

PROCEEDINGS OF THE TOWN OF VERNON PLAN COMMISSION
Thursday, December 10, 2009
At the Vernon Town Hall in the Meeting Room
W249 S8910 Center Drive

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a joint meeting of the Town of Vernon Plan Commission and Ordinance Committee, please be advised that three members of the Town Board are also members of the Plan commission and members of the Town Board are also members of the Ordinance Committee. Additionally other members of the Town Board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held on Thursday December 10, 2009, beginning at 7:00 P.M., at Vernon Town Hall, W249S8910 Center Dr, Big Bend, WI 53103.

Notice of Town Board Quorum. (Plan Commission Chair to announce that a quorum of the Town Board is in attendance at the meeting: Please let the minutes reflect that a quorum of the Town Board is present and that the Town Board members that do not sit on the Plan Commission and/or Ordinance committee may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.)

1. Call Plan Commission meeting to order with the pledge to the flag. The Plan Commission recited the pledge of Allegiance.
2. Open Meeting Law Compliance Check. Deputy Clerk Mascione stated the Town of Vernon is in compliance pursuant to the open meetings law requirement.
3. Roll Call.
 - a. Chairperson Michalek, Supervisor Bird, Craig, Commissioners, Johnson, Nowak Town Planner Jamie Rybarczyk, Town Engineer Tom Ludwig, Deputy Clerk Mascione.
4. MOTION TO OPEN MEETING TO PUBLIC COMMENTS MOTION TO OPEN MEETING TO PUBLIC COMMENTS (Please be advised per Sections 19.84(2) of the Wisconsin Statutes, Plan Commission will receive information from the public for a three minute time period, with time extensions per the Chairperson's discretion, per person; be further advised that after the public comments are completed, the Plan Commission Members may have limited discussion on the information received, however, no action will be taken under public comments.)

Please address all your comments to the Plan Commission as a body, any questions to an individual supervisor, commissioner or staff person will be deemed out of order by the Plan Commission Chair. As to whether a question will be answered will be determined by Plan Commission Chair if addressed to the body or individual by that individual. No response will be made until that individual has finished his or her comments and returned to their seat. Please present all comments, questions and concerns in a respectful manner.

NO PUBLIC COMMENTS

5. Discussion and action to consider the approval for an extension to the conditional approvals of the rezone, preliminary plat, and allotment for the Maple Vista development on Towline Road in the Town of Vernon.

Town Engineer Tom Ludwig explained the Maple Vista development. The Plan Commission, Town Engineer and Town Planner discussed the request.

MOTION Supervisor Craig moved to recommend to the Town Board the extension to the conditional approvals of the rezone, preliminary plat, and allotment for Maple Vista development until November 1, 2010, seconded by Supervisor Bird motion carried.

6. Discussion and action to consider an accessory building waiver/modification for location for Steven Brooks for the property located at S71 W25995 Marsh Ave.

MOTION Chairperson Michalek moved for the Town of Vernon Plan Commission to conditionally approve the Accessory Building Waiver/Modification for Location request for Steve Brooks to be located at S71 W25995 Marsh Avenue, subject to the following conditions:

1. The petitioner satisfying all applicable provisions of the Waukesha County Zoning Code, including but not limited to Sections 3.04(3) and 9a.
2. The petitioner satisfying all applicable provisions of the Town of Vernon Code of Ordinance, including but not limited to Section 125.10.
3. Subject to the petitioner constructing the accessory building on the subject property in the location illustrated on Exhibit "A".
4. The accessory building shall not exceed 1,008 sf in size and 18 ft in height.
5. The accessory building shall be constructed in substantial conformity with the plans as presented to the Town of Vernon Plan Commission at its meeting on December 10, 2009 including, but not limited to the use of vinyl siding and asphalt shingles of similar color as the principal residence.
6. Subject to the petitioner installing the landscape plantings in accordance with Exhibit "A" attached herein based on the determination of the Town of Vernon Plan Commission. Any land altering activities associated with Exhibit "A" shall not exceed 3,000 square feet or fifteen cubic yards unless a Conditional Use permit is applied for and approved by the Town of Vernon and Waukesha County prior to the commencement of any land disturbing activities.
7. Subject to the petitioner installing the landscape plantings in accordance with Exhibit "A" within thirty (30) days after the completion of the accessory building.
8. The Town Building Inspector shall withhold all permits for the proposed accessory building until a deed restriction is placed on the subject property in a form approved by the Town Attorney, giving notice that the proposed accessory building, not to exceed 1,008 sf., shall not be used for commercial or industrial purposes.
9. Subject to the petitioner providing evidence to the Town Planner and the Planning and Zoning Division Staff of Waukesha County, receipt of all required permits prior to the issuance of a permit for the proposed accessory building.
10. Prior to the issuance of a permit granting the accessory building waiver/modification for the subject property, written documentation from the Town of Vernon Planner, verifying all applicable conditions of the Town Plan Commission approval have been met, must be submitted to the Planning and Zoning Division Staff of the Waukesha.
11. Petitioner Agreement. As a condition precedent to the issuance of a permit granting the accessory building waiver/modification for the subject property, the petitioner is required to accept the terms and conditions of the same in its entirety in writing.
12. Town Attorney Review. The Plan Commission's recommendation shall not be in full force and effect until such time that the Town Attorney has reviewed the conditions and placed them in final form.
13. 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 permit granting the accessory building waiver/modification for the subject property, 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.
14. 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.

- 15. Subject to the petitioner complying with all of the foregoing conditions within one year of the date of the Town Plan Commission's approval.**

**Seconded by Commissioner Craig motion carried.
Commissioners Nowak and Johnson voted no.**

7. Discussion and action to consider having the Town of Vernon Ordinance Committee review the Town of Vernon Code of Ordinance - Chapter 125: Building Construction, specifically subsection 125-10: Accessory Buildings and provide alternative ordinance language addressing location, size, and waiver or modification.

Town Planner Jamie Rybarczyk reviewed Chapter 125 with the Plan Commission.

MOTION Supervisor Craig moved to have the Town of Vernon Ordinance Committee review the Code of Ordinance- Chapter 125, Seconded by Supervisor Nowak motion carried.

8. Discussion and action to consider adopting by Resolution the Town of Vernon Smart Growth Comprehensive Plan amendments.

Town Planner Jamie Rybarczyk reviewed the Smart Growth Comprehensive plan with the Plan Commission.

MOTION Commissioner Johnson moved to recommend to the Town Board to adopt the seven amendments identified in Resolution #2009-4 regarding the Town of Vernon Smart Growth Comprehensive Plan, seconded by Commissioner Nowak motion carried.

9. Minutes for Approval:
i. 11-12-09

MOTION Commissioner Nowak moved to approve the 11-12-09 minutes as printed seconded by Supervisor Bird, motion carried.

10. Next Meeting:
i. January 14, 2010.

MOTION Commissioner Nowak moved to adjourn, Seconded by Supervisor Craig motion carried.

11. Meeting adjourned at 8:36 p.m.

Liz Mascione
Deputy Clerk
Town of Vernon
Waukesha County

APPROVED:
As printed ()
With corrections ()

Frederick Michalek, Chairperson
Town of Vernon

Date

APPROVED:

Frederick Michalek

Frederick Michalek, Chairperson

**Please note, 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 service, contact Town Clerk at 662-2039. For TTY service, call 662-2039.

**It is possible that members of and possibly a quorum of members 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 other governmental body except the Town of Vernon Plan Commission.