

PROCEEDINGS OF THE TOWN OF VERNON PLAN COMMISSION

Thursday, May 24, 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, Chairman Paff, Town Planner Brian Turk, Deputy Clerk Stefanich, Town Engineer Tom Ludwig and Fire Chief Phil Buchholtz. Commissioner Kunert has an excused absence.
3. **NOTICE IS HEREBY GIVEN** that a Public Hearing will be held by the Town of Vernon Plan Commission on May 24, 2007 at 6:30 p.m., at the Vernon Town Hall, to consider the waiver/modification request for **Nick Rank, S90 W26985 Norway Drive, Mukwonago, to approve the size of an accessory structure, 30'X64' (1,920 square feet).**

Chairman Paff called the public hearing to order at 6:31 p.m. and read the published notice.

Planner Turk stated the applicant proposes to remove an existing accessory building and replace it with a new building totaling 1,920 square feet. The parcel is 1.25 acres in size, permitting 1,200 square feet by right. Therefore, the applicant has requested a waiver and modification for building size. He has indicated that he is willing to screen the building with evergreens. When considering a Waiver & Modification, Section 125-10 (l) of the Town of Vernon Building Construction Code, the Plan Commission is to review matters on a case by case basis and make a determination which includes the consideration, but not necessarily an affirmative finding, of the following factors:

- (a) Whether the request for the waiver or modification, if granted, would be consistent with the general intent of the ordinance.
- (b) Whether the request for the waiver or modification, if granted, would adversely affect property owners in the surrounding area.
- (c) Whether the request for the waiver or modification, if granted, would benefit the petitioner's project in a way that is not inconsistent with the Town's interests.
- (d) Whether petitioner is in full compliance with applicable ordinances and agreements with the Town.
- (e) Whether, instead of granting the request for the waiver or modification, the ordinance itself should be changed to accommodate the kind of situation presented by the petitioner.

Planner Turk stated if the Plan Commission is inclined to approve this waiver there are four standard conditions and he reviewed them with the Plan Commission.

There was discussion regarding the size of the building and questioned its use. Mr. Rank stated the building would store a boat, car, wave runners and snowmobiles and that all of

these items would be personal items. Mr. Rank stated the existing building, which he is replacing, is a small 10' x 15' garden shed. He also stated the new building would be tucked in the back corner of the lot and evergreens would be planted in front to screen it from the road. Commissioner Benkowski stated he felt the size of the building is too large and will be seen from the road. Commissioner Johnson also felt the building would be visible from the road and there would be a need for more than a few evergreens to screen it. There was discussion regarding the building being 180' feet off the right of way and 20-30 feet off the side property line. Commissioner Bartholomew questioned if architectural requirements apply and Planner Turk stated they do and that the building would need to match the home. There was discussion regarding the surrounding accessory buildings and how they match the homes and are sized properly to the properties. There was discussion regarding the construction size of the proposed accessory building and Mr. Rank stated he would be open to other options.

PUBLIC COMMENTS:

Mike Kelley S90 W27045 Norway Drive Mr. Kelley stated his concern with the location of the building and if it would be visible from his property. Planner Turk reviewed the location of the building. Mr. Kelley stated his concern that this building may pose an "eye sore" and that the landscaping would not screen it from his view during certain times of the year.

Ron Olson S90 W27010 Norway Drive Mr. Olson stated he is located at the top of the hill and his concern is with the height of the proposed building. He suggests Mr. Rank decrease the height of the building for esthetic reasons.

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 waiver/modification request for **Nick Rank, S90 W26985 Norway Drive, Mukwonago, to approve the size of an accessory structure, 30'X64' (1,920 square feet).**

There was discussion regarding a possible additional condition, decreasing the height of the building by using a ten foot sidewall, and having the front of the building match the existing home. Chairman Paff read from the Town Ordinance regarding the requirements for accessory structures and clarified that the building inspector determines the compatibility of the exterior of the accessory structure to the existing home. Mr. Rank reiterated that if he was inclined to build a 1,200 foot square building he could do so, without approval as long as it was compatible with his home. There was discussion regarding a shingled roof, the amount of landscaping and insulating the building at a later date.

MOTION Commissioner Bartholomew moved to approve the request for Nick Rank, S90 W26985 Norway Drive, Mukwonago, for a waiver/modification for an accessory structure, 30'X 64', subject to the following Planner's conditions:

1. **The applicant receiving all required permits from the Building Inspector and the County Zoning Agency.**
2. **The Town of Vernon Building Inspector shall withhold permits for the accessory buildings until a deed restriction is placed on the subject**

property in a form as approved by the Town Attorney giving notice that the accessory building cannot be used for any commercial or industrial purpose.

3. **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 development, 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.
4. **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 thirty (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. **The accessory structure shall comply with all of the following:**
 - a. **Sidewalls no greater than 10 feet in height.**
 - b. **Minimum heel on top of the sidewall.**
 - c. **Roof overhangs to match the residence.**
 - d. **Color to match the residence.**
6. **Four evergreens shall be planted to the north side of the structure to screen the building.**

Seconded by Commissioner Bauer, carried by voice vote with one nay from Commissioner Benkowski.

5. **Discussion and action** to consider the Site Plan and Plan of Operation amendment for the addition of a 10' x 20' lean to on the south side of the building, for **Paul Mindel, dba National Golf Center, S74 W24255 National Avenue, Big Bend.**

Planner Turk explained the confusion from the last Plan Commission meeting dated May 10, 2007 and the reason for reconsidering it at this time.

MOTION Commissioner Craig moved to repeal the motion made on May 10, 2007 to approve the Site Plan and Plan of Operation amendment for the addition of a lean to for Paul Mindel, dba National Golf Center, S74 W24255 National Avenue, Big Bend, subject to the following Planner's conditions:

- A. The original Site Plan and Plan of Operation as conditionally approved by the Town of Vernon Plan Commission shall be incorporated herein by reference along with the conditions of approval that were imposed. All other terms and conditions of the original Site Plan and Plan of Operations remain in full force and effect except as modified herein.**

- B. At all times, the subject property shall be in full compliance with the provisions of Section 3.04(3) of the Waukesha County Zoning Code, including any amendments and renumbering that may be made of the said section.**

- C. 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 development, 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.**

- D. 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 thirty (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 Bauer carried by voice vote.

There was additional discussion regarding the confusion from the previous meeting and the location of the lean to.

MOTION Commissioner Bartholomew moved to approve the Site Plan and Plan of Operation amendment for the addition of a 10' x 20' lean to on the south side of the building for Paul Mindel, dba National Golf Center, S74 W24255 National Avenue, Big Bend, subject to the following Planner's conditions:

- A. The original Site Plan and Plan of Operation as conditionally approved by the Town of Vernon Plan Commission shall be incorporated herein by reference along with the conditions of approval that were imposed. All other terms and conditions of the original Site Plan and Plan of Operations remain in full force and effect except as modified herein.**

- B. At all times, the subject property shall be in full compliance with the provisions of Section 3.04(3) of the Waukesha County Zoning Code,**

including any amendments and renumbering that may be made of the said section.

- C. **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 development, 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.

- D. **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 thirty (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.

- 6. **Discussion and action** to consider the following items for **John Kobussen and Kim Schneeweis for Fox River Woods, S95 W32645 Forest Home Avenue, Big Bend:**
 - a. **Final Condominium Plat**
Planner Turk stated he received the final condominium plat last Thursday and his review is complete but the register land surveyor is still working on his review. He stated he recommends tabling this item to the June 14, 2007 meeting.

MOTION Commissioner Bauer moved to table the **Final Condominium Plat for John Kobussen and Kim Schneeweis for Fox River Woods, S95 W32645 Forest Home Avenue, Big Bend, to June 14, 2007 meeting, seconded by Commissioner Johnson, carried by voice vote.**

- b. **Declaration of Condominium**
Planner Turk stated the Declaration of Condominium was received late Wednesday and the Town Attorney was given authorization to begin his review. Because the Town Attorney typically needs ten days to review the document, Planner Turk also recommended this item to be tabled to the June 14, 2007 meeting. Attorney Barrington explained the changes made to the document.

MOTION Commissioner Bauer moved to table the **Declaration of Condominium for John Kobussen and Kim Schneeweis for Fox River Woods, S95 W32645 Forest Home Avenue, Big Bend, to June 14, 2007 meeting, seconded by Commissioner Craig, carried by voice vote.**

c. Construction Plans

Engineer Ludwig stated the revised plan was received yesterday. There was discussion on the changes made. Engineer Ludwig stated there were other items needing to be addressed and he recommends tabling this item as well until the private drive, landscaping and sump line issues have been addressed. There was discussion regarding the location of the easement to gain access to the County's land, the private ingress and egress to the river and its use and the development of the easement if any.

MOTION Commissioner Bauer moved to table the Construction Plans for John Kobussen and Kim Schneeweis for Fox River Woods, S95 W32645 Forest Home Avenue, Big Bend, to June 14, 2007 meeting, seconded by Commissioner Bartholomew, carried by voice vote.

d. Landscape Plans

MOTION Commissioner Bauer moved to table the Landscape Plans for John Kobussen and Kim Schneeweis for Fox River Woods, S95 W32645 Forest Home Avenue, Big Bend, to June 14, 2007 meeting, seconded by Commissioner Johnson, carried by voice vote.

7. **Discussion** of revised conceptual Certified Survey Map for **Mary Vick**, for the property located at **W250 S7725 Center Drive, Mukwonago.**

Planner Turk stated the applicant owns approximately 4.25 acres of land at the southwest corner of National Avenue and Center Drive. They propose to split the parcel to create one new buildable residential lot. The Village of Big Bend objected to the previously proposed east-west land division, and required a north-south split of the land. He stated at extraterritorial review they required an alternate split to eliminate the irregular lot lines and keep the septic system within the lot. He also stated the driveway was approved by the county at National Avenue.

There was discussion regarding the reason the Village of Big Bend turned down the first submittal of the Certified Survey Map. Planner Turk explained that the original approval had a jogged lot line keeping the septic system on the existing lot and Village of Big Bend did not like the irregular lot line configuration.

Mr. Mainwaring stated the Plan Commission could approve the land split and then the land owners would negotiate and swap land. Planner Turk agreed and stated it would be considered "adjustments between abutting owners". The proposed land split, the mound system easement and possible neighbor disputes were some of their concerns. The general consensus among the Plan Commission was favorable for the applicant to proceed.

8. **Discussion and action** on a Site Plan and Plan of Operation Amendment for a total of three signs at **Morningstar Golfers Club, S77 W26285 Prairieside Drive, Waukesha**, one entrance monument sign with a proposed size of 5' x 8' and two directional signs with a proposed size of 4' x 8' each, sign locations to be determined.

Planner Turk stated as a part of Site Plan and Plan of Operation review in August of 1999, Morningstar Golfers Club had requested three 8' x 12' signs and one 20' x 100' sign, but no details or renderings were available. A condition of the Site Plan and Plan of Operation approval by the County Zoning Agency included the following: in accordance with Conditional Use approval, a signage plan showing rendering details of each sign must be presented to the Town Planning Commission and Waukesha County Department of Parks and Land Use prior to issuance of the zoning permits for the signs.

Planner Turk stated at this time, the applicant has submitted renderings for three signs. Two of the signs are 4' x 8' directional signs, and one 5' x 8' entrance monument. A site plan showing the exact location has not been submitted. He asked the applicant to show the locations on a scaled map, he stated setbacks and vision corners would apply. Planner Turk stated he recommends approval of the two 4' x 8' directional signs, and one 5' x 8' entrance monument for Morningstar Golfers Club, S77 W26285 Prairieside Drive.

There was discussion regarding the exact location of the signs and a model of the monument sign was passed around. The general consensus among the Plan Commission was favorable.

MOTION Commissioner Benkowski moved to approve the Site Plan and Plan of Operation Amendment for a total of three signs at Morningstar Golfers Club, S77 W26285 Prairieside Drive, Waukesha, one entrance monument sign with a proposed size of 5' x 8' and two directional signs with a proposed size of 4' x 8' each, subject to the following Planner's conditions:

1. The applicant complying with the sign locations approved by the Plan Commission at its May 24, 2007 meeting.
2. Professional fees. Applicant 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 permit, 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 Conditional Use Permit 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.
3. 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 thirty (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 use permit.

Seconded by Commissioner Craig, carried by voice vote, with one abstention from Commissioner Bauer.

9. Discussion of Falcon's View Subdivision, Hillview Drive, Mukwonago, WI 53149.

Chairman Paff explained that Falcon's View Subdivision had been previously approved by the Town of Vernon Plan Commission, by Waukesha County Plan Commission and the Land Use Planning and Environment (LUPE) Committee only to have Waukesha County Board deny it by a 23-10 vote. He stated it was denied because of the lot sizes and density concerns. He stated County Board Supervisor Singert, along with some Land Use Planning and Environment (LUPE) members and Waukesha County Board members opposed the proposed densities. There was a meeting at the site to review the proposed subdivision. County Board Supervisor Singert asked the developer to come up with another option to redesign the lot sizes and locations as well as cul-de-sac locations. Chairman Paff stated after the redesign, County Board Supervisor Singert stated he would then support the new design of the subdivision. Chairman Paff stated he then asked Waukesha County Board to reconsider the new design and they agreed to have Land Use Planning and Environment (LUPE) review the design again based on the revised information. Mr. Roamer (land owner and developer) explained and reviewed the revised design with the Plan Commission. He explained his concerns with remaining in the approved land use category of SDR1, allowing more lots, for the sake of the Town of Vernon as well as for himself. He stated if it becomes categorized as the SDR2 land use category, allowing fewer lots, all the surrounding sites would follow suit. Mr. Roamer answered questions regarding specific lots, design curves and changes in density. County Board Supervisor Singert explained his concerns, his procedure as a County Board member, and his reviewing techniques. He stated he saw concerns after reviewing minutes, the site and the plat of this development. He stated he read comments from Mr. Dick Mace in which he expresses reservations. County Board Supervisor Singert stated he felt a need to question the design and that the plan was in need of more work. He stated he should have considered the option to have Land Use Planning and Environment (LUPE) review the design again rather than deny the proposed design. He stated a meeting took place to review the concerns and he found issues with pie shaped lots because they are not long term lots of good design. He stated he felt it was his responsibility as a County Board Supervisor to review the plan, consider the prior opposed votes and support the denial of the plan and find a better solution. County Board Supervisor Singert stated because of his denial, he felt the new revised plan under the SDR1 land use category was a better plan for this development. He stated through his involvement with this development and taking into consideration the beauty of this site SDR2 would have been a good choice as well, but was not acceptable to the developer. He stated taking into consideration the criticisms the new revised plan is a positive change and feels this new plan will be approved by Land Use Planning and Environment (LUPE). There was discussion whether density was the major issue for denial of the initial plan or if the issue was because of slopes and grading. County Board Supervisor Singert stated he felt moving the cul-de-sac back 40 feet would encourage the approval of the revised plan. Commissioner Benkowski explained what the Plan Commission was thinking when they reviewed the Falcon's View plan and approved it. He stated it is a challenging piece of property and he felt they made good choices and decisions. County Board Supervisor Singert stated he thinks the product now is a product of improvement. Commissioner Johnson questioned if County Board Supervisor Singert is willing to go before the County Board and support the plan before them and County Board Supervisor Singert answered he was. There was discussion regarding shoreland zoning and master plan amendments and Planner Turk clarified that this issue is regarding a master plan amendment. Chairman Paff stated that after he visited the site and the revisions were made, he felt the plan turned out to be a better plan for this development and possibly saved

this project. County Board Supervisor Singert stated he will try to attend the next Land Use Planning and Environment (LUPE) meeting and report back with any new information. Chairman Paff asked County Board Supervisor Singert if there are problems with developments in the future that the Plan Commission becomes aware of them before it gets too far into the process only to find that it's too late to save a project. Commissioner Benkowski stated he and the Plan Commission took a great deal of time to make this development what it was and questioned if there are any other developments that the County Board is looking at negatively. Planner Turk stated all other developments have been approved at this time. County Board Supervisor Singert stated this project may now bring new ideas and concerns to the Plan Commission with other future projects. There was discussion on the procedure process and responsibilities of the voting members with future projects to eliminate communication barriers between Commissions, Boards and Committees. Planner Turk stated this meeting tonight constitutes a conceptual review for Falcon's View and the next step would be the preliminary plat and allotment and that requires the County's preliminary stormwater letter prior to the allotment process. He stated there will be substantial engineering performed including grading plans, road plans and stormwater plans and therefore the Plan Commission will have a great deal of information for the allotment process. Chairman Paff stated he is concerned that the County will require the new development to be categorized as the SDR2 land use category and needs to know that County Board Supervisor Singert will support and encourage a SDR1 zoning for this development. County Board Supervisor Singert stated he is working for the Town as well as the County and for the betterment of both. Chairman Paff stated there is a need to keep County Board Supervisor Singert up to date with facts and information on any future developments. The general consensus among the Plan Commission is favorable and would like to see the developer proceed with the plans as presented and reviewed.

10. Correspondences:

- a. None

Deputy Clerk's Note: Mr. and Mrs. Vick arrived and Planner Turk reviewed the consensus of the Plan Commission regarding their revised Certified Survey Map. He also explained their next step.

11. Waukesha County Zoning Violations update:

- a. Hein – Edgewood Avenue Golf Course
- b. Brott- Kelsey Drive
- c. Kohlberg- Artesian
- d. Schluga- Center Drive
- e. Borchardt- Enterprise Drive
- f. Olson- Knoll Drive
- g. Hallada-Pheasant Drive
- h. Wirth- Carol Drive
- i. Pease- Edgewood Avenue
- j. Schneider- Pheasant Drive
- k. Greffer- National Avenue

Planner Turk stated Mr. Hein on Edgewood Avenue has been resolved with an amended conditional use and Mr. Borchardt on Enterprise Drive will be completed as soon as his zoning permit is issued in June. Commissioner Benkowski stated he visited the Olson site

on Knoll Drive and he will be returning it to its original state by Friday, May 25, 2007. Planner Turk stated Mr. Schluga on Center Drive will be complete within two weeks.

12. Minutes For Approval: May 10, 2007

MOTION Commissioner Bartholomew moved to approve the May 10, 2007 minutes as printed, seconded by Commissioner Johnson, carried by voice vote.

13. Next Meeting: June 14, 2007

14. Adjourn.

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

Meeting adjourned at 8:40 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