

PROCEEDINGS OF THE TOWN OF VERNON PLAN COMMISSION

Thursday, October 25, 2007

6:30 P.M.

**At the Vernon Town Hall in the Meeting Room
W249 S8910 Center Drive**

1. Call Plan Commission meeting to order with the pledge to the flag. Chairman Paff called the Plan Commission meeting to order. The Plan Commission recited the pledge of allegiance.
2. Roll Call. Commissioners Benkowski, Craig, Johnson, Bauer, Bartholomew, Kunert, Chairman Paff, Town Planner Brian Turk, Waukesha County Representative Amy Barrows, Deputy Clerk Stefanich and Fire Chief Phil Buchholtz. Engineer Ludwig has an excused absence.
3. **NOTICE IS HEREBY GIVEN** that a Joint Public Hearing will be held by the **Town of Vernon Plan Commission and a Staff Representative of the Waukesha County Department of Parks and Land Use** on **Thursday, October 25, 2007, at 6:30 p.m.**, at the Vernon Town Hall, located at W249 S8910 Center Drive, Big Bend, WI, 53103, to consider the **rezoning request (CZ-1162A) of the Norris Foundation, W247 S10395 Center Drive, Mukwonago, WI 53149**, to amend the District Zoning Map of the Waukesha County Zoning Code, from the AD-10 Agricultural Density-10 District to the P-I, Public and Institutional District. Rezoning of the subject lands would allow the replacement of a sign, more adequately zone areas of existing staff and group housing and allow the construction of another staff house. The properties in question are parts of Tax Key No's: VNT: 2123.993, VNT: 2150.998.002, VNT: 2123.991 and VNT: 2150.997 located in parts of Sections 27 and 34, T5N, R19E, Town of Vernon.

Chairman Paff called the public hearing to order at 6:38 p.m. and read the published notice.

Planner Turk stated the Norris Academy has previously requested approval for a monument sign to be located at the corner of Forest Home Avenue and Center Drive. However, the land is zoned AD-10 which limits signs to 12 square feet in size. On review, the balance of the Norris land is zoned I-1 and would permit the 50 square foot monument by right. Rather than apply for a variance, staff from the Town and County recommended that the property be rezoned to be consistent with the balance of the Norris land.

Waukesha County Representative Amy Barrows reviewed the parcels; their zoning and land use categories as well as the proposed zonings. She stated the areas that will stay the same will be the farmed area and the environmental corridor. She stated in conversations with the Town Planner, the Town will be considering a Land Use Plan amendment for institutional categories in the near future. She also stated the rezones are being done to eliminate subsequent Conditional Use amendments in the future when changes on the property occur. There was discussion regarding location of future staff housing. She questioned the reason for the residential areas needing rezoning and Mr. Tuttle explained that the housing in those areas is for staff housing as well. Mr. Tuttle gave a brief description of their facility and its' use. Planner Turk stated the Master Plan Amendment and zoning should match for reasons of consistency and the Public Hearing will be on the November 29, 2007 Plan Commission Agenda. Planner Turk explained the multiple single family homes the property should be rezoned for the simple reason that they all share a common lot. Waukesha County Representative Amy Barrows concurred and explained the only issue may be when and if, in the future, the foundation wants to sell the single family homes separately. Waukesha County Representative Amy Barrows stated in order to make any changes in the use of the house, it would require at a minimum a Plan of Operation review and approval at a Town and County level. There was discussion regarding the amount of homes allowed and the need for Town and County approval before any new homes can be added.

PUBLIC COMMENTS: None

Chairman Paff stated there are no further public comments and adjourned the public hearing at 6:50 p.m.

- 4. Discussion and action** to consider the rezoning request **(CZ-1162A) of the Norris Foundation, W247 S10395 Center Drive, Mukwonago, WI 53149**, to amend the District Zoning Map of the Waukesha County Zoning Code, from the AD-10 Agricultural Density-10 District to the P-I, Public and Institutional District.

MOTION Commissioner Kunert moved to recommend to the Town of Vernon Board of Supervisors and the Waukesha County Zoning Agency approval of the rezoning request **(CZ-1162A) for Norris Foundation, W247 S10395 Center Drive, Mukwonago, WI 53149**, to amend the District Zoning Map of the Waukesha County Zoning Code, from the AD-10 Agricultural Density-10 District to the P-I, Public and Institutional District, subject to the following Planner's conditions:

- 1. Professional Fees.** Petitioner shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this conditional use, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
- 2. Payment of Charges.** Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within 30 days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

Seconded by Commissioner Craig, carried by voice vote.

- 5. Immediately following the above noticed public hearing**, another Joint Public Hearing will be held, at approximately 6:45 p.m. or immediately following the **Norris Foundation Public Hearing**, on **October 25, 2007**, by the **Town of Vernon Plan Commission and a Staff Representative of the Waukesha County Department of Parks and Land Use** to consider the **Conditional Use request (CU-1112C) of Cricket Communications, 1233 N. Mayfair Rd. #230, Milwaukee, WI**, to permit the co-location of three antennas on an existing lattice tower and utilize ground space for associated radio and telephone equipment. The subject property is owned by the Town of Vernon, W249 S8910 Center Drive, Big Bend, WI 53103. The property in question is Certified Survey Map 1838, Vol. 12, Pgs. 309 and 310, located in the NE ¼ of Section 17, T5N, R19E, Town of Vernon. More specifically, the property is located at S81 W26220 West National Avenue.

Chairman Paff called the public hearing to order at 6:51 p.m. and read the published notice.

Planner Turk stated the applicant proposes to locate on the Town of Vernon Fire Station #2 property, replacing the AT&T wireless facilities. The Conditional Use Permit for this tower requires all new locators to file for a Conditional Use Amendment. Access will be from the existing driveway. No significant site modification is proposed. The original Conditional Use requires documentation of a lease. This is included as a condition of approval. Planner Turk reviewed the conditions of approval found in the staff report.

Waukesha County Representative Amy Barrows stated the property is currently under Conditional Use approval with the original Conditional Use approved in 1997. She reviewed the history and current proposal of this site. She questioned the need for future antennas, where the new equipment will be located, and the need for building specification widths and depths of each cabinet. She questioned if the leased area will be fenced, proposed screening, load capacity and structural analysis information. There was discussion regarding the new conditional use needed, the changes from the prior conditional use and the termination of the prior conditional use. Planner Turk stated he would recommended an additional condition allowing three antennas and up to six more with proof of structural ability. Waukesha County Representative Amy Barrows questioned if the lease has been determined and Chairman Paff stated it is still under negotiation.

There was discussion regarding the need for official termination of old Conditional Uses. Waukesha County Representative Amy Barrows stated the ordinance may take that modification into affect. Waukesha County Representative Amy Barrows asked if specifications could be sent to the County as well as the Town as soon as possible. Chairman Paff stated the status of the lease is under review and will be completed as soon as possible.

PUBLIC COMMENTS: None

Chairman Paff stated there are no further public comments and adjourned the public hearing at 7:05 p.m.

6. **Discussion and action** to consider the Conditional Use request **(CU-1112C) of Cricket Communications, 1233 N. Mayfair Rd. #230, Milwaukee, WI**, to permit the co-location of three antennas on an existing lattice tower and utilize ground space for associated radio and telephone equipment.

MOTION Commissioner Benkowski moved to approve the Conditional Use request **(CU-1112C) of Cricket Communications, 1233 N. Mayfair Rd. #230, Milwaukee, WI**, to permit the co-location of three antennas on an existing lattice tower and utilize ground space for associated radio and telephone equipment, subject to the following Planner's conditions:

1. **Signed and written lease:** The applicant providing a copy of the signed and written lease agreement to the Town Clerk, to be placed on file.
2. **Erosion Control:** Subject to Cricket Communications submitting to and obtaining approval from the County Land Resources Division, adequate proof that an Erosion Control Permit has been issued for the proposed work, prior to issuance of building permits and zoning permits.
3. **Removal of Communications Facilities:** Within 180 days of termination of the petitioner's lease agreement, Cricket Communications shall remove all affiliated equipment that are part of this Site Plan and Plan of Operation. In the event the affiliated equipment is not removed from the premises within the 180 day period, the Town of Vernon shall have the right to remove the affiliated equipment at the expense of Cricket Communications and / or owner of the premises.
4. **Modifications:** Cricket Communications shall not make any additions, alterations, or improvements to the communications facilities without first petitioning and receiving approval from the Town of Vernon and County Zoning Agency.
5. **Outside Storage:** Outside storage of materials is prohibited.
6. **Operation Interference:** Cricket Communications equipment shall not interfere with any other wireless communication. In the event any complaints of interference are received, and they are reasonable suspected by the Town of Vernon or County Zoning Agency to be caused by Cricket Communications, the Town or County shall so notify Cricket Communications. Cricket

Communications shall have 30 days to investigate said complaints, at its sole expense, and respond to the Town and County. After hearing Cricket Communications' response, in the event that the Town or County reasonably determine that Cricket Communications is the source of interference, the Town or County shall notify Cricket Communications of that determination, and Cricket Communications shall take immediate steps to correct the problem and complete the corrections within 45 days of the official notice of determination. Thereafter, if the interference is not corrected, Cricket Communications shall cease operation of the wireless facility until such time as the interference is eliminated.

7. **Professional Fees.** Petitioner shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this conditional use, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
8. **Payment of Charges.** Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within 30 days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

Seconded by Commissioner Kunert, carried by voice vote.

7. **Discussion and action** to consider the request for **Jeff Fowle, for Site Plan and Plan of Operation** for Cricket Communications for a cell tower located at W224 S10030 Big Bend Drive, Big Bend.

Planner Turk stated the applicant proposes to locate on the Maney property, W224 S10030 Big Bend Drive. Planner Turk stated he recommends approval of the Site Plan and Plan of Operations for Cricket Communications to co-locate wireless communication facilities on the Maney cell tower located at W224 S10030 Big Bend Drive, subject to the conditions found in the staff report. He stated the tower is fenced in and no landscaping is required.

MOTION Commissioner Kunert moved to approve the request for **Site Plan and Plan of Operation** for Jeff Fowle, Cricket Communications for a cell tower located at W224 S10030 Big Bend Drive, Big Bend, subject to the following Planner's conditions:

1. **Signed and written lease:** the applicant providing a copy of the signed and written lease agreement to the Town Clerk, to be placed on file.
2. **Erosion Control:** Subject to Cricket Communications submitting to and obtaining approval from the County Land Resources Division, adequate proof that an Erosion Control Permit has been issued for the proposed work, prior to issuance of building permits and zoning permits.
3. **Removal of Communications Facilities:** Within 180 days of termination of the petitioner's lease agreement, Cricket Communications shall remove all affiliated equipment that are part of this Site Plan and Plan of Operation. In the event the affiliated equipment is not removed from the premises within the 180 day period, the Town of Vernon shall have the right to remove the affiliated equipment at the expense of Cricket Communications and / or owner of the premises.

4. **Modifications:** Cricket Communications shall not make any additions, alterations, or improvements to the communications facilities without first petitioning and receiving approval from the Town of Vernon and County Zoning Agency.
5. **Outside Storage:** Outside storage of materials is prohibited.
6. **Operation Interference:** Cricket Communications equipment shall not interfere with any other wireless communication. In the event any complaints of interference are received, and they are reasonable suspected by the Town of Vernon or County Zoning Agency to be caused by Cricket Communications, the Town or County shall so notify Cricket Communications. Cricket Communications shall have 30 days to investigate said complaints, at its sole expense, and respond to the Town and County. After hearing Cricket Communications' response, in the event that the Town or County reasonably determine that Cricket Communications is the source of interference, the Town or County shall notify Cricket Communications of that determination, and Cricket Communications shall take immediate steps to correct the problem and complete the corrections within 45 days of the official notice of determination. Thereafter, if the interference is not corrected, Cricket Communications shall cease operation of the wireless facility until such time as the interference is eliminated.
7. **Professional Fees.** Petitioner shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this conditional use, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related conditional approval due to a violation of these conditions.
8. **Payment of Charges.** Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees within 30 days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

Seconded by Commissioner Bartholomew, carried by voice vote.

8. **Discussion and action** of the following items for **Martin and Theresa Rozeski** for the property located at **S107 W25620 Forest Home Av., Mukwonago.**

Planner Turk stated last month the Plan Commission reviewed this land division in concept. It was the consensus that the attached Certified Survey Map layout was the best way to proceed. The lots are considered to be "Not Abutting a Public Road" due to their width. He stated this land division requires two waiver and modifications to allow lots with at greater than 1:2 width to depth ratio and to allow a lot line not perpendicular to right of way. He stated he is recommending approval with all standard Town Attorney conditions. He also stated the Certified Survey Map checklist is on the agenda, but not included in the packets. He stated we need to add to the Certified Survey Map approval that the checklist is approved subject to the Town Engineer and Town Planner approval. There was discussion regarding the County approved location of the driveway, the distinction between the divided lots, the building envelope, the setbacks, the old horse barn location, the deed restriction and additional developmental rights.

MOTION Commissioner Kunert moved to approve the following items for **Martin Rozeski, of S107 W25620 Forest Home Av., Mukwonago:**

1. **Waiver and modification for a Lot Not Abutting a Public Road, subject to the following Planner's conditions:**
 - a. **Concurrence by Resolution of the Town Board stipulating that this is a unique circumstance and does not set precedent to allow Flag Lots.**
 - b. **Professional Fees. Petitioner shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this conditional use, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.**
 - c. **Payment of Charges. Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within 30 days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.**

2. **Waiver and Modification to allow lots with a greater than 1:2 width to depth ratio, subject to the following Planner's conditions:**
 - a. **Professional Fees. Petitioner shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this conditional use, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.**
 - b. **Payment of Charges. Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within 30 days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.**

3. Waiver and Modification for lot line not perpendicular to right of way, subject to the following Planner's conditions:

- a. Professional Fees.** Petitioner shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this conditional use, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
- b. Payment of Charges.** Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within 30 days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

4. Certified Survey Map Checklist

- a. Subject to satisfying the technical corrections of the Town Planner and Town Engineer.**
- b. Professional Fees.** Petitioner shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this conditional use, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
- c. Payment of Charges.** Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within 30 days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

5. Final Certified Survey Map

- a. Subject to all Town of Vernon Standard CSM Conditions to be approved as to form by the Town Attorney.**

- b. **Professional Fees.** Petitioner shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this conditional use, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
- c. **Payment of Charges.** Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within 30 days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

Seconded by Commissioner Johnson, carried by voice vote.

9. Correspondences

- a. Town Attorney recommendation to clarify and re-approve August 23, 2007 minutes regarding the approved Planner's conditions for, Kevin & Ellen Rutzen, S67W26030 Benson Av., Hobby Kennel License

Planner Turk stated this is a clarification requested by the Town Attorney that the dogs would not be replaced after their demise without Plan Commission approval. He stated that condition could be amended as condition number one of the prior August 23 action.

MOTION Commissioner Bauer moved to re-approve the August 23, 2007 minutes as corrected, seconded by Commissioner Bartholomew, carried by voice vote.

10. Waukesha County Zoning Violations Update:

Planner Turk stated quite a few violations have been closed. Chairman Paff stated these have been open for some time and the violators seem to be dragging their feet.

- a. Brott - Kelsey Drive
- b. Borchardt - Enterprise Drive
- c. Schneider - Pheasant Drive
- d. Olson - Knoll Drive
- e. Hallada - Pheasant Drive
- f. Pease - Edgewood Drive
- g. Greffer - National Avenue
- h. Deluca - Big Bend Drive
- i. Hallenbeck (operator), Hibbard (owner), It Ain't Heaven,- CTH ES
- j. Schroeder - Chateau Lane
- k. Banaszak - Edgewood Avenue
- l. Vernon Presbyterian Church - National Avenue
- m. Deering - Forest Home Avenue

- n. Rouse - Cameron Drive
- o. Heaven City - CTH ES
- p. Jentzsch & Jentzsch - CTH ES
- q. Koehler- Lot 23, Major Manor
- r. Kitscha- Hunters Run

11. Minutes For Approval:

- a. September 27, 2007

MOTION Commissioner Bartholomew moved to approve the September 27, 2007 Plan Commission minutes as printed, seconded by Commissioner Craig, carried by voice vote, with one abstention by Commissioner Bauer.

12. Next Meeting: November 29, 2007

13. Adjourn.

MOTION Commissioner Kunert moved to adjourn, seconded by Commissioner Johnson, carried by voice vote.

Meeting adjourned at 7:20 p.m.

Christine Stefanich
Deputy Clerk/Plan Commission
Town of Vernon
Waukesha County

APPROVED:

As printed ()
With corrections ()

Brian Paff, Chairperson
Town of Vernon

Date

W:\Plan Commission\Minutes\2007 Minutes\10-25-07.doc