

Village of Richfield  
4128 Hubertus Road, Hubertus, WI  
Plan Commission Meeting Minutes, March 14, 2019  
7:00 PM

### **1. Call to Order/Determination of quorum**

Chairman Jim Otto called the meeting to order at 7:02 PM, noting there was a quorum present.

In attendance were Chairman Otto, Commissioners Bartel, Coté, Melzer and Trustee Collins

Also Present: Village Administrator Jim Healy

Excused Absent: Vice Chair Don Berghammer and Commissioner Lalk

### **2. Verification of Open Meetings Law compliance**

Administrator Healy stated that the agendas were posted at the Richfield, Hubertus, and Colgate U.S. Post Offices as well as Village Hall. Digital copies of the agenda were sent to the West Bend Daily News, Germantown Express News, Hartford Times Press, and the Milwaukee Journal Sentinel.

### **3. Pledge of Allegiance**

### **4. Approval of Minutes**

- a. February 12, 2019 – Regular Meeting

Motion by Commissioner Cote to approve the February 12, 2019 Regular Meeting Minutes; Seconded by Commissioner Melzer; Motion passed without objection.

### **5. DISCUSSION/ACTION**

- a. **Discussion regarding an Update to the Zoning Code Recodification**

Administrator Healy provided the following information:

The Village of Richfield's Zoning Code in its current form was last re-codified in the early 1980s. At that time the Village made several major policy-shifts in large part due to the growth of the community. Since that time, the Village has adopted several key zoning amendments which have continued to help aid with the strategic growth and stability of the community. The most important of which being the Village's Rs-1b, Single Family Cluster/Open Space Residential District. This Zoning District continues to be the standard by which residential subdivisions are developed in the Village of Richfield primarily due to the three (3) acre densities and the positive effect that sort of development pattern has on the Village's groundwater. The model of Zoning Code we adopted was drafted by one of the Village's first professional staff members, Mr. Harlan Clinkenbeard. This Zoning Code model has been replicated in several communities across southeastern Wisconsin and was at one-time widely considered the standard for how a municipality's zoning laws should be written and organized.

Over the course of the last several years, Village Staff has worked intimately with the Code and one of the Village Board's organizational priorities has been for Staff to work in collaboration with the Village Board, Plan Commission, and Board of Zoning Appeals on certain elements of the Zoning Code for the purposes of a recodification. Our intent is to prepare a comprehensive update of the Zoning Code which

reflects present day planning standards and is more user-friendly. We proposed our approach to be one that continues to build upon the already established language in the Code, account for changes in the law, fixes irregularities and circular references, and simplifies how information is currently being presented with the aid of charts, color pictures of defined vocabulary, visual depictions of complex planning concepts, and an overall reorganization of the presentation of information. In the opinion of Staff, the overall structure of the Code needs to be reworked so that it is easier for Staff and the public to find what they are looking for. The current Code is very "bottom heavy". For example, there are instances where there are five (5) sublevels below a section which makes citations incredibly hard to use.

Additionally, the current Zoning Code for the Village has more than 20 base zoning districts. These should be evaluated to consolidate or eliminate districts if at all possible while considering the possibility for new land use districts and/or provisions which may allow for higher density uses between 5-10 acres. The purpose of this step is to see if the Code and Zoning Map can be simplified. In addition, some of the environmental zoning districts could potentially be depicted as overlay zoning districts. To that end, the zoning map will need to be analyzed on a parcel-by-parcel basis to ensure consistency with the Village's adopted Comprehensive Plan.

**Key Principles in Drafting Zoning Code Codification:**

1. Divide the Code into logical parts.
2. Include legislative findings, also called "findings of fact" for additional context to the reader.
3. Include purpose statements to define what the Code is intended to accomplish.
4. Keep each of the sections short by covering only one topic.
5. Write simply and unambiguously.
6. Use tables, charts, and matrixes for visual representations of the code, when appropriate.
7. Incorporate color photos and drawings to illustrate complex information.
8. Eliminate inconsistencies and duplicative language.

**b. Discussion and possible recommendation to the Village Board regarding a Preliminary Plat for Highland Ridge Subdivision (Tax Keys: V10\_1250 and V10\_1255)**

Motion by Commissioner Cote to recommend approval to the Village Board of the proposed Preliminary Plat for Highland Ridge Subdivision subject to the following Conditions of Approval:

**Specific Conditions of Approval:**

1. The plat must show all required features listed in the Village's land division regulations (Chapter 330), including but not limited to the following:
  - a. signature blocks for surveyor, property owner, village clerk-treasurer, county treasurer, and village board.
  - b. mortgagee certification block if the property owner has a mortgage on the property.
2. The subdivider shall provide documentation from Washington County to the Village Administrator indicating that each residential lot has a suitable site for a septic system.
3. The subdivider shall comply with the requirements in Section 70.193(J) of the municipal code with respect to "open space area ownership and maintenance requirements."
4. Prior to any land-altering activity, the subdivider shall submit a stormwater management agreement to the Village Board and obtain approval of the same which is to be recorded at the

- Washington County Register of Deeds against all properties. Any necessary access easements shall be described with a legal description acceptable to the Village Engineer.
5. Prior to any land-altering activity, the subdivider shall submit to the Village Board and receive approval for a Developer's Agreement which is to be recorded at the Washington County Register of Deeds against all properties.
  6. Prior to any land-altering activity, the subdivider shall submit to the Village and receive approval for Deed Restrictions which is to be recorded at the Washington County Register of Deeds against all properties.
  7. Prior to any land-altering activity, the subdivider shall submit approval from the Department of Administration and Washington County for the Preliminary Plat approval.
  8. The subdivider shall install all improvements prior to submitting the Final Plat as required by Chapter 330 of the municipal code sections 330-60 and 330-60A.
  9. The subdivider shall provide all financial guarantees for any improvements as may be required by Chapter 330 of the municipal code.

**General Conditions of Approval:**

1. **Staff and Governmental Approval:** Subject to the developer satisfying all comments, conditions and concerns of the Village Planner, Village Engineer and all reviewing, objecting and approving bodies, which may include but not limited to the State of Wisconsin Department of Safety and Professional Services per ch. 236, Wisconsin Statutes and Ch. SPS 385, Wisconsin Administrative Code; the State of Wisconsin Department of Transportation per ch. Trans. 236, Wisconsin Statutes, and Washington County; in regard to the Final Plat, and obtaining all necessary permits and approvals, and satisfaction of applicable requirements of State, federal and Village Codes, statutes lawful orders, prior to commencing recording of the Final Plat, whichever is earlier.
2. **Financial Guarantee and Agreement:** Subject to the Developer submitting to the Village Clerk and receiving approvals as to form from the Village Attorney and as to amount from the Village Engineer, a letter of credit, cash, or other approved financial guarantee, and subject to the Developer submitting to and receiving from the Village Administrator, Village Attorney, and Village Engineer, approval of a Developer's Agreement for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private or site development or recording of the Final Plat, whichever is earlier.
3. **Deed Restrictions:** Subject to the Developer submitting to and receiving from the Village Administrator, Village Attorney and the Village Engineer, approval of the final draft of the deed restrictions, prior to commencing construction of any improvement, whether public or private or site development, or recording of the Final Plat, whichever is earlier.
4. **Professional Fees:** Petitioner shall, on demand, reimburse the Village of all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (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 owned to the Village by the subject property owner or his or her 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, permits fees or any other fees owned to the Village shall be placed upon the tax roll for the Subject Property if not paid within 30 days of billing by the Village, pursuant to Section 66.0627, Wis. Stats. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is

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subject to all remedies available to the Village, including possible cause for termination of the conditional approval.

Seconded by Commissioner Trustee Collins; Motion passed without objection.

**c. Discussion/Action regarding a Plan of Operation Review for Wealth Freedom Advisors located at 3060 Hubertus Road (Tax Key: V10\_037100G)**

Motion by Commissioner Cote to approve the proposed Business Plan of Operation for Wealth Freedom Advisors, a financial consulting firm, located at 3060 Hubertus Road (Tax Key: V10\_037100G).

Seconded by Commissioner Melzer; Motion passed without objection.

**d. Discussion and possible recommendation to the Village Board for Resolution R2019-03-01, a Resolution to commence the process for amending the Village's Comprehensive Plan petitioned by Germantown School District for property identified by Tax Key: V10\_138600B**

Motion by Commissioner Bartel to approve Resolution R2019-03-01, a Resolution to amend multiple sections of the Comprehensive Plan and to direct Staff to fulfill requirements of Wisconsin State Statutes for giving notice of the proposed Public Hearing on April 18, 2019 at 7:00PM; Seconded by Commissioner Melzer; Motion passed without objection.

Motion to suspend the rules by Chairman Otto; Seconded by Commissioner Bartel; Motion passed without objection.

Motion by Trustee Collins to Table Item 5d until April 4, 2019 at 7:00 PM; Seconded by Commissioner Melzer; Motion passed without objection.

## **6. ADJOURNMENT**

Motion by Trustee Collins to adjourn; Seconded by Commissioner Melzer; Motion passed without objection at 8:04 PM.

Respectfully Submitted,

Jim Healy  
Village Administrator