discussion and possible action on scheduling second Town Board Meeting in December.

SUPERVISOR KRANICK MADE A MOTION TO SCHEDULE THE SECOND TOWN BOARD MEETING IN DECEMBER FOR THURSDAY, DECEMBER 19, 2019 @ 6:30 P.M. SUPERVISOR VAN HORN SECONDED. MOTION CARRIED UNANIMOUSLY.

H. **Closed Session:** Upon motion duly made, seconded and adopted by roll call vote, the town of Delafield Town Board **will convene in closed session** to consider the following: To consider employment, promotion, compensation or performance evaluation of a public employee over whom the Town Board has jurisdiction or exercises responsibility as authorized under §19.85 (1) (c), Wis. Stats., more specifically to consider terms of employment for a particular candidate for the role of Town Clerk and Town Treasurer, and possibly Town Administrator.

Following the closed session, the Town board will reconvene in open session, and may take action on any matter discussed in closed session.

SUPERVISOR KRANICK MADE A MOTION THAT THE TOWN BOARD WILL GO INTO CLOSED SESSION. SUPERVISOR COOLEY SECONDED. THE MOTION WAS ADOPTED UNANIMOUSLY BY ROLL CALL VOTE.

After the closed session, the Town Board reconvened and entered Open Session. Chairman Troy stated that he would go back to item 8A.

SUPERVISOR KRANICK MADE A MOTION THAT THE TOWN OF DELAFIELD SHOULD HIRE DAN GREEN AS CLERK/TREASURER AT A YEARLY SALARY OF \$65,000 WITH A PERFORMANCE/SALARY REVIEW AFTER 6 MONTHS. SUPERVISOR COOLEY SECONDED. MOTION CARRIED UNANIMOUSLY.

SUPERVISOR KRANICK MADE A MOTION THAT THE NEW CLERK, MR. GREEN, HAVE AN EXCEPTION, REGARDING VACATION TIME, TO THE FIRST YEAR OF THE EMPLOYEE HANDBOOK: THAT MR. GREEN SHOULD BE GRANTED AN EXTRA WEEK OF VACATION. AFTER THE FIRST YEAR OF EMPLOYMENT, MR. GREEN WILL CONTINUE TO FOLLOW THE EMPLOYEE HANDBOOK. SUPERVISOR COOLEY SECONDED. THE MOTION CARRIED UNANIMOUSLY.

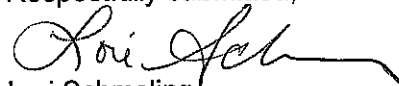
Ninth Order of business: Announcements and Planning items

- A. Next Plan Commission Meeting – December 3 @6:30
- B. Next Town Board Meeting – December 10 @ 6:30

Tenth Order of business: Adjournment

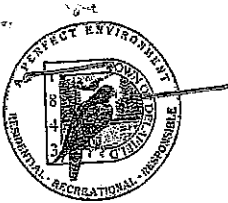
MOTION MADE BY SUPERVISOR KRANICK, SECONDED BY SUPERVISOR COOLEY, TO ADJOURN ON OR ABOUT 7:30 P.M. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,



Lori Schmeling
Town of Delafield Office Staff

Minutes approved on:



TOWN OF DELAFIELD
W302N1254 Maple Avenue, Delafield, WI 53018
Tel: (262) 646-2398 Fax: (262) 646-8687
www.townofdelafield.org

AGENDA ITEM

NOV 26 2019

BARTENDER / OPERATOR LICENSE APPLICATION
To serve fermented malt beverages/intoxicating liquors in the Town of Delafield

ITEM # 7E PAGE 1 of 2

For license period ending _____

Applicant Information

Applicant's Full Name SHAD ROBERTS
Date of birth 11-17-1982 Check One: Male Female
Phone Number 414-303-4570 Email SHADSPOTLIGHT@GMAIL.COM
Home Address 1408 Rockridge Road #264
City, State & Zip Waukesha WI 53188

Violations

- √ I understand that failure to list all violations may result in the rejection of this application. SR (please initial)
1. Have you ever been arrested, cited or convicted of charges related to activities performed while bartending? Yes No
 2. Have you had any arrests, charges or citations related to controlled substance or involving alcoholic beverages? Yes No
 3. Have you ever been convicted of a felony? Yes No

*If you answered yes to any questions above, please provide date and details: _____

OWI 11-16-2007

4. List all arrests, convictions, dismissals and pending cases from age 18 to present below (do not include speeding and parking violations).

Violation	City	Date

*(List additional offenses on back of form)

Employment

Place of Employment as a bartender or seller of alcohol: Kim's Lakeside

Applicant Signature

I, the undersigned do hereby make application to the Town of Delafield for an Operator's License to serve fermented malt beverages and intoxicating liquors subject to Wisconsin Statutes and Town of Delafield Ordinances.

I give the Town of Delafield permission to conduct a background check to verify the information I have provided and authorize the release of all information regarding my record.

Signature [Signature] Date 11/26/2019

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 311

LECTURE 1

LECTURE 2

LECTURE 3

LECTURE 4

LECTURE 5

LECTURE 6

LECTURE 7

LECTURE 8

LECTURE 9

LECTURE 10

LECTURE 11

LECTURE 12

LECTURE 13

LECTURE 14

LECTURE 15

LECTURE 16

LECTURE 17

LECTURE 18

LECTURE 19

LECTURE 20

Town of Delafield

Appointment of Election Inspectors for the term of January 1, 2020 - December 31, 2021

AGENDA ITEM

Date: December 10, 2019

DEC 10 2019

To: Chairman Troy, Supervisor Van Horn, Supervisor Kranick, Supervisor Cooley,
Supervisor Dionisopoulos

ITEM # 8B PAGE 1 of 1

From: Karen Nipko

Re: Appointment of Election Inspectors. Agenda Item 8B

Pursuant to Wisconsin State Statute Chapter 7.30 (4) (a), "Except in cities where there is a board of election commissioner, the mayor, president or board chairperson of each municipality shall nominate to the governing body no later than their last regular meeting in December of each odd-numbered year the necessary election officials for each polling place and any election officials required under s. 7.52 (1) (b). If no regular meeting is scheduled, the mayor, president or chairperson shall call a special meeting for the purpose of considering nominations no later than December 31."

For your consideration, I recommend appointment of the following individuals to the position of Election Inspector for the term of January 1, 2020 - December 31, 2021:

Mary Ann Aspan	James Kirchner	Edward Stehling
Lauren Beale	Romelle a Kirchner	Susan Sucharski
Jan M Buckley	Marily Krause	Thomas Sucharski
Ann Cato	Diane Lutgen	Wendy Sucharski
Michelle Croegaert	Janey Luty	James Waltz
Theresa Driscoll	Joan Metoff	Earl Warden
Jean Euer	JoAnn Mitchell	Phyllis Warden
Roy Euer	Nancy Niedziela	Nancy Weber
Nancy Fechtmeier	Joan Nowacki	Diann Wick
Sheila Frisinger	Richard Nowacki	Cheryl Williams
Ann Gapinski	Steve Olson	
Patty Good-Seeboth	Beverly Rand	
Elaine Haberichter	Neil Rand	
Karleen Haberickter	Barbara A Saiia	
Diane Hardtke	Joseph M. Saiia	
Germaine Hillmer	Ken Saydel	
Kathleen Hyslop	Kay M Schmid	
Mary Heidt	Kenneth Schmitz	
William Irwin	Sarah Spencer	
Barb Janke	Donna Stehling	

Plan Commission Report for December 3, 2019**Mark Remshak
Agenda Item No. 5. B.**

Applicant: Mark Remshak
Project: Land Combination
Action: Approval of Certified Survey Map.
Zoning: R-3 (County)
Location: W303 N2652 Maple Avenue

Report:

The Remshak's own a property that is located on portions of two subdivision lots (platted in 1904). The lot line separating the subdivision lots cuts through the existing garage and the house. The Remshak's are proposing remove the home and re-build on the property. In order to do so and meet the required offsets, a CSM is required to eliminate the subdivision line and create a single parcel. I have performed a technical review and identified a couple of minor items that I have passed on to the surveyor: reference to CTH E can be removed from the survey map and vicinity map, and the names of Town officials require updating.

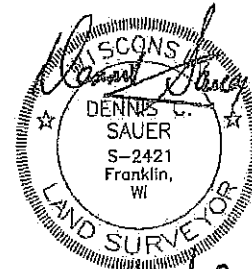
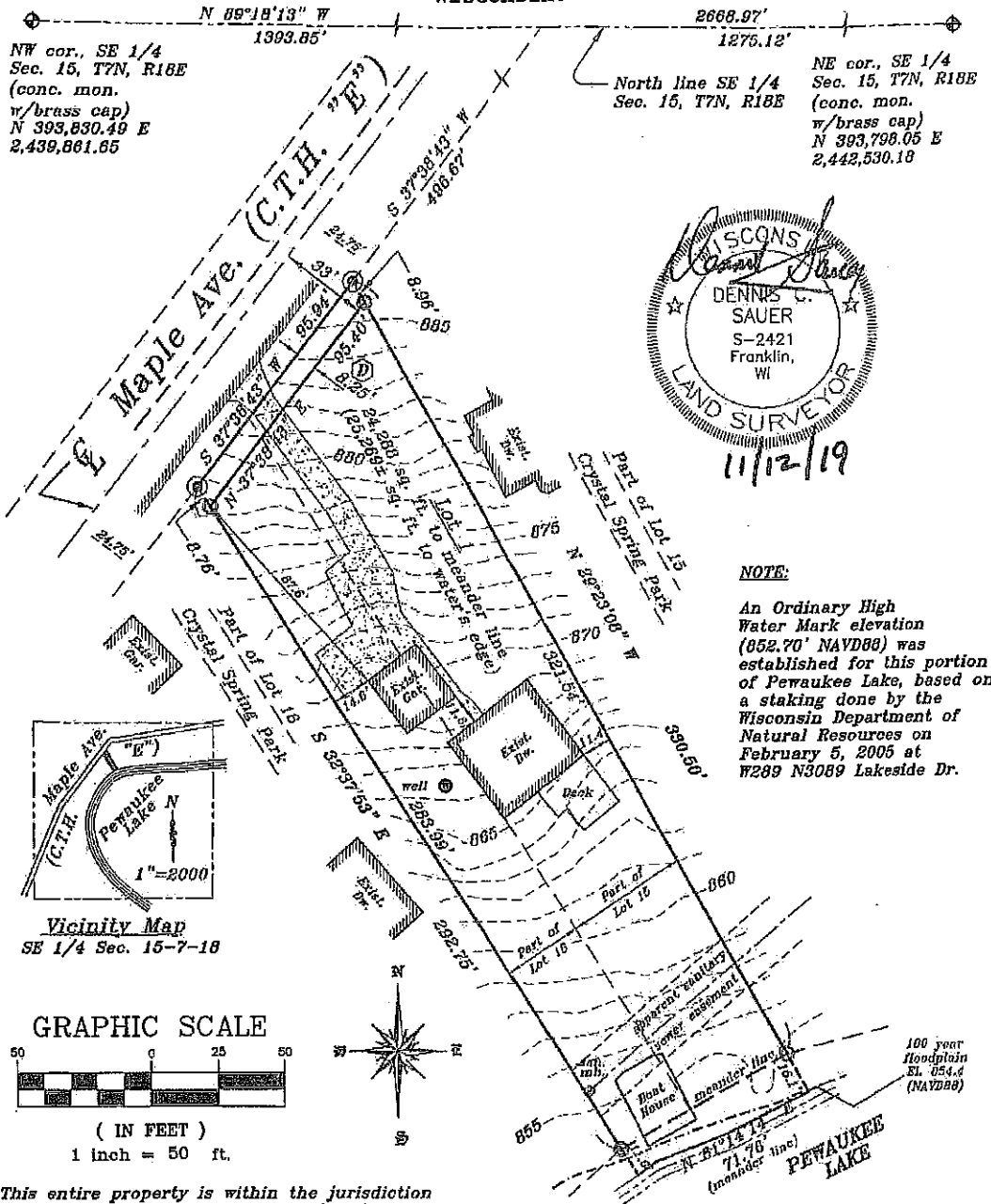
Staff Recommendation:

I am in favor of combining lots such as these to "clean up" offset conflicts. The CSM is technically acceptable subject to the surveyor addressing the minor comments noted above and any others determined the Waukesha County Department of Parks and Land Use; therefore, I recommend approval of the CSM dated 11/12/19 subject to the surveyor removing the reference to CTH E, updating the names of Town officials and satisfaction of any County comments.

Tim Barbeau, Town Engineer
November 22, 2019

CERTIFIED SURVEY MAP NO. _____

Being a part of Lot 15 and a part of Lot 16, in CRYSTAL SPRING PARK,
 being a part of the Northwest 1/4 of the Southeast 1/4 of Section 15,
 Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County,
 Wisconsin.



11/12/19

NOTE:

An Ordinary High Water Mark elevation (852.70' NAVD88) was established for this portion of Pewaukee Lake, based on a staking done by the Wisconsin Department of Natural Resources on February 5, 2005 at W289 N3089 Lakeside Dr.

This entire property is within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance.

Notes:

- ⊙ Denotes iron pipe set.
- ⊕ Denotes iron pipe found and accepted.

Map bearings refer to Grid North of the Wisconsin State Plane Coordinate System, South Zone, (NAD 27) (Nov. 2008), with the North Line of the SE 1/4 of Sec. 15, T7N, R18E having an assumed bearing of $N 89^{\circ}18'13'' W$.

Ⓛ Denotes lands dedicated to the Town of Delafield for public street purposes. (780 sq. ft.)

FEMA 100-Year Flood Elevation=864.4' (NAVD88)

FLOOD DATA This property is in Zone AE + X of the Flood Insurance Rate Map, Community Panel No. 55133C0178H which has an effective date of November 3, 2014 and is in a Special Flood Hazard Area. Field surveying was not performed to determine this zone. An elevation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.

CERTIFIED SURVEY MAP NO. _____

Being a part of Lot 15 and a part of Lot 16, in Crystal Spring Park, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, Dennis C. Sauer, Professional Land Surveyor, do hereby certify:

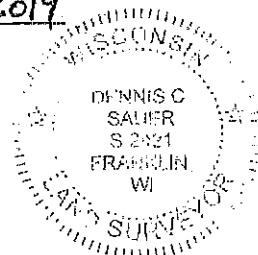
That I have surveyed, divided and mapped a part of Lot 15 and a part of Lot 16, in Crystal Spring Park, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin, bounded and described as follows: Commencing at the Northeast 1/4 of said Southeast 1/4; thence N 89° 18' 13" W along the North line of said Southeast 1/4, 1275.12 feet to a point; thence S 37° 38' 43" W, 496.67 feet to the point of beginning of the lands to be described; thence continuing S 37°38' 43" W, 95.94 feet to a point; thence S 32°37' 53" E, 292.75 feet to a point on the meander line of Pewaukee Lake; thence N 61°14' 14" E along said meander line, 71.76 feet to a point; thence N 29° 23' 08" W, 330.50 feet to the point of beginning. Together with those lands lying between the aforementioned meander line and the waters edge of Pewaukee Lake. Dedicating therefrom the Northerly 8.25 feet for public street purposes. Said lands continuing 25,077 square feet to meander line and 26,058 square feet more or less, to the water's edge.

That I have made such survey, land division and map by the direction of Mark S. Remshak and Konstanca Remshak, husband and wife, owners of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the requirements of the Town of Delafield and the Waukesha County Department of Parks and Land Use, in surveying, dividing and mapping of the same.

NOVEMBER 12, 2019
Date



Dennis C. Sauer
Dennis C. Sauer
Professional Land Surveyor S-2421

PREPARED FOR:
Mark Remshak
W303 N2652 Maple Avenue
Pewaukee, WI 53072

PREPARED BY: Dennis C Sauer
Metropolitan Survey Service
9415 W Forest Home Ave, #202
Hales Corners, WI 53130

CERTIFIED SURVEY MAP NO. _____

Being a part of Lot 15 and a part of Lot 16, in Crystal Spring Park, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE:

Mark S. Remshak & Konstanca Remshak, husband and wife, owners of said land, do hereby certify that we have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236.34 of the Wisconsin State Statutes and requirements of the Town of Delafield and the Waukesha County Department of Parks and Land Use.

WITNESS the hand and seal of said owners this _____ day of _____, 20__.

Mark S. Remshak, Owner

Konstanca Remshak, Owner

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

PERSONALLY, came before me this _____ day of _____, 20____, Mark S. Remshak and Konstanca Remshak, owners of said land, to me known to be the person who executed the foregoing instrument and acknowledged the same.

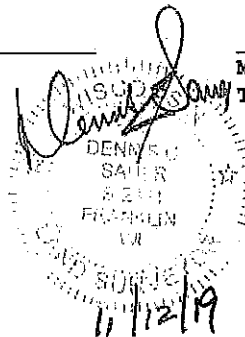
Notary Public
State of Wisconsin
My Commission Expires: _____

PLAN COMMISSION APPROVAL

APPROVED by the Plan Commission of the Town of Delafield on this _____ day of _____, 20__.

Tom Oberhaus, Chairman
Town of Delafield

Mary T. Elsner, Town Clerk
Town of Delafield



CERTIFIED SURVEY MAP NO. _____

Being a part of Lot 15 and a part of Lot 16, in Crystal Spring Park, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

TOWN BOARD APPROVAL

APPROVED by the Town Board of the Town of Delafield on this _____ day of _____, 20__.

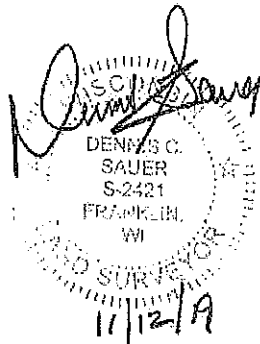
Lawrence G. Krause, Chairman
Town of Delafield

Mary T. Elsner, Clerk
Town of Delafield

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE APPROVAL

The above, which has been filed for approval as required by Chapter 236.34, Wisconsin State Statutes is hereby approved on this _____ day of _____, 20__.

Dale R. Shaver, Director



THIS INSTRUMENT WAS DRAFTED BY:
Dennis C. Sauer, P.L.S. S-2421

DEC 10 2019

Ordinance No. _____

ITEM # 80 PAGE 1 of 2

**AN ORDINANCE TO ADOPT AN AMENDMENT
TO THE TOWN OF DELAFIELD COMPREHENSIVE DEVELOPMENT PLAN**

THOMAS FAMILY PROPERTIES

WHEREAS, the Town of Delafield Town Board received Resolution No. _____ from the Town Plan Commission recommending adoption of a Comprehensive Plan amendment, specifically related to the designation of a land use on the Town Land Use Plan map, and

WHEREAS, it is the function and duty of the Town pursuant to §60.62, §62.23(1), (2) and (3) and §66.1001 Wis. Stats., to prepare and adopt a Comprehensive Plan as a whole or as parts thereof, and such plans are to aid the Plan Commission and Town Board in making development decisions; and

WHEREAS, the Town of Delafield Plan Commission recommended the adoption of the Comprehensive Plan by Resolution No. 09-587, and the Town of Delafield Town Board adopted the Town of Delafield Comprehensive Plan by Ordinance Nos. 2009-002 on April 30, 2009, and 2009-004 on August 11, 2009; and

WHEREAS, an application has been made by Amy E. Thomas and Charlotte A. Thomas, and Robert G. and Ann B. Thomas Revocable Trust and Amy E Thomas for lands known as Tax Key Nos. DELT0811-999, DELT 0809-996 and DELT 0809-995, all located west of Elmhurst Drive, east of Glen Cove Road and north of Golf Road, to amend the Land Use Plan from Commercial and Office Park to Mixed Use and Suburban I Density Residential to Low Density Residential, and

WHEREAS, the southerly 94 acres of the land is currently designated on the Town Land Use Plan Map as Commercial and Office Park and Primary Environmental Corridor, and the northerly 56 acres is currently designated as Suburban I Density Residential and Primary Environmental Corridor, and

WHEREAS, the Town Plan Commission considered the amendment to the Land Use Plan to designate those lands outside the Primary Environmental Corridor within the southerly 94 acres from Commercial and Office Park to Mixed Use, and those lands outside the Primary Environmental Corridor within the 56 acres from Suburban I Density Residential to Low Density Residential, and

WHEREAS, the Town of Delafield Plan Commission acting as the advisory committee, has followed the requirements of the Town's public participation plan, discussing the matter at the July 2, 2019, August 6, 2019, September 3, 2019, October 1, 2019, October 16, 2019 workshop and November 5, 2019 Plan Commission meetings which were open to the public, notifying the public of the proposed meetings through posting the agenda on the public notice boards in three places in the Town and on the Town's website, and advertising the November 20, 2019 public hearing in the Waukesha Freeman at least 30 days prior to the hearing, and

WHEREAS, the Town Board of the Town of Delafield held a public hearing jointly with the Plan Commission on November 20, 2019 after proper notice.

WHEREAS, the Plan Commission adopted Resolution No. _____ on December 3, 2019 and forwarded said resolution to the Town Board for their consideration on December 10, 2019, and

NOW, THEREFORE, the Town Board of the Town of Delafield do hereby ordain as follows:

SECTION 1:

The Town of Delafield Land Use Plan map is hereby amended on Tax Key No. DELT 0811-999 from Commercial and Office Park to Mixed Use, except in areas designated as Primary Environmental Corridor (PEC); Tax Key No. DELT 0809-996 from Suburban I Density Residential to Low Density Residential, except in the areas designated as PEC; Tax Key No. DELT 0809-995 from Suburban I Density Residential to Low Density Residential for lands located north of a line between the southeast corner of tax parcel DELT 0809-996 and the center line of Elmhurst Drive directly west of the southwest corner of Lot 9, Golf Ridge subdivision, except in the areas designated as PEC; Tax Key No. DELT 0809-995 from Commercial and Office Park to Mixed Use for lands located south of said line, as shown on the attached Exhibit A.

SECTION 2: NOTICE.

The Town Clerk is directed to provide a copy of this ordinance and a copy of Exhibit A showing the location of the map amendment that is hereby adopted to the persons and entities described in Wisconsin State Statutes section 66.1001 (4)(b), as required by Wisconsin Statutes Section 66.1001 (4)(c).

SECTION 3: SEVERABILITY

The several sections and portions of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

Adopted this ___ day of _____, 2019.

BY THE TOWN BOARD,
TOWN OF DELAFIELD

Ronal A. Troy, Town Chairman

ATTEST:

Karen Nipko
Deputy Town Clerk/Treasurer

This ordinance posted or published _____.

DEC 10 2019

ORDINANCE NO. _____

ITEM # 8E PAGE 1 of 8

AN ORDINANCE TO REPEAL AND RECREATE THE DEFINITION OF LIGHT INDUSTRIAL IN THE DEFINITIONS SECTION OF CHAPTER 17; AND CREATE SECTION 17.04 5. R. MIXED USE OF THE OF THE TOWN OF DELAFIELD MUNICIPAL CODE

WHEREAS, the Town of Delafield Comprehensive Plan, specifically, the Land Use Plan, allows for the designation of Mixed Use land use in the Town, and

WHEREAS, the Plan Commission determined that it would be in the public interest to develop a mixed use zoning classification to be used in conjunction with lands designated Mixed Use on the Town's Land Use Plan, and

WHEREAS, the Plan Commission, in developing a mixed use zoning classification, concluded that the current definition of Mixed Use in Chapter 17.02 does not reflect the desired mixed use uses, and

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 62.23(7)(d), the Town Board held a public hearing to consider input regarding the definition of light industrial and the creation of a mixed use zoning district on November 20, 2019; and

WHEREAS, on December 3, 2019, the Town Plan Commission has recommended the ordinance be adopted; and

WHEREAS, the Town Board finds that the proposed repeal and recreation of the light industrial definition and the creation of a mixed use zoning district in 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 17.02 entitled, "Rules and Definitions," subsection 2 entitled "Specific Words and Phrases," the definition of "Light Industrial" shall be repealed and recreated to read as follows:

Light Industrial. Uses within enclosed buildings that include high technology industrial and incidental commercial uses of a light intensity which has minimal impacts; fabrication, manufacturing, assembly or processing of materials, and related warehousing that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property line, all which are characterized by parklike grounds and attractive buildings.

SECTION 2: Chapter 17 of the Town of Delafield Municipal Code entitled "Zoning," Section 17.04 entitled, "Zoning Districts," subsection 5 entitled "Specific District," subsection R. entitled "MU-1 Mixed Use District," is hereby created to read as follows:

R. MU-1 MIXED USE DISTRICT

1. STATEMENT OF INTENT

- A. The Mixed Use District is intended to be used as an implementation tool for the Town's Mixed Use Land Use designation as depicted in the adopted Land Use Plan. The Town's intent is to allow limited residential, office, limited medical related services, business uses, and light industrial. These uses may occur on individual sites or as part of a planned larger development. The Mixed Use zoning district shall only be allowed on lands designated as Mixed Use on the Town's Land Use Plan, and lands designated as Mixed Use on the Town's Land Use Plan shall only be eligible for Mixed Use zoning should such land be re-zoned.

- B. Prior to amending parcels of land to the Mixed Use zoning district, a master development plan of the property and any adjacent properties owned by the same, related or affiliated owners must be prepared and presented to the Town Plan Commission for conceptual approval of the uses and site plan. The master development plan shall include the layout and proposed uses of the property as well as the items required in Section 18.14 Detailed Site Analysis of the Town Code and general sizing of storm water management facilities based on anticipated uses to assure that adequate space is set aside for the storm water facilities, and a preliminary traffic analysis.
- C. Uses in this code section are dependent of the provision of public sanitary sewer and water. A condition of considering a zoning amendment to mixed use shall be that public sanitary sewer and water is available on the land or available to be extended to the land prior to development.

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. All uses are subject to conformance to the statement of intent and to the limitations provided in subsection 6 of this ordinance.

- (1) Offices for professionals, business, studios, health care facilities and clinics, financial institutions, general clerical offices.
- (2) Light Industrial.
- (3) Laboratory and research facilities.
- (4) Residential, to include senior housing, single family, multi-family and condominiums to be located a minimum of 600 feet from the outside lane of I-94. Single family residential development on individual lots shall follow the requirements of Section 17.04 5. D. (R-3 Residential District).
- (5) Other uses not listed above, and not prohibited below, but as listed in the B-1, B-2, B-3 and M-1 zoning districts.

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) Restaurant or retail facility located inside an office or light industrial building as an ancillary use to the primary building use.
- (4) Utilities such as power supply and other uses normally auxiliary to the principal uses in a mixed use development, provided they be screened from view by an appropriate vegetation, wall or fence.
- (5) 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) Gas Stations
- (2) Hospitals
- (3) Truck or trailer sales
- (4) New and used car lots
- (5) Car wash facilities
- (6) Bulk sales, storage or display of lumber
- (7) Outdoor displays or storage of materials
- (8) Drive-in theaters
- (9) Mobile home sales, service or campgrounds
- (10) Recreational vehicles, all-terrain vehicle or outdoor recreational vehicle sales and service
- (11) Junkyards or wrecking yards
- (12) Refining of petroleum or its products
- (13) Petroleum storage yards, not including petroleum storage accessory to a permitted conditional use.
- (14) Animal reduction facilities
- (15) Forges
- (16) Foundries
- (17) Garbage or medical incinerators
- (18) Rubbish storage or transfer station
- (19) Slaughterhouses
- (20) Stockyards
- (21) Tanneries
- (22) Bulk storage of salt, fertilizer, or similar materials; explosives, gasoline or other petroleum products and grease
- (23) Storage of radioactive materials
- (24) Manufacturing or processing of ammonia, asbestos, asphalt, cement, chlorine, cold tar, creosote, explosives, fertilizer, glue, gypsum, insecticides, poison, pulp, proxylin, radium and radioactive materials

- (25) Outside product or equipment testing
- (26) Mini-warehouses or multi-tenant storage
- (27) Distribution centers
- (28) Stand-alone restaurants
- (29) Stand-alone retail facility
- (30) Similar uses as determined by the Plan Commission

3. BUILDING LOCATION

- a. Setback: 50 feet from interior road
100 feet from exterior boundary of the parent parcel(s)
- b. Offset: 10 feet for non-residential principal or accessory structures
20 feet for residential structures
50 feet where adjacent district is residential;

4. HEIGHT REGULATIONS

- a. Principal Building: 30 feet maximum (base height)
(Residential) 45 feet maximum (overall height)
- b. Accessory Building: 12 feet maximum base height
(Residential) 20 feet maximum overall height
- c. Principal Building 47 feet (overall height) pitched roof
35 feet (overall height) flat roof
(Commercial, Multi-family, Senior Housing) Measured from lowest point to top of parapet wall or highest point of the roof ridge, unless otherwise approved by the Plan Commission.

5. AREA REGULATIONS

- a. Lot Size: 3 acre (office/business/light industrial/multi-family)
20,000 square feet (single family residential)
- b. Lot Width: 250 feet (office/business/light industrial)
120 feet (residential/single family)
- c. Floor Area: No minimum for commercial; 1500 square feet for residential (single family); 800 square feet for multi-family unit.
- d. Open Space: 50% for the overall development; 25% per lot.

6. ADDITIONAL REGULATIONS

- a. Storage of products made on site or delivered to the site shall be stored inside.
- b. The maximum density of senior housing or apartments shall be 10 units per acre.

- c. No more than 45% of the land in the Mixed Use land use category shall be used for residential development and the maximum number of commercial multi-family/senior housing dwelling units in the Mixed Use land use area shall be 200 dwelling units, unless the Plan Commission and Town Board provides an exception to allow additional land or units based on proposed location of such use.
- d. All parking lots and driveways shall be hard surfaced.
- e. Parking lots shall not be allowed in the setback or offset areas. Parking lots shall be shielded from adjoining properties by planting screen or decorative fencing, unless shared parking is allowed which prevents such landscaping and screening. Underground or garage parking shall be provided for resident parking in all multi-family developments.
- 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.
- g. 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. A traffic impact analysis shall be prepared for each development application.
- h. 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.
- i. The planned hours of operation and nighttime lighting plans shall be included in the plan of operation submitted for Plan Commission approval.

7. **DESIGN STANDARDS**

- 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 and wall mounted mechanical, electrical, communication, service equipment, satellite dishes and vent pipes shall be screened from view by parapet walls, or other means approved by the Plan Commission.
- e. Building exteriors must be of an attractive material or must be faced with an attractive material such as face brick, natural stone, wood, decorative masonry and glass or other substantial materials approved by the Plan Commission. Dryvit, metal and stucco may be used as trim material, not to exceed 20% of the exterior area. Metal, vinyl or aluminum sided buildings are not acceptable.
- f. Exterior building colors shall be nonreflective, subtle, neutral, or earth tone. The use of high intensity color, metallic colors, black or florescent colors shall be prohibited. Building trim and architectural accents elements may feature brighter colors, but such colors shall be muted, not metallic, not florescent, and not specific to particular uses or tenants.
- g. 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.
- h. 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.
- i. All garbage and waste containers shall be within an enclosure. The enclosure shall be made of the same exterior materials as the building, unless otherwise approved by the Plan Commission. The enclosure shall be six feet high, shall not be located on the street side of the parcel, can be freestanding or attached to the main building. The enclosure shall be reviewed and approved by the Plan Commission.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

Dated this ___ day of _____, 2019.

TOWN OF DELAFIELD

Ronald A. Troy, Town Chairman

ATTEST:

Karen Nipko, Deputy Town Clerk

This ordinance posted or published _____.

AGENDA ITEM

DEC 10 2019

8F PAGE 1 of 1

Summary of changes from Ordinance to Amend and Repeal and Re-create Certain Sections of Chapter 17, and Repeal and Re-create all of Section 17.05 of the Town of Delafield Municipal Code Related to Conditional Uses.

Preamble: Added 6 new WHEREAS statements

WHEREAS, on March 12, 2019 the Town of Delafield Town Board adopted an Ordinance as named above related to amendments to Chapter 17 of the Town Code, and

WHEREAS, the ordinance was forwarded to Waukesha County for approval, and

WHEREAS, on July 11, 2019, the Town received comments from Waukesha County Parks and Land Use Department related to proposed amendments to Chapter 17 of the Town Code, and

WHEREAS, on August 6, 2019, the Town Plan Commission considered the comments, and

WHEREAS, the Town Board held a public hearing on November 20, 2019 to consider public input regarding modifications to the code based on Waukesha County's comments dated July 11, 2019, and

WHEREAS, on December 3, 2019, the Plan Commission recommended approval of the modifications based on comments from Waukesha County, and the Town Board, on December 10, 2019, approved said modifications which were incorporated into this ordinance, and

Section 17: Chapter 17.05 5. D. 2. m. (5) was revised to read:

(5) Change of ownership of the parent parcel of land, not individual parcels.

Section 17: Chapter 17.05 5. N. 2. a., b., d.(7), e., u., v., w.: reference to Waukesha County were added after references to the Town since they are involved in non-metallic mining permits.

Section 17: Chapter 17.05 5. O. 2. e. clarified that the manure management plan would be submitted to the Waukesha County Land Resources Division.

Updated the signature section of the ordinance to reflect current signatories at the Town.

Karen Nipko

From: Edward K <ekranick@gmail.com>
Sent: Wednesday, December 4, 2019 10:11 AM
To: RONALD A TROY; karen.nipko@townofdelafield.org
Subject: agenda request for Board Meeting 12/10

AGENDA ITEM

DEC 10 2019

ITEM# 86 PAGE 1 of 1

Ron -

Hoping we could get this added to agenda for Tuesday night. Concerns from Woodridge Estates HOA on shoulders at North Shore entrance. See below

I have a question and figured you may be able to point me in the right direction. Our HOA has had an ongoing challenge with the front entrance to the subdivision off of North Shore. Basically, trucks/plows/cars can't seem to stay on the road and continuously destroy the grass on both sides. It's essentially a byproduct of not having curbs. It really looks terrible, and much time and money has been wasted trying to fix it only to have the damage recur.

I understand our HOA representatives may have talked to someone at the Town about putting up some kind of barrier (e.g. fencing, trees, etc.) close to the road to help correct the issue, and they were told it isn't possible due to the Town's right-of-way, which I certainly understand. (I think the "right of way" I was told about refers to the Town's general right of way on all roads, as opposed to utility easements or the like, but I'm not sure about that.)

My guess is the Town Board probably has the discretion to grant variances/exceptions if circumstances warrant it, and I've volunteered to see if I can find a palatable solution. I'm happy to come before the Board, talk to the Town's attorney, etc. I just didn't know where to start and figured I'd ask you to make sure (A) the Board has a heads-up and (B) I start the conversation through your preferred channels.