

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, August 5, 2008**

Members present: T. Oberhaus, C. Dundon, E Gratz, M Tagtow, G. Meyer, P. Kanter, L Cunningham
Also Present: T. Barbeau, Town Engineer, P. Mortimer, Code Enforcement Officer, 9 citizens

First order of business: Call to Order
Chairman Oberhaus called the meeting to order at 7:02 PM.

Second order of business: Minutes of July 1, 2008
Motion by Mr. Tagtow, seconded by Ms. Dundon to approve the minutes. Motion carried.

Third order of business: Communications (for discussion and possible action)
None

Motion by Mr. Gratz, seconded by Mr. Meyer to take agenda items 5. and 6. out of order. Carried

Fifth order of business: New Business

A. Kevin and Sheila Frisinger by Brian Wittman, Deep River Partners, Re: Request to build single family residence in Environmental Corridor at W305 N1552 Silverwood Lane and determination of building envelope.

Engineer Barbeau explained the history of the property as described in his report. Action requested by the applicant includes approval by the Plan Commission of the proposed location of the house and a recommendation to Waukesha County. Dick Sherer, architect from Deep River Partners, handed out a restoration plan showing 37 new trees. In designing the house, they looked at building within the platted envelope in order to minimize impact to the topography, minimize significant tree removal, less driveway needed and remove oak trees with oak wilt. He stated that in their research of the property, there was no mention of any change in the location of the platted building envelope. The initial question that the Plan Commission focused on was whether the Town modified the building envelope in 1991. The Plan Commission reviewed the minutes of the 1991 meeting when the Town allowed the house to be constructed outside the building envelope and the deed restriction language for the subdivision. The Plan Commission was in agreement that a building envelope was created at the location of the house approved in 1991; however, no new defined area for the building envelope was established, nor was the platted envelope eliminated. Since the Plan Commission determined that location of the house approved in 1991 established a building envelope, the question became whether they would allow the proposed building to be built within the platted building envelope. Some members felt that the Town and County did not complete the work in 1991 since they did not establish a new building envelope nor did they remove the platted building envelope. They questioned how a property owner would know where the building envelope was established if it was not in any type of recorded document.

Motion by Mr. Kanter, seconded by Ms. Dundon to modify the existing building envelope as determined by the Plan Commission during this meeting and re-designate the original platted building envelope as the allowable building envelope conditioned upon the area of the existing building envelope being restored to a forested condition (that is, a condition which would be typical to an undisturbed area) and approval of a updated landscape/restoration plan. Carried.

Sixth order of business: Discussion

A. Kelly Secord, First Weber Group, Re: Discussion regarding use of land located at W307 N1499 and N15 W30921 Golf Road (across from Town Hall).

Mr. Jim Konecny, First Weber Group Realtors, spoke on behalf of his client, Dr. Greg Mayer, about building a 6,000 square foot doctor's office east of the Equitable Bank on Golf Road. The building is proposed to be two stories, would compliment the bank's architecture, have underground parking and be a "green" building. Concern was raised over the open space requirement of the bank. This would be checked when a CSM is submitted to split the land. The applicant was told that there shall be no disturbance of the forested area on the easterly portion of the site. The Plan Commission provided favorable comments regarding the project.

- B. Arvid Huth, P.M. Bedroom Gallery, Re: Discussion regarding use of land located at the northwest corner of CTH SS and Golf Road (Fiduciary Real Estate lands)

At the request of the applicant, this matter was removed from the agenda.

- C. Request to amend the lake Country Corridor Compact for Culver's Restaurant.

Mr. Tim Karbler has made a request to the Town for input and support of a Culver's restaurant on his property, with access onto STH 83. The request would require a change in the border agreement. The Village directed Mr. Karbler to gain support from the Town and City of Delafield. Mr. Karbler supplied a letter from the WisDOT stating their acceptance of two access points on his property. The Commission expressed concerns about the allowance of the restaurant in the B-5 light industrial zoning district, since the district did not allow it as a permitted use or a conditional use. They also expressed concern that traffic access onto STH 83 is not good planning and that approval of a Culver's may open the door to other fast food type restaurants along STH 83 which is not desirable. Engineer Barbeau was directed to contact Wally Thiel of the Village of Hartland to express our concerns.

Fourth order of business: Unfinished Business

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

Mr. Barbeau apprised the Plan Commission of the issues that were sent to Attorney Riffle and the modifications the attorney made to the proposed changes.

Motion by Ms. Dundon, seconded by Mr. Tagtow to forward the document to the Town Board with a recommendation for approval as written and request for a public hearing. Carried.

Seventh order of business: Announcements and Planning Items

- A. Next business meeting – September 2, 2008

Eighth order of business: Adjournment

Motion by Mr. Tagtow, seconded by Ms. Dundon to adjourn at 9:58 PM. Carried

Respectfully submitted,

Tim Barbeau, P.E., R.L.S.
Town Engineer

Minutes were approved on September 2, 2008