

TOWN OF BROOKFIELD  
PLAN COMMISSION MINUTES  
AUGUST 22, 2023

**The regular meeting of the Plan Commission was held in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.**

1) CALL TO ORDER.

Chairman Keith Henderson called the meeting to order at 7:10 p.m. with the following people present: Town Planner Bryce Hembrook, Town Supervisor Ryan Stanelle, Plan Commission members William Neville, Len Smeltzer, and Jeremy Watson. Commissioners Gordon Gaeth and Kevin Riordan were absent.

2) MEETING NOTICES.

The meeting was noticed in accordance with Open Meeting Law.

3) APPROVAL OF AGENDA

Motion by Commissioner Watson to approve the agenda.

Seconded by Commissioner Smeltzer.

*Motion Passed Unanimously.*

4) APPROVAL OF MINUTES.

a. Motion by Commissioner Watson to approve the May 23, 2023 Joint Public Hearing minutes as presented.

Seconded by Commissioner Neville.

*Motion Passed Unanimously.*

b. Motion by Commissioner Watson to approve the June 27, 2023 Joint Public Hearing minutes as presented.

Seconded by Supervisor Stanelle.

*Motion Passed Unanimously.*

c. Motion by Commissioner Watson to approve the June 27, 2023 regular Plan Commission minutes as presented.

Seconded by Commissioner Smeltzer.

*Motion Passed Unanimously.*

5) **Citizen Comments: Three-minute limit.**

Tom Rave, 18875 Eagle Drive, Unit 103 commented that Mr. Rahfeldt, the property owner of parcel BKFT1133999, and the subject of tonight's previous public hearing, has been burning brush, and has done so at least ten times. It creates a lot of smoke and the nearby residents have to close up [windows]. Mr. Rave knows that burning is allowed and feels Mr. Rahfeldt is doing so in a safe manner, however with the dry conditions the fire could spread. Mr. Rave is asking the Plan Commission to take a look at the burning ordinance for the Town of Brookfield and perhaps consider revising same.

6) **Old Business: Town of Brookfield for a recommendation of approval for a Zoning Code Text Amendment to Section 17.02(14)(g)11 related to fences.**

Mr. Hembrook reported that the only change was discussion to allow a privacy fence within five feet of an adjacent rear-yard property line. At the previous Plan Commission meeting in June, it was decided that if a fence is within 3 feet of the property line, a Conditional Use permit, survey, and approval from adjacent neighbors would be required. If a fence is three to five feet from the property line, a survey would be required, and five feet or more from the property line would not need a survey. All privacy fence installs would require a building permit. Mr. Hembrook was asked to provide cost estimates for surveys, and he reported that they can cost anywhere from \$700 to \$1,500, depending on the size of the lot. Commissioner Watson inquired if the approval from neighbors had to be a signed document. It was agreed that it should be signed. It was also determined as part of the approval process that the letter is presented at the time of requesting approval from the Plan Commission (for a Conditional Use permit). Commissioner Smeltzer opined that having fences aligned with the front of the house is not desirable. Most fences he has seen start at about

the halfway point of the house, which he thinks looks fine. Mr. Hembrook added that pending final approval from Town Board, there is still a checklist for the process that has to be developed, as well as notifying the public of the changes. A possible timeline for the process was discussed. Supervisor Stanelle stated that he believes the language in the text amendment is accommodating for the vast majority of potential applicants. Commissioner Watson opined that the amendment is somewhat restrictive, but does not go too far. Commissioner Neville inquired about grandfathering in existing fences. Mr. Hembrook reported that the Town Attorney recommends making those a non-conforming structure, which means that no modifications can be made.

Motion made by Commissioner Watson to **recommend** to the Town Board **final approval** for a Zoning Code Text Amendment to Section 17.02(14)(g)11 related to fences, for the **October** Town Board meeting, to include the following:

- Diagrams
- Drawings
- Application recommendations
- Checklists
- Samples

Seconded by Commissioner Neville. Further discussion included Supervisor Stanelle inquiring whether those materials can be provided to the Plan Commission meeting in September. Planner Hembrook indicated that he would put that at the end of the September agenda.

*Motion Carried 3-1, with Commissioner Smeltzer dissenting.*

#### 7) **New Business:**

##### a. **William Rahfeldt for a Conditional Use Request to allow a field fence in the street yard on parcel BKFT1133999.**

Planner Hembrook outlined potential options, which include the following:

- Approve the request to allow a fence in the street yard; contingent on approval from the County to ensure the fence is not located in the floodway and/or a flood plain;
- Deny the request and direct the applicant to remove the fence;
- Table the item until the County decides whether to allow/deny a permit.

Commissioner Watson asked where trespassers were coming from. Mr. Rahfeldt was not in attendance to respond. Planner Hembrook has had some discussion with Mr. Rahfeldt, and he indicated that people were going near the water that flows through the parcel, perhaps thinking this is public land. Possible future development on the property was considered, including the location of the driveway having to be on the north end of the parcel. It was clarified that the fence was installed prior to applying for approvals. Planner Hembrook reminded the Plan Commission that if the request is denied, under the current code amendment, there is a twelve-month waiting period to apply again. Supervisor Stanelle opined that if he needs a fence of sorts for security purposes on a temporary basis, for example when he builds his house, that could be considered. .

Motion was made by Commissioner Watson to **recommend denial** for a Conditional Use Request to allow a field fence in the street yard on parcel BKFT1133999.

Seconded by Commissioner Smeltzer.

*Motion Passed 3-1, with Commissioner Neville dissenting.*

##### b. **Aaron Tesch (Adult Day Services of Southeast Wisconsin) request to schedule a public hearing for a Conditional Use Request to allow an Adult Day Care in the B-2 Limited General Business District, located at 20875 Crossroads Circle (BKFT112999004).**

Planner Hembrook described the location, and pointed out the floor plan and business description for this proposal. Chairman Henderson clarified with Mr. Tesch that they will not be the only occupants of the building as the submittal suggested. The other businesses in the building are Sherwin Williams, Capri Communities, a State of Wisconsin office, and a hospice care business office. Mr. Tesch stated that they offer enriching activities and have two full size vans. Their hours are Monday through Friday, from 7:30am – 3:30pm. Participants bring their own lunches. There is a 1 to 8 ratio for staff to participant. The program is for social and personal development.

A motion was made by Commissioner Watson to recommend the Town Board set a date for a public hearing for a Conditional Use request to allow an Adult Day Care in the B-2 Limited General Business District, located at 20875 Crossroads Circle (BKFT1129999004).

Seconded by Supervisor Stanelle.

Additional discussion included clarification that the participants are provided transportation, they do not drive to the adult day care.

*Motion Passed Unanimously.*

8) COMMUNICATION AND ANNOUNCEMENTS.

None.

9) ADJOURN.

Motion by Commissioner Neville to adjourn at 7:52pm.

Seconded by Supervisor Stanelle.

*Motion Passed Unanimously.*

Respectfully submitted,  
Bryce Hembrook, Town Planner