

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

Members present: T. Oberhaus, E. Gratz, M. Tagtow, G. Meyer, L. Cunningham

Members absent: P. Kanter, C. Dundon

Also present: T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement Officer*, 7 citizens

First order of business: Call to order

Chairman Oberhaus called the meeting to order at 7:15 PM.

Second order of business: Minutes of February 6 and 26, 2007

MOTION MADE BY MR. GRATZ, SECONDED BY MR. TAGTOW TO APPROVE. MOTION CARRIED.

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

None

Fourth order of business: Unfinished Business

A. Cindy Wagner, owner, by Kean Kemnitz, agent, (tabled 2/6/07) Re: Request for approval of a Conditional Use Permit under Section 17.05 5. &. Legal Non-Conforming Uses on lands at N28 W29787 Shorewood Road.

MOTION MADE BY MR. MEYER, SECONDED BY MS. CUNNINGHAM TO REMOVE FROM TABLE. MOTION CARRIED.

Mr. Barbeau stated that he received an e-mail from Ms. Wagner's attorney seeking changes to the draft conditional use permit. He also received a response to the subject e-mail from Attorney Riffle with recommendations to the Plan Commission. Discussion followed on the home being used by guests (technically, its current legal use is a rental property). The suggestion was made to reflect that the home was formerly used as a rental unit and is currently being used as a guest house. This language will be added to the Fifth "WHEREAS" in the subject document. Attorney Riffle's language referencing construction of the garage will be implemented into the document. The following addition will be made to Letter E: "Prior to occupancy, the garage/shed shall be removed".

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT TO THE TOWN BOARD SUBJECT TO AMENDMENTS OUTLINED IN ATTORNEY RIFFLE'S E-MAIL TO MR. BARBEAU DATED 3/6/07, MR. BARBEAU'S FIFTH WHEREAS STATEMENT AND THE AMENDMENT OF ITEM E. MOTION CARRIED.

B. Cindy Wagner, owner, by Kean Kemnitz, agent, (tabled 2/6/07) Re: Request for approval of a Certified Survey Map creating one parcel and one outlot on lands at N28 W29787 Shorewood Road.

Mr. Barbeau directed attention to the following note on the subject document: "Lot 1 and Outlot 1 shall not be sold or transferred separately, and no residence may be constructed on Outlot 1".

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO RECOMMEND APPROVAL OF THE CERTIFIED SURVEY MAP TO THE TOWN BOARD. MOTION CARRIED.

C. Cornerstone Church, 2428 Grandview Blvd. Waukesha, (tabled 2/6/07) Re: Request for approval of Conditional Use permit to operate a church at N6 W31449 Alberta Drive.

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. CUNNINGHAM TO REMOVE FROM TABLE. MOTION CARRIED.

Mr. DeYoung questioned whether or not a recital event would be allowed to be held and what requirements would need to be met. Mr. Barbeau will add wording to Letter L stating that, "requests for special events shall be forwarded to Town staff for approval or for forwarding to the Plan Commission for review". Mr. Barbeau requested a copy of the property survey provided at the meeting, a copy of the agreement regarding the driveway easement between themselves and the property owner and that the conditional use permit be signed within 3 business days of closing. Mr. DeYoung will submit a memorandum of understanding signed by both parties referencing ingress/egress issues stating that, "Cornerstone Church will have all the rights to use the existing driveway that Kettle Moraine Church has until such time a new agreement is reached". This language will be reflected in Letter "H" and the word "permanent" will be removed.

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. MEYER TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT, WITH THE SUGGESTED AMENDMENTS, TO THE TOWN BOARD. MR. GRATZ – ABSTAINED. MOTION CARRIED.

Fifth order of business: New Business

A. AT&T Wisconsin, Lynn Pfeil, agent, Re: Request for approval to install a fiber cable and equipment along the southside of Oakton Road from the easterly entrance to Western Lakes Golf Course to Elmhurst Drive.

Mr. Barbeau stated that the proposed cable will be placed on the south side of Oakton Road approximately 10 feet off of the pavement east of Elmhurst Road and 5 feet off the pavement west of Elmhurst Road. This cable will be bored to minimize disruption. One cabinet, 5' high by 3 ½' wide, will be installed on the south side of Oakton, even with the brush line.

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. CUNNINGHAM TO APPROVE SUBJECT TO STANDARD CONDITIONS. MOTION CARRIED.

B. Ellanor Golla, owner, by David Golla, agent, Re: Request to reconfigure 4 existing lots into 2 lots at W292 N2104 Elmhurst Drive.

Mr. Barbeau directed attention to the tax key map stating that Ms. Golla owns lots 3 & 4 that used to front a road called, "East Avenue" vacated in 1951. Lots 3 & 4 received half of the road and the rest went to Lot 2. The large parcel to the east was then purchased by the Gollas. All lots are connected as one tax key #. The request is to split this land into 2 lots, one for each of her sons. Lots 3 and 4 are non-conforming, as well as the lot to the east (as it does not have any frontage). Mr. Barbeau presented an updated proposal stating that Lot 1 becomes a conforming lot to the R-3 zoning. Lot 2 is conforming in the area; however, the lot width is only 20' feet wide. This lot will be non-conforming. There is a provision in the Town Code that allows for determination, by the Town Board, of the lot status. The criteria for review would include: lot compatibility, sewage disposal, practicability and degree of hardship. Mr. Barbeau stated that Lots 1 and 2 could be "squared off" and then create an easement across Lot 1 to Lot 2. The Plan Commission is in agreement to create 2 lots and is in favor of Mr. Barbeau's suggestion to square them off with the easement across Lot 1 to Lot 2. The petitioners were directed to research the driveway easement in back of the property to determine whether or not they have access. This issue will be referred to the Town Board and then brought back to the Plan Commission for review.

MOTION MADE BY MS. CUNNINGHAM, SECONDED BY MR. GRATZ TO TABLE. MOTION CARRIED.

Sixth order of business: Discussion
None

Seventh order of business: Announcements and Planning Items:

- A. Public Hearing at the request of Mark Moertl, Boatgas Marine Refueling, LLC, for a Conditional Use Permit to allow him to refuel boats on Pewaukee Lake, scheduled for Thursday, March 15, 2007, at 7:00 p.m., at the City of Pewaukee City Hall Council Chambers.
- B. Public Hearings scheduled for Tuesday, March 20, 2007; Request for Westridge Builders for a Conditional Use Permit to allow two single family condominiums at N26 W30249 Maple Avenue and a request by the Town of Delafield to rezone the parcel of land on which the Town Hall and highway garage is located.
- C. Next regular scheduled meeting will be on Wednesday, April 4, 2007, due to the Spring Election.

Eighth order of business: Adjournment

**MOTION MADE BY MR. MEYER, SECONDED BY MS. CUNNINGHAM TO ADJOURN AT 9:00 P.M.
MOTION CARRIED.**

Respectfully submitted,

Mary Elsner, CMC, WCMC
Town Clerk

Minutes approved on April 4, 2007