

Village of Richfield
4128 Hubertus Road, Hubertus, WI
Plan Commission Meeting Minutes
September 1, 2022
7:00 PM

1. Call to Order/Determination of quorum

Chairman Jim Otto called the meeting to order at 7:00PM, noting there was a quorum present.

Present: Chairman Otto, Trustee Wolff, Vice-Chairman Bartel, and Commissioners Coté, Berghammer, Woelfel, and Naze

Also Present: Village Administrator Jim Healy

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. August 4, 2022 – Plan Commission Meeting

Motion by Commissioner Naze to approve the minutes of the August 4, 2022 Plan Commission Meeting; Seconded by Trustee Wolff; Motion passed without objection.

5. DISCUSSION/ACTION ITEMS

a. Discussion and possible recommendation to the Village Board regarding the approval of a One-Lot CSM for properties identified by Tax Keys: V10_0909008 and V10_0909002 – Edward McGuire, Petitioner

Administrator Healy introduced the topic. The property owner is seeking to combine the entirety of the Stonegate North Subdivision Lot 2, identified by Tax Key: V10_0909002 (3.11-acres), with the property identified by Tax Key: V10_0909008 (2.69-acres), creating a One Lot CSM. What is unique about the proposal tonight is that Mr. McGuire's house is bisected by the two properties that he owns. Simply stated, this home currently does not comply with our Zoning regulations – now and likely at the time of the home's construction. The home currently situated does not meet setback requirements for the Rs-2 District. If approved, the parcel will be 5.807 acres which complies with the minimum lot size standards. The "Lot Area, Minimum" in the Rs-2 District is 1.5-acres or ~65,000sqft. If this CSM is approved, the property owner will legalize the home that is being bisected by the property boundary line and will conform with the current 30' side-yard setback requirements in the RS-2 district.

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Motion by Trustee Wolff to recommend to the Village Board the approval of the proposed One-Lot CSM for properties identified by Tax Keys: V10_0909008 and V10_0909002, owned by Mr. Edward R. McGuire, subject to the following General Conditions of Approval:

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. 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.
3. Payment of Charges: Any unpaid bills owed 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 owed 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 subject to all remedies available to the Village, including possible cause for termination of the conditional approval.

Seconded by Commissioner Naze; Motion passed without objection.

b. Discussion and possible recommendation the Village Board regarding the Final Plat for Elmwood Highlands Estates Subdivision (Tax Key: V10_117100B) – Tracy Weber, Petitioner

Administrator Healy introduced the item. The proposed subdivision is approximately 94-acres and is on the southeast intersection of STH 164 and Elmwood Road. The proposed development has 30 single-family homes. The homeowners in the subdivision shall have an equal and undivided interest in Outlots 1 & 2, which totals 41.12-acres or 43.4% of the total property's acreage. With the proposed development, there is 4,562 of centerline feet which equates to 0.86 miles. The lots range in size from the minimum 1.25-acres to the largest parcel, which is 1.65-acres. The average lot size for the subdivision is just shy of 1.50-acres. Most lots which abut the arterial roadway in the subdivision, Tyler Way, range from 1.25-acres to 1.41-acres, generally. The proposed lots all conform to our Lot Design Standards for minimum frontage (50') and minimum lot width (175').

Commissioner Naze noted that under the Specific Conditions of Approval, that #9 should say "shall" and not "should".

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Motion by Trustee Wolff to recommend conditional approval to the Village Board for the Final Plat for Elmwood Highland Estates (Tax Key: V10 117100B), subject to the following Specific and General Conditions of Approval:

Specific Conditions of Approval:

1. Prior to signing the Final Plat, any “spoils piles” of topsoil must be removed from the property or redistributed on the property to the satisfaction of the Village Engineer.
2. Prior to signing the Final Plat, the Village Engineer’s “punch list” emailed to the Developer on July 28, 2022 must be completed to the satisfaction of the Village Engineer.
3. The road name for Ravine Ridge Road is mislabeled “Raven Ridge Road” in two areas on Page 2 of the Plat. The mislabeled road name should be corrected.
4. The area dedicated for public road purposes should be stated on the Final Plat.
5. Zoning in the notes on Sheet 1 is listed as RS-1B. In the Legend on Sheet 1 & Sheet 2 it listed as R-1. The mislabeled Zoning District should be corrected.
6. Revise the Access Restriction Clause on Sheet 1 by removing “(except Lot Block)”.
7. The fourth note in the Notes section on Sheet 1 indicates the septic fields are depicted. They are not shown on the face of the Plat. Similarly, the note about the soil tester on Sheet 1 states that the borings are labeled on the Plat. They are not shown.
8. Remove the signature block for the Plan Commission on Sheet 3. The Commission is a recommending body.
9. Sec. NR 812.08 (4)(d)6 requires a 100-foot separation between a stormwater basin and wells. This shall be noted on the face of the Plat across the applicable lots with a corresponding notation. Any lot that does not have a suitable location for well must be redesigned accordingly.
10. The following notes substantially as follows must be shown on the Final Plat:
 - “The titleholders of Lots 1 through 30 own a 1/30th undivided and nontransferable interest in Outlots 1 and 2. The use and maintenance of the outlots is governed by the Village Code”
 - “The titleholders of Lots 1 through 30 are responsible for the maintenance of the stormwater facilities in the subdivision consistent with the stormwater management plan recorded for this subdivision in the Washington County Register of Deeds Office”.
 - “Stormwater management practices are located in one or more of the outlots in the subdivision. There are one or more separate documents recorded on the property title through the Washington County register of deeds entitled "stormwater management practice maintenance agreement" ("maintenance agreement") that apply to outlots. The maintenance agreement subjects this subdivision plat, and all lot owners therein, to covenants, conditions and restrictions necessary to ensure the long-term maintenance of the storm water management practice. The agreement also outlines a process by which the Village of Richfield may levy and collect special assessments or charges for any services the community might provide relating to enforcement of the maintenance agreement”.
 - “All private driveways must be designed and constructed in compliance with Village ordinances”.
 - “All lands within areas labeled "well setback" are restricted from the placement of any well due to potential risk of contamination in accordance with the storm water ordinance and Wisconsin Administrative Codes”.
 - “All lands within areas labeled "drainage easement" are reserved for stormwater collection, conveyance, treatment or infiltration. No buildings or other structures are allowed in these areas. No grading or filling is allowed in these areas that may interrupt stormwater flows in any

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way. The maintenance agreement may contain specific maintenance requirements for these areas. The Village of Richfield or their designee are authorized access in these areas for purposes of inspecting the storm water management practices or enforcing the terms of the maintenance agreement.”

11. The subdivider must provide documentation from Washington County indicating that each of the vacant residential lots have a suitable site for a septic system.
12. The Final Plat will not be recorded if any portion or part of the subject property has any unpaid taxes or outstanding special assessments per s. 236.21(3), Wis. Stats.
13. Show any existing easements and include the document number of the instrument of origin.
14. If any vision corner easement exists in the subdivision. A note should be added to the Final Plat to indicate the easements are granted to the Village of Richfield.
15. If the property is currently mortgaged, a consent of mortgage certificate with a notary is required because land is being dedicated to the public for road purposes.

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

Seconded by Commissioner Naze; Motion passed without objection.

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c. Discussion/Action regarding the Special Exception Structure for property located at 4545 Hubertus Road (Tax Key: V10_077800G) – *Dorrian Ehlke, Petitioner*

Administrator Healy introduced the agenda item. The new version of the Village's Zoning Code which was adopted placed a new process and procedure for properties to place accessory structures in front of principal structures. Administrator Healy went through the standards listed in 170.874 and how they related to the property. The petitioner also received a letter of approval from the neighbor, Ms. Ann Weber, who is the property directly impacted by the proposal.

Chairman Jim Otto stated that it is important to note that this property was created by CSM and is not in a platted subdivision and that has played a role in how he views the petition.

Motion by Don Berghammer to direct Staff to prepare a decision document to conditionally approve the petition by Mr. Dorrian Ehlke, for property located at 4545 Hubertus Road (Tax Key: V10_077800G), to allow the proposed accessory structure to be placed ahead of the single-family home as depicted on the Site Plan subject to the following Specific Conditions of Approval:

- The applicant receives a building permit from the Building Inspection Department and satisfy any requirements for the construction of said accessory building.
- The applicant pays all fees owed to the Village prior to earth moving activity taking place.
- The applicant signs the decision document accepting these and any other conditions the Plan Commission finds prudent and necessary.

Seconded by Commissioner Naze; Motion passed without objection.

6. ADJOURNMENT

Motion by Trustee Wolff to adjourn the meeting at 7:14PM; Seconded by Vice-Chairman Bartel; Motion passed without objection.

Respectfully Submitted,

Jim Healy
Village Administrator