

TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, March 3, 2020, 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 Frank, Commissioner Diderrich, Commissioner Dickenson and Plan Commissioner Chairman Fitzgerald.

Also present: Town Engineer Tim Barbeau, Town Attorney Eric Larson, and Administrator-Clerk/Treasurer Dan Green. Chairman Troy was excused.

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Plan Commission and a staff representative of Waukesha County Department of Parks and Land Use - Planning and Zoning Division to solicit public input on a request by The Schallock Foundation for a Conditional Use permit to operate an Animal Care Center at W30 S1205 CTH C. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearing.

Jason Fruth read the public hearing notice to the public. He explained HAWS has been gifted the property from the Schallock Foundation to use for specific uses, mostly for the training of animals, a possible pet cemetery, day camps and other uses. He explained there would be a maximum number of animals on the site but this would not be recreating the facility that is in Waukesha. He reviewed parking locations, stormwater review processes and explained that the Fire Department and Highway Department would need to review the plans as well.

HAWS Introduction of Conditional Use:

Nancy Bonniwell, explained she is the estate attorney for the Schallock Family and has lived in the Town for 33 years. The Schallock family's vision for the property for a long time was to allow HAWS to use their property. Ms. Bonniwell explained she is the trustee of the foundation and there is a use agreement with HAWS to use the property as specifically outlined in the Conditional Use. She explained HAWS is gifted the use of the property but does not own it and is subject to keeping the property open. When the Schallock family lived on the property they housed 30 horses and many dogs and goats. This is a dream come true for the old owners and the Town. In use agreement, HAWS does not have exclusive use.

Susan Sorrentino, long time member and board member of HAWS explained the use being proposed is no more intensive use than when the Schallock family were using the property. Currently they do not house horses and do not plan to do it. It would be a place for housing horses only on an emergency basis. HAWS has a 24 hour on call service but this location would not be these animal's permanent home. It would serve in emergency situations before giving them a home. The primary purpose of this location would be education to teach people how to care for animals. There are ponds on the property which they plan to enclose with fencing and there are currently goats on the property. There will be a large indoor riding arena and two birthing stalls. The barn also holds an apartment, an office and restrooms. The property as a whole has three tax key numbers. In September HAWS sent out letters to adjacent property owners and invited them to an open house in which they had two days of open houses and in November they came to Plan Commission for informational feedback.

Lynn Olenick, a HAWS representative, stated they have an opportunity to do something unique, to teach children in a safe place, how to love animals and each other. They will be able to write curriculum throughout the country to mirror what they do here. She explained to the Plan Commission what the mission of HAWS was and some of the activities they are planning on doing. She also explained they would not plan on any outdoor roaming cats on the property.

Cameron McFarland explained he is a contractor for MSI and reviewed some of the updates they need to perform on the facility. He explained that the barn is where commercial uses are happening and they are planning to update that facility including making the two bathrooms ADA compliant, replacing the septic system which is 40 years old, installing 5 egress doors and updating LED and egress lighting and fences around the pond.

Susan Sorrentino explained the hours would be from 8 AM to 8 PM but some fundraisers may go until 10 PM. She explained fundraisers are not on a regular schedule, but would be when they have an opportunity to hold an event. She explained the events may not be once a month, but may have more frequent events during the summer months. She also explained there is a house on the property and someone will be living in the house full time. There is a care taker living in the house now with cameras set up. There is a gate to close off from the public. She explained this property is not open to the public, it is private property. Only those registered for a class or who have an appointment will be allowed to enter.

Open Public Hearing:

Germaine Hillmer, W330S1131 Kettle Moraine Drive, explained she has lived in the area for 55 years. She expressed the only concern was regarding the dogs barking in the middle of the night.

Ed Gratz, W331S631 Erin Way, explained he shares 500 feet of property line with the property. He explained he would rather have this proposal than development. He asked that a gate be put up where the access gate off Highway C is on the north corner as people wonder into the property from that point. He also explained that the Town Coad does not allow mail goats due to the smell and questioned if these would be on the property. He also stated there is a platted road right-of-way but with no plans to use that.

Lisa Bull, S11W32889 Timberline Circle, explained she met with Lynn early on when doing neighbor outreach and was thrilled as a neighbor who moved here from Florida. She expressed concerns over the barking dogs overnight. She also expressed concerns regarding traffic coming and going. She asked how wide the driveway from Highway C would be and if there was a possibility of mirrors being placed on the road for blind hills as it is hard to turn on Timberline Circle with traffic.

Lynn Olenick stated she likes idea of a gate by that path as Mr. Gratz mentioned as they do not want the public there. Cameron McFarland from MSI stated they are looking into noise mitigation. He also agreed with the traffic concerns on Highway C and will work with the Town and the County on this point. In regards to the number of dogs on the site, Lynn explained they have 7 suites for dogs with 2 dogs per suite. That number may increase with any emergency overflow they may get.

The Plan Commission asked if they should consider special event permits and traffic monitors. Jason Fruth stated they can work with the County's Public Works department on dealing with site lines for traffic concerns.

The public hearing was closed at 7:15 PM.

Second order of business: Approval of the minutes of December 3, 2019.

MOTION MADE BY SUPERVISOR KRANICK TO APPROVE THE FEBRUARY 4, 2020 PLAN COMMISSION MINUTES WITH CORRECTIONS TO PAGE 4, PARAGRAPHS 2 & 4 REGARDNG SETBACKS. SECONDED BY COMMISSIONER DICKENSON. MOTION CARRIED UNANIMOUSLY.

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. Schallock Foundation, c/o Nancy Bonniwell, Trustee, Re: Consideration and possible action on a request for a Conditional Use Permit for the operation of an animal care center by the Humane Animal Welfare Society of Waukesha County, Inc. (HAWS), on property located at W330 S1205 CTH C, and approval of a site plan and plan of operation.

Chairman Fitzgerald explained the Town is in the process of changing our conditional use process in our code. The ordinance to amend our code is currently at the County for review and approval. The ordinance is expected to be approved in the next 60 days. The category "other" is being repealed but two sections that allow for kennels and private parks along with additional conditions could be incorporated.

Engineer Barbeau stated there were some concerns regarding fundraising because of traffic and improvements to that entrance. The applicant is proposing to extend the entrance 24 feet and expand the parking lot. With a change of use, the County Highway Department will review and recommend any changes to the driveway/intersection. He explained one condition is offsite parking which would require shuttles to the site. There would be some parking for staff and caterers for fundraising events. He also explained there was discussion of fundraising events until 10 PM taking place more than once per month and a 24 hour on call center. He clarified that someone would be living in the house that is onsite. The applicant explained that there is an apartment in the barn where staff resides from time to time.

Commissioner Dickenson asked if someone were to stay in the apartment on site overnight if they would be appropriately vetted to do so. The applicant explained this would only be for HAWS staff. They also explained there would be a phone number for complaints regarding any noise disturbances such as barking dogs. The applicant explained they may have occasions where they need temporary housing for emergency rescue situations. The Commission asked if they had a contingency plan in the case of a hoarder who brings in a large amount of animals. HAWS explained they would reach out to their partners nationwide and place them in various locations. The commission agreed they could give the applicant wiggle room in regards to some of these situations. Chairman Fitzgerald stated section G-6 could be changed to say "2 months unless required by court".

Engineer Barbeau stated the applicant wishes to delay the start of the parking lot but to begin utilizing the structure before the parking lot is completed. He explained the project was funded through the interest of the foundation. Chairman Fitzgerald suggested giving the applicant a timeframe for completion. The applicant explained they would like to phase out the project if needed. The current parking area is paved and paragraph D of the submitted plans addresses paving and requirements to be completed before opening to the public. Jason Fruth explained the Department of Public Works may have a bearing on the driveway. The Commission explained that notification should be sent to neighbors before fundraising events occur that have 50 to 150 people. These events are allowed one time per month and there will be a contact in the case of a noise complaint.

Jason Fruth from Waukesha County stated the County Department of Public Works and the Town Fire Department will need to approve the recommendations. Chairman Fitzgerald stated he is okay with phasing the project as long as parking does not extend to the grass.

MOTION BY SUPERVISOR KRANICK TO APPROVE A CONDITIONAL USE PERMIT AS PRESENTED AND REVISED FOR THE OPERATION OF AN ANIMAL CARE CENTER BY THE HUMANE ANIMAL WELFARE SOCIETY OF WAUKESHA COUNTY, INC. (HAWS), ON PROPERTY LOCATED AT W330 S1205 CTH C, AND APPROVAL OF A SITE PLAN AND PLAN OF OPERATION WITH RECOMMENDATIONS TO THE TOWN BOARD. SECONDED BY COMMISSIONER FRANK. MOTION PASSED UNANIMOUSLY.

- B. Scott Flaughner, 385 Kennedy Ct E. Colgate, WI, Re: Consideration and possible action on a request to approve a Certified Survey Map to combine two parcels into one parcel located at the northwest corner of Cushing Park Road and STH 18.

Engineer Barbeau explained the CSM is straight forward and is required to meet the open space for his proposal. The CSM is technically correct.

MOTION SUPERVISOR KRANICK TO APPROVE A CERTIFIED SURVEY MAP TO COMBINE TWO PARCELS INTO ONE PARCEL LOCATED AT THE NORTHWEST CORNER OF CUSHING PARK ROAD AND STH 18 AND RECOMMEND TO THE TOWN BOARD. SECONDED BY COMMISSIONER FRANK. MOTION PASSED UNANIMOUSLY.

- C. Scott Flaughner, 385 Kennedy Ct E. Colgate, WI, Re: Consideration and possible action on a request to approve Site plan, Grading/drainage plan, Landscaping, Lighting and Architectural plans, and Plan of Operation for a self-storage facility to be located on lands at the northwest corner of Cushing Park Road and STH 18.

Chairman Fitzgerald explained this is a repeat from item 5a with the Conditional Use ordinance being revised and waiting for approval from Waukesha County. He explained storage units in this zoning district would be a conditional use and the ordinance at the County was written for this type of use.

Engineer Barbeau explained there were some site issues, one of which were offsets and open space. These items have been corrected but there are still some concerns that hopefully can be acted upon at the next meeting through the conditional use request.

The applicant, Scott Flaughner explained his proposal which was a self-storage facility on an area of 11 acres. He explained there is a project that is currently under construction on the property. He explained he could not address all of the concerns from the engineer in time for the building. Mr. Flaughner questioned whether the new land use ordinances were in place now. Chairman Fitzgerald explained the changes will not legally take effect until the County Board approves them. The County's timeline is the end of April. He explained the Town Board has already issued an ordinance that a storage unit is not a permitted use in the M-1 zoning district.

The applicant introduced examples of what some of the larger storage units would look like. He also explained the units would be visible from his office. The applicant expressed concerns regarding the requirement of a fence on site for security. He stated he did not want the business to look like a prison, but more of a farm. Commissioner Fitzgerald asked how the applicant would prevent loitering with a 24/7 operation and with no fence in place. Mr. Flaughner explained when the weather is hot or cold, people do not use the facility. He explained there are many subdivisions in the area with covenants and restrictions requiring no outside storage and this would answer the needs of those people. Chairman Fitzgerald expressed concern about access for the fire department.

Supervisor Kranick expressed concern about not having a fence around the property. Mr. Flaughner explained that Kettle Moraine Storage is the same type of business and they do not have a fence. He stated there would be no outside store and one of the buildings near the back of the lot could be set up for an RV storage facility. Chairman Fitzgerald asked about waste removal for RVs and if a service for removing waste could be set up on site.

The applicant reviewed the materials of the building which included a copper roof with wood and stone front. Engineer Barbeau explained that metal may be permitted if it is kept out of the line of site. The commission also brought up concerns of night lighting in which the applicant explained WE Energies washes out most of the properties with their lights next door. Engineer Barbeau mentioned using cutoff lighting where the light does not extend beyond the light coming down on an area. Another idea was to dim the lighting after 9:00 PM. The Commission's biggest concern was security of the site.

The applicant asked what his next steps were in which he was directed to apply for a Conditional Use permit once the County reviews and approves the Conditional Use Ordinance.

Sixth Order of Business: Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meetings

A. April meeting date to be determined

Eighth Order of Business: Adjournment

MOTION BY SUPERVISOR KRANICK TO ADJOURN THE MARCH 3, 2020 PLAN COMMISSION MEETING AT 8:57 PM. SECONDED BY COMMISSIONER FRANK. MOTION PASSED UNANIMOUSLY.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer

Minutes approved on: