

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

**Members present:** T. Oberhaus, P. Kanter, C. Dundon, E. Gratz, M. Tagtow, G. Meyer

**Members absent:** L. Cunningham

**Also present:** T. Barbeau, *Town Engineer*, P. Tilley, *Waukesha County Parks and Land Use*, P. Mortimer, *Code Enforcement Officer*, 25 citizens

**Public Hearing:** Prior to the start of the regularly scheduled Plan Commission meeting there will be two public hearings. The first will be a joint public hearing before the Town of Delafield Plan Commission and Waukesha County Department of Parks and Land Use at the request of Kean Kemnitz, agent for Cindy Wagner, N28 W29787 Shorewood Road, (Tax Key Number 0774-063) for a Conditional Use Permit under Section 17.05 5. Y. Legal Non-Conforming Uses (Town Zoning Code) and Section 4 (g) 15 (Waukesha County Shoreland and Floodland Protection Ordinance). The second hearing will be at the request of Cornerstone Church, David DeYoung, representative, for a Conditional Use permit under 17.05 5. I. Churches, Synagogues and Other Buildings for Religious Assembly for use of the existing Kettle Moraine Evangelical Free Church facility located at N6 W31449 Alberta Drive. The regular Plan Commission meeting will begin immediately following the conclusion of the second public hearing. The Public Hearing opened at 7:15 PM. The Town Clerk read the Public Hearing notice.

*Mr. Kemnitz summarized the proposed project utilizing aerial photography and a plat of survey. He identified the two subject parcels; one on the lake and the other on the north side of Shorewood Road. He stated that the parcels were assigned one tax key number, are County deed restricted and cannot be sold separately. Since the lots have never been legally combined, they currently are considered two separate lots. The lake lot consists of two homes, while the other lot is vacant. Ms. Wagner is requesting to put up a garage on the lot located north of Shorewood Road. Because of a parking problem on the property, the garage is being built to allow for two cars to be parked in front of it. Mr. Kemnitz stated that a verbal agreement was given by the County allowing the 2-family residence to be used as a "mother-in-law suite". Ms. Wagner could live in the cottage while her home is being built.*

*Ms. Tilley, Waukesha County Parks and Land Use, provided photos of the subject property.*

*Mr. Kemnitz stated that Ms. Wagner is planning to build a new house on the property in 3 years. This will be based on settlements from a divorce situation. He stated that an attorney suggested Ms. Wagner request a 5-year time period for removing both homes and build a new one before she deed restrict her property.*

*Larry Jarnigo, N28W29813 Oakwood Grove Rd., questioned the height of the building being built.*

*Mr. Barbeau stated that 2 letters were placed into the packets from residents expressing their support to construct the subject garage.*

The Public Hearing closed at 7:35 PM.

Chairman Oberhaus called the Cornerstone Church Public Hearing to order at 7:35. The Town Clerk read the Public Hearing Notice.

*Mr. DeYoung stated that this facility will be used under the same venues as Kettle Moraine Evangelical Free Church. The only change to the hours of operation would be for youth activities to be held on Monday evenings as opposed to Wednesdays. The Sunday use will be less intensive, as the congregation consists of approximately 200 to 225 members. He stated that the sale is still pending.*

*Mr. Barbeau questioned Mr. De Young as to whether or not he has had discussions with Mr. Hanson regarding the exit to Hwy. 83. Mr. DeYoung stated that an offer has been made to Mr. Hanson and*

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*information is pending as to how access will be maintained and shared. No exterior changes will be made to the building other than a sign. The sign will remain in its present location.*

*Joe Bluemel, N6W31310 Alberta Drive, stated that people are in favor of this proposal and would love to have Cornerstone Church on the property.*

The Public hearing closed at 7:40 PM.

**First order of business:** Call to order  
*Chairman Oberhaus called the meeting to order at 7:40 PM.*

**Second order of business:** Minutes of January 2, 2007  
**MOTION MADE BY MS. DUNDON, SECONDED BY MR. GRATZ TO APPROVE. MOTION CARRIED.**

**Third order of business:** Communications (for discussion and possible action) – None  
A. City of Pewaukee (12/14/06) Notification to waive extraterritorial powers in regard to land divisions in the Town of Delafield.

*The Commission expressed appreciation for the City's action to waive the extraterritorial powers.*

B. Waukesha County Department of Parks and Land Use (1/4/07) Stop Work Order on Hussain property located adjacent to Maple Avenue.

*Chairman Oberhaus stated that Items B, C, D, E, F and H will be handled together. Mr. Barbeau summarized stating that a demolition permit was issued to remove buildings on the site. The County issued a stop work order, as some tree removal and grading was done without approvals. Dr. Hussain has submitted a restoration plan. Nothing can be done on this site until the Town and County approves the site plan. An injunction has been put on that property and court action is required to lift it. He stated that the contractor went further than he should have and dirt was moved without permission. Dr. Hussain placed polyacrylamide down to control erosion, solidify the ground and stabilize the site.*

C. Waukesha County Department of Parks and Land Use (1/8/07) Cease & Desist Order for tree cutting and land disturbance activities.

D. Waukesha County Department of Parks and Land Use (1/8/07) Summary of enforcement meeting with Dr. Hussain.

E. Waukesha County Department of Parks and Land Use (1/9/07) identification of items to be completed on Dr. Hussain's property.

F. Town of Delafield to Dr. Syed Hussain (1/10/07) Violation notification and stop work order.

G. Town of Delafield to Mr. Dick Mace, Waukesha County Dept. of Parks and Land Use (1/15/07)

*Mr. Barbeau stated that he submitted an application for changes to the Waukesha County Land Development Plan to the areas designated as Rural Density Residential to Suburban Density Residential I, Suburban Density Residential II or Industrial in several areas to match the current Town zoning code. He was informed that the County is going through the smart growth plan process at this time and was not given any timeframe on when this request would be considered.*

*Mr. Kanter requested that Mr. Barbeau consult with Mr. Mace Dick and ask how the Town can get what we need the fastest way possible and report back at the next meeting.*

H. Waukesha County Department of Parks and Land Use (1/19/07) response to rectification of stop work order conditions on Dr. Hussain's property.

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- I. Carl Tomich, THLC, LLC (1/23/07) Notification to withdraw their application for the Pewaukee Lake Club.

None

- J. Waukesha County Department of Parks and Land Use (1/25/07) clarification on the position of the County with regard to work on Dr. Hussain's property.

- K. Karen Johnson, MLG Commercial Real Estate (1/29/07) Request for feedback regarding the allowance of a restaurant in the development known as RidgePoint Centre located at W307 N1497 Golf Road.

*Mr. Barbeau stated that previous discussions were held regarding restaurants at this site, and the commission members were not in favor of the use. Ms. Dundon requested information regarding: proposed hours of operation, sq. ft. of the building, parking, type of restaurant, etc.*

**Fourth order of business:** Unfinished Business

- A. Equitable Bank, Kevin Buschey, agent (tabled 9/5/06) Re: Request for approval of the landscape plan for the proposed bank facility at N15 W30921 Golf Road.

**MOTION MADE BY MS. DUNDON, SECONDED BY MR. KANTER TO REMOVE FROM TABLE. MOTION CARRIED.**

*Mr. Barbeau stated that the landscape plan was approved with the request that up to 16 additional trees be planted on the easterly portion of the site. He identified 2 proposed trees located in the right-of-way. The proposal also allows for grading and seeding of any disturbed areas once the construction is completed.*

**MOTION MADE BY MR. GRATZ, SECONDED BY MS. DUNDON TO APPROVE THE LANDSCAPE PLAN DATED 1/26/07, WITH THE UNDERSTANDING THAT THE 2 TREES BE MOVED OUT OF THE RIGHT-OF-WAY, AND THAT THE ASH TREES BE REPLACED SHOULD THEY BE REQUIRED TO BE REMOVED. MOTION CARRIED.**

- B. Dennis Hilgart, N11 W28723 Northview Road, (tabled 1/2/07) Re: Consideration of request for rezoning and Conditional Use permit change for a parcel of land known as Outlot 4 Shepherds Pass subdivision.

**MOTION MADE BY MR. MEYER, SECONDED BY MR. GRATZ TO REMOVE FROM TABLE. MOTION CARRIED.**

*The following suggested revisions were made to the rezoning ordinance: Section 2: A.; "and reflected on the Certified Survey Map required in Condition B"... be added after the word subdivision; Section 2: A. d.; "meeting the requirements of Town Code shall be added after the word fencing.*

**MOTION MADE BY MR. GRATZ, SECONDED BY MR. KANTER TO RECOMMEND APPROVAL OF THE ORDINANCE AND CONDITIONAL USE TO THE TOWN BOARD FOR THE HILGART PROPERTY AND THE LANDS FORMERLY KNOWN AS OUTLOT 4 WITH THE ADDITIONS IN SECTION 2: A. AND SECTION 2: A. D. MR. KANTER – NO. (HE EXPRESSED CONCERN ABOUT RE-OPENING SUBDIVISIONS AFTER THEY HAVE BEEN SETTLED). MOTION CARRIED.**

**Fifth order of business:** New Business

- A. Bob Raymond, N6 W30053 Bryn Drive, Re: Request for approval of the final plat for Hickory Hill of Delafield subdivision.

*Mr. Barbeau summarized the proposed request stating that technical comments of the town have been incorporated. He recommended approval subject to satisfaction of any outstanding comments from Waukesha County.*

**MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO RECOMMEND APPROVAL OF THE FINAL PLAT FOR HICKORY HILL TO THE TOWN BOARD SUBJECT TO SATISFACTION OF OUTSTANDING COMMENTS FROM WAUKESHA COUNTY. MOTION CARRIED.**

- B. Cindy Wagner, owner, by Kean Kemnitz, agent, Re: Request for approval of a Conditional Use Permit under Section 17.05 5. Y. Legal Non-Conforming Uses on lands at N28 W29787 Shorewood Road.

*Discussion followed with concerns on how to assure that both homes will be removed and one new conforming home built. The decision was made to require a Letter of Credit as a financial guarantee.*

**MOTION MADE BY MR. KANTER, SECONDED BY MR. GRATZ TO DIRECT STAFF TO PREPARE A LETTER OF CREDIT AND A CONDITIONAL USE. MOTION CARRIED.**

- C. Cindy Wagner, owner, by Kean Kemnitz, agent, Re: Request for approval of a Certified Survey map creating one parcel and one outlot on lands located at N28 W29787 Shorewood Road.

*No action was taken on the CSM. It will be addressed at the time the Conditional Use Permit comes before the Plan Commission.*

- D. Cornerstone Church, 2428 North Grandview, Waukesha, Re: Request for approval of a Conditional Use permit to operate a church at N6 W31449 Alberta Drive.

**MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO DIRECT STAFF TO DRAW UP CONDITIONAL USE DOCUMENT. MOTION CARRIED.**

- E. Dr. Syed Hussain W305 N2658 Ravine Court, Consideration of revised site plan related to development of lands located in the Northwest ¼ of the Southeast ¼ of Section 15 located west of Maple Avenue.

*The subject site plan proposes development of 8 single-family, 2 duplex and one triplex condominium. The site will incorporate rain gardens to allow for increased infiltration. There will be 4 underground pipes for stormwater storage at 160' long and the stormwater will dump into the storm sewer on Maple Avenue. The commission did not take any action on this matter.*

**Sixth order of business:** Discussion – None

**Seventh order of business:** Announcements and Planning Items:

- A. Joint Plan Commission meeting with the Town of Genesee regarding the Joan Herrman property scheduled for Monday, February 26, 2007 at 6:30 pm.  
B. Next business meeting – Tuesday, March 6, 2007

**Eighth order of business:** Adjournment

**MOTION MADE BY MR. MEYER, SECONDED BY MR. GRATZ TO ADJOURN AT 9:55 P.M. MOTION CARRIED.**

Respectfully submitted,

Mary Elsner, CMC, WCMC  
Town Clerk

Minutes approved on March 6, 2007