

PLAN COMMISSION MEETING
Tuesday, February 6, 2018

Prior to the start of the scheduled Plan Commission meeting there was be a public hearing in front of the Town Board and a quorum of the Plan Commission to solicit public input on a request to change the Town Land Use Plan from Governmental and Institutional to Suburban I Residential (1.5 to 3.9 acres per unit) on a portion of land known as Tax Key No DELT 0766-034 owned by Church of the Resurrection and located at W287 N3700 North Shore Drive. The hearing is also to solicit public input on an amendment to the Conditional Use Permit for the Church of the Resurrection due to a reduction in their land area.

Plan Chairperson Oberhaus, read the public hearing notice. All board members and plan commission were in attendance, along with 8 citizens, 2 reporters and Town Attorney, Eric Larsen. Mary Dunn (166 Willow Dr. Hartland), acting as a member of the building committee for the church summarized the project's intent of parceling off a portion of the property to sell for revenue. Adjoining property owner Wade Irvine (W285N3665 Old North Shore Dr., Pewaukee) stated his concerns of safety and traffic in regards to the access to the proposed parcel, what will happen to the run off and if there is enough space for the runoff to properly absorb or will it affect his property. What will be done to the existing retention pond and its ecosystem and will any building on the propose property obstruct his view? Ms. Dunn explained that the retention pond will be moved toward the church building and that the County is working on the access driveway. Ms. Dundon of the Plan Commission questioned how this proposal would affect the open space requirements for the property. It was clarified that Mr. Barbeau's original calculations of the open space was incorrect but it has been corrected. Mr. Fitzgerald asked if the slope of the property would be an issue including the moving of the retention pond. Mr. Krause asked if the Sanitary Sewer District has been contacted about the project. Mr. Reich questioned the storm water easement situation as well as what the building envelope for the proposed lot would be. No further questions or comments were made and the public hearing was closed at 7:12pm. The regularly scheduled Plan Commission meeting began immediately following the conclusion of the public hearing.

1.) Call to Order and Pledge of Allegiance

Chairperson Oberhaus called the meeting to order at 7:13 p.m. Members present: Tom Oberhaus, Garrett Reich, Larry Krause, Clare Dundon, Kevin Fitzgerald, Ed Kranick and Paul Kanter. All Town Board members, the Town Attorney and 8 members of the public were also in attendance.

2.) Approval of the minutes

Motion made by Mr. Kranick to approve the minutes of the January 2, 2018 meeting with the correction to the time of adjournment to read 7:45 pm, seconded by Mr. Krause. Motion Carried.

3.) Communications- Municipal Law and Litigation Group, S.C. (1/15/18) New Statutory Variance Standards

- A. Municipal Law and Litigation Group, S.C. (12/27/17) Conditional Use Authority, New Preemptions, 2017 Wisconsin Act 67 (appearance by Town Attorney Larson)
- Attorney Larson explained that the new Board of Adjustment information is to codify existing laws and the Town's BOA should be provided the information. He further explained that the Conditional Use Authority has changed, not allowing Towns to use discretion in making decisions on Conditional Use Permits but rather must approve as long as the request meets the requirements. A long discussion among the Plan Commission and Town Attorney in regards to the new Conditional Use Permit laws. Mr. Reich suggested the town consider regulating the Conditional Uses through a separate ordinance procedure. Mr. Reich, Mr. Kranick and Mr. Kanter all clearly stated that they don't agree with the State taking away the Town's authority to use discretion when deciding on CUPs. Mr. Oberhaus questioned if the Wisconsin Town's Association has any information on the new ruling.

Motion made by Mr. Reich to amend the agenda to move item 5e to item 3b, seconded by Mr. Krause. Motion Carried.

- B. Town of Delafield, Re: Consideration and possible action to recommend the repeal and re-creation of Section 9.14(5) of the Town of Delafield Municipal Code, concerning the regulation of Vacation Rentals. The new law does not allow rental of properties for less than 6 days and no more than 180 days per calendar year. Licenses would be required and rentals could be taxed by the municipalities as "room tax".

Motion made by Mr. Reich to repeal the previous town ordinance and adopt the re-creation of Section 9.14 concerning the regulation of Vacation Rentals, seconded by Mr. Fitzgerald. Mr. Kanter abstains from voting noting his disagreement with the changes in state law regarding the Town's role in regulating Vacation Rentals. Motion carried by majority vote 6-ayes, 0-nays, 1 abstain.

4.) Unfinished Business-None

A. Anthony Fronczak, S11 W29586 Summit Avenue, by Jon Spheeris, agent, (tabled 9/5/17) Re: Consideration and possible action on a request to rezone a 48.92 parcel of land located at S11 W29586 Summit Avenue from A-1 to A-2 in anticipation of a two-lot land split.

Motion made by Ms. Dundon to remove from table item 4 (A), seconded by Mr. Krause. Motion carried.

Motion made by Mr. Fitzgerald to approve the request to rezone the 48.92 parcel of land at S11W29586 Summit Ave, from A-1 to A-2, Mr. Kanter amended to add the condition that a statement of understanding no other subdivisions will be allowed for this parcel should be submitted to the Town aboard. Mr. Fitzgerald approved the amendment to be added to the motion; amended motion seconded by Mr. Krause. Discussion: Mr. Oberhaus commented his concern regarding the condition of no other splits indefinitely. The property owner agrees to provide a statement. Question was called. Motion carried.

5.) New Business:

A. Anthony Fronczak, S11 W29586 Summit Avenue, by Jon Spheeris, agent, Re: Consideration and possible action on the approval of the Certified Survey Map to split a 48.92 parcel of land located at S11 W29586 Summit Avenue into two parcels.

Motion made by Mr. Kanter to approve the CSM subject that the staff recommendations and conditions are met, the driveway/easement agreement is presented to the Town Board and a condition stated on the CSM that no further subdivisions of the parcel are allowed, seconded by Mr. Krause. Motion Carried.

- B. Church of the Resurrection W287 N3700 North Shore Drive, Re: Consideration and possible action on the following items:
- a.) Change in the Town Land Use Plan from Governmental and Institutional to Suburban I Residential (1.5 to 3.9 acres per unit on a 1.5 acre portion of Tax Key No. DELT 0766-034
 - b.) Amendment of the Conditional Use Permit for changes due to a reduction in the land area for the Church.
 - c.) Approval of a certified Survey Map to split the existing Church of the Resurrection land into two parcels, one being 1.5 acres in size.

Mr. Barbeau recommended to table this discussion until questions on the proposal have been answered.

Motion made by Mr. Kranick to table the discussion, seconded by Mr. Reich. Motion carried.

C. Jay T. Stueber, N20 W28598 Louis Avenue, Re: Consideration and possible action on the approval of a Certified Survey Map to combine three "lots of record" into one lot located at N20 W28598 Louis Avenue.

Motion made by Mr. Kranick to approve the CSM as recommended by Mr. Barbeau to combine the subject lots, seconded by Mr. Krause. Motion carried.

D. Iron Pipe Development, southwest corner of Cushing Park Road and Abitz Road, Re: Consideration and possible action on the approval of a Certified Survey Map to split the proposed White Oak Conservancy lands from the remnant lands to be retained by Iron Pipe Development.

Motion made by Mr. Krause to approve the CSM to split the proposed White Oak Conservancy lands from the remnant lands, seconded by Mr. Fitzgerald. Motion carried.

6) Discussion- None

7) Announcements and Planning Items: Next meeting – Tuesday, March 6, 2018

8) Adjournment

Motion made by Mr. Kranick and seconded by Mr. Krause to adjourn at 8:22pm. Motion carried.

Respectfully submitted,

Robin Untz
Deputy Clerk/Treasurer

Minutes approved on: March 6, 2018