

**PROCEEDINGS OF THE TOWN OF VERNON PLAN COMMISSION**

**Thursday, June 28, 2007**

**6:30 P.M.**

**At the Vernon Town Hall in the Meeting Room**

**W249 S8910 Center Drive**

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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, Deputy Clerk Stefanich, Town Engineer Tom Ludwig and Fire Chief Phil Buchholtz.
3. PLEASE TAKE NOTICE that the Plan Commission of the Town of Vernon, Waukesha County, Wisconsin, will hold a Public Hearing at 6:30 p.m. on Thursday June 28, 2007 at the Vernon Town Hall, W249 S8910 Center Drive, to consider the adoption of a Smart Growth Comprehensive Plan.

**Chairman Paff called the public hearing to order at 6:33 p.m. and read the published notice.**

Planner Turk showed a brief presentation and referred to the hand out given to the Plan Commission.

***Deputy Clerk's Note: Planner Turk's power point presentation is attached.***

Chairman Paff questioned if any modification of the Smart Growth Plan would require a public hearing and Planner Turk stated minor technical changes would not require a public hearing, major policy changes would. There was discussion regarding Town Attorney Macy's concern of excessive detail in the Smart Growth Plan and in stating more general specifics would allow the consideration of each case individually. Commissioner Benkowski suggested keeping the Smart Growth Plan specific and then amending it as needed. Planner Turk also agreed leaving the Smart Growth Plan more specific and amending it to fit individual application submittals. Commissioner Craig stated he felt the Town of Vernon is ahead of the game by having a Smart Growth Plan compared to a lot of the municipalities in the state of Wisconsin. Commissioner Johnson stated no matter how well you plan for growth there will always be changes and therefore, becomes a tool with guidelines to follow. There was discussion regarding the Smart Growth Plan verses the Master Plan and Planner Turk explained that they are interchangeable once the Smart Growth Plan is adopted. He stated it is a Smart Growth compliant Master Plan and it has everything the old plan had plus the extra items required by statutes.

**PUBLIC COMMENTS:**

**Phil Mainwaring W225 S6536 Guthrie Drive.** Mr. Mainwaring questioned if the impact fees took into consideration the population senses data just released to ensure the Town's projections are accurate. Planner Turk stated the statutes require a review and update every five years and he recommends every two years.

**Chairman Paff stated there are no further public comments and adjourned the public hearing at 6:45 p.m.**

4. Discussion and action to consider Resolution #P.C. 2007-05, A Resolution to adopt the Town of Vernon Smart Growth Comprehensive Plan.

**MOTION** Commissioner Craig moved to adopt the Town of Vernon Smart Growth Comprehensive Plan Resolution #P.C. 2007-05, seconded by Commissioner Kunert, carried by Roll Call Vote.

**ROLL CALL VOTE:**

Commissioner Benkowski:	Yes
Commissioner Craig	Yes
Commissioner Johnson	Yes
Commissioner Bauer	Yes
Commissioner Bartholomew	Yes
Commissioner Kunert	Yes
Chairman Paff	Yes

5. Discussion and action of the following items for Cynthia Albiniak, for the property located at W278S8905 Lakeside Drive, Mukwonago.
  - a. Certified Survey Checklist

Planner Turk stated there is revised Certified Survey Map dated June 28, 2007 in the Commissioner's packet and it addresses all of the Planner's and Engineer's concerns as well as Waukesha County's. He stated he is recommending approval of the Town of Vernon Checklist.

Planner Turk stated sheet two of the Certified Survey Map shows all locations of the mound systems as well as the proposed driveway locations. Commissioner Craig questioned the size of the smallest lot allowed in the Town of Vernon and Planner Turk stated .75 acres. There was discussion regarding specific zoning areas and the size of lots allowed. Planner Turk read the required note from Waukesha County on the Certified Survey Map regarding the release of restrictions and structures for lot 3a and 3b. There was discussion regarding the mound system on lot 3a obstructing the vision corner, the size of the vision corner, and high ground water concerns with Waukesha County for homes with basements. Commissioner Johnson stated he spoke with the surveyor regarding high water and that they were there to check the height of the dam and flow from the upper lake to the lower lake. He inquired if there were any issues with the dam. Mrs. Albiniak stated the dam is owned by Hidden Lakes Association and didn't know of any issues. Engineer Ludwig stated to change the elevation on an active waterway would take an act of God and would be very difficult. There was discussion regarding the large amount of fill and topsoil present on the proposed building sites and it was questioned if it would cause any issues with the mound systems. Mr. Albiniak stated all the soils were tested and proven to be acceptable for mound systems. Mrs. Albiniak stated the sites are being marketed and sold for homes without basements and if a basement is desired the owner would need to continue the process of grading, stormwater management and soil testing plans. There was discussion regarding the removal of, the conditions of, and reasons for cutting down trees. There was also discussion regarding drainage easements.

**MOTION** Commissioner Kunert moved to approve the Certified Survey Checklist for Cynthia Albiniak, for the property located at W278S8905 Lakeside Drive, Mukwonago, seconded by Commissioner Bauer, carried by voice vote.

b. Final Certified Survey Map

Planner Turk stated he is recommending approval subject to the four conditions listed on his staff report. He reviewed the conditions with the Plan Commission.

**MOTIONS** Commissioner Benkowski moved to recommend to the Town Board of Supervisors approval of the Final Certified Survey Map for Cynthia Albinak, for the property located at W278S8905 Lakeside Drive, Mukwonago, subject to the following Planner's conditions:

1. The applicant satisfying all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including the Waukesha County Environmental Health Division and Waukesha County Land Resources Division, and Waukesha County Zoning Agency.
2. Receipt of all other required signatures being inscribed on the submittal, including the Village of Mukwonago and Waukesha County signatures, prior to the Town affixing any required signatures to the approved survey document.
3. The applicant reimbursing 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. The applicant paying any unpaid bills owed to the Town of Vernon for the Subject Property or by the applicant 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. Subject to the applicant satisfying all of the aforementioned conditions within one (1) year of the Town Board granting this conditional approval.

**Seconded by Commissioner Bauer, carried by voice vote, with one opposition from Commissioner Johnson.**

6. Discussion and action for Donald Roehl, W232S6960 Millbrook Circle, Big Bend, for determination of architectural compatibility of a metal accessory building.

Planner Turk stated the applicant proposes to construct a 24' x 50' (1,200 square foot) accessory structure at W232 S6960 Millbrook Circle. This application has been forwarded from the Building Inspector for Plan Commission determination of compatibility. Planner Turk stated the Plan

Commission should hear the appeal, and if satisfied with the application, **approve** the determination of compatibility subject to his conditions.

Commissioner Benkowski stated he visited the site and surrounding area and found large accessory buildings that matched homes identically. He stated he didn't feel the architecture of this proposed building would fit in this neighborhood. Mr. Roehl stated the building would be two toned and would match the color of his home. Commissioner Benkowski stated his concern with the building having 17' side walls and having a finished height of 21'. Mr. Roehl stated he has spoken with his neighbor and informed him of the landscaping planned to obstruct the view of his building. He also stated his neighbor had no objection to the proposed building. Commissioner Benkowski stated his concern of a steel building not fitting the neighborhood. Commissioner Kunert suggested particle board and vinyl siding for the same cost. There was discussion regarding the reason for the proposed size of the building. Mr. Roehl stated he needed storage for a camper, motorcycles, one ton truck and a couple of cars. Chairman Paff stated he visited the site and thought the surrounding trees would cover the building from the road. There was discussion regarding compatibility, materials verses color. Mr. Roehl stated he had planned on brick but didn't know if he would be able to match the home. He stated the building would have overhangs, gutters, and downspouts. There was discussion regarding making the building more attractive, incorporating brick, the colors chosen, the proposed size, existing yard grade, proposed landscaping and, building location.

**MOTION Commissioner Kunert moved to take a 5 minute break, seconded by Commissioner Bauer, carried by voice vote.**

Chairman Paff requested that the petitioner obtain a signed letter regarding his non-objection to the proposed accessory building from his neighbor. There was additional discussion and suggestions regarding the overall look of the building.

**MOTION Commissioner Kunert moved to approve the architectural compatibility of a metal accessory building for Donald Roehl, W232S6960 Millbrook Circle, Big Bend, subject to the following Planner's conditions:**

1. **The applicant receiving all required permits from the Building Inspector and the County Zoning Agency. Prior to issuance of the building permit, the applicant shall submit written approval from the neighbor.**
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. **The north façade (having the double overhead door) shall have a brick wainscoting. Colors shall be ivory with the balance of the wainscoting being beige and the roof being brown.**
4. **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.**

5. **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 Bartholomew, carried by voice vote. Commissioner Johnson not present to vote.**

7. Discussion and update of Steve Roamer Development located on S78W26960 Hillview Drive. Chairman Paff stated he received an email from Waukesha Parks and Land Use Director Dale Shaver and he stated the Roamer Development was approved by a 23-5 vote. He stated all were very pleased with the work Planner Turk and Engineer Ludwig did to help this project along. Planner Turk stated this development will be brought back to the Plan Commission for preliminary plat and allotment.
8. Minutes For Approval: June 14, 2007

**MOTION Commissioner Bartholomew moved to approve the June 14, 2007 minutes as printed, seconded by Commissioner Bauer, carried by voice vote.**

9. Next Meeting: July 26, 2007
10. Adjourn.

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

Meeting adjourned at 7:47 p.m.

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

APPROVED:

As printed ( )  
With corrections ( )

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Brian Paff, Chairperson  
Town of Vernon

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Date