

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
November 6, 2007**

Members present: T. Oberhaus, P. Kanter, M. Tagtow, G. Meyer, L. Cunningham

Members absent: C. Dundon, E. Gratz

Also present: T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement Officer*, 12 citizens

First order of business: Call to Order

Chairman Oberhaus called the meeting to order at 7:05 PM

Second order of business: Minutes of October 2, 2007

MOTION MADE BY MR. TAGTOW SECONDED BY MS. CUNNINGHAM TO APPROVE THE MINUTES AS PRESENTED. MOTION CARRIED.

Third order of business: Communications (for discussion and possible action)

A. Waukesha County Board of Adjustment (9/27/07), Denial of variance request for Paul Boemer, Franciscan Drive

B. Waukesha County Board of Adjustment (10/25/07), Denial of variance request for Paul Boemer, Franciscan Drive

Mr. Barbeau stated that Mr. Boemer may have to appear before the Town of Delafield Board of Appeals.

C. Waukesha County Board of Adjustment (10/25/07), Denial of variance request for Daniel Kleewin and Susan Heidt Beach Road

None

Fourth order of business: Unfinished Business

A. Lifestridders, Inc., (tabled 9/4/07) (Rob Conley and Veronica Sosa Agnoli, owners), Re: Consideration of approval of a Conditional Use permit under 17.05. 5. AO. Riding Academies or Commercial Stables to operate a therapeutic riding center on lands owned by Pro Health Care, Inc. located at N14 W29503 Silvernail Road (Stoney Hill farm property).

MOTION MADE BY MR. MEYER, SECONDED BY MR. TAGTOW TO REMOVE FROM THE TABLE. MOTION CARRIED.

Mr. Barbeau stated that the proposed use of the land is compatible with the Land Use Plan, and a Conditional Use for the facility is allowed in the A-1 district. The site is legal non-conforming based on the size of the parcel. The lot contains more square footage of accessory buildings than are allowed but can continue since their use is not changing.

Mr. Conley presented updated information to include a new welcome center, new viewing pavilion and sun covers for observing lessons between the arenas. Discussion followed on the existing accessory structures being approximately 6,000 sq. ft. over Town Code allowance. The Plan Commission members informed Mr. Conley that they are not allowed to make revisions to the Code. Discussion followed on removal of the existing trailer, pig barn and garage. Mr. Conley was informed that he may have the right to remove structures within 12 months from the effective date of the conditional use. If he removes a structure, he is not entitled to put up another one (in its place) somewhere else on the property. Mr. Conley was requested to do the following: Pave the new parking area and bring in an updated parking plan to reflect revisions; and, update the site plan to reflect what will be done with the accessory structures. Discussion

followed on Letter B of the Conditional Use to include the following revision: "Lifestriders shall have complete use of the 35.8 acres made part of this Conditional Use permit. When Pro Health Care (land owners) gains approval of other plans for the property, this Conditional Use becomes null and void".

Mr. Barbeau was requested to contact Attorney Riffle to research whether or not a letter of credit or bond can be issued to guarantee the removal of accessory structure issues.

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. KANTER TO TABLE. MOTION CARRIED.

B. Lynn Pfeil, AT&T of Wisconsin, Explanation of overall plans for installing buried and aerial cable in the Town of Delafield and specific consideration of approval for the following permits:

- Old North Shore Drive (tabled October 2, 2007), between CTH KE and a point approximately 350 north of Taylors Woods Road.
- Maple Avenue buried cable and cabinet south of Westwind Green Condominiums
- Maple Avenue buried fiber optic cable and aerial cable between Golf Hills Drive and a point approximately 700 feet south of CTH KE.

Mr. Barbeau stated that the subject requests are different than the Town has ever received. They include requests for buried fiber optic cable in the Town right-of-way that connect to easements for cabinets on private property. Mr. Kanter informed representatives of AT&T that no installation of cabinets will be done in the Town right-of-way.

MOTION MADE BY MR. KANTER, SECONDED BY MR. TAGTOW TO APPROVE PLACEMENT OF THE SUBJECT CABLES BOTH ABOVE AND BELOW GROUND SUBJECT TO THE FOLLOWING: THAT AT LEAST THREE SIDES OF THE CABINETS EXPOSED TO THE NON-EASEMENT PROPERTIES BE FULLY SCREENED. MOTION CARRIED.

Fifth order of business: New Business

A. Nikolai Usack, Pragmatic Construction, agent for Kathy & Mark Sorenson, Re: Determination whether a proposed home to be located on land at W283 S510 Elmhurst Road is considered undesirable as defined in Section 17.03. A. 4. of the Town Zoning Code.

Mr. Barbeau stated that, since the proposed home is of a unique nature, staff is of the opinion that the Plan Commission should review it to determine whether or not it will adversely affect property values or general desirability of the neighborhood. The general consensus of the Plan Commission is that this request is location specific.

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. CUNNINGHAM TO APPROVE THE PROPOSED HOME DETERMINING THAT IT DOES NOT AFFECT THE GENERAL DESIRABILITY OF THE NEIGHBORHOOD PRIMARILY BASED ON THE PROPOSED LOCATION AND SETBACK. MOTION CARRIED.

Sixth order of business: Discussion

- A. Tom Cousland on behalf of owners Charles and Ernestina Cousland, S1 W33857 Abitz Road, Re: Discussion of land split in the southwest portion of the parcels located at S1 W33587 Abitz Road.

Mr. Barbeau stated that this site is classified as A-2 zoning. Land Use calls for it to be conventional development and not necessarily PUD. The petitioner is requesting a 3-acre lot that meets the A-2 requirement. Discussion followed on the ability to have the road go through and potential future plans for the approximate 85-acre parcel.

Seventh order of business: Announcements and Planning Items

- A. Workshop – November 20, 2007 (if needed)
D. Next business meeting – Tuesday, December 4, 2007

Eighth order of business: Adjournment

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. CUNNINGHAM TO ADJOURN AT 9:45 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk

Minutes approved on January 15, 2008