

Village of Richfield  
4128 Hubertus Road, Hubertus, WI  
Plan Commission Meeting Minutes  
September 16, 2021  
6:00 PM

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

Vice-Chairman Bob Lalk called the meeting to order at 6:01 PM, noting there was a quorum present.

Present: Vice-Chair Lalk, Trustee Wolff, and Commissioners Berghammer and Coté.

Also Present: Administrator Healy, Deputy Clerk Cox, and Administrative Services Coordinator Katherine Gehl

Excused Absent – Commissioner Bartel & Chairman Otto

### **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. Plan Commission Discussion / Action Items**

- a.** Discussion and possible recommendation to the Village Board regarding a proposed rezoning of a portion of the property identified by Tax Key: V10\_1209 from A-2, General Agriculture District, to RS-1B, Single-Family Cluster/Open Space Residential District – *Hartford Land Development, LLC, Petitioner*

Administrator Healy introduced this item.

The Village has been working with Mr. Mike Kaerek (Hartford Land Development d/b/a Kaerek Homes) on a proposed subdivision off Monches Road. The development consists of two (2) parcels. The larger of the two (2) is nearly 46-acres and the one related to tonight's potential rezoning action is 14-acres, 10.98-acres of which is subject to the rezoning petition tonight.

What is being proposed on these parcels of land is a traditional Rs-1b conservation subdivision. The subdivision development, as previously proposed, is slated to be 18 lots. Currently, the lower and larger property is zoned Rs-1b (southernmost parcel close to Monches Road) and the northern parcel is zoned A-2/Upland Conservancy. The environmental corridor remaining the same as the contours of the Upland Conservancy District. Practically speaking, what this means is the Village of Richfield envisioned this land would one day be a "single family" zoning designation of some sort and the petitioned change of this almost 11-acres is entirely consistent with the Village's adopted Comprehensive Plan.

Motion by Trustee Wolff to recommend to the Village Board the approval of the proposed rezoning of the subject property identified by Tax Key: V10\_1209 from A-2, General Agricultural District and UC,

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Upland Conservancy District to Rs-1b, Single-Family Cluster/Open Space Residential District and UC, Upland Conservancy subject to the following Specific and General Conditions of Approval:

**Specific Conditions of Approval:**

1. The petitioner receive approval from the Village Board of a Preliminary Plat related to the development of this land within 12 months.

**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 are 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 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 Berghammer; Motion carried without objection.

- b. Discussion and possible recommendation to the Village Board regarding a proposed amendment to the Flood Insurance Rate Map for property generally located at 3476 S. Shore Drive (Tax Key: V10\_107300A), Panel 354, as referenced in Section 70.213(E)(2) of the zoning regulations, titled "Official Maps & Revisions" – *Frank and Lori Windt, Joint Petitioners*

Administrator Healy introduced this item.

In June of 2020, the Plan Commission and Village Board approved a proposed Certified Survey Map (CSM) for Frank and Lori Windt which combined properties for the purposes of building a single-family home. At the time of the submittal, the applicant was in the beginning stages of working through the

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layers of the DNR and FEMA's regional district supervisors for "redraw" the FEMA Floodplain Contours surrounding his property. This is referred to as a Letter of Map Amendment (LOMA) based on Fill. . A little over a year later, the Windt family has received approval from the DNR and FEMA to move the FEMA Floodplain contours to allow for the construction of a single-family home.

Specifically, the flood hazard information will be revised along the south side of Bark Lake from approximately 160 feet west of the intersection of North Lakeview Road and South Shore Drive to approximately 480 feet east. All total, approximately 560 lineal feet of the floodway line is modified to move the regulatory floodway north of a new structure at 3476 South Shore Drive. As a result of the revision, the floodway will narrow, the 1-percent-annual-chance water-surface elevations shall remain at the current elevation of 975.9 feet. There will be no increase or decrease in the established base flood elevation.

On July 23, 2021, Village Staff received written confirmation from Andrea Stern, Water Management Engineer for the Wisconsin DNR and FEMA have both approved the proposed engineering study.

Motion by Commissioner Berghammer to recommend to the Village Board the approval of the Amendment of the Flood Insurance Rate Map Rate Map, Panel 354, as referenced in Section 70.213(E)(2) of the zoning regulations, titled "Official Maps & Revisions" as prepared by Quam Engineering Group for property generally located at 3476 S. Shore Drive (Tax Key: V10\_107300A) from approximately 160 feet west of the intersection of North Lakeview Road and South Shore Drive to approximately 480 feet east subject to the Specific and General Conditions of Approval:

**Specific Conditions of Approval:**

1. The petitioner receive all other required permits and approvals prior to any earth moving activity at 3476 S. Shore Drive (Tax Key: V10\_107300A).

**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 are 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.

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3. **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 Trustee Wolff; Motion carried without objection.

- c. Discussion and possible recommendation to the Village Board regarding the approval of a Two-Lot CSM for a property located at 331 Plat Road (Tax Key: V10\_122800G) – *Jim Forester, Petitioner*

Administrator Healy introduced this item.

The proposal is to create a Two-Lot CSM for property identified by Tax Key V10\_122800G. The home address for the subject property is 331 Plat Road. Lot 1 and Lot 2 are zoned Rs-2, Single Family Residential District. In the Rs-2, Single Family Residential District, the minimum lot size is 1.5-acres (65,000sqft). While the Village does not allow any new properties to be rezoned to the Rs-2, Single Family Residential District, we do allow for permissible land divisions provided they can meet the development standards for the District. Lot 1 is 1.501-acres (65,396sqft.). Lot 2 is 2.029-acres (88,394sqft.). With the approval of this CSM, the property owner will create a second lot for the construction of a single-family home. Related to the accessory structure on Lot 2, Village Staff is recommending the garage be removed prior to the signing of the CSM. Per the Village Code, “Accessory Structures” are not allowed on properties without a “Principal Use”. In the State of Wisconsin, CSMs can be filed with the County Register of Deeds up to one (1) year after their approval from the municipality. Last, but certainly not least, on Lot 2, the driveway will need to be approved by the Village’s Building Inspector at the time of permit review.

Motion by Trustee Wolff to recommend to the Village Board the approval of the proposed Two-Lot CSM for Jim Forester for property located at, 331 Plat Road identified by Tax Key: V10\_122800G, subject to the following Specific and General Conditions of Approval:

**Specific Conditions of Approval:**

1. The petitioner receive approval from the Village Engineer based on his comments from August 23, 2021.
2. The accessory structure on Lot 2 be removed prior to signing the proposed CSM.

**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 are not limited to the State of Wisconsin Department of Safety and Professional Services per ch. 236, Wisconsin Statutes and Ch. SPS 385, Wisconsin

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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 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 Cote; Motion carried without objection.

- d. Discussion and possible recommendation to the Village Board regarding the approval of a One-Lot CSM for properties located at 3200 Bark Lake Road (Tax Keys: V10\_088700C, V10\_088700E) – *Paul and Monica Kepes, Joint Petitioners*

Administrator Healy introduced this item.

The proposal is by Paul and Monica Kepes to create a One-Lot CSM for properties identified by Tax Keys V10\_088700C and V10\_088700E. The address for the subject property is 3200 Bark Lake Road. Lot 1 is zoned both F-1, Floodplain District and UC, Upland Conservancy District. The mapped Floodplain is shown on the face of the CSM. Lot 1 is 31.402-acres (1,367,871sqft.). With the approval of this CSM, the property owner will also legalize a building which is being bisected by the property boundary line shown below. The purpose of the proposed CSM is for the property owner, Paul and Monica Kepes, to add land that was conveyed via a property boundary line adjustment into a single property. There are multiple legal descriptions for the residence. By creating this CSM, the property owner will have a single legal description.

Motion by Commissioner Berghammer to recommend to the Village Board the approval of the proposed One-Lot CSM for Paul and Monica Kepes for property located at, 3200 Bark Lake Road identified by Tax Keys: V10\_088700C and V10\_088700E, subject to the following Specific and General Conditions of Approval:

**Specific Conditions of Approval:**

1. The petitioner receive approval from the Village Engineer based on his comments from August 18, 2021.

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**General Conditions of Approval:**

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Seconded by Commissioner Cote; Motion carried without objection.

**5. ADJOURNMENT**

Motion by Trustee Wolff to adjourn the meeting at 6:26 PM; Seconded by Commissioner Berghammer; Motion carried without objection.

Respectfully Submitted,

Jim Healy  
Village Administrator