

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
June 3, 2008**

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

Also present: T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement Officer*, 5 citizens

Public Hearing: Prior to the start of the regularly scheduled Plan Commission meeting there will be a public hearing before the Town of Delafield Town Board and a quorum of the Plan Commission at the request of Karla and Greg Francken W310 S435 Maple Avenue (Tax Key No. DELT849-997-010) to rezone their property located at W310 S435 Maple Avenue from A-1 Agricultural to A-3 Suburban Home District. The regular Plan Commission meeting will begin immediately following the conclusion of the public hearing.

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

Engineer Barbeau stated that the public hearing will not be held; the applicants submitted a request to withdraw.

Second order of business: Minutes of May 6, 20 and 27, 2008
Mr. Tagtow directed attention to the minutes of May 6, Item 3B. The sentence should be revised to read, "In response to Mr. Tagtow's question as to why this residence is non-conforming, Engineer Barbeau stated that all properties in this location became non-conforming due to rezoning.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. GRATZ TO APPROVE SUBJECT TO THE CORRECTION IN THE MAY 6 MINUTES. MOTION CARRIED.

Third order of business: Communications (for discussion and possible action)
A. Waukesha County Board of Adjustment (5/15/08) Approved request of Mike Keener and Jonathan Walker N27 W30028 Maple Avenue for a variance from the private road setback and special exception from the accessory building floor area ratio.

Engineer Barbeau stated that nothing has been submitted to the Town. Many times the petitioners go to the County first, as they are aware their property is located in the shoreland district.

MOTION MADE BY MR. KANTER, SECONDED BY MR. GRATZ TO MOVE ITEM 4A OUT OF ORDER. MOTION CARRIED.

Fourth order of business: Unfinished business
B. Dr. Syed Hussain, Maple Bluff Estates approximately W303 N2595 Maple Avenue (tabled 5/27/08) Re: Approval consideration for the Developer's Agreement, Revised Declarations of Restrictions and Covenants (referred back to Plan Commission from the Town Board) and approval of architectural plans for buildings in Phase 2 (referred back to Plan Commission from the Town Board).

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

The Plan Commission discussed the following revisions to the Developer's Agreement: In the 8th WHEREAS, replace the word "two" with "three" phases ...the second to include all units on the inside of the horseshoe (1,2,3,4,7, 10, 11, 12) being served with private road accessing Maple Avenue, the third to include all units outside of the horseshoe (5,6,8,9); Section 1. A. 3., strike the words "providing access to and fronting a specific unit" in the second sentence, replace the word

“accepted” with “approved” in the third sentence (and throughout the document) and strike the words “for said unit” in the 4th sentence; Section 1. D. 3., strike the last sentence and add #5 to read “The developer shall complete the site landscape plan and individual unit landscaping plans prior to issuance of an occupancy permit in Phase II and Phase III, unless otherwise allowed to be extended by the Plan Commission due to seasonal constraints”; Section XI A., add the following after the last sentence, “Occupancy shall not be granted for Phase II or Phase III until all stormwater facilities are completed and approved”; Letter C, add the following to the end of the first sentence “and approved by the Town Board”, In the second sentence, replace the word “may” with “shall”, strike the word “the” before “units” and add “1, 2, 3, 4, 7, 10, 11 & 12”.

MOTION MADE BY MR. GRATZ, SECONDED BY MR. TAGTOW TO RECOMMEND APPROVAL OF THE DEVELOPER’S AGREEMENT OF MAPLE BLUFF ESTATES AS PRESENTED ON JUNE 3 WITH CORECTIONS AND ADDITIONS AS NOTED TO THE TOWN BOARD. MOTION CARRIED.

Changes to the Declaration of restrictions include: Paragraph 2.2 to begin with “All signs, including parking...”; Paragraph 2.3, add the words “of living space” after “1600 square feet per unit” and “2300 square feet per unit” ; Paragraph 2.5 the word “management” in the 2nd from last line should be changed to “maintenance”; Paragraph 2.11(a) eliminate the words “unless otherwise permitted by the Developer prior to such installation”; Paragraph 2.11(b) and 2.12, add the following at the end: “or Condominium Owner’s Association and proper approval and permits from the Town of Delafield Plan Commission and building inspection department”.

MOTION MADE BY MR. KANTER, SECONDED BY MR. GRATZ TO RECOMMEND APPROVAL OF THE REVISED DECLARATIONS OF RESTRICTIONS AND COVENANTS OF MAPLE BLUFF ESTATES TO THE TOWN BOARD. MOTION CARRIED.

Fifth order of business: New business

A. Karla and Greg Francken, W310 S435 Maple Avenue Re: Request for approval to rezone lands at W310 S435 Maple Avenue from A-1 Agricultural to A-3 Suburban Home District.

The petitioners submitted a request to withdraw.

B. Laura Gralton, W330 N4298 Glen Parc Circle, Nashotah, Re: Request for approval of the plan of operation and signage for Advantage Flooring and Design to be located at W307 N1497 Golf Road (Ridgepoint Centre).

MOTION MADE BY MR. GRATZ, SECONDED BY MR. MEYER TO APPROVE THE PLAN OF OPERATION AND SIGNAGE PLAN FOR ADVANTAGE FLOORING AND DESIGN FOR RIDGEPOINT CENTRE WITH THE UNDERSTANDING THAT THE SIGNS ON THE SOUTH FACE PRECLUDES ANY SIGNAGE ON THE WEST FACE AND WITH THE EXTENSION OF HOURS ON MONDAY, WEDNESDAY AND FRIDAY UNTIL 8:00 P.M. MOTION CARRIED.

C. Review and recommendation to Town Board on Welch’s request for alley discontinuation.

Engineer Barbeau summarized the subject request to vacate two unpaved portions of the 2nd alley stating that they have not been maintained by the Town and are unnecessary for public road purposes. The Plan Commission is requested to determine whether or not this is good planning and provide their recommendation to the Town Board. A hearing will be held on June 24. The Town Clerk was directed to notify residents within 300’ of the subject area.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO RECOMMEND THE SUBJECT VACATION AND TO CONDUCT A PUBLIC HEARING ON PETITION FOR THE

SUBJECT VACATION TO THE TOWN BOARD. CHAIRMAN OBERHAUS – NO, MOTION CARRIED.

Fourth order of business: Unfinished business

A. Consideration of revisions to the Town of Delafield Zoning Code

Open space – to remain as it is stated in the code. Any decisions on open space calculations will remain the responsibility of Town staff. If further direction is needed, the Plan Commission will address any issues.

Service Pedestal – The definition to include, “this is not a structure”; It may be no larger than 20 cubic feet and no taller than 3’.

Utility Structure – Strike everything after the word “equipment” and replace with “will be considered a structure and will require a building permit; If new upgraded utilities require additional easements, they must be outside of the offsets and setbacks; The Plan Commission may grant an exception to this rule in the case of both neighbors requesting the easement to be placed on their property.

Amendments/Additions to §17.03 5. C.4. – Strike everything in the second set of parenthesis.

Amendments/Additions to §17.06 4. F. – Add the following “A fence is not required if there is a latch able cover. Engineer Barbeau was directed to contact Attorney Riffle to determine whether or not the Town is liable if fencing is not installed around a pool or hot tub. If not, the fencing requirement is to be lifted.

Mr. Barbeau will incorporate the suggested revisions and bring them back to a future Plan Commission meeting.

Sixth order of business: Discussion

None

Seventh order of business: Announcements and Planning Items

A. Next business meeting – Tuesday, July 1, 2008

Eighth order of business: Adjournment

**MOTION MADE BY MR. TAGTOW, SECONDED BY MR. MEYER TO ADJOURN AT 10:20 P.M.
MOTION CARRIED.**

Respectfully submitted,

Mary Elsner, CMC, WCMC
Town Clerk

Minutes approved on July 1, 2008