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**Supervisors**  
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Dan Green

### TOWN OF DELAFIELD PLAN COMMISSION MEETING

Tuesday, April 13, 2021, 5:30 p.m.

Town of Delafield Town Hall W302 N1254 Maple Avenue, Delafield, WI 53018

### NOTE DATE AND TIME

### AGENDA

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Plan Commission and Town Board to solicit public input on a request by Sharon Ernest, W334 S564 Cushing Park Road to amend the zoning designation on her property from A-1 Agricultural District to A-2 Rural Home District. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearing.

1. Call to Order and Pledge of Allegiance
2. Approval of the minutes of March 23, 2021.
3. Communications (for discussion and possible action): None
4. Unfinished Business: None
5. New Business:
  - A. Sharon Ernest, W334 S564 Cushing Park Road, Re: Consideration and possible action on a request to amend the zoning designation on the property located at W334 S564 Cushing Park Road from A-1 Agricultural District to A-2 Rural Home District.
  - B. Todd Taylor, N46 W28542 Willow Brook Court, Re: Consideration and possible action on a request to approve a Certified Survey Map to combine two properties located at N46 W28542 Willow Brook Court into one parcel.
  - C. Wisconsin Hero Outdoors, W329 S690 Kettle Moraine Drive (CTH C), Re: Consideration and possible action on a request for approval of a free standing sign.
6. Discussion: None
7. Announcements and Planning Items: May meeting: May 4, 2021 ((Planned Development District No. 1 ordinance consideration).)
8. Adjournment

### PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that members of and possible a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
TUESDAY, MARCH 23, 2021, 6:30 P.M.**

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

Chairman Fitzgerald called the meeting to order at 6:30 p.m. and led all in the Pledge of Allegiance.

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

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

**Second order of business:** Approval of the minutes of March 2, 2021.

*Motion made by Supervisor Kranick to approve the February 18, 2021 Plan Commission minutes as presented. Seconded by Commissioner Diderrich. 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. Discussion and possible action on an amendment to the Town zoning code to create Section 17.04 (5) (R) Planned Development District #1.

Chairman Fitzgerald reviewed preliminary comments on the ordinance and stated the Commission received numerous comments from neighbors. He asked that, although comments are not to be taken from Town residents, that the Commission give Jason Fruth the ability to speak at the meeting.

*Motion by Commissioner Diderrich to allow Jason Fruth to speak at the meeting. Seconded by Supervisor Kranick. Motion passed 6-0.*

Mr. Fitzgerald stated that many of the comments received during the public hearing were regarding water, sewer, and traffic. He explained that these issues cannot be addressed in a vacuum. The land will remain zoned as agricultural, until someone comes forward with a master development plan. Those studies will then be viewed by the County and the Town, based on what is being proposed for the site. The Plan Commission and Town Board will not allow a rezone of the property until those issues have been addressed. Chairman Fitzgerald asked each Commissioner what their thoughts were on the ordinance.

Commissioner Dickenson stated there have been several different avenues, the Town has taken, on how this property should be developed. Currently there is not a master plan being proposed. Some tweaks may need to be made regarding density, but what has been introduced covers a large amount of concerns the neighbors have brought forward. A lot has been accomplished over the past year.

Commissioner Diderrich thanked Waukesha County and Town staff for facilitating the conversation and putting in the time. He thought the ordinance was a good framework to evaluate potential development in this area of the Town. He thought some technical points needed to be addressed regarding density.

Supervisor Kranick stated the ordinance was a good framework and appreciated the workgroup's efforts. He explained the workgroup was not sanctioned by the Town at the time. The Plan Commission needs to do its due diligence regarding the density, as they have with every other development in the Town. The land will remain A-1, even if an ordinance is passed. Only until a master development plan comes, and

another public hearing happens, will the Plan Commission take on rezoning the property. They owe it to the neighbors to try to protect zones 3, 5 and 6. Mr. Kranick also stated he did not believe the workgroup came to a consensus, or that all the players were impartial.

Chairman Troy stated the ordinance is very detailed and may require some tweaking. The Commission listened to the neighbors for the past year and a half. The ordinance proposed is an improvement from where they started. He agreed there can be tweaks in zones 3, 5, 6 and possibly zone 2. He explained the ordinance built in protections for down the road, including a public hearing before rezoning and before more intense uses are approved. The advantage to this property, is the master development plan for the entire property.

Commission Frank explained the Commission needs to look at density and water. Although light industrial seemed appealing, it was not what the neighbors wanted. The optics from the Town and County have been great as far as sharing information, with all communication being up front. He stated the ordinance was a good base to start.

Chairman Fitzgerald stated this has been a two-year process, starting with light industrial, which received a lot of criticism. The workgroup came up with mostly a residential use with some office, mainly in zone 4. There can be some reductions made on density from the boarder lots to zone 4, which is near the center.

Supervisor Kranick commented he heard from the public hearing that the density should match the surrounding neighborhoods. According to Mr. Fruth's calculations, the neighborhoods surrounding the property are 1.2 units per acre. Mr. Kranick stated the maximum number of units without senior living is 464, with the overall density proposed in the ordinance being 3.05 units per acre. The density should come down to 1.6 units per acre which would be 250 units per acre.

Commissioner Frank stated that the original ordinance was limited to 230 units total. Jason Fruth explained that the workgroup was shown densities in the surrounding area, which were lower with the exception of the condo developments. There was concern with this being a single-family area. The plan shows residential uses in zones 1, 2 and 3, keeping in mind the surrounding single-family homes. When maximum units per acre is put on a map, there is a secondary exercise of what the carrying capacity is in each of these zones. Zone 3's true carrying capacity is considerably lower when looking at the dimensions. If the committee wants to look at bringing density down, zone 2 and 3 are good places to start. Zone 2 was 3 units per acre based on High Ridge density which was felt to be a good fit in that area. Single family lots were considered as opposed to condo units. Chairman Fitzgerald stated the ordinance is written in units per acre per zone, but the chart depicts numbers of lots. If the Commission desired to have 2.5 units per acre (60 units), could we put that in the ordinance? Mr. Fruth said we can certainly put a maximum unit number in the ordinance.

Supervisor Kranick asked if the Plan Commission could see the real numbers, if the carrying capacity is different than what is being proposed. When a developer comes in, they are going to ask for the maximum density. The ordinance should have bottom line numbers. Chairman Troy explained it was the intent of putting a maximum lot count in the ordinance, as discussed by Chairman Fitzgerald.

Commissioner Diderrich questioned if they could increase the average lot size instead of the number of units. Mr. Fruth explained that the Plan Commission should diagnose, whether the concern is the unit count or the lot size. During the workgroup meetings, Mr. Fruth was surprised that the group went as high on density as they did in zones 2 and 3. The explanation being to mitigate bed rock issues in zone 2 and to utilize zone 3 as a transitional opportunity for zone 6. The workgroup liked as much single family as possible, but the developers thought that it might not be the best location in zones 5 and 6, given the location. The compromise was more density in those transitional zones. Chairman Troy asked, if there is a maximum lot number, would there potentially be more room for parks and shared spaces. Mr. Fruth

explained, it would be left up to the Plan Commission to decide what recreational spaces may be desirable. If you start tweaking lot sizes, you are automatically driving density to a lower number.

Supervisor Kranick stated that all the above issues should be changed, including the lot sizes being raised to 15,000 to 20,000 square feet, which would lower the density. These decisions should be data driven based on calculations. Jason Fruth stated the County researched several properties, with Pabst Farms being a close example, ranging in lot size from 8,000 square feet up to ½ acre lots.

Chairman Fitzgerald explained the Commission could take zones 2 and 3 from 3 units to 2.5 units per acre, but didn't feel as strongly about a minimum lot size. He cautioned the Commission that condo units would be dictated solely by density, not lot size. Mr. Fruth explained the Commission could have different densities for single family homes compared to condos.

Commissioner Frank asked if they should be looking at this at a higher level. If 2 people were living in each dwelling unit as proposed, the development would add 1,000 residents to the Township. Chairman Fitzgerald explained that zone 4 is different than zone 1, and needs to be reviewed differently. Supervisor Kranick stated his only concern in zone 1 is if the Town will allow the extension of the cul-de-sac. He would like to find a way to combine zones 3 and 6, to allow traffic to travel through zone 6, on to Golf Road. The lower density should be proposed in zones 2 and 3. Chairman Troy agreed to Supervisor Kranick's comments, and looked at Chairman Fitzgerald's proposal as reasonable, with 2.5 units per acre. Changing the density to 2.5 units per acre is taking 1/6<sup>th</sup> of the density.

Commissioner Diderrich questioned that only 20% of the delineated wetland could be used in other areas. Mr. Fruth explained the 20% provision was in the last ordinance and is common to give a fraction for those wetlands. Engineer Barbeau commented that the 20% has been in the Town Code for a long time. By reducing the density and lot size, you may be pushing for more condos in zones 2 and 3. Commissioner Diderrich stated that based on the comments from residents, there was a sense that the neighbors were not opposed to condos, as much as ¼ acre lots.

Chairman Fitzgerald asked if there was a consensus to take density down to 2.5 units per acre in zones 2 and 3. Supervisor Kranick asked why 2.5 units per acre, and not 2 units per acre. Mr. Fruth explained the examples of high-end condo units studied had densities upwards of 4 units per acre. The developer who sat with the group preferred 4 units per acre, but the group gravitated toward 3 units for consideration of the subdivision to the east. Multi-family has a lower traffic count per unit than single family, and single family is the highest trip generator of all uses.

Commissioner Diderrich asked if it was common to have different units per acre. He suggested doing 3 units per acre for condos and 2 for single family. Mr. Fruth stated that would be an option and is common in communities. The group preferred higher density single family, with one developer favored the condominium option. Chairman Troy questioned if they would be better off doing 2.5 units/acre for condos and 2 for single family. It would get the Commission to ½ acre lot sizes. Engineer Barbeau explained that the units per acre does not determine the lot size. The smaller the lot size would only generate more open space for the development. The benefits of smaller lot sizes would be potentially more buffering options and common/open space. It would ultimately be up to the developer on where the open space is allocated on the site. The Plan Commission can decide where they want the developer to put that open space. Commissioner Diderrich liked the idea of higher density being pushed along the environment corridor, leaving more open space along Elmhurst Road. Supervisor Kranick stated they should try and match High Ridge at minimum lot sizes of 15,000 square feet. Mr. Fruth explained that lot sizes are not relevant when dealing with condo units.

Jason Fruth explained that part of the reason for the proposed density, was due to the cost associated with construction in general has gone up, including materials for stone and grading. Commissioner Kranick stated the developers are still making their money. Mr. Fruth explained he is just relaying the message of why they believe that smaller lots are more marketable. Small lot sizes have been increasing over the past

10 years. He attributed the trend to cost, but also the shifting demographics. Home sizes have been getting smaller over time, and there is not much demand for large 5 acre lots. Chairman Troy expressed concerns that the Plan Commission was not providing for more flexibility, down the road, by limiting lot sizes. Supervisor Kranick stated that with the primary environmental corridor, he did not think residents would want 10,000 square foot lots in zone 2. They would want better aesthetics in this area. Chairman Troy explained that smaller lots would not be an increase in the number of units. Supervisor Kranick stressed that if the ordinance is done right, there will be no back and forth in the future with developers. The Plan Commission compromised with 2.5 units per acre for condos, 2 units for single family, with a minimum of 15,000 square foot lots for single family in zone 2.

Chairman Fitzgerald asked if the Commission wished to make the same reduction from 3 units/acre to 2.5 units/acre for condos and 2 units/acre for single family with 15,000 square foot lot minimums. Supervisor Kranick asked there be a caveat that there is an ingress and egress. He expressed concerns about traffic, and wanted access directly to Golf Road through either zones 4 or 6. Mr. Fruth explained that Waukesha County Public Works has already stated there needs to be at least two, and possible three additional access points on to Golf Road. They are also requiring at least one access to Glen Cove Road. Chairman Fitzgerald commented that there is going to be a road entrance from either zones 3 or 6. Logically it should line up with one of the entrances from the subdivision to the West, but would also like to see road access through zone 3 and to Golf Road. Mr. Fruth said this should not be added since the ordinance already prevents cut throughs. The Town engineer and the County can work collaboratively on those issues.

Supervisor Kranick stated he wanted density to be reduced to 1.5 units per acre for single family in zone 3, going from 32 units to 24. Kevin stated that currently the ordinance is at 49 units. Mr. Fruth explained that these numbers are based on developable acres with the environmental corridor allowing for 1 unit per 5 acres. The developable acreage is 16.2. Commissioner Frank was okay with 1.5 units per acre. Chairman Fitzgerald was not sure why they should treat zone 3 different than zone 2. Mr. Fruth explained that there is a landscape buffer around zone 3 and zone 6 which is 75 feet. This plan was put together holistically with a solid density count for a reason. It is reasonable to ask a developer to provide a buffer, trails, and amenities with a little higher density. There is wetland that will provide a buffer to the northern properties.

Commissioner Frank asked if a 75 feet buffer was consistent with what is typically done. Mr. Fruth explained that 75 feet is a bigger buffer than normal. Usually buffers are around 30 to 35 feet. This was in recognition that the ground is quite flat in that location. This was an attempt to provide a visual break. Mr. Fruth explained there is also 8 feet of right of way that will be dedicated.

Chairman Troy questioned why the Commission should treat section 3 different than section 2. Supervisor Kranick explained that zone 2 has bedrock, and he was willing to give concession for that. Mr. Kranick stated there is still a bunch of units that need to come off the ordinance. He stated he was okay with 15,000 square foot lots. Chairman Troy explained that if they differentiate the density too much, they are likely to push the developer one way or the other. The Commission agreed to 2 units/acre for single family and 2.5 units/acre for condos with minimum lot sizes of 15,000 square feet.

The Commission moved on to discuss zone 6. Chairman Fitzgerald suggested removing 3 stories from this zone. He asked the Commission if anyone wanted senior living in this zone. Commissioner Fitzgerald didn't have a problem with senior in zone 6, but wanted to see it follow single family density requirements. Jason Fruth stated that when the workgroup discussed senior uses, zone 6 was thought to be a good fit and a good transition. The 500-foot buffer to 3 story was to try to provide a transition to the more intense uses. They originally did not talk about a "units per acre" for senior use, and was originally going to have density be calculated by building footprint and open space. The reason was because senior units are much different than typical multi-family units. They produce 1/6 the traffic of a residential units. As they neared the end of the project, the workgroup did not feel comfortable relying solely on open space and building footprint. The County did some research and found the range of examples between 10 and 14 units per acre. Many units can be very small, some can be larger. One of the projects that was used as an example

in the emails from residents who were opposed to this development, was a senior project on Capital Drive in Pewaukee. This preferred senior project was 24 senior units per acre. Mr. Fruth stated that the Plan Commission should focus on what the goal is and what problem they are trying to solve by moving senior units around.

Chairman Fitzgerald stated that reading the letter from the landowners, they did not need senior uses on all three sites. He thought a good compromise would be to have no senior with 12 units/acre in zone 6 and to remove 3 story buildings. Engineer Barbeau asked if they were planning to have all single family and condos that close to the highway. He does not see high end development on the corner, that close to I-94. If they do not have some senior housing there, they may not be able to keep the value of the development up. There would have to be a landscape buffer along Golf Road. Mr. Fruth explained, when you start taking away whole use types, you run out of viable uses across zones. A developer in the workgroup stated he might not be able to develop along the frontage. Berming could be done, but the area right now is flat. Mr. Fruth explained single family developers stated they would never do single family in zones 4, 5 or 6 because of the highway. The workgroup was looking for uses that could fit and the list was short. Taking 3 stories out of zone 6 might be the better compromise. He has seen a lot of senior projects and many of them being one story developments. There is enough acreage in this zone to go horizontal or vertical. He explained that by taking away going vertical, you may lose open. The plan still allows for 3 stories to zone 4 and maybe in zone 5. He again asked what the Plan Commission would try to accomplish by changing density in senior.

Supervisor Kranick stated that 12 units per acre does not feel right. He thought 10 units per acre seemed better. Jason Fruth stated he found examples of 10 units per acre that worked. Chairman Troy favored a quota of total units on all 3 zones along Golf Road. Chairman Fitzgerald asked if they could increase density based on the size of units. Supervisor Kranick stated the density still needs to be reduced. Mr. Fruth stated that differentiating unit size and density would be very complex. Just because the ordinance has 12 units per acre does not mean the Plan Commission has to give that to the developer. He stated the plan Commission has discretion to lower that number.

Supervisor Kranick asked if there were certain types of senior uses that the workgroup found were not viable, that could be eliminated. Mr. Fruth did not want to eliminate any and the work group had nothing that lead to one type over another. Engineer Barbeau questioned what the basis was for the decision to eliminate 3 stories on the east side of zone 6. Supervisor Kranick stated it was to preserve the nature of the Town of Delafield. Engineer Barbeau explained the 3-story section in zone 6 was to provide a transition, as you move east toward zone 4. He expressed concern that zone 4 allows for 3 story buildings, but zone 6 does not.

Commissioner Diderrich summarized that they will be up to 12 units for senior, getting rid of 3 story buildings in zone 6, and hoping for the opportunity to put concentration, to the east side of zone 6. Mr. Fruth explained the owner has volunteered senior use only be allowed on 2 of the 3 zones. Supervisor Kranick stated senior was not a good use to zone 5. Commissioner Dickenson questioned if removing senior use would lower the quality of homes. Supervisor Kranick stated the Town is not going to get low quality homes. Commissioner Frank suggested transitional senior in zones 5 and 6, with full density in zone 4. Commissioner Dickenson asked if the Commission needed to make adjustments to 3 story in zone 5. Supervisor Kranick and Commissioner Frank stated yes. Commissioner Dickenson asked if they should consider 6 units/acre for senior living in zones 5 and 6 with 2 story buildings. Mr. Fruth cautioned that zones 4 thru 6 should be considered together when dealing with senior. He stressed that the market is at 12 units/acre. Density should be set at industry standards in order to have a viable project. He cautioned going with too low of a density in zones 5 and 6, as 6 units/acre was not viable in those zones. He also stressed that zone 4 then would allow for 12 units/acre for senior and allow for multi-family. This eliminates an entire use if only one or the other develops in zone 4. He explained to the group that in his research he did not find a senior project that was less than 10 units/acre, and most municipal ordinances are at 17 units per acre. He stated that number "12" was trying to land somewhere in the middle.

Commissioner Diderrich asked if there was a possibility of transferring open space from zone 5 to zone 4. Mr. Fruth stated going from 12 units to 6 units is a big step in regard to senior. Chairman Fitzgerald asked the plan Commission to pick another number if 6 is not a logical number. Mr. Fruth stated he does not think there is enough market to have senior developed across the frontage of Golf Road. Commissioner Frank asked if density should be increased in zone 4 and keep 6 units per acre in zones 5 and 6. Supervisor Kranick stated he would not advocate for higher density than 12 units per acre. Commissioner Frank questioned if they should put a cap on total units. Chairman Troy stated it is hard for him to go against the recommendation of the County expert, changing the density to 6 units/acre for senior, making this area unusable.

*Supervisor Kranick made a motion to change the density of zone 4 and zone 6 to 6 units per acre for senior use. Seconded by Commissioner Frank. The motion failed 2-4 with Commissioner Diderrich, Commissioner Dickenson, Chairman Fitzgerald and Chairman Troy opposing.*

Chairman Fitzgerald stated they could take 3 stories out of zones 5 and 6 and change from 12 units to 10. Mr. Fruth thought that proposal would not be hurting the development and 10 units/acre was viable for senior.

Supervisor Kranick moved to reduce zone 4, 5 and 6 to 10 units per acre for senior use. Motion seconded by Commissioner Diderrich. Chairman Troy stated he would be more comfortable with zones 5 and 6 being reduced to 10 units/acre. Supervisor Kranick withdrew his motion from the floor.

*Chairman Troy moved to reduce zone 5 and zone 6 for senior uses to 10 units per acre, leaving zone 4, and taking 3 story buildings out of zone 5 and zone 6. Seconded by Commissioner Dickenson. Motion passed 4-2 with Supervisor Kranick and Commissioner Frank opposing.*

Chairman Fitzgerald pointed out that any residential zoning district, a building can be 45 feet tall, and with the blessing of the Plan Commission, can get up to 55 feet tall. He stated that this development will be 10 to 20 feet shorter than what the Town Code allows. The 3 story heights will only be 2 feet taller than the code allows currently and 8 feet shorter than what single family homes could be.

Chairman Fitzgerald asked if there would be an advantage to allow the developer to lower densities and transfer those units for higher density in zone 4. Mr. Fruth stated the workgroup did not explore transferring density from one zone to another. They explored transferring green space credits and found that to be complex. Mr. Troy stated it may be an advantage to the Commission to allow density credits. Supervisor Kranick felt not enough density was knocked off the ordinance. Chairman Fitzgerald stated the Commission has taken off quite a bit of density to this point. Supervisor Kranick stated if the Town is going to allow High Ridge density, it should only be allowed in zones 4, 5 and 6. Commissioner Frank thought they needed to get the units per acre down before allowing transferring of density.

Chairman Troy stated that Commission has taken the number of units down, but not as much as Mr. Kranick would like. Taking credits from other zones would take more units from zones 2 and 3 and lessen the density in those areas. Supervisor Kranick stated the Plan Commission should do its job and lower the density in those zones surrounding single family neighborhoods so the highest intensity use is in zone 4, and limit all the densities in all the other zones except zone 4. Chairman Troy stated that with all do respect, Mr. Kranick has a different view on it, but he felt all the Commissioners were doing their job. Supervisor Kranick stated he did not mean that as an attack on any member, but that the Commission as a whole, needs to do their job. Chairman Fitzgerald stated this is a long way from an office park which was the plan for the last 35 years. Commissioner Dickenson asked how they should move forward. Mr. Fitzgerald thought the Commission was done with zones 1, 2 and 3 and had completed zone 6 up to the senior use, but not residential. Commissioner Diderrich thought it would be helpful to look at the number of potential homes in each zone.

They reviewed the densities the Commission discussed to this point. Jason Fruth stated that if zones 4, 5 or 6 get developed as senior, those residential units go down to zero units. There could be a mix of both, in which you would reduce the number accordingly.

Engineer Barbeau explained that this property is unique. The neighborhood to the west has a giant berm that buffers I-94. He asked how you can transition from a freeway to single family homes. Typically, commercial, or multi-family uses help with this transition. The master plan would show that transition, with higher unit counts closer to the freeway. It is bad planning to put single family homes close to the freeway. Mr. Fruth stated that from a workgroup perspective, there was recognition of an aging population. Most people who would like to have senior care, say they would like to stay in their community. The Commission needs to think about that, and housing for all stages of life. Multi-family is a great opportunity for individuals who are building a house and need a place to live for a while, or those who are in the process of saving for a home. The workgroup liked the idea of providing some of those options that are required in the Town's comprehensive plan. He stated there is good, high-level principals providing a mix of housing types.

Commissioner Dickenson asked to clarify the number of units that are in each zone, to determine if there is an ability to transfer units to zone 4 and help buffer the sides. There are no issues with zone 1 and no concerns with zone 2 and zone 3, with zone 2 having environmental corridor and zone 3 with a 75-foot buffer from the neighbors to the west. The Commission brought senior living down to 10 units per acre on zones 5 and 6. Currently, zone 6 has a maximum density of 60 units, and zone 5 has a total of 68 units. The Commission thought that environmental factors may limit the ability to put 68 units in zone 5. Supervisor Kranick suggested 2 units per acre, if 4 units per acre isn't doable. Jason Fruth stated that none of zone 5 is in environmental corridor and thought that 4 units per acre is a viable option for condo units specifically. He suggested that 3 is a more palatable number if there was to be a compromise. He did not think 2 units per acre was doable and would reduce the number of units by 34. Chairman Troy suggested going to 3 units per acre in zone 5.

Supervisor Kranick asked the Commission to reduce the density in all of the zones. He suggested the Commission needed to knock off 164 units from the development. The workgroup did not have a concern with 4 units per acre in zones 5 or 6, although he acknowledged there may be a different sentiment now that the workgroup has disbanded. There was much more discussion about the density of zone 4 and landing on 6 units per acre. Commissioner Frank asked if the discussion at the work group was similar to the Plan Commission's. Mr. Fruth replied that it was similar. The workgroup looked at it zone by zone and then went back "around the horn" and reviewed each zone again.

Supervisor Kranick stated workgroup had 5 meetings to work this out and did not think they were going to figure it out in one Commission meeting. Chairman Fitzgerald stated he didn't think they were starting over either. He stated the Commission tweaked the ordinance quite a bit and stated that if they are going to start over, he was not sure why they had the workgroup. Mr. Troy stated if the Commission is not going to listen to the County expert, he wondered what the point was to invite him. He stated that Mr. Fruth told the Commission that changing density from 4 units to 2 units per acre was too much of a move. Supervisor Kranick stated Mr. Fruth also disagreed with the Town changing the open space on the first proposed ordinance. He stated the County wants the open space a lot less than what the Town wants. Commissioner Dickenson suggested that the Commission take time to digest what has been discussed. Mr. Troy asked for a breakdown of number of units. The Commission had the following calculations.

Zone 1 – 8 single family

Zone 2 – 47 single family units, condo 60 units

Zone 3 – 33 single family units, 40 for condo units

Zone 4 – 206 multi-family units

Zone 6 – 45 units @3 units/acre max 4 units per building, or 60 units @4 units/acre

Zone 5 – 51 units @3 units/acre max 4 units per building, or 68 units @4 units/acre



Total Units: 390 w/ single family with zones 5 and 6 at 3 units/acre

Total Units: 410 w/ condos and with zones 5 and 6 at 3 units/acre

Total units: 422 w/single family with zones 5 and 6 at 4 units/acre

Total Units: 442 w/single family with zones 5 and 6 at 4 units/acre

Jason Fruth asked if High Ridge density, (roughly 3 units/acre) was placed on zone 6, would the Commission like that outcome. He explained he wants to give the Commission something real world to visualize. If you think that High Ridge looks good, maybe 3 or 4 units per acre is a good number. Supervisor Kranick stated he appreciates the real-world examples and would support pockets of the property being developed at the level of High Ridge, but the entire development being built at that density did not sit well.

Commissioner Dickenson asked if Mr. Kranick would like to eliminate condos in zones 2 and 3. Mr. Kranick replied, it was a start. Mr. Fruth explained that condos are a strong candidate for zone 2, because of bedrock and the orientation to the wooded areas. Commissioner Dickenson questioned if eliminating condos in zones 2 or 3 would drive down the overall unit numbers. Chairman Fitzgerald stated you could reduce the density of the entire zones to 2 units per acre instead of 2.5. Mr. Fruth stated the workgroup on zone 2 had no objection to landing on 3 units per acre. Tonight, the Commission has taken the number down to 2.5, which he thought was a good adjustment. The unit count is high because of the 6 units per acre in zone 4. Mr. Troy and Mr. Fitzgerald were comfortable with the adjustments that were already made in zones 2 and 3 with 2.5 units per acre for condos and 2 units per acre for single family. Mr. Troy stated he agreed with Jason that the total number of units are high because of zone 4.

The Commission came to a consensus on zones 5 and 6 to reduce the density to 3 units per acre for non-senior uses. The Commission decided to take on zone 4. Nicole asked if the Commission was comfortable with keeping senior use at 12 units per acre in zone 4. The Commission agreed to 12 units per acre. She asked if there were any changes to condos in zone 4 at four units/acre. The Commission reviewed the unit count to where they were at this point. The Commission was at 411 units in total. Mr. Fitzgerald stated half of those units come from zone 4. Mr. Fruth commented that those dwelling units will be reduced, if senior development occurs on any of these sites.

Supervisor Kranick asked if the Commission wanted to start on zone 4, and if they were comfortable with 6 units per acre for multi-family and 4 units per acre for condos. Chairman Fitzgerald stated he was. Commissioner Dickenson added that any uses that occur in zone 4, will require additional public hearings. The Commission discussed if they would take any action on the ordinance now, or at a later meeting. Commissioner Frank stated they only covered density at tonight's meeting and had his own concerns about water. He thought the original ordinance had water being supplied by an alternate source and was wondering if that was still an option for the higher density uses. Chairman Troy commented, they cannot decide to bring in water until a master development plan and water study is done. Mr. Fruth explained that water is one of those items where there is any number of scenarios based on what is being put on the site. Requirements for water studies are written into the ordinance. The developer will have to do the heavy lifting. There will be an independent third party at the Regional Plan Commission or DNR or both, helping to interpret the reports on that issue. Mr. Frank mentioned sewer concerns as well, which Mr. Fruth explained has already been covered in the ordinance. Mr. Troy mentioned stormwater concerns will also be covered in the ordinance.

The Commission discussed next meeting dates to discuss the ordinance. There was no specific date determined.

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

**Sixth Order of Business:** Discussion: None

**Seventh Order of Business:** Announcements and Planning Items: Next meeting date: April 13, 2021 @ 5:30 PM-  
Joint Plan Commission and Town Board Public Hearing

**Eighth Order of Business:** Adjournment

*Motion by Commissioner Frank to adjourn the March 23, 2021 Plan Commission meeting at 9:39 p.m. Seconded by  
Commissioner Diderrich. Motion passed 6-0.*

Respectfully submitted,

Dan Green, CMC, WCMC  
Administrator-Clerk/Treasurer

## Plan Commission Report for April 13, 2021

### **Ernest Zoning Amendment Agenda Item No. 5. A.**

Applicant:	Sharon Ernest
Project:	Zoning Amendment
Requested Action:	Recommendation to Town Board to rezone the subject land from A-1 Agricultural to A-2 Rural Home District
Zoning:	A-1 Agricultural
Location:	W334 N564 Cushing Park Road

#### **Report**

The subject property is currently zoned A-1 Agricultural and is legal non-conforming due to the lot size. When the zoning code was updated in 1998, the A-1 district allowed smaller lots. The update resulted in designating the A-1 district to be the primary agricultural district and required a 40 acre minimum. This resulted in a number of conforming A-1 lots to become legal nonconforming. Ms. Ernest has requested a zoning amendment to A-2 to bring the lot into zoning conformance. The lot size is currently 3.9982 acres and will remain residential. The existing structures on the property will meet all setbacks and offsets of the A-2 district.

#### **Staff Recommendation:**

I am in favor of bringing lots into conformance with current zoning code requirements. Therefore, I recommend that the Plan Commission make a positive recommendation to the Town Board to approve the request to amend the zoning on property located at W334 S564 Cushing Park Road from A-1 Agricultural to A-2 Rural Home District.

Tim Barbeau, Town Engineer  
April 5, 2021





# Required Forms for Submittal

### Required Forms Checklist:

- Legal Description (all applications)
- Professional Staff/Fees Chargeback Acknowledgement (all applications)
- Certification for Division of Land (Certified Survey Map land splits)

### Submittal Information:

- One (1) copy of this application (signed & dated)
- One (1) electronic copy of all supporting materials, i.e., drawings, plans and written documentation (via email to [dgreen@townofdelafield.org](mailto:dgreen@townofdelafield.org)).
- Two (2) full size hard copies of all supporting materials, i.e., drawings, plans and written documentation of plans 11"x17" and smaller.
- Seven (7) copies of supporting materials larger than 11"x17".

I understand that this form shall be on file in the office of the Town Administrator by 4:00 p.m. on the 21st day before the meeting on which I desire to be heard or as required in the Land Division or Zoning Ordinance, whichever is longer. Plan Commission meetings are held the first Tuesday of each month. Furthermore, I understand that any engineering or legal review fees associated with this project may be charged to me.

**FAILURE TO PROVIDE ALL REQUIRED MATERIALS AND INFORMATION CAN RESULT IN THIS APPLICATION BEING WITHDRAWN FOR CONSIDERATION BY THE PLAN COMMISSION.**

Sharon Ernest  
Signature of Owner

3-3-2021  
Date

Sharon Ernest  
Print Name

## For Office Use Only

Application Received \_\_\_\_\_  
Date Received \_\_\_\_\_  
PC Meeting Date \_\_\_\_\_  
Public Hearing Date \_\_\_\_\_

Amount Received \_\_\_\_\_  
Received by \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_

Publication Date (if required) \_\_\_\_\_

**TOWN OF DELAFIELD**

**PROFESSIONAL STAFF/FEEs CHARGEBACK ACKNOWLEDGEMENT**

**PLEASE BE ADVISED:**

That pursuant to the Town of Delafield Code of Ordinances, the Town of Delafield Town Board has determined that whenever the services of the Town Attorney, Town Engineer or any other of the Town's professional staff results in a charge to the Town for that professional's time and services and such service is not a service supplied to the Town as a whole, the Town Clerk shall charge that service for the fees incurred by the Town. Also be advised that pursuant to the Town of Delafield Code of Ordinances certain other fees, costs, and charges are the responsibility of the property owner.

\*\*\*\*\*

I, the undersigned, have been advised that, pursuant to the Town of Delafield Code of Ordinances, if the Town Attorney, Town Engineer or any other Town professional provides services to the Town as a result of my activities, whether at my request or at the request of the Town, I shall be responsible for the fees incurred by the Town. Also I have been advised that pursuant to the Town of Delafield Code of Ordinances certain other fees, costs, and charges are my responsibility.

Shawn Ernest  
Signature of Applicant

3-3-2021  
Date

Form received by: \_\_\_\_\_

Date: \_\_\_\_\_

PROPERTY OWNERS WITHIN 300'

PARCEL NO. DELT0841997001 PARCEL NO. \_\_\_\_\_  
NAME John + Bonnie Meerschaut NAME \_\_\_\_\_  
ADDRESS W3345490 Cushing Park Rd ADDRESS \_\_\_\_\_  
CITY Delafield CITY \_\_\_\_\_

PARCEL NO. DELT0841997003 PARCEL NO. \_\_\_\_\_  
NAME Carl + Judith Pace NAME \_\_\_\_\_  
ADDRESS W3345626 Cushing Park Rd ADDRESS \_\_\_\_\_  
CITY Delafield CITY \_\_\_\_\_

PARCEL NO. DELT0841025 PARCEL NO. \_\_\_\_\_  
NAME Richard + Ellen Stout NAME \_\_\_\_\_  
ADDRESS W3335495 Government Hill ADDRESS \_\_\_\_\_  
CITY Delafield CITY \_\_\_\_\_

PARCEL NO. DELT0841024 PARCEL NO. \_\_\_\_\_  
NAME Thomas + Jennifer Nichols NAME \_\_\_\_\_  
ADDRESS W3335547 Government Hill ADDRESS \_\_\_\_\_  
CITY Delafield CITY \_\_\_\_\_

PARCEL NO. DELT0841023 PARCEL NO. \_\_\_\_\_  
NAME Todd + Julia Loehr NAME \_\_\_\_\_  
ADDRESS W3335584 Government Hill ADDRESS \_\_\_\_\_  
CITY Delafield CITY \_\_\_\_\_

PARCEL NO. DELT0841022 PARCEL NO. \_\_\_\_\_  
NAME Brian + Michelle Dragichio NAME \_\_\_\_\_  
ADDRESS W3335659 Government Hill ADDRESS \_\_\_\_\_  
CITY Delafield CITY \_\_\_\_\_

PARCEL NO. \_\_\_\_\_ PARCEL NO. \_\_\_\_\_  
NAME \_\_\_\_\_ NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ CITY \_\_\_\_\_

PARCEL NO. \_\_\_\_\_ PARCEL NO. \_\_\_\_\_  
NAME \_\_\_\_\_ NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ CITY \_\_\_\_\_

Loan Number: 0100728006

Date: OCTOBER 9, 2020

Property Address: W334S564 CUSHING PARK ROAD  
DELAFIELD, WISCONSIN 53018

## EXHIBIT "A"

### LEGAL DESCRIPTION

LOT 3, CERTIFIED SURVEY MAP NO. 6387 RECORDED ON FEBRUARY 26, 1991, IN VOLUME 53 OF CERTIFIED SURVEY MAPS, PAGE 10, 11 AND 12, AS DOCUMENT NO. 1635668, BEING A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 18 EAST, IN THE TOWN OF DELAFIELD, COUNT OF WAUKESHA, STATE OF WISCONSIN. THIS IS A PURCHASE MONEY MORTGAGE. THIS IS HOMESTEAD PROPERTY.

A.P.N. #: DELT-0841-997-002

Borrower: \_\_\_\_\_





ORDINANCE NO. 2021-02

**AN ORDINANCE OF THE TOWN OF DELAFIELD TO ADOPT WISCONSIN  
COMMERCIAL BUILDING CODES**

The Town Board of the Town of Delafield, Waukesha County, Wisconsin, does ordain as follows:

**SECTION 1:** The Town of Delafield does hereby adopt the State of Wisconsin Commercial Building Codes as described herein:

**Contents**

- 1.1 Authority
- 1.2 Purpose
- 1.3 Adoption of Codes
- 1.4 Appointed Agent Responsibilities
- 1.5 Plan Review Process
- 1.6 Acceptance of DSPS Review
- 1.7 Optional Waiver of Plan Review Responsibility
- 1.8 Building Inspector / Plans Examiner
- 1.9 Building Permit Required
- 1.10 Building Permit Fees
- 1.11 Penalties
- 1.12 Effective Date

1.1 **AUTHORITY.** These regulations are adopted under the authority granted by s. 101.12, stats.

1.2 **PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare by enforcing the adopted codes.

1.3 **ADOPTION OF CODES.** The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal enforcement by the building inspector and/or plans examiner, who shall be commercially certified by the WI Division of Industry Services.

Chs. SPS 302	Plan review fee schedules
Chs. SPS 360-366	Wisconsin Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914 Code
Chs. SPS 381-387	Wisconsin Plumbing Code

1.4 **APPOINTED AGENT RESPONSIBILITIES.** The Division of Industry Services has granted the municipality the authority to conduct Commercial Building, HVAC, Fire Alarm System, Fire Suppression System, and Plumbing plan reviews and inspections for buildings of any size.

1.5 **PLAN REVIEW PROCESS.** Building, HVAC, Fire Alarm, and Fire Suppression System plans shall be submitted and reviewed in accordance with the procedures detailed in SPS 361. Applicants for plan review shall submit the following directly to the municipality:

- 1. Application form SBD-118.
- 2. Plan review fee per table SPS 302.31-2. Payment shall be made to the municipality.
- 3. Digital or hardcopy plans in accordance with SPS 361.

Plumbing plans shall be submitted and reviewed in accordance with the procedures detailed in SPS 382. Applicants for plan review shall submit the following directly to the municipality:

1. Application form SBD-6154.
2. Plan review fee per SPS 302.64. Payment shall be made to the municipality.
3. Digital or hardcopy plans in accordance with SPS Table 382.20-2.

1.6 ACCEPTANCE OF DSPS REVIEW. The municipality will continue to accept any plan reviews conducted by the Division of Industry Services if applicants are unaware of the municipality's ability to conduct such plan reviews or choose to send their projects to the Division of Industry Services for review.

1.7 OPTIONAL WAIVER OF PLAN REVIEW RESPONSIBILITY. The municipality may choose for any reason to waive their plan review responsibilities and require a building or building component be reviewed by the Division of Industry Services.

1.8 BUILDING INSPECTOR / PLANS EXAMINER. The building inspector and / or plans examiner authorized by the municipality to enforce the adopted codes and responsibilities shall be properly certified by the Division of Industry Services.

1.9 BUILDING PERMIT REQUIRED. No person shall build or cause to be built any new public building or alter a public building without first submitting plans and specifications to the building inspector and obtaining a building permit for such building.

1.10 BUILDING PERMIT FEE. Building permit fees shall be determined by resolution.

1.11 PENALTIES. Enforcement of this section shall be by means of withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000 for each day of noncompliance.

**SECTION 2:** This ordinance shall take effect upon passage and posting as provided by law.

**PASSED AND ADOPTED** by the Town Board of the Town of Delafield, Waukesha County, Wisconsin this \_\_\_ day of February, 2021.

TOWN OF DELAFIELD

\_\_\_\_\_  
Ron Troy, Town Chair

ATTEST:

\_\_\_\_\_  
Dan Green, Administrator/Clerk/Treasurer

TOWN OF DELAFIELD  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town of Delafield Town Board and Plan Commission on Tuesday, April 13, 2021, starting at 5:30 p.m., at the Delafield Town Hall, W302 N1254 Maple Avenue, Delafield, WI 53018. The purpose of the hearing is to consider a request by Sharon Ernest W334 N564 Cushing Park Road, Town of Delafield, to rezone a 3.998 acre parcel of land located at W334 N564 Cushing Park Road from A-1 Agricultural District to A-2 Rural Home District. The purpose of the request is to bring the property in conformance with the A-2 district. The property is also known as Tax Key No. DELT 0841-997-002.

For information regarding the public hearing, please contact Tim Barbeau, Town Engineer at (262) 317-3307 or Dan Green, Town Administrator at (262) 646-2398.

All interested parties will be heard.

TOWN OF DELAFIELD  
Ronald A. Troy, Chairman  
W302 N1254 Maple Avenue  
Delafield, WI 53018

Waukesha Freeman. Please run this notice in a column on March 30, 2021 and April 6, 2021.



**Legend**

- Municipal Boundary\_2K
- FacilitySites\_2K\_Labels
- Lots\_2K
  - Lot
  - Unit
  - General Common Element
  - Outlot
- SimultaneousConveyance
  - Assessor Plat
  - CSM
  - Condominium
  - Subdivision
- Cartoline\_2K
  - <all other values>
  - EA-Easement\_Line
  - PL-DA
  - PL-Extended\_Tie\_line
  - PL-Meander\_Line
  - PL-Note
  - PL-Tie
  - PL-Tie\_Line
- Road Centerlines\_2K
- Railroad\_2K
- TaxParcel\_2K
- Waterbodies\_2K\_Labels
- Waterlines\_2K\_Labels

0  89.44 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

**Notes:**

Printed: 4/8/2021



# Plan Commission Report for April 13, 2021

## **Taylor CSM Agenda Item No. 5. B.**

Applicant: Todd Taylor

Project: Certified Survey Map (CSM)

Requested Action: Approval of a CSM to combine adjacent lots

Zoning: A-3 Waukesha County Shoreland

Location: N46 W28542 Willow Brook Road

### **Report**

The Taylor's currently own two adjoining lots located at the northeast corner of Willow Brook Road and CTH KE, known as Lots 9 and 10 of the willow Brook subdivision. Their driveway cuts across Lot 9 to Lot 10, where their house is located. They are proposing to construct a detached garage, but cannot do so due to setback issues that will be alleviated by combining the two lots.

I have reviewed the CSM for technical compliance and made note of a few minor technical items which were provided to the surveyor. The surveyor has addressed my comments and the CSM with a revision date of 4/6/21 is acceptable as presented.

### **Staff Recommendation:**

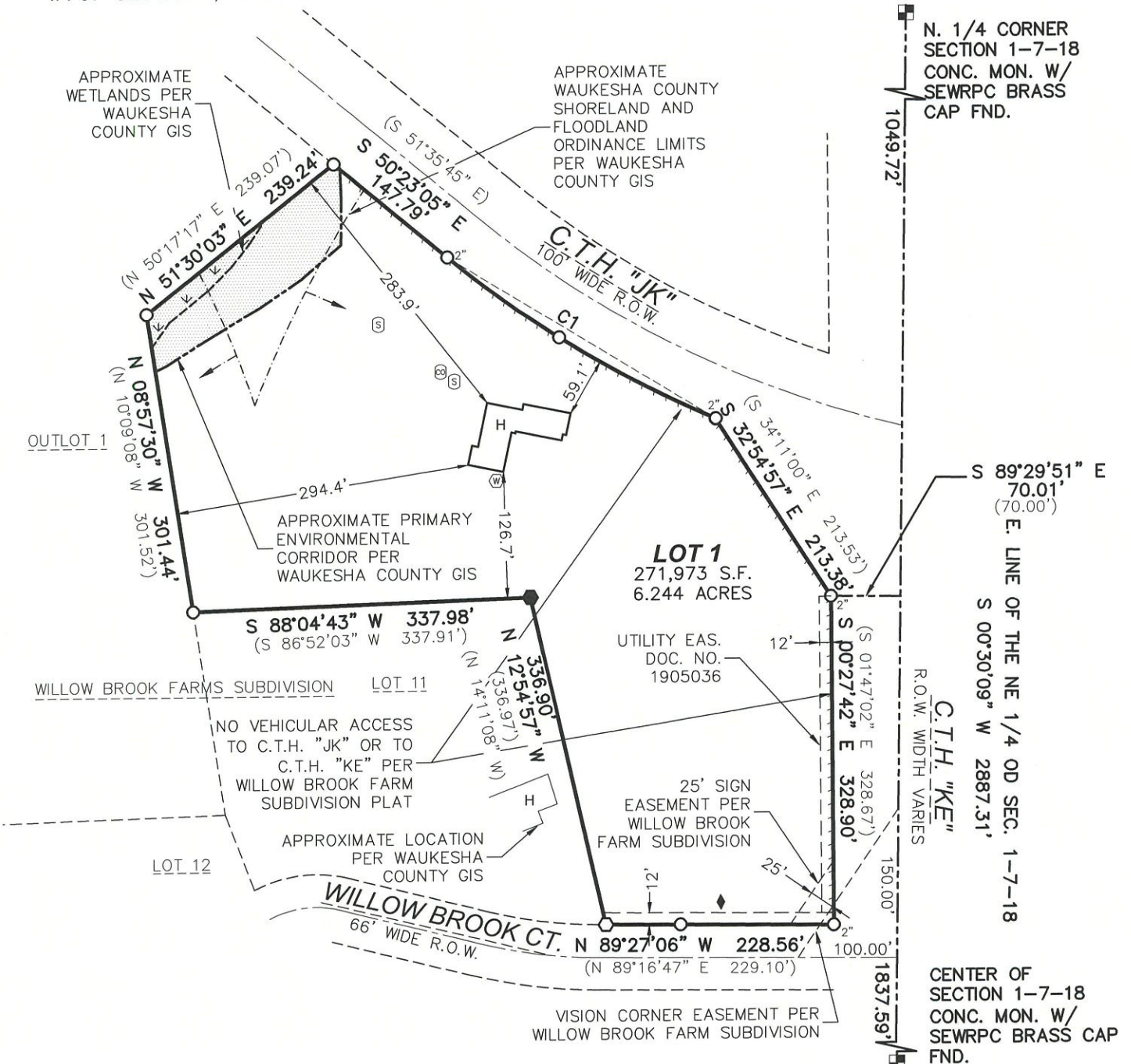
I recommend approval of the CSM dated 4/6/21 subject to incorporation of any comments from Waukesha County Parks and Land Use Department and Village of Hartland (extraterritorial).

Tim Barbeau, Town Engineer  
April 7, 2021

**PRELIMINARY**

**WAUKESHA CO. CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

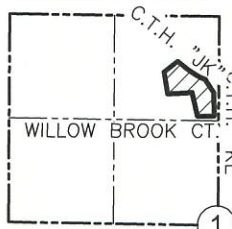
A REDIVISION OF LOT 9 AND LOT 10 OF WILLOW BROOK FARMS SUBDIVISION BEING A PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 1, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.



CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	1091.74'	16°34'42"	315.89'	314.79'	S 58°40'25" E	S 50°23'04" E	S 66°57'46" E

(S 59°53'05" W)

**VICINITY MAP**

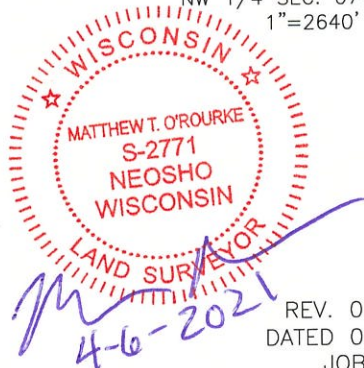
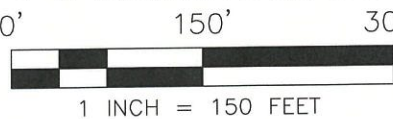


NW 1/4 SEC. 07-07-18  
1"=2640'

- LEGEND**
- SECTION CORNER MONUMENT
  - FOUND 1.25" REBAR OR NOTED FOUND 1" IRON PIPE OR NOTED WELL
  - ⊙ SEPTIC VENT
  - ⊕ SEPTIC CLEANOUT
  - ◆ EXISTING DRIVEWAY LOCATION SET 0.75" O.D. X 18" REBAR WEIGHING 1.502 LBS/FT.
  - (R) RECORD DIMENSION
  - ▾ WETLAND
  - ▨ PRIMARY ENVIRONMENTAL CORRIDOR



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCONS 2011) AND REFERENCED TO THE EAST LINE OF THE NW 1/4 OF SEC. 1-7-18 MEASURED AS S00°30'09"W.



LAND SURVEYING • LAND PLANNING  
111 W. 2ND STREET  
ODONOMO WIS 53066  
WWW.LANDTECHWI.COM  
(262) 367-7599

PREPARED FOR:  
TODD & KELLY TAYLOR  
N42W28542 WILLOW BROOK COURT  
HARTLAND, WI  
TODDSWLOGISTICS@GMAIL.COM  
920-342-8037

REV. 04/06/21  
DATED 03/10/21  
JOB# 21043  
SHEET 1 OF 4

THIS INSTRUMENT WAS DRAFTED BY MATTHEW T. O'Rourke, S-2771

**WAUKESHA CO. CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

A REDIVISION OF LOT 9 AND LOT 10 OF WILLOW BROOK FARMS SUBDIVISION BEING A PART OF THE NE 1/4 OF NW 1/4 OF SECTION 1, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

**SURVEYOR'S CERTIFICATE:**

I, MATTHEW T. O'ROURKE, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, AND MAPPED A REDIVISION OF LAND BEING LOT 9 AND LOT 10 OF WILLOW BROOK SUBDIVISION BEING A PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 1, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN DESCRIBED AS FOLLOWS:

LOT 9 AND LOT 10 OF WILLOW BROOK SUBDIVISION BEING A PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 1, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

LANDS AS DESCRIBED HAVING AN AREA OF 271,973 SQUARE FEET OR 6.244 ACRES.

THAT I HAVE MADE SAID SURVEY BY THE DIRECTION OF TODD AND KELLY TAYLOR OWNER OF SAID LANDS.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF.

THAT I HAVE FULLY COMPLIED WITH PROVISIONS OF S. 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION CONTROL ORDINANCE OF WAUKESHA COUNTY, THE TOWN OF DELAFIELD, AND THE VILLAGE OF HARTLAND (EXTRATERRITORIAL) IN SURVEYING, AND MAPPING THE SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
MATTHEW T. O'ROURKE, S-2771

**NOTES:**

- ZONING IS A-3 WITH WAUKESHA COUNTY SHORELAND & FLOODLAND PROTECTION ORDINANCE.
- THE APPROXIMATE PRIMARY ENVIRONMENTAL CORRIDOR LIMITS, AS DESIGNATED BY SEWRPC ARE AS SHOWN ON THE WAUKESHA COUNTY GIS MAPPING SITE.
- THE WETLAND, SHORELAND AND PRIMARY ENVIRONMENTAL CORRIDOR BOUNDARIES AS SHOWN ON THIS CERTIFIED SURVEY MAP ARE APPROXIMATE BOUNDARIES. IF A BUILDING IS PROPOSED TO BE CONSTRUCTED IN THE CLOSE PROXIMITY TO ANY OF THESE NATURAL FEATURES IT MAY BE NECESSARY FOR THE BOUNDARIES TO BE DELINEATED.
- THERE WAS NOT ANY DRAIN TILE OBSERVED ON THE DATE OF THE SURVEY.

**WETLAND/PRIMARY ENVIRONMENTAL CORRIDOR RESTRICTIONS**

THOSE AREAS IDENTIFIED AS A PRIMARY ENVIRONMENTAL CORRIDOR PRESERVATION AREA ON PAGE 1 OF 5 OF THIS CERTIFIED SURVEY MAP SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. GRADING, FILLING AND REMOVAL OF TOPSOIL OR OTHER EARTHEN MATERIALS ARE PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED BY THE MUNICIPALITY IN WHICH THIS LAND IS LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.
2. THE REMOVAL OR DESTRUCTION OF ANY VEGETATIVE COVER, I.E., TREES, SHRUBS, GRASSES, ETC., IS PROHIBITED, WITH THE EXCEPTION THAT INVASIVE, DEAD, DISEASED, OR DYING VEGETATION MAY BE REMOVED, AT THE DISCRETION OF THE LANDOWNER AND WITH APPROVAL FROM THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE--PLANNING AND ZONING DIVISION. SILVICULTURAL THINNING, UPON THE RECOMMENDATION OF A FORESTER OR NATURALIST AND WITH APPROVAL FROM THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE--PLANNING AND ZONING DIVISION, SHALL ALSO BE PERMITTED.
3. GRAZING BY DOMESTICATED ANIMALS, I.E., HORSES, COWS, ETC., IS PROHIBITED.
4. THE INTRODUCTION OF PLANT MATERIAL NOT INDIGENOUS TO THE EXISTING ENVIRONMENT IS PROHIBITED.
5. PONDS ARE PROHIBITED UNLESS DESIGNED TO ENHANCE THE NATURAL ENVIRONMENT. PONDS THAT MAY BE PERMITTED ARE SUBJECT TO THE APPROVAL OF THE MUNICIPALITY IN WHICH THEY ARE LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.
6. THE CONSTRUCTION OF BUILDINGS IS PROHIBITED.





**WAUKESHA CO. CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

A REDIVISION OF LOT 9 AND LOT 10 OF WILLOW BROOK FARMS SUBDIVISION BEING A PART OF THE NE 1/4 OF NW 1/4 OF SECTION 1, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

**TOWN OF DELAFIELD PLAN COMMISSION APPROVAL**

APPROVED BY THE PLAN COMMISSION OF THE TOWN OF DELAFIELD, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
KEVIN FITZGERALD, – CHAIRPERSON

\_\_\_\_\_  
DAN GREEN, – TOWN CLERK

**TOWN OF DELAFIELD BOARD APPROVAL**

APPROVED BY THE TOWN BOARD OF THE TOWN OF DELAFIELD, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
RONALD A. TROY – CHAIRPERSON

\_\_\_\_\_  
DAN GREEN – TOWN CLERK

**VILLAGE OF HARTLAND PLAN COMMISSION APPROVAL (EXTRATERRITORIAL)**

THIS LAND DIVISION IS HEREBY APPROVED BY THE VILLAGE OF HARTLAND PLAN COMMISSION THIS \_\_\_\_\_DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
ANN WALLSCHLAGER, CHAIRPERSON

**WAUKESHA COUNTY DEPARTMENT OF PARKS & LAND USE**

THE ABOVE, WHICH HAS BEEN FILED FOR APPROVAL AS REQUIRED BY CHAPTER 236 OF THE WISCONSIN STATE STATUTES, IS HEREBY APPROVED ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
DALE R. SHAVER, DIRECTOR

# Plan Commission Report for April 13, 2021

## **Wisconsin Hero Outdoors Agenda Item No. 5. C.**

Applicant: Eric Faulkner  
Project: Wisconsin Hero Outdoors  
Requested Action: Approval of free standing sign  
Zoning: A-2 Rural Home District  
Location: W329 S890 Kettle Moraine Drive (CTH C)

### **Report**

Wisconsin Hero Outdoors, Inc. (WHO) has requested approval of a sign for the property on CTH C. The land is zoned A-2 and has a frontage of approximately 321 feet. Code Section 17.08 5. b) allows an 11 s.f. sign for each 200 feet of frontage. In making the calculation, the code states that the lineal front feet of lot line abutting a roadway shall be rounded down to the nearest number divisible by 200. In this case, that would mean that the maximum size of the sign can be 11 square feet. The applicant is requesting a 16 square foot sign.

Section 17.08 10. allows sign variances using the following criteria:

#### Area Enhancements

1. The sign as proposed will not result in an undue concentration of signage which makes renders it difficult or confusing to read existing signs.
2. The proposed sign is unique and of exceptional design or style so as to enhance the area

#### Site Difficulties

1. Unusual site factors preclude the construction of a sign in accordance with this chapter which would be visible to the roadway adjacent to the site frontage.

As proposed on the sketch, the sign will be placed in the right of way. The sign must be moved such that it is within the property. The height of the sign is dictated by the figure found in Chapter 17.08 6. C. If the sign is placed at the right-of-way line, the maximum height can be no greater than 12 feet. The proposed height is 8 feet.

The sign contains no landscaping and is not in architectural harmony with the building (factors to consider when approving a sign per 17.08 7. B. 2.). Permanent signs require the marking "The Town of Delafield" per 17.08 7. C. 3.

## **Staff Recommendation:**

The sign must be placed at least 50 feet from the center of CTH C, such that it is out of the right-of-way. The applicant must determine if they will meet the 11 square foot maximum sign size or request a sign variance and explain how they meet the variance criteria. I further recommend that the applicant add substantial landscaping to the sign in whatever location it ends up being placed and include the words "The Town of Delafield" prominently on the sign.

Tim Barbeau, Town Engineer  
April 7, 2021



