

#### A PERFECT ENVIRONMENT

Residential Recreational Responsible

Chair Ron Troy Supervisors Edward Kranick Christie Dionisopoulos Steve Michels Joe Woelfle Clerk/Treasurer Dan Green

TOWN OF DELAFIELD PLAN COMMISSION MEETING
Tuesday, March 1, 2022, 6:30 p.m.
Town of Delafield Town Hall W302 N1254 Maple Avenue, Delafield, WI 53018

#### AGENDA

- Call to Order and Pledge of Allegiance
- Approval of the minutes of February 1, 2022.
- 3. Communications (for discussion and possible action): None
- Unfinished Business: None
- New Business:
  - A. Linda Halley, agent for Greenhill Preservation, LLC, owner, Re: Consideration and possible action on a request for approval of a sign on the barn at the southerly farm operation of Gwenyn Hill located at N3 W29350 Bryn Drive.
  - B. Thomas Family Properties, Re: Presentation and discussion of site layout options for the Thomas family properties
- 6. Discussion: None
- Announcements and Planning Items:

Next meeting: Date to be determined due to election scheduled for April 5, 2022.

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, FEBRUARY 1, 2022, 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: Supervisor Kranick, Commissioner Dickenson, Commissioner Frank, Commissioner Diderrich, and Plan Commission Chairman Fitzgerald.

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

Excused: Chairman Troy and Commissioner Janusiak.

**Second order of business**: Approval of the minutes of January 4, 2021.

Motion made by Commissioner Dickenson to approve the January 4, 2022, minutes. Seconded by Supervisor Diderrich. Motion passed 5-0.

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

Fourth order of business: Unfinished Business: None

#### Fifth order of business: New Business:

A. David Bopp, owner, by Nenad Ajder, agent, Re: Consideration and possible action on a request for approval of a Certified Survey Map to combine lands located at N21 W28697 Elizabeth Court

Engineer Barbeau explained this is in the County's Shoreland. The applicant is proposing to add on to their lot to the vacated right-of-way of Frank Street. They are taking their lot and adding their vacated portion. With the road vacation, the properties go back to the owners from each side of the vacation. The roadway vacation already took place, and the property to the west took their half of the vacated road.

Motion by Supervisor Kranick to recommend to the Town Board the approval of Certified Survey Map to combine lands located at N21 W28697 Elizabeth Court dated January 19, 2022. Seconded by Commissioner Frank. Motion passes 5-0.

B. Tom and Christina Korkos, 1620 Highland Drive, Elm Grove, WI, Re: Consideration and possible action on the review of a sale or exchange of parcels between adjoining landowners at W285 N3178 Lakeside Road.

Engineer Barbeau explained this property owners own a narrow strip of land off Lake Pewaukee, and the proposed addition is the small portion of land just north of Lakeside Road. The County owns an adjacent parcel, which the Korkos family purchased through a quit claim deed. We have incorporated a process in our code, which the County notifies us of any land purchases so they can be reviewed and approved by the Plan Commission. The Town will require a CSM if they wish to build on this parcel. The combination meets our code and would not cause a lot size issue.

Motion by Supervisor Kranick to approve the sale or exchange of parcels between adjoining landowners at W285 N3178 Lakeside Road. Seconded by Commissioner Frank. Motion passed 5-0.

Sixth Order of Business: Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meeting: March 1, 2022.

### **<u>Eighth Order of Business</u>**: Adjournment

Motion by Supervisor Kranick to adjourn the February 1, 2022, Plan Commission meeting at 6:49 p.m. Seconded by Commissioner Dickerson. Motion passed 5-0.

Respectfully submitted,

Dan Green, CMC, WCMC Administrator-Clerk/Treasurer

## Plan Commission Report for March 1, 2022

# Greenhill preservation, LLC/Gwenyn Hill Farm Agenda Item No. 5 A.

Applicant: Linda Halley, agent for Greenhill

Preservation, LLC

Project: Gwenyn Hill Farms

Requested Action: Approval of sign on barn the southerly farm

location

Zoning: A-1 Agricultural

Location: N3 W29350 Bryn Drive

## **Report**

In July of 2020, the Plan Commission approved several signs for the farm stand at Gwenyn Hill. That sign package included a double sided sign to identify the farm stand and smaller hanging signs for to indicate open/parking and closed. Those signs are located adjacent to the small building located on the southwest side of Bryn Drive. The total signage approved was 7 square feet.

The proposal for consideration at this time is for a round sign, 28.3 square feet in area to be placed on the east wall of the southerly barn located on the west side of Bryn Drive. The wall sign meets all placement requirements of the code. The "Farmstand" sign indicates "The Town of Delafield." The proposed sign does not include "Town of Delafield." The code related to requiring the Town of Delafield marking states that, "Permanent signs shall be marked prominently with the Town of Delafield beneath the sign content…" The Plan Commission should consider whether the applicant should add "Town of Delafield" on the proposed sign.

The maximum signage that can be placed on the west side of Bryn Drive is 132 square feet. The total signage including the sign proposed would be 35.3, so they are well below the allowable sign area.

## **Staff Recommendation:**

The request meets the requirements of the sign code; therefore I recommend approval of the signage as proposed, subject to the Plan Commission determining if "Town of Delafield" should be added to the new sign.

Tim Barbeau, Town Engineer February 23, 2022

## **CUSTOMER INFO:**

COMPANY NAME/CONTACT: Marcia Skarie ADDRESS: Gwenyn Hill Farm Barn Sign PHONE#:

## SIGNARAMA-PEWAUKEE REQUIRES THAT YOU REVIEW THE ATTACHED PROOF AND ADVISE WHETHER PROOF IS APPROVED FOR PRODUCTION, AN EMAIL REPLY IS REQUIRED TO START PRODUCTION.

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50% DEPOSIT DUE AT TIME OF ORDER(full amount if under \$100), balance due upon time of completion. I HAVE READ AND AGREE TO ALL TERMS. INITIAL V4



W237 N2889 Woodgate Rd, Unit B Pewaukee, WI 53072 P: 262-691-9994 | F: 262-691-9995

I HAVE REVIEWED THE ABOVE SPECIFICATIONS & HEREBY FULLY UNDERSTAND THE CONTENT OF WORK TO BE PERFORMED & APPROVE THIS PROJECT TO BEGIN: CUSTOMER APPROVAL SIGNATURE:

PRINT:

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**Owner Information** 

# TOWN OF DELAFIELD APPLICATION FOR PLAN COMMISSION AGENDA

Plan Commission meetings are typically held the first Tuesday of every month. All applications must be submitted at least 3 weeks before a Plan Commission meeting to make the agenda. Any late submittals will be considered at the following meeting.

**Applicant** 

(PLEASE PRINT)

Name:	Name:			
Greenhill Pres	ervation LLC	Linda Halley		
		Address		
10361 W INNOVATION DR STE 150		N130W294 Bryn Drive		
City	State Zip	City State	Zip	
Milwaukee W	l 53226-0010	Waukesha, WI 53188		
Telephone Number		Telephone Number		
Email:		Email:		
40011047101177				
	E AND FEE (CHECK ALL THA	•		
		costs associated with public notification		
	• • • •	e to pay all additional expenses that th	,	
		out not limited to: legal, surveying and D Home Occupation	•	
		D ☐ Home Occupation D ☐ Zoning Amendment		
		D		
_		Conditional Use		
		Plan of Operation		
		Planned unit Development		
Certified Survey Map\$250.00				
Developer's Agre	ement\$100.00	Other	\$50.00 minimum	
PROJECT NAME:	Gwenyn Hill Farm Barn Sig	n		
Property Address:	N3W29350 Bryn Drive, Waukesha, Wi			
Tax ID/Parcel ID:	DELT0857999004 Lot Size: 84.6 Acres			
Current Zoning:	A1	Proposed Zoning (if applicable)		
Present Use:	Aa	Intended Use (if applicable)		

A complete application along with the appropriate fees shall be submitted by the deadline outlined at the top of the application. In order for an application to be considered complete, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the project review checklist. If applying for a conditional use or development agreement, a document showing vested interest in the property is required. The Town of Delafield reserves the right not to accept an application that is deemed incomplete.



## TOWN OF DELAFIELD PLAN COMMISSION APPLICATION

## **Project Description**

Please answer the questions below that pertain to your request. If necessary, please attach a separate sheet. **PETITION FOR REZONING** In the space below, please describe the purpose of the rezoning. PETITION FOR LAND USE AMENDA In the space below, please describe the purpose of the Land Use Amendment. PETITION FOR CONDITIONAL USE In the space below, please describe the purpose of the Conditional Use. PETITION FOR CERTIFIED SURVEY MAP / PRELIMINARY PLAT / FINAL PL In the space below, please describe the intention of the land division.

#### PETITION FOR SITE PLAN / PLAN OF OPERATION / OTHER APPLICATION

In the space below, please describe the intention for the site plan, plan of operation, or other application.

Petition for signage. Circular logo sign to be mounted on north end of dairy barn along Bryn Drive.

Full color vinyl mounted on hard surface and attached flush to barn siding.

Legal description below:

LOT 5 CSM #11395 VOL 113/86 REC AS DOC #4183543 PT NE1/4 & NW1/4 & SE1/4 SEC 35 T7N R18E



## **Required Forms for Submittal**

Required Forms Checklist:						
Legal Description (all applications)						
Professional Staff/Fees Charge	Professional Staff/Fees Chargeback Acknowledgement (all applications)					
Certification for Division of Land (Certified Survey Map land splits)						
documentation (via email to dg	upporting materials, i.e., drawings, plans and written reen@townofdelafield.org). all supporting materials, i.e., drawings, plans and written " and smaller.					
I understand that this form shall be on file in the office of the Town Admnistrator 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, whicever 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.						
	ERIALS AND INFORMATION CAN RESULT IN THIS CONSIDERATION BY THE PLAN COMMISSION.					
	1/20/2022					
Signature of Owner	Date					
Linda Halley, Applicant						
Print Name						
For Office Use Only						
Application Received	Amount Received					
Date Received	Received by					
Board Meeting Date Board Meeting Date						
Public Hearing Date						
Publication Date (if required)						

TO: Members of the Planning Commission; Dan Green FROM: George B. Erwin, III, Attorney for Thomas Family

DATE: February 11, 2022

RE: Thomas Farm – Revised Planned Development District Ordinance

This memo is an update to a memo I wrote approximately a year ago. At that time I articulated on behalf of the Thomas Family landowners ("Owners") that I had worked on this project for approximately two (2) years in assisting in attempting to find a reasonable use of their multiple parcels. We are now three (3) years into that exercise. The Owners had previously, for the better part of 20 years, land use restrictions that were, in my view, so restrictive as to render the property not susceptible to development or have any reasonable opportunity to make or alter its use other than as farm land. The historic land use plan for a business park with the unrealistic open space requirements and other regulations rendered the property unviable financially in any meaningful use.

Jumping forward, we went through an exercise of attempting to address the multi-faceted aspects of this property including its unique characteristics by a County Sponsored Work Group. They include the following:

- 1. Almost a mile of frontage on I-94 with its 100,000+ traffic count per day. This is coupled with the fact that the property has a relatively flat topography and is not shielded in any respect from the traffic and noise of I-94.
- 2. Adjacent to the property to the east is a golf course and other recreational use. Likely that east frontage adjacent property will remain in an undeveloped state given the hydrologic soils and will likely be land banked for wetland purposes if the golf course use is ever discontinued. As a result, there will be no neighbors to the area designated as Zone 5.
- 3. There are substantial wooded uplands and other natural resource features associated with the property. These features overlap existing property lines among multiple landowners. These property lines are being disregarded for purposes of assisting in generating a development plan with the ability to have open space(s) that are contiguous under circumstances where individual parcels or zones as *artificially created* will be master planned.

The work group's effort was an off shoot of the public outcry following the attempt to have a land use plan for a mixed use development that included industrial. Importantly, the Owners agreed to no longer pursue industrial uses and other traditional mixed uses currently

found under applicable County zoning. They did so with the expectation that the members of the work group who represented the interests of surrounding neighbors would be satisfied with a residential type development with medium density. Importantly, that proposed density remains *substantially below feasible and/or viable commercial projects* based on zoning characterization and density authorized in surrounding communities. Multi-family, for example, traditionally is community authorized at 12 to 15 units per acre. We have a work group that found compromise at only six units per acre. Senior housing is typically 15 to 18 units per acre and we had a work group that compromised at twelve (12), which the Planning Commission further reduced to ten (10) units per acre in Zone 5.

The Town also mandated that the landowners work together and develop a Master Plan. This Master Plan by necessity also includes expenses of pre-planning engineering work. This pre-planning includes sewer studies, storm water management studies, pedestrian access work, traffic impact analysis, environmental investigation, water capacity studies and sewer capacity studies. All of this investment under circumstances where a Master Plan for the entire property needed to be brought forward and later approved. This Master Plan by definition includes multiple different kinds of uses and there is little, if any, appetite by developers in our community to pursue such a complex and risky transaction.

My discussions with a great number of developers, based on my 40 years of experience in this community, has left me with the conclusion that there will be a small handful of developers who would be interested in looking at this opportunity. The opportunity was further undermined by the ongoing discussion by the Plan Commission to further reduce the work group's proposed density.

Following Plan Commission and/or Town Board deliberations, the Planned Development District No. 1 Ordinance was substantially adjusted by reducing density. Notwithstanding those reductions in the Plan Commission approval, when submitted to the Town Board, it became apparent to the Thomas Family that the Town Board would not support even those reduced levels of density. Significantly the back channel and public comment dialog focused on the hypothetical density as authorized by the ordinance rather than the practical outcome given the significant development restrictions baked into the regulations. Open space requirements, wetland features, primary environmental corridor features, road layout, minimum lot size requirement and storm water management all contribute to significantly reduce the density from

the calculations offered by citizenry, Work Group members, Plan Commission members and Town Board members. The fear factor articulated by shouts of 600, 800 even 1000 units achieved its misguided end result of building community resistance to a well thought out Ordinance.

The goal of this submittal is to demonstrate with some certainty that the overall density of this project, apart from any senior housing component, which can be segregated, will not likely exceed 300 units. Multiple plan sets are being submitted in connection with this presentation adopting multiple mixed uses. Importantly, the multi-family component has been significantly reduced and we have shown larger buildings to achieve more expansive open spaces.

The current Town Zoning Code is an important backdrop in the consideration of these plans and the represented density. The community itself under existing Zoning Code assuming 20,000 square foot minimum lots and the net developable acreage of 114.2 acres from 152 gross acres, after crediting for wetlands, and other open space requirements, would yield just under 250 units. What is proposed as practically realistic is an approximate 20 percent enhancement to what is achieved under existing R-3 zoning. Please recognize that the land use density under such existing zoning code would not require multiple property owners to work together, and would not require all of the other significant burdening aspects of this development ordinance including sourcing water from another community. These singularly imposed development regulatory impediments are barriers to any development. They include the following:

- 1. Master Plan. The Master Plan must address the following components:
  - road access limitations
  - entry points
  - pedestrian walkways among several different landowners
  - traffic impact analysis
  - wetland delineation and navigable determination
  - water study to determine impact on surrounding property owners
  - sewer study and capacity
  - storm water management plan and study
  - architectural detail developed per individual components of project
  - open space exceeding any standard of any abutting community
  - Multi-family density half of what is commercially sought by most developers

Senior housing capacity less than what is typically business planned by an operator

Accordingly, we are making the following request to amend the draft ordinance by the Planning Commission for its future consideration based on the submitted plans:

- Reduce the overall density of the development (apart from the potential Senior Housing) to an agreed number, say 325 which is approximately 2.85 units per acre.
- 2. Allow additional flexibility in the ordinance to allow for open space to be shared among all of the sites.
- 3. Authorize phased development of each site based on a set road system where individual road components can be built to that phase development limitation.
- 4. Either leave senior as an approved use in Zone 5 and included in the Ordinance or eliminate it from the plan recognizing that the existing zoning of Ag-1 would allow senior housing by conditional use in Zone 5.
- 5. Adopt height limits consistent with community standards of 45 feet.
- 6. Authorize larger multi-family buildings of 16 units per building based on enhanced open space within Zone 4.

7. Finally specify that the zoning lines are adjustable based on final plan submitted in the approved Master Plan.

George B. Erwin, III

#### Draft Revised 5/18/21

#### SECTION 17.04(5)(R) PLANNED DEVELOPMENT DISTRICT #1

#### 1. STATEMENT OF INTENT

This district is intended to accommodate the development of an attractive mixed-use neighborhood that complements the surrounding area. The District provides opportunities for the development of a variety of residential, senior living, office and open space uses in a cohesive environment. A heightened level of planning is required, including but not limited to, open space requirements, design standards and landscaping to ensure an attractive development. The district is intended to achieve the following:

- Provide for mixed residential, senior living and office uses in an attractive, integrated environment which is complimentary to the surroundings.
- Preserve the natural environment by conserving environmental corridor areas, wetlands and tree lines designated for preservation as depicted upon Map 2.
- Provide for landscape buffers along Glen Cove Rd., Elmhurst Rd. and Golf Rd. to ensure harmony with surrounding neighborhoods
- Provide for a trail network that links existing neighborhoods, individual development sites and the Lake Country Trail.
- Mitigate traffic impacts by splitting access between both local roads and the county trunk highway system.
- Provide a heightened level of site design and connectivity between development sites.
- Provide a broad range of potential living unit options that will accommodate residents of varying ages.

#### 2. APPLICABILITY

This district is available to be applied solely to the area depicted in Map 1, which is comprised of approximately 152 acres, exclusive of TBD. The lands are located north of C.T.H. "DR", east of Glen Cove Rd., west of Elmhurst Rd. and generally south of the Lake Country Trail. Prior to the Planned Development District designation being applied to any lands, the lands must be rezoned to the Planned Development District #1 and a General Development Plan must be approved subject to the procedural requirements of Section 17.04(5)(R)(3). Any rezoning application to this district shall include all of the territory shown on Map 1.

The Waukesha County Shoreland and Floodland Protection Ordinance governs any lands within 300° of a navigable stream, 1,000° from a lake or public pond or to the full extent of the floodplain if a greater distance.

#### 3. PROCEDURE

- a. Pre-petition meeting. Prior to submitting a petition for rezoning to the Planned Development District #1, the applicant shall meet with Town and County staff to discuss a concept plan.
- e-b. Rezone petition- General Development Plan (GDP). Following the pre-petition conference, the applicant shall file a petition with the Town and County for a rezone to the Planned Development District #1. The application shall include GDP materials as specified below.

The GDP shall include the following information that shall be reviewed and approved, denied, or

conditionally approved by the Town Board upon receipt of a recommendation from the Town Plan Commission, and Waukesha County:

- A General Development Plan for the entire Planned Development District #1 must be presented. Because Zone 1 will be limited to single family low density use only, Zone 1 may be developed without compliance with Items 3, 4, and 9 below and may be approved by a separate rezoning ordinance prior to approval of the GDP.
- 4)2) An open space and natural resource protection plan must be presented that complies with Section 10.
- A traffic impact analysis must be submitted to the Waukesha County Department of Public Works and Town Engineer for review and approval. The Town of Delafield and Waukesha County may require improvements recommended in the traffic study be implemented for the development.
- 4)4) A road access plan shall be provided that shows access points to Golf Road, Elmhurst Road and Glen Cove Road. Access points shall be sited in a manner to ensure safety with consideration of site distance and intersection spacing. The road network shall provide expedient access to higher intensity uses from Golf Road to the greatest degree practicable in order to minimize traffic impacts to Elmhurst Road and Glen Cove Road. The road plan shall provide for logical connections to future development phases.
- 5) The existing sewer system was designed for a density of 5 people per acre; adequate sewer capacity must be demonstrated. All development shall be served by public sewer. The developer shall work with Lake Pewaukee Sanitary District and pay all costs associated with sewer studies and any necessary upgrades to the sewer conveyance system and lift stations, and to obtain written documentation from Lake Pewaukee Sanitary District confirming the higher density development can be successfully served by municipal sewer.
- All State well code and groundwater supply provisions shall be complied with by the developer. The Southeastern Wisconsin Regional Planning Commission and State Department of Natural Resources and the Lake Pewaukee Sanitary District shall be consulted with regards to anticipated water table impacts of any planned private water supply. Adequate water supply must be demonstrated. The developer must demonstrate that a private water supply will not adversely affect private wells in the area or natural resources, such as, but not limited to: Decreasing ground water table, decreasing ground water recharge to Pewaukee Lake, drying up existing wetlands, etc. Alternative water sources may shall be considered by the Town Plan Commission and Board and the County Zoning Administrator if requested by the Project Owner.
- 7) A preliminary stormwater plan must be reviewed and approved by the Waukesha County Land Resources Division for any phases of the project that will be brought forward in conjunction with the rezone request. The plan shall show which development phases are expected to be served by on-site stormwater facilities along with those anticipated to be served by shared stormwater facilities.
- A bike and pedestrian plan shall be provided. The plan must include a west connection to Brookstone Circle and a northeast connection to the Lake Country Trail. Trail segments shall be constructed in conjunction with the development of the respective development phase and shall connect to existing or future adjacent phases. Individual phases of the project shall provide connections to the main planned trail artery that will generally connect the neighborhoods to the west and the Lake Country Trail to the northeast. It is recommended that sidewalks be considered on a minimum of one side of all internal roadways. Where a pathway provides the same movement opportunity, a pathway may substitute for a sidewalk.
- The Town Board, upon receipt of a recommendation from the Town Plan Commission, and the Waukesha County Zoning Administrator shall determine active recreation space requirements. An active recreation area that is a minimum of 0.5 acres in area, such as a small

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neighborhood pocket park, would be desirable and may be required based upon the nature and intensity of the proposed uses. The Town Board, upon receipt of a recommendation of the Town Plan Commission and County Zoning Administrator shall be consulted to determine the location, size, components, ownership and maintenance of the recreation area. The recreation area may be located within a designated natural resource protection area, provided that a tree inventory is provided to demonstrate that the disturbance will not unduly harm mature trees.

#### c. Specific Development Plan

If rezoning and a General Development Plan have been approved, an application for Specific Development Plan approval for any portion of the Project shall accompany a Site Plan application. The Town Board, upon receipt of a recommendation of the Town Plan Commission and County Zoning Administrator shall approve, deny or conditionally approve the following detailed plans as part of the Specific Development Plan review process. A General Development Plan shall not have an expiration date unless specified by the Town Board. However, substantial changes to a General Development Plan shall require approval of a revised General Development Plan prior to approval of Specific Development Plans.

- 1) Detailed site plan
- 1)2) Architectural plans
- 1)3) Landscape plans
- 1)4) Grading plans
- 1)5) Preliminary Stormwater Plan for any phases that were not reviewed as part of the General Development Plan.
- 1)6) Final Stormwater Plan
- 1)7) Natural resource protection and open space plan.
- 1)8) Parking plans
- 1)9) Signage plans
- +)10) Traffic plans. If proposed uses or densities differ from those that were assumed in the traffic study as part of the General Development Plan, a revised traffic study shall be prepared and reviewed and approved by the town and county.
- Bike and pedestrian plan in accordance with Section 3(b)(8). A bike and pedestrian plan shall be provided and must include a west connection to Brookstone Circle and a northeast connection to the Lake Country Trail. Trail segments shall be constructed in conjunction with the development of the respective development phase and shall connect to existing or future adjacent phases. Individual phases of the project shall provide connections to the main planned trail artery that will generally connect the neighborhoods to the west and the Lake Country Trail to the northeast. It is recommended that sidewalks be considered on a minimum of one side of all internal roadways. Where a pathway provides the same movement opportunity, a pathway may substitute for a sidewalk.
- 1)12) Lighting plan. Applicable to Multi-family or Commercial uses only. All lighting shall be shielded by cut-off type fixtures. A photometrics plan shall be required and shall demonstrate zero light spillage at property lines. The Town Plan Commission may relax this requirement if unique circumstances can be demonstrated such as spillage occurring between two adjacent office use parcels.
- 1)13) Public hearings. Multi-family residential developments, senior uses and office uses are permitted use types but a Specific Development Plan application for said uses shall require a public hearing. The public hearing will provide for town residents and neighbors the opportunity to comment on development design and aesthetics but not density or building size. Notice of the public hearing shall be published and distributed in accordance with the

provisions of Section 17.10. The public hearing shall be conducted jointly by the Town Plan Commission and Board. For developments within the jurisdiction of the Waukesha County Shoreland & Floodland Protection Ordinance, County Planning & Zoning Staff will jointly conduct the public hearing with the Town Plan Commission and Board. County Planning & Zoning Staff may participate in any public hearing, regardless of jurisdiction, in an advisory capacity to comment on site-wide use and design requirements.

#### 4. OFFICE, SENIOR USE AND MULTIPLE FAMILY USE DESIGN AND SITE

**REQUIREMENTS:** In order to foster economic growth and ensure an attractive and vibrant neighborhood, the following design and site requirements shall be applied to Office, Senior Use and Multiple-family Use projects. These requirements will be reviewed as part of the Specific Development Plan and site plan/plan of operation process, where applicable. Any exterior color or material change to a building must comply with the provisions of this subsection and be reviewed and approved as part of the site plan/plan of operation process.

- a. <u>Siting</u>: Proposed Development projects must be compatible and complementary to the surrounding neighborhood. Architecture, landscaping and building siting must be designed to create an attractive and cohesive environment that contributes positively to the existing setting.
- b. <u>Building Form</u>: Maximum permissible Building Height and massing must be complementary to adjacent uses d-and surrounding neighborhoods and are subject to the provisions of Subsection 8 and 9.
- c. <u>Building materials</u>: Building designs shall utilize a variety of aesthetically compatible exterior building materials on all sides visible to the public. Aluminum and vinyl siding are prohibited. Aluminum and vinyl soffits and fascia behind gutters are permitted. Building materials shall terminate or meet at logical locations.
- d. Building design: A variety of aesthetically compatible building styles and articulations are encouraged throughout this district. Long, monotonous facades or roof designs shall not be permitted. Features such as awnings, windows, entry doors, projections, material changes, or other articulations are required to break up large masses. Frivolous ornamentation should be avoided.
  - Architectural treatments such as window trim and mullion widths and depth shall be consistent around all four (4) sides of the building.
- e. <u>Multi-family design:</u> The Town Plan Commission shall establish building and garage orientation parameters as part of the development review process. It is preferred that garage doors be located on side façades or that a mix of front facing and side entry garages be provided for condominium and senior use buildings containing up to four (4) dwelling units.
- f. Roof structures: If the roof is flat, the termination of the flat roof shall be concealed with a parapet. Decorative cornices must reflect the time period of the building. HVAC units and other rooftop mechanicals/utilities are required to be screened from view.
- g. <u>Accessory Building Design:</u> Accessory Buildings shall be designed so that materials and form are complementary and compatible to the Principal Building.
- h. <u>Architect consultation</u>: The Town Plan Commission and Board have the option and authority to consult with a licensed architect for comments regarding building form and design to ensure an aesthetically pleasing design that is compatible with surrounding uses and neighborhoods and

that is consistent with the requirements of this subsection 4. The Town has the authority to charge the Applicant for all expenses related to the architect's review. The Applicant will be notified of the estimated review time and expense prior to any action being taken.

- Building color: No neon or fluorescent colors are permitted. The exterior color palate of all Buildings must be compatible with the surrounding neighborhood.
- j. Building entrances: An inviting entrance to Buildings shall be located on the primary street side.
- Landscaping: Landscape treatments shall be provided to enhance architectural features, improve
  appearance, screen parking areas and Structures, reduce impervious surface, provide shade and
  enhance the streetscape.
- I. <u>Gathering/Open Spaces</u>: Meaningful communal gathering and green spaces provided in accessible settings must be an integral part of any new development with a multi-family residential or senior use. Examples include public or private courtyards, plazas, patios, terraces, community gardens, areas with planters and/or benches, and rain gardens. These spaces should enhance the pedestrian experience or provide gathering/recreational space for residents. The amount of communal gathering and green spaces shall be proportional to the lot size and intensity of the intended use.
- m. <u>Pedestrian facilities</u>: Pedestrian facilities must connect buildings and uses within the proposed development in order to provide safe and convenient access for residents and visitors.
- n. <u>Exceptions</u>: Any proposed modifications to the provisions of this subsection 4 shall be reviewed and approved through the site plan/plan of operation process. The Applicant shall justify why the Development cannot or should not comply with the provisions based on the purpose and intent of this district. Exceptions shall be approved, denied, or conditionally approved by the Town Board upon recommendation of the Town Plan Commission and County Zoning Administrator.

#### 5. USE REGULATIONS

Six (6) use zones have been established within the district. The use zones are generally depicted on Map 1 but minor deviations within or between adjacent boundaries shall be permissible. The uses provided for in each use zone are identified in the table below. All uses, with the exception of platted single-family residential uses, are subject to review and approval of a site plan and plan of operation. The table denotes those uses that require a public hearing. Any use within the district that would later be deemed a Legal Nonconforming Use because of subsequent changes in zoning regulations shall be limited to the provisions of Section 17.07.

Any modifications to the boundaries of the district, use zones or regulations of this Section require a zoning amendment in accordance with Section 17.10 of this Ordinance the Municipal Code or as may authorized in the specific Development Plan approval.

Senior uses are inclusive of skilled nursing, memory care, assisted living, independent senior, and independent free-standing units such as villas. The primary occupants of these use types are age 55 and over but others needing long term care may also occupy these unit types, provided that there is a medical need for care in a senior use facility and provided that care for those under 55 is an incidental use.

			Allowa	ble Uses & Den	sities		
	Low Density Residential single family or single family condos (max. one unit/acre)	Medium Density Residential single family at 2 units/acre or condos (max. 4 unit buildings & 2.5 units/acre)	High Density Residential single family or condos (max. 4 unit buildings & 3 units/ acre)	Condominiums (max. 4 unit buildings & 4 units/acre)	Senior Uses (max. 12 units/acre in zone 4; max 10 units/acre in zones 5 & 6)	High Quality Multi- family (max. 6 units/acre)	Office
Zone 1	Permitted	-	-	-	-	-	-
Zone 2	Permitted	Permitted	-	-	-	-	-
Zone 3	Permitted	Permitted	-	-	-	-	-
Zone 4	Permitted	Permitted	Permitted	Permitted-public hearing if any building contains > 24 units	Permitted*- public hearing	Permitted- public hearing	Permitted -public hearing
Zone 5	Permitted	Permitted	Permitted		Permitted*- public hearing	-	Permitted -public hearing
Zone 6	Permitted	Permitted	Permitted		Permitted*- public hearing	-	-

Detached garages or sheds may be permitted for all use types except single-family residential and office uses, subject to the review and approval of the Town Plan Commission.

Group daycare facilities may be considered as a Conditional Use within Zones 4-6, subject to the provisions of Section 17 05, provided that the daycare use is incidental to another permitted use that is the principal occupant of a building

\*Senior uses that are identified as "permitted-public hearing" above are not subject to the Elderly Housing conditional use provisions defined in Section 17.05 of the Town Zoning Code.

Incidental support uses such as healthcare rehabilitation or haircare services within a senior facility and convenience uses such as cafés, group daycare or fitness centers may be permitted within senior, multi-family or office use buildings, subject to the approval of the Town Plan Commission.

#### 6. DENSITY

a. Single-family and Multiple-family residential densities: The table below identifies maximum residential and senior use densities. Maximum Project density, excluding Senior Units shall be capped at 325 units.

**Maximum Dwelling Units Per Acre** 

Zone	Single family	Condo	Multi-family	Senior
		units/acre	units/acre	units/acre
Zone 1	1	-	-	-
Zone 2	2	2.5	_	-

Zone 3	2	2.5	-	-
Zone 4			6	12
Zone 5	3	3	-	10
Zone 6	3	3	-	10

#### 7. BUILDING LOCATION

- a. Offsets and Road Setback for external roadways: Minimum Road Setback requirements for structures are specified in the tables below. The base setback line shall be measured thirty-three (33) feet from the centerline of a local road or 75' from the center point of a cul-de-sac. Setbacks are measured from the base setback line. For all streets or highways for which the ultimate width has been established by the Highway Width Ordinance of Waukesha County, the Base Setback Line shall be located at a distance from the centerline equal to one-half such established width as designated on the "Established Street and Highway Width Map of Waukesha County."
  - 1. Road Setbacks for County Trunk Highway DR (Golf Rd.), Glen Cove Rd. and Elmhurst Rd.

#### Required Offsets and Setbacks from external roadways

Road frontage	Minimum Road Setback	Side Offset	Rear Offset
CTH DR	35'	15'	20'
Glen Cove Rd.	75'	Not applicable	Not applicable
Elmhurst Rd.	35'	Not applicable	Not applicable

b. <u>Offsets and Road Setbacks for internal roadways.</u> The table below contains setback requirements for internal public roads and side and rear offsets. Setbacks from private roads shall be determined by the Town Board upon the recommendation of the Town Plan Commission and the County Zoning Administrator as part of the Specific Development Plan review:

## Required Setbacks from public internal development roadways and Offsets (excludes CTH DR, Elmhurst Rd, Glen Cove Rd.)

Use type	Minimum Road Setback	Side Offset	Rear Offset
Single Family-Low Density (one dwelling unit/acre)	35'	15'	20'
Single Family- Medium & High Density (> one dwelling unit/acre)	25'	10°	20'
2-4 unit condos-side entry	10'	10'	20'
2-4 unit condos- front entry	20'	10'	20'
Multi-fam. ≥4 units/ac. and up to 6 units/ac.	10'	10°	20'
Office	30'	15'	20°
Senior (4 units or less/building) side entry	10'	10°	20'

Senior (4 units or less/building)- front entry	20'	10'	20'
Senior (>4 units/building)	30'	15'	20'

<u>Landscaping within Road Setback Area</u>: In all office, multiple-family residential
developments containing four or more units per acre and senior use developments,
landscaping is required between the building and the road. The amount and type of
landscaping required will be determined through the site plan/plan of operation review
process.

#### 2. Wetland and Floodplain Setback/Offset:

Wetlands and Floodplain setbacks/offsets within the Planned Development District are subject to the below standards rather than the wetland and floodplain setbacks established elsewhere in Section 17.

- A. Wetlands Setback/Offset: Seventy-five (75) feet minimum.
- B. Floodplain Setback/Offset: Thirty-five (35) feet minimum from the 1% regional flood elevation

#### 8. HEIGHT/BULK REGULATIONS

 a. <u>Principal Building Height</u>: Building height shall be measured from lowest exposure to the highest peak or part of a roof.

#### Maximum Building Height

Building Type	Maximum roadside height (in feet)	Maximum exposure (overall height), in feet	Maximum Base Height
Single family	35'	43'	252N/A
Condominium – 2-story zones	35'	43'	25' <u>N/A</u>
Condominium – 2-story (Zones 4, 5 & 6)	45'	45'	N/A
Condominium – 3 story zones	47'	47°	N/A
Multi-family > 4 units per building	47'	47°	N/A
Office- 3-story zones	47°	47°	N/A
Office- 2-story zones	45'	45'	N/A
Senior- 3-story zones	47°	47'	N/A
Senior- 2-story zones	45'	45'	N/A
Maximum Exposure does not include lower level garage entries			

b. Accessory Building Height: Maximum overall height is limited to eighteen (18) feet.

#### c. <u>Number of Stories</u>:

 Maximum: All buildings shall comply with the number of stories limitations that are depicted upon Map 3.

#### 9. AREA REGULATIONS

a. Floor Area and Building Footprint:

Minimum Floor Area shall be measured at each level from the outside edge of wall to outside edge of wall. Basements, exterior balconies, unenclosed porches, and garages shall not be included in the minimum Floor Area calculation.

- 1. Minimum Floor Area required for Single-family Dwellings:
  - One-story structure, 1,200 square feet.
- ii. All other structures: Area must comply with requirements of Section 17.03 5 (A).
- Minimum Floor Area required for multiple-family residential units:
  - i. 700 square feet per one-bedroom unit.
- +ii. 800 square feet per two-bedroom unit.
- i-iii. 1000 square feet per three-bedroom unit.
- <u>i-iv.</u> 100 additional square feet per each additional bedroom.
- Minimum Floor Area for senior units shall be determined by the Plan Commission through the site plan review process.
- 4. Maximum Building Footprint permitted:

Building footprint is defined as the surface area of all roofed structures per use type, except for the area of a roof overhang that measures twenty-four inches (24") or less in depth. Where multiple buildings of the same use type, such as multiple office buildings, are located on more than one lot, maximum footprint shall be determined based upon the overall area of the site devoted to the single use type.

Use Type	Maximum
	Footprint
Single Family (Low Density-	17.5% per
maximum one dwelling unit/acre)	lot
Single Family (Density of more	25% per
than one unit/acre)	lot
Office	25%
Multi-family	25%
Senior	25%

b. <u>Lot size</u>. Minimum lot area and average lot width shall comply with the requirements below. Minimum average lot width is the average horizontal distance measured between side lot lines at the established base setback line and the rear lot line or ordinary high water mark of a navigable waterway. The Town Planner shall determine where to measure lot width of an irregular shaped lot.

	Minimum Lot Size	Minimum Average Lot Width
Zone 1	20,000 square feet	100 feet
Single-family Use	15,000 square feet	75 feet
within Zones 2-6		
Office Use	20,000 square feet	100 feet
Multi-family Use	None	None
Senior Use	None	None

#### 10. OPEN SPACE

a. The table below depicts the percentage of a total development site that must be conserved in open space. Lowland open space acreage, which includes wetlands and floodplains, shall be multiplied by 0.2 to determine the open space credit for lowland areas. The specified open space requirements are unique for single family development as compared to other use types. Open space for single family residential development areas must be provided in commonly held outlots. Within office, senior and multi-family uses, all area that is devoid of structures, parking areas, driveways, roads, patios, decks and pools is considered open space.

Use Type	Percent of Development Site
Single Family (<1 unit/acre)	30%**
Single Family (> 1 unit/acre)*	30%**
Office	35%**
Multi-family less than or equal to 4 units/ac	40%**
Multi-family > 4 but not exceeding 6 units/ac	45%**
Senior Use	45%**

<sup>\*</sup>Open space preservation credits may be transferred from Zone 2 to Zone 3 to satisfy the minimum open space requirement for Zone 3. This transfer of open space credit is available between these zones because Zone 2 contains a large area of Environmental Corridor (EC) and preservation of the EC alone in Zone 2 is expected to well exceed the minimum 30% open space threshold.

#### b. Natural Resource Preservation

All areas of Environmental Corridor (EC), wetlands, non-invasive species, tree lines and other wooded areas that are designated for preservation on Map 2 shall be preserved as described on said map. Map 2 shows approximated boundaries of these resources. Field determined and surveyed boundaries of the EC shall constitute the regulated boundaries if determined in the field to be larger than the generalized boundaries depicted on Map 2. Field determined and surveyed boundaries of wetlands shall constitute the regulated wetland boundaries. EC and wetlands shall

<sup>\*\*</sup>As noted above, wetlands and floodplain (lowland) acreage to be included in required open space calculations shall be multiplied by 0.2.

be conserved within outlots to the maximum extent practicable when located on properties developed for single family use. Any EC or wetland area to be located on a private single-family residential lot or on any multi-family, senior or office use property shall be conserved via preservation restrictions that must be recorded in the Waukesha County Register of Deeds Office.

Limited disturbance of EC and wetlands to accommodate road crossings and recreational paths or features shall be permitted pursuant to approval by the Town Plan Commission and County Zoning Administrator Removal of invasive species such as Buckthorn and Honeysuckle is permitted, however, large-scale removal of invasive species shall only be permitted provided that a restoration plan is submitted to and reviewed and approved by the Town Plan Commission and County Zoning Administrator. If invasive or undesirable species dominate a tree line, replacement plantings may be required if cutting or removal is proposed. Incremental removal of said vegetation may be required to preserve the overall integrity of the tree line. The Town Plan Commission and County Zoning Administrator may authorize the removal of Box Elder or other undesirable trees from tree lines, but native deciduous trees shall be required to be planted at a minimum size of 2" diameter at breast height with number and location of replacement trees to be determined by site conditions, overall landscape plan submitted and subject to review of the Town Plan Commission and County Zoning Administrator.

#### c. Landscape Buffers

Landscape buffers shall be provided along the existing external roadways (Glen Cove Rd., Elmhurst Rd., Golf Rd.) as specified on Map 2. A landscape plan shall be prepared for the respective segment of the landscape buffers as phases are developed. Landscaping shall include a mix of trees, shrubs and ground cover vegetation. Those segments along Glen Cove Rd. and Elmhurst Rd. that are in view of adjacent residences shall contain tree planting that will provide an effective visual screen. Berms may also be used to assist in providing visual separation. The landscape plans shall be reviewed and approved by the Town Plan Commission and County Planning & Zoning Administrator. Landscape buffers shall be contained within commonly held outlots where the subject lands are proposed for single-family subdivision use. Plantings and berms shall not obstruct vision at intersections. Specified landscape buffers shall be provided immediately adjacent to the base setback line for each road where a buffer is required. Lands that must be dedicated to achieve compliance with the Street and Highway Width Map for Waukesha County shall not be counted in contributing to the required buffer width.

#### 11. SIGNAGE REGULATIONS

Signage regulations shall be in accordance with Section 17.08 (Signs) with the following exceptions. Free standing signage is limited to monument style only, with the exception of small wayfinding signage. Signage within individual project phases shall be complimentary to signage in other phases.

#### 12. PARKING REGULATIONS

The parking regulations of Section 17.09 shall be adhered to with the following additional requirements. Parking demand projections shall be supplied by the developer to aid in analyzing the appropriateness of flexing the requirements of Section 17.09.

With the exception of the lands fronting Golf Road, consideration should be given to locating part or all of parking areas to the side or rear of buildings.

For multi-family uses, there shall be a minimum of one (1) underground or enclosed parking space per dwelling unit, although the Town Plan Commission may establish a higher threshold. In addition, where surface parking will be provided, parking shall be consolidated in pods between buildings, to the greatest extent possible.

Parking areas for proposed senior uses shall be approved, denied, or conditionally approved by the Town Plan Commission and the County Zoning Administrator.

Screening. All parking areas must be screened from abutting properties—zones with vegetation that is a minimum of three feet in height at time of planting and landscaping shall be provided between parking areas and roadways with a landscape plan being subject to review of the Town Plan Commission and the County Zoning Administrator. If the landscaping areas are within established vision corner easements, the height of vegetation may be reduced to comply with easement requirements.

Landscape Islands. Any parking lot that contains twenty (20) or more stalls shall provide interior site landscaping. The end of every parking aisle shall typically have a landscaped island and no more than fifteen (15) parking spaces shall be provided between landscape islands unless this requirement is waived because of unique conditions. Landscape islands shall generally be a minimum of 325 square feet in area for double parking rows or 160 square feet in area for single parking rows.

#### 13. IMPERVIOUS SURFACE

The amount of impervious surface on a lot shall be limited as specified within the table below. The following surface types shall count as impervious surface: buildings, porches, roads, driveways, patios, decks, sidewalks, retaining walls and any other hard surface.

Use Type	Impervious Surface Maximum (as % of lot
	area)
Single Family- Low Density	30
(Max. one unit per acre)	
Single Family- Medium Density	40*
(Max. three units per acre)	
Single Family- High Density	40*
(Max. four units per acre)	
Multi-family less than or equal to 4	60*
units/ac	
Multi-family > 4 but not exceeding 6	55*
units/ac	
Office	65*
Senior	55*

<sup>\*</sup>Per State shoreland zoning law, the amount of impervious surface is limited to 30% on any riparian lot and any lot that is completely within 300' of the ordinary high water mark of a navigable stream.

- 14. DUMPSTER ENCLOSURES: All dumpsters shall be enclosed with solid fencing or walls and shall be screened with landscaping. Materials used for the dumpster enclosure shall be similar and compatible with the main building architectural materials.
- 15. OUTSIDE STORAGE: Outside storage is strictly prohibited.
- 16. ROAD LAYOUT: Internal streets must be designed in a manner to discourage cut-through traffic from adjacent neighborhoods to ensure that access points to Golf Rd. are not unduly burdened with congestion. Traffic calming measures (landscape bump outs, visually conspicuous crosswalks,

narrow streets, etc.) may be required in order to provide for safe and efficient traffic circulation. A minimum of two access points to Golf Road must be provided. Access points must also be provided to Elmhurst Road and Glen Cove Road. Access location points are subject to considerations of a traffic impact study and subject to the approval of the Town and Waukesha County. The roadway serving Zone 1 shall be an extension of Crooked Creek Rd. terminating in a cul de sac within that

16.17. CUL DE SAC LENGTH. The planned extension of Crooked Creek Rd. will terminate in an extended cul de sac. Crooked Creek Rd. is authorized to exceed 1000°. Any other cul de sac that will terminate more than 1000° feet from its nearest outlet shall be reviewed and approved, denied, or conditionally approved by the Town Board, upon recommendation of the Town Plan Commission, with input from the Town Highway Superintendent and Lake Country Fire and Rescue department to ensure that adequate emergency access is available.

#### 18. DEVELOPMENT AGREEMENT

The Town may require the developer to enter into a development agreement that specifies the duties and obligations of both parties with respect to development in the district. The Town may require the developer to provide a financial guarantee for completion of public improvements and private improvements the Town believes are necessary for completion of the project.























