

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, January 6, 2015**

Members present: T. Oberhaus, P. Kanter, C. Dundon, B. Cooley, E. Kranick
Also present: T. Barbeau, *Town Engineer*, 6 citizens

First order of business: Call to Order and Pledge of Allegiance

Chairman Oberhaus called the meeting to order at 7:03 p.m. and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of December 2, 2014

A motion was made by Mr. Cooley, seconded by Ms. Dundon, to approve the minutes of the December 2, 2014 meeting. Motion Carried.

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

A. None

Fourth order of business: Unfinished Business

A. Appearance: James Cadd, Watercrest Real Estate,
Re: Status of Improvements on parcel located at N47 W28229 Lynndale Road

Engineer Barbeau summarized the issues on the site: A Conditional Use Permit (CUP) was granted in July 2014 to allow parking of vehicles outside without a fence, among other conditions. A fence, to block sport vehicles before and after they are worked on, was to be installed immediately but has not been built. Asphalt millings/fill have been dumped on the site. Dirt and fill from the previous owner needs to be dealt with. Signs were approved but haven't been installed. Shrink-wrapped boats, a car/abandoned vehicle is in the weeds and needs to be removed, and trucks on the property are also concerns of the Plan Commission. Mr. Cadd never returned to the Plan Commission to explain the situation when issues with the County and the DNR arose. Engineer Barbeau was informed about these matters after he inquired about the delay.

Mr. Cadd explained the millings are there to build up and repair the parking lot but the County required a stormwater permit and wetland delineation. The County also told him not to touch the millings until he receives DNR approval. The DNR approval hasn't been completed and he has been told the DNR is backlogged until spring. He says the fence will go in when the millings are spread. He believes the fence would be a disturbance to the site which the DNR is reviewing and would make spreading of the millings more difficult. Mr. Cadd stated JR Motorsports didn't have his approval on the signs. He doesn't know when the sign will be completed. His plan for a prospective car dealership hasn't materialized. He does have his dealership license for which he needed the CUP from the Town earlier this year. The car in the field could be towed out next week.

Engineer Barbeau distributed photos of the current signs and the property which were taken on December 8, 2014. The canvas sign is not what was approved. The intent of the sign the Plan Commission approved was for a sign for three business entities. The sign is the responsibility of the property owner. The tenant came in with the sign and the owner (Mr. Cadd) signed the application for it. It was acted on at the May 6th meeting. The Apple Automotive sign is still on the property. The current sign is not where it should be on the property

and does not indicate "Town of Delafield". Mr. Cadd previously stated he wants this to be the premier business property along Hwy. 16.

Plan Commission members expressed frustration with the progress on this property since there is no evidence of effort to make this property look presentable.

A Motion was made by Ms. Dundon, seconded by Mr. Cooley, to Table this item until the February meeting at which the Plan Commission will expect an update from Mr. Cadd on the DNR and County approval processes and on the signage. The signage permit must be addressed at that meeting. Motion carried 3 to 1 with Ms. Dundon, Mr. Cooley and Mr. Oberhaus voting yes and Mr. Kanter voting no.

A Motion was made by Mr. Kanter, seconded by Mr. Cooley, to take Item 6 out of order. Motion Carried.

Sixth order of business: Discussion

- A. Steve Knoll S11 W30476 Summit Avenue, Re: Discussion related to potential rezoning and land split at S11 W30476 Summit Avenue.

Engineer Barbeau explained that this proposal "cleans up" property lines in an area with A-1 zoning. There is A-2 zoning on the south side of USH 18. The frontage cannot meet the 200 foot lot width requirement, so there is still some non-conformity on the property but it would be better than the current situation. Most properties in this area are non-conforming. There is a 3 acre minimum lot size in an A-2 District. The proposed land split shows this property will be two - 2.9 acre parcels. The property would meet the A-3 zoning requirement of 2 acres but that would introduce A-3 zoning to this area.

The two lots involved will remain two lots but will be reconfigured. Concerns were expressed as to making this A-3.

The Plan Commission suggests A-2 zoning combined with cleaning up the lot lines. The next process is changing the zoning. Engineer Barbeau will check with the Town Attorney regarding any legal issues.

Fifth order of business: New Business

- A. Town of Delafield Zoning Code Text Amendments
 - 1. Commercial Planned Unit Development

Engineer Barbeau explained the proposed changes. Attorney Larson reviewed the first draft and his comments were incorporated into the draft presented at this meeting.

Corrections to 2k: Strike "basically" in line 6 and also strike "basically" from letter s on p. 36 of the goldenrod pages of the Town Code.
In line 9 "seemed" should be "deemed".

To create an incentive for the B-2 zoning Engineer Barbeau suggested changing the existing Code rather than changing this proposal. He encouraged not having less than 50% Open Space for the Development Area. B-2 zoning is intended for grouping retail stores. The Plan Commission may want to change this to 1 acre here.

Mr. Radditz, Fiduciary Real Estate Development Co. (FRED), stated Engineer Barbeau's ideas are great. FRED appreciates this information and will cluster the development of their property accordingly. This will help in preparation of their site plan. He stated that Orthopedic Associates of Wisconsin (OAW) is trying to close in late March and they have a 4-month extension on their current lease. Approvals next month would be helpful

but a public hearing is needed. Engineer Barbeau will look into scheduling the public hearing for next month. It may be possible to parallel the CUP process.

Mr. Kanter made a motion, seconded by Ms. Dundon, to set the proposed amendments to Section 17.05 5. AR Commercial Planned Unit Development to a public hearing on February 3. Motion Carried.

2. Outdoor Wood Burning Furnaces

Engineer Barbeau explained that the Building Inspector says there are some outdoor wood burning fireplaces in the Town and the Town needs some sort of fire code. Discussion started on this topic when Dean Richards was the Fire Chief. Engineer Barbeau has incorporated comments from that time period adding 2B, C and D. He stated that having a permit requirement helps the Inspector when investigating complaints and enforcing code.

Plan Commission members requested that the word "combustible" be defined in (3)A1 and that "set back" be clarified. The furnace should only be allowed in back yards and possibly side yards. They suggested the offset requirement be an offset plus footage such as the "offset plus 10 ft". They requested that "fences" be removed from (3)A1 since the appearance can sometimes be improved by having things behind fences. Having a permit requirement eliminates the need to enforce complaints under a nuisance ordinance. The Engineer is not aware of any complaints regarding these furnaces.

Engineer Barbeau will recommend where this should appear in the Code so that it applies to all of the properties in the Town including the Shoreland properties.

Change: Section 1 (2) in line 2 to remove "out of" and change "may" in line 8 to "is"
(3)A1 "minimum of (15) feet" to "(30) feet"
Delete: (3)A4b
(3)D Limited Seasonal Use

Mr. Cooley stated the Fire Chief read and approved of the information regarding this agenda item.

Engineer Barbeau will bring this proposed ordinance in final form to the Town Board.

3. Certain sections of 17.02 and 17.03. related to definitions, minimum structure size requiring a building permit, use of aerial photo for open space determination and requirements for as-built surveys.

Engineer Barbeau stated these amendments have been talked about throughout the past year. Yard regulations need to be defined. The recreated Section 2 better defines when zoning and building permits are needed. Engineer Barbeau will check with the Building Inspector regarding agricultural buildings.

Section 3 addresses calculation of open space. Actual measurements are preferred for this determination but there is an option to show the open space on an aerial photo. The Plan Commission has no issue with this Section but suggests adding the word "required" in line 2 ("the minimum required by this Code,....") and capitalizing "Zoning Administrator's" in line 3.

Section 4 clarifies when to require an as built survey.

Seventh order of business: Announcements and Planning Items:

Next meeting- Tuesday, February 3, 2015

Mr. Cooley asked about a previous discussion about utility trailers and the definition of “trailers”. Engineer Barbeau will have those ordinances for review at the next meeting.

Eighth order of business: Adjournment

A motion was made by Mr. Kanter, seconded by Mr. Cooley, to adjourn at 9:10 p.m. Motion Carried.

Respectfully submitted,

Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: February 3, 2015