

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
Tuesday, April 5, 2018**

Members present: P. Kanter, C. Dundon, G. Reich, E. Kranick, K. Fitzgerald, L. Krause

Members absent: T. Oberhaus

Also present: T. Barbeau, *Town Engineer*, 6 citizens

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

*Acting Chairman Krause called the meeting to order at 7:00 p.m. and led all in the Pledge of Allegiance.*

**Second order of business:** Approval of the minutes of March 5, 2018

**MOTION MADE BY MS. DUNDON, SECONDED BY MR. FITZGERALD TO APPROVE WITH ONE CORRECTION. MOTION CARRIED.**

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

None

**Fourth Order of Business:** Unfinished Business

A. Bill Zach, Iron Pipe Development, Re: Consideration and possible action on an updated CSM for lands located west of Cushing Park Road, between Abitz Road and USH 18

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

*Engineer Barbeau stated that the Plan Commission and Town Board approved the subject 3-lot CSM, one lot for the subdivision, one lot being kept by the developer and one by the Reimer family. Lot 3 will share driveway access with Lot 2. There will be no access off of Cushing Park Rd., because it is unsafe. The only buildable area on that lot is in the northwesterly corner, and access off of Cushing Park Rd. would be through the flood plain. Comments from Waukesha County were related to preserving lands along Scuppernong Creek and designating them for public or quasi-public ownership. Outlot 1 will be used for open space by the Waukesha Land Conservancy if Mr. Zach and the WLC can come to terms; otherwise, it will be owned by the subdivision HOA.*

**MOTION MADE BY MR. KANTER, SECONDED BY MR. REICH TO APPROVE AN UPDATED CSM FOR LANDS LOCATED WEST OF CUSING PARK ROAD, BETWEEN ABITZ ROAD AND USH 18 SUBJECT TO STAFF RECOMMENDATIONS:**

**1. STAFF AND GOVERNMENTAL APPROVAL. SUBJECT TO THE DEVELOPER SATISFYING ALL COMMENTS, CONDITIONS AND CONCERNS OF THE TOWN ENGINEER IN HIS MEMO DATED JANUARY 31, 2018 AND ALL REVIEWING, OBJECTING AND APPROVING BODIES, WHICH MAY INCLUDE BUT NOT BE LIMITED TO THE WISCONSIN DEPARTMENT OF TRANSPORTATION PER CHAP. TRANS. 233, WISCONSIN ADMINISTRATIVE CODE, WAUKESHA COUNTY PARKS AND LAND USE DEPARTMENT AND VILLAGE OF SUMMIT IN REGARD TO THE CSM.**

**2. PROFESSIONAL FEES. PETITIONER SHALL, ON DEMAND, REIMBURSE THE TOWN FOR ALL COSTS AND EXPENSES OF ANY TYPE THAT THE TOWN INCURS IN CONNECTION WITH THIS DEVELOPMENT, INCLUDING THE COST OF PROFESSIONAL SERVICES INCURRED BY THE TOWN (INCLUDING ENGINEERING, LEGAL, PLANNING AND OTHER CONSULTING FEES) FOR THE REVIEW AND PREPARATION OF REQUIRED DOCUMENTS OR ATTENDANCE AT MEETINGS OR OTHER RELATED PROFESSIONAL SERVICES FOR THIS APPLICATION, AS WELL AS TO ENFORCE THE CONDITIONS IN THIS CONDITIONAL APPROVAL DUE TO A VIOLATION OF THESE CONDITIONS.**

**3. PAYMENT OF CHARGES. ANY UNPAID BILLS OWED TO THE TOWN BY THE SUBJECT PROPERTY OWNER OR HIS OR HER TENANTS, OPERATORS OR OCCUPANTS, FOR REIMBURSEMENT OF PROFESSIONAL FEES (AS DESCRIBED ABOVE); OR FOR PERSONAL PROPERTY TAXES; OR FOR REAL PROPERTY TAXES; OR FOR LICENSES, PERMIT FEES OR ANY OTHER FEES OWED TO THE TOWN; SHALL BE PLACED UPON THE TAX ROLL FOR THE SUBJECT PROPERTY IF NOT PAID WITHIN THIRTY (30) DAYS OF BILLING BY THE TOWN, PURSUANT TO SECTION 66.0627, WISCONSIN STATUTES. SUCH UNPAID BILLS ALSO CONSTITUTE A BREACH OF THE REQUIREMENTS OF THIS CONDITIONAL APPROVAL THAT IS SUBJECT TO ALL REMEDIES AVAILABLE TO THE TOWN, INCLUDING POSSIBLE CAUSE FOR TERMINATION OF THE CONDITIONAL APPROVAL. MOTION CARRIED.**

B. DaySpring Baptist Church, Daniel Reehoff, pastor, (tabled 3/6/18) Re: Consideration and possible action on a request for approval for a variance to the sign code to allow exterior signage for the church facility located at N14 W29489 Silvernail Road

*Pastor Reehoff provided a letter visibility chart and stated his request for a monument sign of roughly 360 sq. ft. (80 sq. ft. is allowed under current Town zoning). He displayed plans of the proposed logo on the building by night and day view.*

*The Plan Commission's opinion was divided on the building sign logo. Those who were not in favor felt that it is duplicative, since there is a monument sign included in the proposal.*

**MOTION MADE BY MR. FITZGERALD, SECONDED BY MR. KRANICK TO APPROVE THE VARIANCE AS REQUESTED. MR. REICH – NO, MS. DUNDON – NO, MR. KRAUSE – NO, MR. KANTER – NO. MR. FITZGERALD – YES, MR. KRANICK – YES. MOTION FAILED 4-2.**

**MOTION MADE BY MR. REICH, SECONDED BY MS. DUNDON TO APPROVE THE MONUMENT SIGN AS PRESENTED WITHOUT THE ADDITIONAL BUILDING SIGN. MR. FITZGERALD – NO, MR. KANTER – NO, MR. KRANICK – NO, MR. KRAUSE – YES, MS. DUNDON – YES, MR. REICH – YES. MOTION FAILED.**

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. FITZGERALD TO APPROVE THE MONUMENT SIGN AND REQUEST THAT THE SIGN ON THE BUILDING BE REDUCED FROM 28-INCH HEIGHT TO 15 INCHES AND THAT THE WORDS TOWN OF DELAFIELD ON THE MONUMENT SIGN BE NO LESS THAN 4 INCHES IN HEIGHT. MR. FITZGERALD - YES, MR. KANTER – NO, MR. KRANICK – YES, MR. KRAUSE – YES, MS. DUNDON – NO, MR. REICH – NO. MOTION FAILED.**

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. REICH TO TABLE. MOTION CARRIED.**

C. FRED-Tumblebrook LTD Partnership, Mike Schiltz, agent, Re: Consideration and possible action on a recommendation to the Town Board to approve the use of the land designated as Outlot 3 in the Plat of Golf View for residential purposes

*Engineer Barbeau stated that FRED-Tumblebrook LTD Partnership is requesting to allow the use of the subject Outlot for residential purposes. They have made application to the Town Board for an exception (per section 18.10 of the Town Code), and a Plan Commission recommendation is needed per State Statute. He stated that the Golf View Declaration of Restrictions read: The Developer shall maintain ownership of this Outlot and it shall remain in an undeveloped state until such time that the Town of Delafield approves the use on this land in conjunction with lands to the south thereof, which approval may include an extension of the cul-de-sac through Outlot 3."*

**MOTION MADE BY MR. KANTER, SECONDED BY MR. FITZGERALD TO GRANT THE WAIVER TO THE TOWN BOARD. MR. REICH – NO, MR. FITZGERALD – YES, MS. DUNDON – YES, MR. KRANICK – YES, MR. KRAUSE – YES, MR. KANTER – YES. MOTION PASSED 5-1.**

**Fifth Order of Business:** New Business

A. Carolyn Davidson, Hair Expose, LLC, Re: Consideration and possible action on a request for a change in the current hours of operation for Hair Expose located at W307 N1497 Golf Road

*Ms. Davidson stated her request to change her current hours of operation: 9:30 a.m. – 9:00 p.m., Monday thru Thursday, Friday, 9:30 a.m. – 6:00 p.m. and Saturday, 8:30 a.m. - 5:00 p.m. to the following: 7:00 a.m. – 10:00 p.m., Monday thru Friday and Saturday from 7:00 a.m. to 8:00 p.m.*

**MOTION MADE BY MR. REICH, SECONDED BY MR. KANTER TO ACCEPT THE EXTENDED HOURS OF 7:00 A.M. TO 9:00 P.M. MONDAY- FRIDAY AND 7:00 A.M. TO 8:00 P.M. SATURDAY, CLOSED SUNDAY. MOTION CARRIED.**

B. Steve Wittmann, N13 W28828 Silvernail Road, Re: Consideration and possible action on a request for a Home Occupation for operation of a lawn care business at N13 W288298 Silvernail Road

*Mr. Wittmann stated that he cuts lawns, trims shrubs and plows snow. He was not aware of the requirement to obtain a home occupation permit, as he just moved into the subject property. Engineer Barbeau directed attention to the condition that no activity, materials, goods or equipment incident to the home occupation shall be externally visible. Mr. Wittmann desires to park trailers east of his garage. Mr. Kanter informed Mr. Wittmann that all conditions need to be met before approval.*

**MOTION MADE BY MR. REICH, SECONDED BY MR. FITZGERALD TO TABLE.**

**AMENDED MOTION MADE BY MR. REICH, SECONDED BY MR. KRANICK TO TABLE FOR 60 DAYS. MOTION CARRIED.**

C. Nancy Norris, owner, by Kevin Kain, agent, Consideration and possible action on the approval of a Certified Survey Map to combine two lots of record located at W286 N3070 Lakeside Road.

**MOTION MADE BY MR. FITZGERALD, SECONDED BY MR. KRANICK TO APPROVE CONDITIONED UPON STAFF RECOMMENDATIONS:**

- 1. STAFF AND GOVERNMENTAL APPROVAL. SUBJECT TO THE DEVELOPER SATISFYING ALL COMMENTS, CONDITIONS AND CONCERNS OF THE TOWN ENGINEER IN HIS MEMO DATED MARCH 27, 2018 AND ALL REVIEWING, OBJECTING AND APPROVING BODIES, WHICH MAY INCLUDE BUT NOT BE LIMITED TO WAUKESHA COUNTY PARKS AND LAND USE DEPARTMENT.**
- 2. PROFESSIONAL FEES. PETITIONER SHALL, ON DEMAND, REIMBURSE THE TOWN FOR ALL COSTS AND EXPENSES OF ANY TYPE THAT THE TOWN INCURS IN CONNECTION WITH THIS DEVELOPMENT, INCLUDING THE COST OF PROFESSIONAL SERVICES INCURRED BY THE TOWN (INCLUDING ENGINEERING, LEGAL, PLANNING AND OTHER CONSULTING FEES) FOR THE REVIEW AND PREPARATION OF REQUIRED DOCUMENTS OR ATTENDANCE AT MEETINGS OR OTHER RELATED PROFESSIONAL SERVICES FOR THIS APPLICATION, AS WELL AS TO ENFORCE THE CONDITIONS IN THIS CONDITIONAL APPROVAL DUE TO A VIOLATION OF THESE CONDITIONS.**

3. **PAYMENT OF CHARGES.** ANY UNPAID BILLS OWED TO THE TOWN BY THE SUBJECT PROPERTY OWNER OR HIS OR HER TENANTS, OPERATORS OR OCCUPANTS, FOR REIMBURSEMENT OF PROFESSIONAL FEES (AS DESCRIBED ABOVE); OR FOR PERSONAL PROPERTY TAXES; OR FOR REAL PROPERTY TAXES; OR FOR LICENSES, PERMIT FEES OR ANY OTHER FEES OWED TO THE TOWN; SHALL BE PLACED UPON THE TAX ROLL FOR THE SUBJECT PROPERTY IF NOT PAID WITHIN THIRTY (30) DAYS OF BILLING BY THE TOWN, PURSUANT TO SECTION 66.0627, WISCONSIN STATUTES. SUCH UNPAID BILLS ALSO CONSTITUTE A BREACH OF THE REQUIREMENTS OF THIS CONDITIONAL APPROVAL THAT IS SUBJECT TO ALL REMEDIES AVAILABLE TO THE TOWN, INCLUDING POSSIBLE CAUSE FOR TERMINATION OF THE CONDITIONAL APPROVAL. MOTION CARRIED.

**Sixth Order of Business:** Discussion

- A. Archibald and Judith Pequet, by Jon Spheeris, agent, Re: Discussion on developing the Pequet land located in the A-2 district with conventional zoning and large estate lots versus a Planned Unit Development open space development.

*Mr. Spheeris stated the proposal for 9, 5-acre parcels on the subject 49.5 acre parcel with the exception to 17.04 5 H. (PUD) of the Town Code. Discussion followed on how the upcoming change in code will possibly affect the current PUD section.*

**Seventh Order of Business:** Announcements and Planning Items:

- Next meetings: April 23, 2018 – Conditional Use code revisions  
May 1, 2018 – Regular business meeting

**Eighth Order of Business:** Adjournment

**MOTION MADE BY MR. KANTER, SECONDED BY MR. FITZGERALD TO ADJOURN AT 8:53 P.M.  
MOTION CARRIED.**

Respectfully submitted,

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

Minutes approved on: May 1, 2018