

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, May 3, 2011**

Members present: T. Oberhaus, C. Dundon, E. Gratz, M. Tagtow, L. Cunningham (entered at 8:00 p.m.) and B. Cooley

Members absent: P. Kanter

Also present: T. Barbeau, *Town Engineer*, 7 citizens

First order of business: Call to Order
Chairman Oberhaus called the meeting to order at 7:00 p.m.

Second order of business: Approval of the minutes of Tuesday, April 6 and 19, 2011
MOTION MADE BY MS. DUNDON, SECONDED BY MR. TAGTOW TO APPROVE. MOTION CARRIED.

Third order of business: Communications (for discussion and possible action)
A. Boatgas Marine Refueling Service, LLC (3/22/11) Filing of annual report.

There have been no concerns regarding the operating procedures of Boatgas Marine Refueling Service, LLC.

B. Arenz, Molter, Macy & Riffle (4/12/11) Zoning Board of Appeals Regulations Regarding Use Variances.

None

C. Arenz, Molter, Macy & Riffle (4/21/11) Clarification Regarding Home Occupation Code Section.

Chairman Oberhaus stated that this matter will be addressed later in the meeting.

Fourth order of business: Unfinished Business

A. Robert Stapleton, agent for AT&T, Re: Consideration and possible action on a request for a Conditional Use permit to construct a 130 foot tall monopole on property located at N13 W28620 Silvernail Road, owned by Greg Kazmierski and Nancy Downey (tabled 4/6/11).

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

There was no one present to speak on behalf of AT&T. Engineer Barbeau stated that Attorney Larson reviewed the subject conditional use document and, if recommended by the Plan Commission, it will be forwarded to the Town Board for approval. The applicant has not yet submitted the requested architectural plans for the building or updated open space calculations. The requested revision to Item H. of the C.U. permit was noted to reflect the proposal of a six-foot high cedar fence, rather than the original requested eight-foot chain link fence.

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

B. Sean & Beth Jochims, W292 N2137 Elmhurst Drive, Re: Consideration and possible action on a request for a Home Occupation to operate a home office for billing and general office services related to Dr. Jochims medical practice (tabled 4/6/11).

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

Engineer Barbeau read Mr. Jochim's response to Attorney Larson's letter into the record (a copy of Mr. Jochim's e-mail is attached).

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. COOLEY TO DENY THE HOME OCCUPATION TO OPERATE A HOME OFFICE FOR BILLING AND GENERAL OFFICE SERVICES RELATED TO DR. JOCHIMS MEDICAL PRACTICE. MOTION CARRIED.

C. Hartland Lakeside School District No. 3 Consideration and possible action on the following requests (tabled 4/6/11):

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

1. To rezone lands at N35 W29288 North Shore Drive and an adjacent lot to the west from A-1 Agricultural and R-1PUD to A-2 Rural Home District.

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO RECOMMEND APPROVAL, TO THE TOWN BOARD, TO REZONE LANDS AT N35 W29288 NORTH SHORE DRIVE AND AN ADJACENT LOT TO THE WEST FROM A-1 AGRICULTURAL AND R-1 PUD TO A-2 RURAL HOME DISTRICT. MOTION CARRIED.

2. Certified Survey Map to combine school lands at N35 W29288 North Shore Drive and lands directly west of the noted address.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. COOLEY TO RECOMMEND APPROVAL, TO THE TOWN BOARD, OF THE CERTIFIED SURVEY MAP COMBINING SCHOOL LANDS AT N35W29288 NORTH SHORE DRIVE AND LANDS DIRECTLY WEST OF THE NOTED ADDRESS.

MOTION AMENDED BY MS. DUNDON, SECONDED BY MR. GRATZ TO INCLUDE THE CERTIFIED SURVEY MAP REVISED DATE OF 4/11/11. MOTION CARRIED.

3. Conditional Use permit for operation of the Green Life Charter School.

MOTION MADE BY MR. GRATZ, SECONDED BY MR. COOLEY TO RECOMMEND APPROVAL, TO THE TOWN BOARD, OF THE CONDITIONAL USE PERMIT FOR GREEN LIFE CHARTER SCHOOL DRAFTED ON 4/26/11.

MOTION AMENDED BY MR. GRATZ, SECONDED BY MS. DUNDON TO INCLUDE THE FOLLOWING STAFF RECOMMENDATIONS (DATED 4/26/11): THE APPLICANT SATISFYING ALL COMMENTS, CONDITIONS AND CONCERNS OF THE TOWN ENGINEER, PLAN COMMISSION OR TOWN BOARD; RECEIPT OF ALL OTHER REQUIRED SIGNATURES INSCRIBED ON THE CONDITIONAL USE SUBMITTAL, PRIOR TO THE TOWN AFFIXING ANY REQUIRED SIGNATURES; AND, THE APPLICANT REIMBURSING THE TOWN OF DELAFIELD FOR ALL COSTS AND EXPENSES OF ANY TYPE THAT THE TOWN INCURS IN CONNECTION WITH THIS DOCUMENT, INCLUDING THE COST OF PROFESSIONAL SERVICES INCURRED BY THE TOWN (LEGAL, ENGINEERING, PLANNING, CONSULTING) FOR THE REVIEW AND PREPARATION OF THE REQUIRED DOCUMENTS OR ATTENDANCE AT MEETINGS OR OTHER RELATED SERVICES FOR THIS APPLICATION, AS WELL AS ENFORCEMENT OF CONDITIONS ASSOCIATED WITH ANY CONDITIONAL APPROVAL IN THE EVENT OF A VIOLATION OF THE CONDITIONS. MOTION CARRIED.

4. Site plan and plan of operation approval for a greenhouse adjacent to the school.

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO APPROVE THE SITE PLAN AND PLAN OF OPERATION FOR A GREENHOUSE ADJACENT TO THE SCHOOL SUBJECT TO THE APPLICANT SUBMITTING A SITE PLAN SHOWING BUILDING LOCATIONS, OFFSETS, SETBACKS, OPEN SPACE AND ANY OTHER REQUIRED ITEMS MEETING THE REQUIRED CODE, TO THE ZONING ADMINISTRATOR FOR A ZONING PERMIT. MOTION CARRIED.

Fifth order of business: New Business

- A. Mike Southard, W302 N898 Maple Avenue, Re: Consideration and possible action on a Certified Survey Map to split his property into two parcels of land south of Maple Avenue, west of Bryn Drive.

MOTION MADE BY MR. GRATZ, SECONDED BY MS. DUNDON TO RECOMMEND APPROVAL, TO THE TOWN BOARD, OF THE CERTIFIED SURVEY MAP LAST REVISED APRIL 30, 2009, TO SPLIT THE PROPERTY INTO TWO PARCELS OF LAND SOUTH OF MAPLE AVENUE, WEST OF BRYN DRIVE, CONDITIONED UPON ANY FUTURE DIVISIONS OF LOT 1 BE RESTRICTED TO NO MORE THAN 4 ADDITIONAL LOTS; AND, TO INCLUDE STAFF RECOMMENDATIONS DATED 4/26/11: THE APPLICANT SATISFYING ALL COMMENTS, CONDITIONS AND CONCERNS OF THE TOWN ENGINEER AND ANY REVIEWING, OBJECTING AND APPROVING BODIES; RECEIPT OF ALL OTHER REQUIRED SIGNATURES INSCRIBED ON THE SUBMITTAL, PRIOR TO THE TOWN AFFIXING ANY REQUIRED SIGNATURES TO THE APPROVED SURVEY DOCUMENT; AND, THE APPLICANT REIMBURSING THE TOWN OF DELAFIELD FOR ALL COSTS AND EXPENSES OF ANY TYPE THAT THE TOWN INCURS IN CONNECTION WITH THIS DOCUMENT, INCLUDING THE COST OF PROFESSIONAL SERVICES INCURRED BY THE TOWN (LEGAL, ENGINEERING, PLANNING, CONSULTING) FOR THE REVIEW AND PREPARATION OF THE REQUIRED DOCUMENTS OR ATTENDANCE AT MEETINGS OR OTHER RELATED SERVICES FOR THIS APPLICATION, AS WELL AS ENFORCEMENT OF CONDITIONS ASSOCIATED WITH ANY CONDITIONAL APPROVAL IN THE EVENT OF A VIOLATION OF THE CONDITIONS. MOTION CARRIED.

- B. Nick Hoehl, W277 N3028 Rocky Point Road, Pewaukee, Re: Consideration and possible action on a Certified Survey Map reconfiguring land at W288 S560 Elmhurst Road and request for Plan Commission interpretation on designating an existing barn on site as a rustic structure

Engineer Barbeau stated that a formal CSM was submitted today, which did not allow adequate time to do a technical review.

Mr. Hoehl stated that the access easement to CTH G is owned by lot 3. The amount of hard surface allowed is 41,800 leaving him 26,800 to build on. He is proposing a plan that creates three large rectangular parcels. He indicated that the road width would be 66'. Discussion followed on the option to combine the land into 1 larger parcel, as it would be better planning for the town.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. TAGTOW TO TABLE THE CERTIFIED SURVEY MAP TO ALLOW THE TOWN ENGINEER TO PERFORM A TECHNICAL REVIEW. MOTION CARRIED.

Mr. Hoehl stated that the existing barn is unusable and unsafe in its current form. He currently uses it for storage of hay. His goal is to completely disassemble it down to the foundation and rebuild it. The existing silos will remain. The Plan Commission's position is that storage of hay in the barn makes this a farm accessory building.

MOTION MADE BY MR. GRATZ, SECONDED BY MS. CUNNINGHAM TO DENY THE DESIGNATION OF RUSTIC STRUCTURE UNLESS THE STRUCTURAL INTEGRITY CAN BE MAINTAINED THROUGH THE USE OF THE EXISTING MATERIALS OR MATERIALS OF A SIMILAR DESIGN. A FARM ACCESSORY BUILDING IS ALLOWED ON THIS PROPERTY AS LONG AS THERE IS A FARM OPERATION ON THIS PROPERTY. MOTION CARRIED.

C. John Werner, owner, Dylon's Steakhouse, Re: Consideration and possible action on approval of sign adjacent to Pewaukee Lake and request for consideration to allow outdoor dining at the facility as an amendment to their Conditional Use permit.

MOTION MADE BY MR. GRATZ, SECONDED BY MS. DUNDON TO APPROVE THE SIGN FOR DYLON'S STEAKHOUSE SHOWN IN THE LOWER RIGHT HAND CORNER OF THE DESIGN SHEET PRESENTED. MOTION CARRIED.

Discussion followed on the allowance of outdoor dining at the facility as an amendment to the current C.U. permit. The Plan Commission suggested the following: Determine how many parking spaces would be created if the existing garage was removed, present a plan including proposed hours of outdoor dining, parking, table arrangement and how the noise and garbage issues will be handled. The applicants were informed that this request would require a joint public hearing with Waukesha County.

D. Town of Delafield Plan Commission, Re: Discussion and set public hearing date for possible zoning code changes related to maximum driveway slope, garage area in A-1, A-E and A-2 zoning districts, open space for non-conforming structures and eave height restrictions.

The public hearing date for possible zoning code changes related to maximum driveway slope, garage area in A-1, A-E and A-2 zoning districts, open space for non-conforming structures and eave height restrictions is set for June 7 at 7:00 p.m.

Sixth order of business: Discussion

A. None.

Seventh order of business: Announcements and Planning Items

Next meeting May 17, 2011, Workshop on code changes

Next business meeting – Tuesday, June 7, 2011

Eighth order of business: Adjournment

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

Respectfully submitted,

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

Minutes approved on June 7, 2011