

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Wednesday, April 7, 2010**

Members present: T. Oberhaus, P. Kanter, C. Dundon, and M. Tagtow

Members absent: E. Gratz and L. Cunningham

Also present: P. Van Horn, *Town Board Supervisor*, T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement Officer*, 6 citizens

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Town Plan Commission and Town Board to solicit public input on additions and changes to Chapter 17 (Zoning Code) of the Town of Delafield Code of Ordinances. The additions will include a requirement for property owners to sign all applications, and setting an expiration time for approvals granted by the Plan Commission. Changes will include removal of the requirement for sprinklers in residences over a certain height, and language regarding the keeping of poultry, fowl and livestock in the A-2 Rural Home District. The Plan Commission meeting will begin immediately following the conclusion of the public hearing. Chairman Oberhaus called the Public Hearing to order at 7:10 p.m. The Town Clerk read the Public Hearing notice.

Engineer Barbeau reviewed all proposed zoning code changes including the Town Attorney's recommendations.

There was no public comment on this matter.

The public hearing closed at 7:20 p.m.

First order of business: Call to Order
Chairman Oberhaus called the meeting to order at 7:20 p.m.

Second order of business: Approval of the minutes of March 2, 2010

Chairman Oberhaus directed attention to Item 4A. He stated that it was discussed by the commission to request Chief Richards to draft a letter with his explanation of fire safety, per removal of the sprinkler system code. The Plan Commission will review and forward it to the Town Board for their recommendation.

MOTION MADE BY MR. TAGTOW, SECONDED BY MS. DUNDON TO APPROVE WITH CHANGES. MOTION CARRIED.

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

A Boatgas Marine Refueling Service, LLC (3/10/10) Filing of annual report.

Engineer Barbeau stated that there were no complaints reported regarding last year's service provided, and the number of boats refueled almost doubled from 2008.

B. Waukesha County Dept. of Parks and Land Use (3/16/10) Request for application of a zoning permit on the property at N28 W29707 Oakwood Grove Road.

None.

C. Waukesha County Dept. of Parks and Land Use (3/17/10) County approval of language amending Condition No. 3 of the Lapham Peak snowmaking operation conditional use permit.

Engineer Barbeau directed attention to condition #3 stating that the maximum number of gallons pumped from the well annually will be limited to three million gallons as opposed to an unlimited number previously allowed.

- D. Waukesha County Dept. of Parks and Land Use (3/19/10) Request for additional information to review a violation of the plat restrictions related to tree removal in the Grandhaven subdivision.

The deadline for submission of a certified survey map has been extended to April 16 by Waukesha County. Mr. Kanter requested that staff submit a proposal at the next meeting relating to how deed restrictions will be enforced.

- E. Waukesha County Dept. of Parks and Land Use (3/25/10) Vegetation and tree removal violation in Lost Creek Subdivision.

Peggy Tilley, Waukesha County Dept. of Parks and Land Use informed the Town Clerk that she visited the subject location and did not see any evidence of recent tree cutting. She stated that this complaint was spurred by a neighbor complaining that trees were cut, but the owner informed her that wood was delivered to his property.

Fourth order of business: Unfinished Business

- A. Lloyd & Cheryl Williams W289 N520 Elmhurst Road Re: Consideration and approval of a Conditional Use amendment to allow the retail sale of cheese and bottled milk on their property located at W289 N520 Elmhurst Road (tabled 4/2/10)

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

The Plan Commission discovered that the proposed site plan was incorrect. As calculations need to be reviewed and Mr. Williams has additional paperwork to submit, this matter will be placed on the next agenda.

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

Fifth order of business: New Business

- A. Lloyd & Cheryl Williams W289 N520 Elmhurst Road Re: Consideration and approval of the site plan and architectural plans for the proposed cheese making and retail facility.

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

- B. Tim & Mark Twohig, FloorQuest Milwaukee, Re: Request for plan of operation and sign approval for a flooring store at W307 N1497 Golf Road, Suite 200 (formerly Advantage Flooring)

Engineer Barbeau stated that there is one outstanding fire department issue, a disconnected exit light. Deputy Chief Hoppe will check on this and report back to him.

Signs – Engineer Barbeau received a letter from the owner stating that he has approved the signs. As the name of the business is not very long, they meet the area requirements both on the east and south face of the building. The monument sign layout was presented.

Plan of Operation – It meets the intent of the B-1 zoning district and is compatible with the surrounding neighborhood. No major changes are indicated to the use or the operation of the business.

Signs – Do not meet the guidelines of 24 inches in height, i.e. letters “F”, “I” and “t” to be 36 inches high and “Q” to be 50” high. The size of the sign is not being increased just the size of the letters.

MOTION MADE BY MR. TAGTOW TO APPROVE THE PLAN OF OPERATION AS PROPOSED AND THE SIGNS AS PROPOSED. MOTION FAILED FOR LACK OF A SECOND.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO APPROVE THE PLAN OF OPERATION. MOTION CARRIED.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO APPROVE THE SOUTH FACING SIGN AND MONUMENT SIGN. MOTION CARRIED.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO APPROVE THE PROPOSED SIGN WITH EXISTING STANDARDS. MOTION CARRIED.

- C. Kevin & Sheila Frisinger, N27 W30687 Woodland Hill Drive, by Tyson Mueller, Johnson's Nursery, Re: Consideration and approval of request to remove invasive species and plant native trees and bushes outside the areas designated for building activities.

Engineer Barbeau confirmed that the subject project is on Silverwood Lane. He summarized the proposal stating that according to the deed restrictions and notes on the final plat of The Arbor's subdivision, Plan Commission approval is necessary to take action.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO APPROVE. MOTION CARRIED.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO TAKE ITEM 6A OUT OF ORDER. MOTION CARRIED.

Sixth order of business: Discussion

- A. Matt Wade, Pro Health Care Re: Update on agricultural activities on the land located at N14 W29503 Silvernail Road (former Pucci farm).

Mr. Wade stated the proposed plans for the subject property to be used for development of a new genesis farm as a not for profit organization to promote the use of food as medicine. Future plans include promoting an organic educational center.

- D. Consideration and recommendation of proposed additions and changes to the Town of Delafield Zoning Code.

The following suggested revisions were discussed: In Section 17.04 5. H. subsection a. (2)(b), add the following after the word "desired", "...beyond the maximum allowed on the lot per subsection a. (2)(a) above"...

MOTION MADE BY MS. DUNDON, SECONDED BY MR. TAGTOW TO RECOMMEND APPROVAL OF THE PROPOSED ADDITIONS AND CHANGES TO THE TOWN CODE AS AMENDED. MOTION CARRIED.

- E. Consideration of code changes related to enforcement procedures of open space and other related code requirements.

Mr. Kanter stated the needs for review of the Town's present practices with code enforcement and how can we effectively enforce open space and green space requirements. How can we fix existing issues so that the code enforcement officer has a clear set of proper procedures/protocol when a modification of land comes into him for review. When a permit request is filed for construction, a survey is to be done on the property paid for by the resident. Then when next request comes in, the green space (open space) has already been calculated. Proper policies and

procedures will allow the town to effectively enforce our codes. Discussion followed on the cost, of the survey, i.e., will this make people do things without obtaining a permit. Engineer Barbeau was directed to research this issue and report back at the next meeting.

Seventh order of business: Announcements and Planning Items – Next meeting – Tuesday, April 20, 2010

- Joint public hearing with Waukesha County regarding a Conditional Use permit for grading at the former Lakeview Lanes property (current owner, St. Anthony's Church) – Clare will not be here
- Annual review of Conditional Uses

Eighth order of business: Adjournment

MOTION BY MS. DUNDON, SECONDED BY MR. TAGTOW TO ADJOURN AT 9:30 P.M.

MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on May 4, 2010