

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
Tuesday, July 5, 2011**

Members present: P. Kanter, C. Dundon, E. Gratz, M. Tagtow, L. Cunningham and B. Cooley

Members absent: T. Oberhaus

Also present: T. Barbeau, *Town Engineer*, P. Van Horn, *Town Board Supervisor*, 7 citizens

**Public Hearing:** The hearing is at the request of US Cellular, Andrew Buchen, agent for the owner, to install new antennas at the communication tower located at N44 W29190 Oxford Drive, Hartland, WI. The request has been made in accordance with provisions in Sections 17.05 5. M. Communication Tower, and 17.05 5. AH. Public and Semipublic Buildings and Uses of the Town of Delafield Zoning Code. Acting Chairman Kanter called the Public Hearing to order at 7:00 p.m. The Town Clerk read the Public Hearing Notice. There was no objection to the notice.

*Guy Stewart spoke on behalf of US Cellular stating the subject proposal to remove 9 existing antennas and replace them with 3. The proposal also includes installation of buried fiber optic cable between the entrance on Oxford Drive and the tower on the existing easement. The new panels will be 11 inches wide, 6 inches deep and 96 inches long. The question was raised as to how three antennas will be sufficient. Mr. Stewart stated that changing to an LTE 4G type will expand the band width of the antennas.*

*Supervisor Van Horn questioned whether or not the appearance of the tower will change and if there will be any lights visible to the public. Mr. Stewart stated that the proposal includes fewer antennas and no changes in the lighting.*

*There was no public comment. The public hearing closed at 7:10 p.m.*

**Public Hearing:** The hearing is at the request of US Cellular, Andrew Buchen, agent for the owner, to install new antennas at the communication tower located at S12 W28925 Summit Avenue, Waukesha, WI. The request has been made in accordance with provisions in Sections 17.05 5. M. Communication Tower, and 17.05 5. AH. Public and Semipublic Buildings and Uses of the Town of Delafield Zoning Code. The Town Clerk read the Public Hearing Notice. There was no objection to the notice.

*Guy Stewart spoke on behalf of US Cellular stating the subject proposal to replace the type of antenna used for the center in each of the three sectors with LTE antennas. The proposal also includes the installation of buried fiber optic cable between the tower and a fiber optic utility box located to the north of the fence enclosure.*

*There was no public comment. The public hearing closed at 7:15 p.m.*

**First order of business:** Call to Order  
*Acting Chairman Kanter called the meeting to order at 7:15 p.m.*

**Second order of business:** Approval of the minutes of June 7, 2011  
*The minutes will be filed as prepared by the Town Clerk.*

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

**Fourth order of business:** Unfinished Business  
Town of Delafield Plan Commission, Re: Consideration and possible action on proposed changes to Chapter 17, Zoning Code of the Town of Delafield Code of Ordinances related to driveway slope (tabled 6/7/11).

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

*Engineer Barbeau was directed to measure the Phyllis Parkway slope and report back at the next meeting. The Plan Commission confirmed the town's interest to keep all slopes reasonable and within a certain distance from the roadway. If there is a request for a distance greater than 12%, the petitioner would be required to appear before the Plan Commission for approval. All existing driveways could be maintained with staff approval. Engineer Barbeau will provide wording for review at the next meeting.*

**MOTION MADE BY MR. GRATZ, SECONDED BY MR. COOLEY TO TABLE. MOTION CARRIED.****Fifth order of business: New Business**

A. FRED – Tumblebrook c/o Fiduciary Real Estate Development, Inc., Re: Consideration and possible action regarding a request for a sign variance to allow the placement (continuation) of two 5' x 8' "For Sale" signs on the 45-acre parcel located at the northwest corner of CTH SS and Golf Road and a request for a two-year approval period.

*Brett Miller, Fiduciary Real Estate Development, Inc., requested to allow the existing signs to remain on the subject property for an additional 2 years. He stated that the signs have generated phone traffic.*

**MOTION MADE BY MS. CUNNINGHAM, SECONDED BY MS. DUNDON TO APPROVE A 2-YEAR EXTENSION OF TWO 5' X 8' "FOR SALE" SIGNS ON THE 45-ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF CTH SS AND GOLF ROAD.****AMENDED MOTION MADE BY MS. CUNNINGHAM, SECONDED BY MS. DUNDON TO APPROVE A 1-YEAR APPROVAL PERIOD. MOTION CARRIED.**

B. Lifestriders, Inc., Re: Consideration and possible action on enforcement of the requirement to submit a current plan of operation, site plan and Conditional Use document for their new facility located at S11 W29667 Summit Avenue.

*Attorney Gutenkunst stated that Lifestriders moved their operation from Elmhurst Drive to a facility on Summit Avenue, known as Harmony Farms. She and Mr. Conley felt that since the operation had not changed, they would not be required to apply for a new Conditional Use permit because it "runs with the land".*

*Engineer Barbeau stated that a review of town records did not result in locating a Conditional Use permit identifying a plan of operation or site plan for Harmony Farms. The only information on file was minutes of a public hearing held on May 3, 1983, a recommendation by the Plan Commission to the Town Board for approval and a brief motion made by the Town Board on May 10, 1983. As a result, Engineer Barbeau requested that Mr. Conley contact the operator of Harmony Farms, Mr. Wall, to obtain his plan of operation. Mr. Wall did not have a plan of operation on file, so Mr. Conley prepared a document titled, "Description of Operations" (the document is not dated). No plans have been submitted even though there have been changes to any plans that would have been submitted in 1983. These changes include: types of horses; number of horses; new operator; new owner; different staffing needs; different impacts on parking; number and types of events; and, possible addition of classrooms (according to a recent newspaper article). Engineer Barbeau feels that Lifestriders is in violation.*

*Mr. Conley stated that he does not feel he made any additions to the operation.*

*Acting Chairman Kanter stated that he has always been very proud and supportive of this operation. The hesitancy to submit a new plan of operation, site plan and creation of a Conditional Use document will affect his future view of Lifestriders. Is there something to be hidden here? He stated that the town*

*will be forced to consult with legal counsel to request a review and opinion of this situation. It is important for the current operation to be in modern conformity with the existing code.*

**MOTION MADE BY MR. KANTER, SECONDED BY MR. GRATZ TO TABLE. MOTION CARRIED.**

- C. US Cellular, Andrew Buchen, agent for the owner, Re: Consideration and possible action to allow a change in the antenna array at the communication tower located at N44 W29190 Oxford Drive, and consideration of updating the existing Conditional use permit to current language recommended by the Town Attorney.

**MOTION MADE BY MS. DUNDON, SECONDED BY MR. TAGTOW TO APPROVE A CHANGE IN THE ANTENNA ARRAY AT THE COMMUNICATION TOWER LOCATED AT N44 W29190 OXFORD DRIVE, AND CONSIDERATION OF UPDATING THE EXISTING CONDITIONAL USE PERMIT TO CURRENT LANGUAGE RECOMMENDED BY THE TOWN ATTORNEY. MOTION CARRIED.**

- D. US Cellular, Andrew Buchen, agent for the owner, Re: Consideration and possible action to allow a change in the antenna array at the communication tower located at S12 W28925 Summit Avenue.

**MOTION MADE BY MR. TAGTOW, SECONDED BY MS. CUNNINGHAM TO APPROVE A CHANGE IN THE ANTENNA ARRAY AT THE COMMUNICATION TOWER LOCATED AT S12 W28925 SUMMIT AVENUE. MOTION CARRIED.**

- E. Lori Dentice, W305 N2673 Ravine Court, Re: Consideration and possible approval to increase the height to the eave from 30 feet to 32 feet and re-approval of the grading plan reflecting changes to the rear yard patio at N27 W30181 Grandhaven Drive.

**MOTION MADE BY MR. GRATZ, SECONDED BY MR. COOLEY TO APPROVE INCREASING THE HEIGHT TO THE EAVE FROM 30 FEET TO 32 FEET AND RE-APPROVAL OF THE GRADING PLAN REFLECTING CHANGES TO THE REAR YARD PATIO AT N27 W30181 GRANDHAVEN DRIVE CONDITIONED UPON RATIFICATION BY THE COUNTY AND PUBLISHED OR POSTED BY THE TOWN CLERK. MOTION CARRIED.**

- F. Pat Leverage, N47 W28270 Lynndale Road, Re: Consideration and possible action on a request to modify the plan of operation of Old Lynndale Farms to allow a banquet facility on the 1<sup>st</sup> floor of the northerly building (known as the upper barn) and a space for wedding ceremonies on the 2<sup>nd</sup> floor of the southerly barn (known as the lower barn).

*Pat Leverage stated her request to renovate the 1<sup>st</sup> floor of the upper barn to accommodate a banquet hall and renovation of the 2<sup>nd</sup> story of the lower barn into space to hold wedding receptions.*

*Engineer Barbeau stated that there is no specific permitted or conditional use for banquet halls in the B-1 district. Due to the similarity of a hall in a restaurant, he would consider a banquet hall/meeting room to meet the intent and permitted use as defined in the B-1 district.*

*The following concerns were presented by the Plan Commission: adequate parking and access issues; adequate restroom facilities; effect of music on the neighbors; handicapped access to upper barn; and, the number of people allowed based on state requirements.*

*Pat Leverage confirmed that no food will be made in the building, it will be catered in. She will provide additional information to Engineer Barbeau for review at a future meeting.*

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

- G. Town of Delafield Plan Commission, Re: Consideration and possible action on proposed changes to Chapter 17, Zoning Code of the Town of Delafield Code of Ordinances related to open space requirements for lots created after the code changes adopted in 1998, chickens in residential areas and open space percentages in all zoning districts.

*Engineer Barbeau stated that Attorney Larson recommended issues relating to open space requirements be handled on a case-by-case basis and encouraged the Plan Commission to carefully consider a special exception process. Discussion followed on what parameters were used in developing the code changes to open space requirements. Acting Chairman Kanter stated that, "we consciously chose to be different". The Plan Commission decided to re-evaluate the town's open space percentage at the July 19 workshop. The primary problems with the conditional use applications are due to the failure of the building inspector to accurately calculate the open space requirements. People were permitted to build in violation of the ordinance.*

*Acting Chairman Kanter stated that, before the Plan Commission expends any additional time or money on the chicken issue, it will be placed on the July 12 Town Board agenda. If the majority of the Town Board members vote to allow chickens in residential areas, the matter will be referred back to the Plan Commission to hold a public hearing before an ordinance is adopted. If the majority votes no, the issue is done. If an ordinance will be considered, the following conditions were suggested: limit the # of chickens allowed; each resident will grow eggs for themselves, no stands will be allowed at the end of driveways selling eggs; no roosters will be allowed; and, chickens to be licensed on a yearly basis.*

**Sixth order of business:** Discussion

A. None

**Seventh order of business:** Announcements and Planning Items

Next meeting – Tuesday, July 19, 2011

**Third order of business:** Adjournment

**MOTION MADE BY MR. TAGTOW, SECONDED BY MS. CUNNINGHAM TO ADJOURN AT 10:00 P.M. MOTION CARRIED.**

Respectfully submitted,

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

Minutes approved on August 2, 2011